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M.R.O. 1—77,000—8-6-37.

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CONCERNS BOTH BRITISH INDIA AND INDIAN STATES.

# MADRAS RECORD OFFICE.

## Government of Madras.

Revenue DEPARTMENT.

G.O. No. 6353 Press Mis.

Dated 5 - 10 - 1897.

***Not to be folded or roughly handled***

## Proceedings of the Madras Government.

Read a memo. G.O. dated 22nd October 1888, No. 1905 forwarding the Revised Instructions and Certificates for the Preparation of Cost, the Certificate Examiner's Report to the Certificate Officer, and the Treasury Officer's Receipt.

Read also the following:—

1. Endorsement of the Financial Dept. dated 16th April 1889, forwarding to the Revenue Dept. letter from the Director of Public Instruction and Collector of Nellore in connection with the Certificate Examiner's Report regarding the Nellore Certificate Officer's failure to send the Treasury Officer's Receipt.

2. Letter from V. Venga Ayyar, Pleader on behalf of Mr. Certificate Officer of Nellore, Report Taken, and Certificate Petition, dated 16th July 1889, enclosing petition of Mr. Certificate Officer to the Revenue Board to the Madras Government praying for extension of time for the payment.

Letter from the Secretary, Public Works Department, dated 7th Sept. 1889, No. 5411, forwarding copies of correspondence regarding Stanley's Estate, Salem, to Treasury Officer.

Order, Revenue, 5th October 1889, No. 6552.

Read the letter from Engineer at Cossack approving the Commissioner's proposal to go round the Coromandel Coast, and that Mr. Forjett may start as early as he can, this should certainly prove true also as regards the Engineer at Cossack's inspection of the Coromandel Coast.

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[illegible] the other remarks & directions to have been observed by
[illegible] Esqr. on the 15th & 16th days of the present month
[illegible] Off Creek marsh, and the Causeway thereto
[illegible] the other matters & things therein mentioned
[illegible] on observation being obtained of the matters & things
[illegible] that the Commissioners should see the same
[illegible] and ascertain by proper examination how
[illegible] the Contractor should be allowed for the
[illegible] the Contractor of Mallaudaine was required to have
[illegible] carefully search made & ascertain the depth of the
[illegible] and report whether any and what deduction
[illegible] ought to be made from the contract price
[illegible] of the said Causeway, on account of the
[illegible] Causeway not having been made to the
[illegible] Width directed by the Contract, & the
[illegible] Commissioners should also ascertain
[illegible] whether the Causeway was made
[illegible] according to the Contract, & if not
[illegible] in what respects it was deficient
[illegible] & the Commissioners were
[illegible] to report their opinion
[illegible] thereon to the Board
[illegible] with all convenient
[illegible] speed.

5. The Contractor Engineer & Resident Engineer
[illegible] were directed to attend the Board
[illegible] on Thursday next at 11 o'clock
[illegible] A.M. when the Commissioners
[illegible] intend to proceed to the
[illegible] Causeway & Creek
[illegible] & the Contractor
[illegible] is desired to have
[illegible] the Boats ready
[illegible] to attend them.

6. The Contractor attending & requesting
[illegible] that the Board would
[illegible] recommend to the Treasury
[illegible] to allow him Interest
[illegible] for the Money
[illegible] advanced by him
[illegible] for the Purchase
[illegible] of Stone
[illegible] Ordered
[illegible]



[illegible] Ordered for the Boundary Commissioners which
[illegible] is approved to be stated that the Commissioners
[illegible] Boundary Commissioners Secretary on the South & the Letter
[illegible] which is dated the 4th November 1839 and is addressed
[illegible] to have been submitted to the Lieutenant Gen
[illegible] Colonel and Commissioners by the Commissioners
[illegible] Clerk of the Boundary Commissioners to which
[illegible] Letter, I am directed to request the Board
[illegible] to state whether any objection will be made
[illegible] to the adoption of the Estimate for the
[illegible] Engineer Department for the Boundary
[illegible] Commissioners for the year 1840 amounting
[illegible] to £1,000 as proposed by the Boundary
[illegible] Commissioners, the Board having
[illegible] on the 19th September 1834 objected to the decision
[illegible] of Govt regarding the settlement of the Boundary
[illegible] between Connaught & Leinster and disapproved of
[illegible] the proceedings of the 4th September 1834.

I have &c

[illegible] Secretary to Govt

To
The Comptroller of Land Revenue
" Political Dept
" Chief Secretary.

27/4/1884

CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

"ON HER MAJESTY'S SERVICE ONLY."

C. A. Galton Esq. C.S.
Secretary to Govt.
Fort St. George

COLLECTOR AND MAGISTRATE } OF MALABAR.

Received 29th April 1884

27/4/1881

Rio de Janeiro.
7 de Janeiro 1881.

Meu caro Sr. Felix,

Muito obrigado pela
sua amabilidade em
me dar Colleguas
Chá. Pena Grande
Pena Chá Pena
a Pena não ha
Estimulante Chá
2ª Pena 1881 - Pena
Pena 6 Pena Pena

27/4/28 II

# Abstract of timber felled, hide produce collected, Cardamom plantations opened, Teak trees issued for on the Nelliampathies with the original records and a plan.

| Name of the Exhibit | English year | Malayalam year | Month. | Name of places | Description of work Executed. |
|---|---|---|---|---|---|
| Head Quarters | | 1014 | Chingom | Nelliampathy Ranm Attavacherry Ranm & Nellikolam Ranm. | Teak logs felled departmentally |
| do | | " | do | Nelliyela Kadavu Manjacooty and Puvathungal Kadavu | Teak logs collected on the bank |
| do | | " | Dhanu | Nelliampathy Ranm | do felled. |
| do | | " | do | Poovathum Kadavu, Manjacooty, Attavacherry and Cheru Kadavu | do collected on banks |
| do | | " | Karkadagom | Manjacooty Ranm (Teak logs at Paramboliam, Nellipparambu &c. protected by 1777 m. guard) | do felled |
| do | | 1015 | Edavam | Attavacherry Ranm. | do collected on banks |
| do | | " | do | do Kadavu | do felled |
| do | | " | Methunam | Nelliampathy and Attavacherry Ranm | do collected on banks |
| do | | " | do | Attavacherry Kadavu | do felled |
| do | | " | Karkadagom | Nelliampathy Ranm | do collected on banks |
| do | | " | do | ditto Kadavu | do felled |
| Head Quarters | | 1017 | Chingom | Attavacherry Ranm | do collected on banks |
| do | | " | do | Nelliampathy Mala Kadavu | do felled |
| do | | " | Methunam | Nelliampathy Ranm | do collected on bank |
| do | | " | do | Nelliampathy Kadavu & manjacooty Kadavu | do felled |
| do | | 1019 | Chingom | Nelliampathy Ranm | do collected on bank |
| do | | " | Methunam | Nelliampathy Ranm, Eyappan Ranm & Manjacooty Kadavu. | do felled |
| do | | " | do | Nelliampathy Kadavu | do felled |
| Head Quarters | | 1020 | Chingom | Attavacherry & Vettichola Ranm | do collected on bank |
| do | | do | Karkadagom | Pillacal, Pedumbikaly and Pambettoogal | Teak logs felled departmentally |
| Report | | 1021 | Chingom | Nelliampathy, Attavacherry, Kadamala, Vettipola Ranm, Eyappan Ranm and Kachithode Ranm | do |
| | | | | | do |

| | | | | |
|---|---|---|---|---|
| | | Do | Tambatta bazel Chattaru Kunu, Chooripara, Manjacootty Rocky Thode Kunu, and Pelli Kunu. | Teak logs felled Depty |
| Do | " | Parkadagam | Iyappen Kunu, Attivacherry, Manjacoot, Chondacaut Rocky Thode Kunu, Nellicumpathy Kunu. | Do. |
| Do | " | do | Manjacootty Kadavu | do collected on bank |
| Do | " | do | Manjacootty Kunu, Rockythode Kunu and Chondacaut | do felled |
| Monthly account | 1022 | Chirigom | Manjacootty Kadavu, Pootathin Kadavu Parra Kadavu, Cheer Kadavu, Manjacootty Kadavu, Poovathin Kadavu Parra Kadavu, Cheer da cautpara Kadavu and Maruthin Kadavu | do collected on the bank |
| Do | " | Kanny | Iyappen Kunu, Attivacherry and Chooripara Kunu | do felled |
| Do | " | do | Chooripara Kadavu and Attivacherry Kadavu | do Collected bankside |
| Do | " | Thulam | Iyappen Kunu | do felled |
| Do | " | do | Attivacherry Kadavu, Muthichatt Kadavu | do Collected on banks |
| Do | " | Vaichigom | Chundacaut | do felled. |
| Do | " | do | Attivacherry Kadavu | do collected on banks |
| Do | " | Thara | Nellicumpathy Kadavu and Attivacherry Kadavu | do |
| Do | " | Chirigom | Chundacaut Rocky Thode Kunu | do felled |
| Do | " | Parkadagam | Vettipola Kunu, Rocky Thode Kunu, Chundacaut | do |
| Annual account | 1023 | | Nellicumpathy Kadavu, Chundacaut Kadavu, Parra Kadavu Attivachery Kadavu and Vettipola Kadavu | do Collected on banks |
| Monthly do | 1024 | Kanny | Chavalam Kunu | do felled |
| do. | | do | Vettipola Kadavu, Thoukayam Kadavu and Pulpidichapara Kadavu | do Collected on banks |
| Do | | Thulam | Chavalam Kunu, Rocky Thode Kunu, Vettipola Kunu | do felled |
| Do | | Do | Pulavepara, Thoukayam Kadavu and Vettipola Kadavu | do Collected on banks |
| Do | | Vaichigom | Poyrodinjan Kunu, Vettipola Kunu, and Thoukayam Kunu | do felled |
| do | | do | Thoukayam Kadavu, Pulipara and Vettipola Kadavu | do Collected on bank |
| do | | Parkadagam | Poyrodinjan Kunu, Thoukayam Kunu, Vettipola Kunu Chundacaut Kunu and Pulipadichapara Kunu | do felled |
| do | | do | Vettipola and Para Kadavu, Thoukayam Kadavu | do Collected on banks |
| Annual Acct | 1026 | | Thalikal, Polalaim Kunu, Kodumbukaly, Nellicumpathy Vettipola, Pandaravara, Kodumbamand, Iyappen Chundacaut Kadamala Kunu | do felled |
| do | " | do | Above Polalam Kadavu, Polalam Thode and Kudumbukaly Kadavu | do Collected on Banks |

| | | | | |
|---|---|---|---|---|
| Monthly acct | 1027 | Kanny | Chooripara, Iyappen Kunu, Chundacaut Nellicumpathy Vettipola Kunu Kadamala Kunu | do felled |
| do | " | do | Cheria Kadavu, Nellicumpathy Kadavu, Vettipola Kadavu, Manjacootty Kadavu & Pulam Kadavu | do Collected on banks |
| Annual Acct | 1027 | | Nellicumpathy, Chooripara, Iyappen, Chundacaut, Kadamala, Vettipola Kunu, Pandaravara, Manjacootty Attivachery Chundacaut, Kochathode Kunu, Nellicumpathy Kunu, Pulipadichapara, Iyappen Kunu & Thalikal | do felled |
| do | do | do | Cheria, Vettipola, Nellicumpathy, Manjacutty, Vedumbankara, Attivachery, Pulipadichapara, Thalikal Kadavu | do Collected on Bank |
| do | 1028 | | Chundacaut, Kadamala Kunu, Manjacootty Kunu, Chooripara and Attivachery Kunu | Teak logs felled depositedby |
| do | do | | Attivachery Kadavu, Kodumbukaly, Manjacootty, Chundacaut Kadavu, Kadamala Kadavu and Chooripara Kadavu | do Collected on Bank |
| | | | By the Parumparutha way leading to Nellicumpathy Rolls was cut & Order a new track Commencing from Nadugany and Passing through Pothupara and terminating at Pambanakaly a distance of 18 miles was opened. On the river Side jungles were cleared from Rockyagar to Anakadavu a distance of 38 miles for the purpose of floating timber | Tracks opened |
| Annual Acct of forest produce | 1029 | | Cardamoms, Honey, wax damar &c. were gathered. | Forest produce |
| Annual Acct | 1030 | | Track opened leading from Nadugany to Para Kadavu | Track opened. |
| Do | Do | | In virtue of the Contract Ramaswmy Ayyanah Pannya Krishna Sirkar made with the Sirkar for supplying Teak Saladams from Nellicumpathy and Parumbicolum he supplied and handed over to the Sirkar 742 Saladams out of these 42 were removed to the bankside by Department | Contracts supplied Teak Saladams. |
| Monthly Acct | 1031 | Chirigom | Teak Saladams removed from Iyappen Kunu to Chera Kadavu & from Parumbicolum to Anakadavu | Saladams removed to Bankside |
| do | do | Kanny | From Poovan Kunu to Poovan Kadavu, from Iyappen Kunu & Coonupara to Chera Kadavu, from Parumbicolum & Koottumparambu to Parumbicolum Kadavu from Pumbakachal to Pumakachal Kadavu Teak logs and Saladams removed. | do |
| Do | do | Thulam | Thoruguvinna Mukki to Parumbicolum | Teak logs felled |
| Do | do | do | Parumbicolum Kadavu | do Collected |
| Do | do | do | Poduvan kan Shola and other places | Cardamoms Collected |
| Do | do | Vaichigom | Nellicumpathy and Thoruguva | Teak felled |
| Do | do | do | Poovan Kadavu | do Collected |
| Do | do | do | From Chera Kadavu to Vallia cootty Teak Saladams | Removed |
| Do | do | do | Karan thode and other places | Cardamoms collected |
| Do | do | Thara | Chooripara | Teak felled. |
| Do | do | do | Chera Kadavu, Kchan coottty & Pumakachal | do Collected on Bank |
| Do | do | Nellicumpathy | Chooripara and Polay manpara | Hauls erected |

| | | | | |
|---|---|---|---|---|
| From the Accounts | 1031 | Kaetadagoma | In virtue of the contract above mentioned, Ramunpattu Korale } Contractor supplied<br>Pereshera etcetera supplied 93 Teak Paladams from Parambicolam } Paladams<br>Eleven Hundred Paladams from Paramunpara to Parambicolam Kadawe | |
| do | do | Do | Paladams from Kaetadagoma & Paramunpara to Parambicolam Kadawe<br>Paragan Kadawe 2 days to Attiya digala Kadawe<br>Paragan 1 day to Paravan Kadawe<br>Roads from Undumbarawal to Valiaroota from Wadiyaracoddy to Dome ele-<br>phant and from Parambicolam to Vettukolly were opened for the purpose<br>of Removing Paladams. | Teak Paladams Removed.<br>Roads opened.<br>Barracan foundation opened. |
| do | do | do | Polagampara Quarry and 2 other places | |
| do | do | do | In 1029 sudu operations were first begun a track from Ohenbukayam<br>to Koonpara Oya was opened. It was one Dozen broad. | Track opened. |
| do | 1032 | Ehoogoora | Teak Paladams were removed from Kootheparamba and Kongana<br>Ehude to Parambicolam Kadawe and also Hamady Kadawe. | Collected on Bank Side. |
| do | do | do | Teak Paladams were removed from Ehoora Kadawe to Mattala Mully<br>Thode, valia Koottay, Kalladuky Thode. | Removed to Bank side.<br>Bay Coast. |
| do | do | do | Paladams were removed from Attiyadigally to Kongarachal. | Paladams removed. |
| do | do | Pauny | Ehoora Kadawe, Kuppetta Pagal, Pulipeide Ehapara & Mattala Mully Thode | Ditto. |
| do | do | Pulleru | do do | Ditto |
| do | do | Weeshigoora | Ehoorakadawe, Maraposla, Choorapara | Track opened |
| Annual Accot. | do | | Track opened from Pelukolly to Hoodiagacoddy<br>In 1034 When Mr Holdshoff and the Palghat Tank Collector went<br>to the Nellampathies for drawing the northern boundary Demarcating<br>it according to the plan a track was opened | Ditto<br>Ditto |
| do | 1035 | | 500 Teak Paladams were cut from Nellampathy | Felled |
| do | 1036 | | In 1032 Edavan Pg Thattamugalam Veyapathy Chetty Pattar<br>made a Contract with the Government by which he undertook to<br>remove 1000 Paladams of which 277 were lying at Hoodiyathungal,<br>246 near Hoolliyar and Choorapara 340 from Nellampathy<br>to Ramnadikadawe near Palghaut at the following rates viz: Rs 2<br>a Paladam for removing those at Hoodiyar to Kallayana Kadawe;<br>at Rs 2 a Dog for those at Nellampathies at Rs 1 a Dog for removing<br>from the top of Nellampathy to Hoodiavelly, thence to Paravan at<br>at Rs 4 a Dog and thence to Ramnadikotta at Rs 2 a Dog. He further<br>undertook to open a track from Hoodiyar to Kalliana Kadawe<br>a distance of 8½ miles at the rate of Rs 50 per mile. A sum of Rs 5425<br>was advanced to him for executing the work - all to also ground thata further<br>sum of 5377 2/4 Parrahs was given to the same Brahmin for floating down<br>three Paladams from Ramnady Kadawe to Ponany and for forging ground<br>rent. Of this 3774 Paladams were taken to Ponany. In 1032 Parkadagoma<br>Subbaraya Pillay attached Govindan, Velangana Pulliar Peetel,<br>Athimaraiyana Pillai of Madakkanchery and Krishna Iyeram Iramam<br>Sundram Iyer Ramaswamy Pattar made a contract with the Cochin<br>Government to procure 3000 Teak Paladams from Parambicolam within<br>3 years, to open a hill track for removing Paladams from Parambicolam<br>to Nellampathy a distance of 40 miles at Rs 50 a mile and to take for<br>themselves all Teak branches below 9 Rules in height at Rs 2 a candy.<br>A sum of Rs 5500 appears to have been advanced to Krishna Iyer this<br>security for executing the work. About 678 Paladams were removed<br>from Koonapara Veedumbachola, Koothuparamba & Parambicolam<br>to places from where they could be carted and a sum of 2658 3/4 Parrahs<br>was expended for the purpose by Forest Department. | |
| do | 1037 | | In addition to what he had already supplied to the Government Ramu Pattar<br>procured 116 Paladams more and floated down 3774 to Ponany. He secured<br>Rs 4114 as a compensation for the work & for forging ground rent at Ponany<br>Ramnady Kadawe he drew 3457 1/16 Paladams. | |
| do | 1038 | | Ground rent paid to Pholadevanan on account of having collected logs<br>near Ramnadi Kadawe | |
| do | 1042 | | 107 Paladams felled at Nellampathy. They were removed to Ponany Thumby | Teak Paladams felled |
| do | 1049 | | Veetepola Kunu, Koonapara Tayapara Kunu, Manyacooty Vodumbanmund- | Felled |
| do | do | | Poovathan Kadawe, Manjaty Kadawe Vodumbanmund Kadawe, Parram- | Collected on the Banks |
| do | do | | bicolam Kadawe, Hongamchal Kadawe and Veetepola Kadawe | |
| Monthly Accot | 1057 | | Logs felled & collected in 1049 were floated down to the Cochin depots. | |
| | 1058 | | In the 1057 & 1058 Paladams were taken through Nadugany to Ponany. | |
| do | 1060 | Ramy to Dhana | Nenbukutty and other places | Felled |

Cochin Forest Records Office Accounts show that Forest produce (Honey, Beeswax, dammar, Cheruntha, Cardamoms, Ginger, Pepper &c) was collected from the Nellampathy Hills (disputed tracts) since the year 1044 M.E.

Sig^d / J. C. Holdsworth.
Conservator of Forests.

Statement forwarded by the Superintendent of Cardamoms showing the places on the Settlement in which the undermentioned Farms of Cardamoms have been collected since the year 1050. el. E.

Pelagampara
Pothupara
Karuttagam
Mayamudi
Pelikuletty mala
Pullikanna
Padagery
Elamalar
Vandanthavalay
Paramdeolam
Elamalai Perattu
Elamalapara.

Cardamoms Gathered

Konampara
Choompara
Paladipara
Idolhirapara

Huts erected for the use of Cardamom Officials.

Elamalla.

Plantations opened.

Deg. of S. S. daily

Pieces

Seven da ak ano ma

Divana

Patawmul D.

List of Contracts &c. in respect of Nellicampathy Hill working with the accepted Securities.

| No. | Year | Month. | Date | Particulars of document | Remarks |
|---|---|---|---|---|---|
| | M.E. | | | | |
| 1 | 1032. | Edavom | 29. | Contract entered into with Coochin Sherkar by Shanu Puttar Sone of Seyperumy Puttar to supply 1000 Calcadams at Nellicampathy and Parambicolum to Ramnaddy Kadavu through Nemmiddy Forest. | |
| 2 | do | do | do | Ditto for opening a tract from Koolayar to Nallamakadavu 5/8 mile @ Rs 50 a mile. | |
| 3. | do | Mithunom | 20. | Security for above by Sd Seyy Puttar & another with list of property worth 2310 Fs & Fanams as Security. | |
| 4 | do | do | 16. | Contract by P. Krishnan & 2 others to fell timber from Nellicampathy near the frontier. | |
| 5. | do | do | 18. | Security for above by P. Krishnan & another List of property appended & covering Ellos from Chelder | |
| 6. | do | Edavom | 28. | Security for the following by J. P. Savery. | |
| 7. | do | do | 29. | Contract by Puttany Seer Pacha to fell timber from Nellicampathy | |
| 8. | do | Karkadagom | 3. | Ditto by Ditto | |
| 9. | do | do | 3 | Security bond for above by J. P. Savery. | |
| 10. | 1033 | Ramny | 18 | Receipt by Savery promising to see to contract 7/8 being performed done. | |
| 11. | do | Chingom | 13. | Contract by Velayudan to fell timber from Nellicampathy | |
| 12 | do | Ramny | 11 | Contract by Valu Thankan and another to fell timber from Nellicampathy. | |
| 13 | do | do | do | Security for above by V. Sappru | |
| 14 | 1034 | Chingom | 25 | Contract by C. Govindan & another to fell 1000 Calcadams from Parambicolum | Contract No 14 could not be carried out because of Insurmountable obstructions to take Calcadams through hot land. So this fresh contract was entered into. |
| 15. | do | do | do | Security for above by A. A. Krishnan Eyer and attested with list of properties appended worth 1147 1/2 Fanams. | |
| 16 | 1035 | Mithunom | 5. | Contract by C. Govindan & another. | |

| | | | | | |
|---|---|---|---|---|---|
| 17. | 1836 | Athenaeum | 5. | Security for above by J. Strachan Esqr. A. list of property appended for 17237.13.4 Currency | |
| 18. | do | do | do | Contract by Lieut Grant Esqr Commissary Potter to fell 250 Tabadeau's &c Parambeo Cocoa. | |
| 19. | do | do | do | Security for above by J. P. Paramadevan Potter and 3 others | |
| 20. | 1837 | Athenaeum | 2. | Contract by Lt. Commissary Potter to fell 330 Tabadeau's Parambeo | Contract under 18 charged. |
| 21 | do | do | do | Security by same person as under 19 for 18360 ft Cocoa | |
| 22 | do | Madras | 14 | Packed by Lawry Sahib | |
| 23 | do | do | 18. | Ditto — " Paramacoil. | |
| 24. | do | Athenaeum | 27 | Contract by P. P. Paramadevan Potter for 333 Tabadeau's &c Parambeo Cocoa | |
| 25. | do | Athenaeum | 26. | Security for above by Captn Strachan Esqr. | |
| 26. | do | Chinglepat | 16. | Contract by J. Mann Potter for 333 Tabadeau's &c Parambeo Cocoa | |
| 27. | do | do | do | Security for above by P. P. Paramadevan and another with list appended for Currency 25000 | |

Entered f. 6. 37.
(Fine copy)
Ft. Marlborough
Cert.

# PROCEEDINGS OF THE BOARD OF REVENUE
## (LAND REVENUE).

H. S. THOMAS, ESQ., F.L.S., F.Z.S.
*THE HON. W. S. WHITESIDE.*

READ—the following letter from H. M. WINTERBOTHAM, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 13th July 1888, No. 1970 P.:—

I have the honor to submit, through the Board, for the orders of Government, a report from the Head Assistant Collector, Mr. Dance, dated 12th instant, No. 51, written in his capacity of Boundary Commissioner for the settlement of the boundary between the Pálghat taluk and Native Cochin, on the subject of a dispute which has been going on for the last half century between the Kolangód Nambidi and the Cochin Sirkar regarding a large tract of forest lying to south-west of Vengoli peak.

Vengoli peak is situate about 14 miles north-west from the now recognized trijunction of Travancore, Cochin and Coimbatore.

The boundary is in dispute from Vengoli peak on the south-east to Kámankulam on the north-west.

Vengoli peak will be found in sheet 62 of the Trigonometrical Survey map, latitude 10° 25′, longitude 76° 52′.

The enclosed sketch will facilitate a reference to the Trigonometrical Survey map, and will explain the situation of the disputed tract. The sketch originally submitted by Mr. Dance was returned to him for correction, and the one now submitted has been prepared by Mr. Dance with the help of maps furnished by Mr. Kohlhoff, the Cochin Commissioner. It can only be taken as approximately correct.

2. The map made by Messrs. Ward and Connor in 1823 assigns the disputed tract to Native Cochin, and all subsequent maps have followed suit. This fact, however, is not to be taken as conclusive, for the correctness of Ward and Connor's demarcation has been repeatedly challenged by Native Cochin whenever it has been to the interest of that State to do so, and often with success.

3. The evidence for and against the Nambidi's claim is sufficiently set forth by the Head Assistant Collector and I will not waste time by repetition. I do not regard the Nambidi's grandhavari as very good evidence of title. I do not see that it can be looked on as anything but a statement made by a claimant in his own interest, not made on oath, and not subject to cross-examination. If it had been produced to support the claim at the time it (the grandhavari) was made, it would have been rejected with ridicule as irrelevant; and it would be strange if mere lapse of time converted it into acceptable evidence of title. It does, however, serve to show the antiquity of the claim.

What is more to the purpose is that the Madras Government in 1849 accepted a lease of his forests from the Nambidi, and that the boundaries specified in it clearly include the disputed tract (*vide* paragraph 7 of Head Assistant's report). Numerous other Cases have from time to time been granted by the Nambidi, with descriptions of the boundaries taken from the grandhavari and including the disputed tract.

4. The Cochin Sirkar have also in ten, not consecutive, years ranging from 1839 to 1874 spasmodically felled (or caused to be felled) timber on the north-eastern, or Malabar verge of the disputed tract, which appears to be the only accessible part whence timber can be hauled at a profit. The Nambidi appears always to have complained of such felling as a trespass and invasion of his rights.

5. Mr. MacGregor (when Collector of Malabar in 1872) visited the disputed forest and calls it "a sort of debatable land in which no party exercised unchallenged rights." He found scarcely any evidence of the forest having been worked. The truth seems to be that, owing to its inaccessibility, the tract has hitherto been a no-man's land, and that neither claimant can prove any undisputed act of ownership.

How the forest was worked during the two years' lease in Mr. Robinson's time cannot, I fear, now be discovered; but as the disputed tract was only a portion of the whole extent, and not the most accessible portion, it cannot be inferred with certainty that any felling was carried on in it.

6. The decision of the case matters little to Government; for if the tract is decided to be British territory, Government will have almost as little interest in it as if it belonged to Native Cochin. If it were ever desired to obtain a lease of the tract it might probably be got on quite as easy terms from the Cochin Sirkar as from the private janmi.

7. It is instructive to note the different methods followed by the two Governments of dealing with janmam claims to forest tracts.

Supposing the tract to be held to be part of Malabar, the British Government will acquiesce in and permit its courts to reiterate the audacious legal fiction that all forest in Malabar is private property. The forest will, therefore, go to the Nambidi in default of another claimant. If the tract is held to be in Native Cochin, the Native Government will reject this proposition as preposterous, and will hold that unoccupied forest vests in the State for the use and benefit of the people at large. Yet the Cochin State (like Malabar) is part of the realm in which the "birth-right" according to native belief is a divine ordinance, and the Cochin Sirkar is "native and to the manner born"!

It would seem that the Native Government is in the better position for estimating the sacredness of "janmam" claims. Personally I think the Cochin view is the right one; but any way it renders intelligible the extreme aversion of the Nambidi to submit his "janmam" claims to the Native Cochin courts for adjudication.

8. I am inclined to suggest that the dispute should be settled by splitting the difference.

The Parambakollam river seems to present a fair natural boundary on the south, and I think it would not be difficult to run the boundary so that each State should take about half of the disputed tract.

9. If this is not approved, I can only record my opinion that the evidence pointing to the fact that the disputed tract is British territory outweighs the evidence to the contrary afforded by Ward and Connor's map.

Mr. Kohlhoff, the Cochin Commissioner, dissents from the British Commissioner's report, and will, I believe, submit a separate report through his Government. I cannot say how far the views I have expressed would be modified if I had had the advantage of perusing it.

10. It is noteworthy that neither of the claimants has thought it worth while to examine as witnesses the Kádar or jungle-people who frequent the forest in dispute. I have ascertained from Mr. Dance that the omission was not an oversight; and that it was thought that the jungle-people's evidence was worthless, because they shift their allegiance from one side to the other as urged by the spur of the moment.

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ENCLOSURE No. 1.

From G. W. DANCE, Esq., Acting Head Assistant Collector, to the Acting Collector of Malabar, dated Palghat, 12th July 1888, No. 51.

I have the honor to submit herewith a report of the dispute between the Nambidi of Kolangód and the Cochin Sirkar.

2. *Nature of dispute.*—The Cochin Sirkar claims that the line laid down in the map prepared by Lieutenants Ward and Connor in 1823 should be accepted as the boundary. The nature of the Kolangód Nambidi's claim is shown in the accompanying sketch. The red and blue line is Ward and Connor's. The brown line represents roughly the boundary claimed by the Nambidi as far as he is able to identify it on the map. The Nambidi first marked out a line extending nearly



as far as Vellat nudi and comprising most of the coffee estates on the Nelliampathi Hills, but this was because he did not understand the map. The line now drawn represents his claim approximately. From Kámankulam northwards the boundary shown in Ward and Connor's map is admitted by the Nambidi to be substantially correct though small differences may perhaps exist.

3. *The Nambidi's claims are based on the grandhavari.*—The Nambidi's claims are based on the grandhavari or boundary roll which was prepared by the Nambidi in 1781. An extract from it showing the boundary from Vengoli to Kámankulam is given below.

"*Vengoli*, South, Payara Todu Para, south-west *Koothparamba*, South *Parambakulam Kavani Kaya* chal, south Pambala Para, south-west Kalli Para, south-west Tevoo Aru, south-west Pathekal Para, south Chunkam Veeha Thadi, south Elanthalachi river, south-west *Velangee Mookavazhi, Ambalapara Mookavazhi*, thence South Travancore territory, west Panjichal Para, Odam Kowyil river, west Koopel Chaval Para, west Maden Poorah Para, west *Oroo Komban Para*, north-west Mavalah Para, north-west Erakam Kootpoya, north Kariyala Todu Muthuthala Kooye Chothupara Todu, north Chalam Kurunda Medah, north Manha Kunnu, Kanialuva Todu, thence to Vaga Pallam Todu, Charana Todu, Kalpadi Ayee Todi, Kurumban Kandam Vayil Shaniyashi Kunnu Vayal, Vayambahkulam, *Kámankulam*."

* NOTE.—Thus according to the grandhavari the Travancore territory should begin at Mookavazhi, whereas Travancore (now at least) claims no land within six miles of it—*vide* sketch.
(Initialled) H. W.

I have been unable to identify any of the names in the map, except those which are italicised. Manha Kunnu and Koothpara Todu would seem at first sight to correspond with Manhakutti and Kuttapara Todu, except that in the grandhavari they are shown as being south of Kámankulam, whereas in the map they are to the north-east. It is however evident that the Nambidi's boundary runs in a south-westerly direction from Vengali through Koothparamba and the Parambakulam river to Mookavazhi which is to the north of the Travancore boundary, thence westward along the Sholyaur river to Oroo Kombanpara and thence north-east to Kámankulam. The Nambidi will be able, if the Government decide that the boundary claimed by him is to be adopted, to point out the intervening places mentioned in the grandhavari, which cannot be found in the map, by means of his Kadars, a forest tribe who inhabit the Agamalai forests.

4. *The grandhavari was accepted as the basis of the settlement between the Nambidi and Coimbatore.*—The grandhavari was accepted by Messrs. Robinson and Walhouse in 1850 as the basis of the settlement between the Nambidi and Coimbatore. In paragraph 6 of their report, dated 28th May 1850, they remark: "We can find no ground on which to doubt the antiquity or authenticity or to invalidate the authority of this important title-deed (viz, the grandhavari) to which great weight would, we believe, be attached in any legal investigation. The internal evidence it contains of accuracy and care in preparation has been tested." The Government concurring with Messrs Robinson and Walhouse in their Minutes of Consultation No. 883, dated 18th September 1850, the boundary in dispute was laid down in accordance with the grandhavari as far as Vengoli peak. When part of the boundary then settled was subsequently again disputed, the Board recommended that the line should be laid down in "strict accordance with the Grandhavari" and Government in their Order, No. 1081, dated 19th July 1872, "approved of the boundary being laid down in strict accordance with it."

5. *The grandhavari has always been deferred to by British officials.*—Mr. Silver, Head Assistant Collector of Malabar, in his memorandum, dated 4th October 1842, on a disputed boundary between Malabar and Coimbatore, refers to the grandhavari and states that stones were found buried at different points shown in it, bearing the mark of the Kolangód Nambidi (Vira Ravi Sri) and from the fact that roots, &c., had grown round them, Mr. Silver considered that they had not been freshly planted. There are many other official papers among the boundary records furnished to me, which it is unnecessary to quote, in which the Grandhavari is always referred to with great respect.

6. *The Agamalai forest with the boundaries shown in the Grandhavari was held by the Conservator of Forests from* 1806 *to* 1823.—Messrs. Robinson and Walhouse further state in paragraph 8 of their report above quoted that "under the orders of the Court of Directors, dated 7th January 1806, the conservancy of all Malabar teak forests was undertaken, and, among others, that of the teak forests in the Agamalies, the property of the Kolangód Nambidi, was assumed and directly managed by the Conservator and his establishment. The conservators had the Grandhavari boundary roll of the Nambidi of Kolangód in its present integrity before them and they assumed the boundaries as therein indicated to be correct and accepted this as the foundation of their surveys and operations." The accounts relating to Captain Watson's conservancy are not among the records furnished to me so that I have no means of knowing whether he felled timber within the disputed tract; perhaps the accounts may be forthcoming in your office. The conservancy referred to lasted until 1823.

7. *Leases granted by the Nambidi.*—The Nambidi next produces, in order to show that he has exercised rights of possession over the disputed tract, a number of leases which have been granted by him from time to time. The most important of these is one granted to Mr. Henry Gardner, Sub-Conservator of Forests, in 1841, in which the boundaries given are those shown in

the Grandhavari. It appears from the report of Messrs. Robinson and Walhouse above quoted "that prior to this and on the abolition of the conservancy in 1823, Mr. Gardner of Pálghat, who till that time had as Sub-Conservator under Government administered and worked all the Kolangód forests, entered as a private merchant into a contract with the Nambidi of Kolangód for the exclusive felling of timber in the Kolangód forests then relinquished by Government. His contract specified the boundaries as laid down in the Grandhavari . . . . . In 1826 it appears that certain wood felled by him was attached by the Coimbatore Sirkar, &c." The Nambidi argues that Mr. Gardner being a British Forest-officer could not have been ignorant of our boundaries and would not have taken a lease from the Nambidi to fell in Cochin territory. Mr. Gardner was subsequently sued in 1844 by the Nambidi in the District Court of Calicut with respect to this lease of 1841 and in the plaint the leased forest is described as extending on the south towards Travancore. A number of other leases granted to private persons as marginally noted to cut in the Nambidi's forests from 1849 to 1862 have been produced. In all these leases the full boundaries of the Agamalai forest, as shown in the Grandhavari, have been given. There are also many leases of later date, but in them the forest is merely specified as the "Agamalai" and no boundaries are given. It seems to have been the practice of the Nambidi to grant leases to different persons to cut a certain number of trees anywhere within the limits of his forests, which accounts for several persons having been granted leases at the same time to fell in his forests. In 1842 the Nambidi gave security for Rs. 50,000 for the Huzur cash-keeper. Among other properties entered in the security bond was the Nambidi's Agamalai forest with boundaries in accordance with the Grandhavari.

1. Ramagivan Pandu (in 1849).
2. Nellisseri Venkateswara Iyen (in 1840).
3. Mr. Tomlinson (in 1840).
4. East India Company (in 1849).
5. Nurni Ramaswami Pattar and Venkatakrishna Pattar (in 1025 M.E).
6. Nurni Seshan Pattar (in 1025 M.E).
7. Pattikara Kumara Shami Chetti (in 1025 M.E).
8. Nollitharayil Vellalan (in 1026 M.E).
9. Kongathattan Tiruman (in 1026 M.E).
10. Nurni Seshan Pattar (in 1026 M.E).
11. Kongathattan Tiruman in (1026 M.E).
12. Nellisseri Venkateswara Iyen (in 1026 M.E).
13. Nurni Raghavan Pattar (in 1026 M.E).
14. Nurni Seshan Pattar (in 1026 M.E).
15. Nollichori Ananda Iyen (in 1026 M.E).
16. Kumaraswami Chettiar (in 1029 M.E).
17. Koduvayur Kelu Menon and Vadavannur Krishna Menon (in 1037 M.E).
18. Coimbatore Collector on behalf of the British Government.

In 1849 Mr. (afterwards Sir William) Robinson, on behalf of the Madras Government, accepted a lease for two years of the Agamalai forests from the Nambidi, in which the boundaries given in the Grandhavari extending to Mookavazhi and Orookombanpara were accepted. The accounts of the felling operations are not forthcoming among the records furnished to me; possibly they may be in your office. Without such accounts, it is impossible to say where timber was actually felled.

8. *Portion of the disputed tract shown as forming part of the Nambidi's Agamalai forests in accounts prepared in* 1839 *and* 1840 *under the orders of the Collector.*—In accounts prepared by the Tenelpuram tahsildar of the items included in the Nambidi's Agamalai forest in 1839 and 1840, Parambakulam and Koothparamba are shown as forming part of the forests leased to Government. These accounts appear to have been prepared under the orders of the Collector of Malabar, as the tahsildar in the accounts mentions the order in accordance with which they were prepared.

9. *The Cochin Sirkar do not admit the validity of the Grandhavari.*—The Cochin Sirkar do not admit the validity of the Grandhavari, which they say is merely an *ex-parte* document. If the Madras Government accepted the Grandhavari as a guide in deciding a claim of one of their tenants, that is no reason why it should be accepted as the basis of a settlement between the Madras Government and the Cochin Sirkar.

10. *And assert that the present dispute was decided by Government in* 1854.—The Cochin Sirkar further assert that all claims on behalf of the British Government to the tract now claimed by the Nambidi was formally relinquished by the Madras Government in their Minutes of Consultation, dated 2nd June 1854, in which the boundary line shown in Ward and Connor's map from Vengoli peak to the trijunction of Coimbatore, Cochin and Travancore was confirmed and "ordered to be recognised for the future as the frontier between the two states." This decision was subsequently again affirmed by the Madras Government in their Minutes of Consultation, dated 7th March 1856, and in G.O., No. 708, dated 30th March 1876.

11. *The Nambidi does not admit that his claim was decided by the G.O. of* 1854.—The Nambidi, however, does not admit that the Minutes of Consultation above quoted affect his claim at all.

He does not wish to interfere with the boundary then laid down by Government. He claims in the present case a boundary running to the west of that line, which latter, as far as the Nambidi's claim is concerned, will still be the "frontier between the two states." In addition to this, the Nambidi urges that he was not a party to the dispute between Cochin and Coimbatore and his claims were not then gone into. Fearing that his claims might have been considered to have been waived if he raised no protest, he put in a petition to the Board of Revenue, after the order above quoted was passed, and he received a reply from the Board, dated 7th September 1854,



to the effect that "if he had any claim to prefer to any portion of the forest land awarded to the Cochin territory (by the above Government Order) he should advance it through the Collector of Malabar." There are so many allusions in subsequent correspondence with Government and the Board to the Nambidi's dispute with the Cochin Sirkar being unsettled that it would not seem that the G.O. of 1854 was considered to have affected the Nambidi's claims.

12. *The line as shown in Ward and Connor was accepted by Messrs. Stevenson and Douglas in* 1871.—The Cochin Sirkar further urges that the line from Vengoli peak to near Manhakutti as shown in Ward and Connor was accepted as the boundary between the two states by Mr. Douglas, the British Conservator of Forests, and Mr. Stevenson, the Cochin Conservator, in 1871. Messrs. Douglas and Stevenson appear not to have been empowered to act as Boundary Commissioners, their object being to "inspect" the boundary between the Kolangód Nambidi's forest leased to Government and the Cochin territory (*vide* Mr. Douglas' letter to the Deputy Superintendent, No. I Party, Madras Survey, of 1st November 1871). Marks were cut by them on rocks to mark the boundary line and Mr. Douglas in paragraph 17 of his letter says that the Nambidi's representative "was not present although he had ample warning."

13. *The Nambidi contends that Messrs. Douglas and Stevenson's demarcation was not final* —In reply to this, the Nambidi urges that Messrs. Douglas and Stevenson had no authority to settle the boundary, and it is evident that their visit was not considered to have put an end to the dispute because the Board of Revenue in their Proceedings, No. 2699, dated 21st September 1874, allude to "land south-west of Vengoli peak claimed by both Malabar and Cochin." Again the Board in their Proceedings, No. 983, dated 14th April 1876, allude to the proposed settlement of the boundary "westwards from Vengoli peak."

14. *Accounts produced by the Cochin Sirkar to prove that they have exercised rights of possession in the disputed tract.*—In order to show that they have exercised rights of possession within the disputed tract, the Cochin Sirkar produce accounts showing that they have felled timber at Koothparamba and Parambakulam in 1014(1839), 1030(1855), 1031(1856), 1032(1857), 1036 (1861), and 1049(1874), and that they gave out the right of felling in these places on contract in 1032(1857), 1034(1859), 1036(1861), and 1037(1862).

15. *The Nambidi has not acquiesced in the rights of possession exercised by Cochin.*—Whatever rights of ownership may have been exercised by the Cochin Sirkar within the disputed tract, the Nambidi has not tacitly acquiesced in them. In 1854 and 1858 the Nambidi complained of the Cochin Sirkar having trespassed on Parambakulam and Koothparamba, and in 1855 Mr. Knox, the Head Assistant Magistrate of Malabar, issued warrants to arrest the subjects of the Cochin Sirkar who had trespassed on the above places. Again in a letter to the Resident of Cochin, dated 26th May 1863, the Diwan alludes to the fact that "in October 1849 when the Sirkar hill servants were felling teak timber at Parambakulam west of Anamalaishairy the Coimbatore authorities illegally interfered with and seized and took away two of them to Pollachi."

16. *Rights of ownership probably not exercised by either party over a great part of the disputed tract.*—It is probable that, with the exception of Kamankulam and its neighbourhood, where several disputes have occurred from time to time as shown in the accompanying sketch, Koothparamba and Parambakulam are the only portions of the disputed tract in which any attempt has been made by either side to exercise rights of ownership. The country to the south of the Parambakulam river is dense jungle and so inaccessible that it would probably not be worth while to fell timber there, the cost of removal being prohibitive. Mr. MacGregor, the Collector of Malabar, referring to the tract now in dispute, said in a letter to the Collector of Coimbatore, No. 1349-B, dated 14th May 1874, that "in 1872 he traversed the forests contained within the limit (claimed by the Nambidi) for a considerable distance, and from what he saw and heard he drew the conclusion that it was a sort of debateable land in which no party exercised unchallenged rights. It abounded in teak trees of splendid growth in all stages of maturity and decay with no evidence of working save in one or two rare instances when a few squared logs were seen blackened by age and exposure, and, as he was informed, cut many years ago and not removed owing to disputes."

17. *The Cochin Sirkar urge that no dispute could have existed when Messrs. Ward and Connor surveyed the line.*—Another point urged by the Cochin Sirkar is that when Messrs. Ward and Connor surveyed the line, no dispute could have existed, because in all cases where there were disputes the boundary has been marked "disputed" and no dispute has been marked in the present case. The Nambidi, on the other hand, asserts that Ward and Connor's survey was a purely military and geographical one, and that their map has been repudiated more than once by the Cochin Sirkar when it has been adverse to the Cochin claims. This is true, as the Cochin Sirkar will themselves admit. I may mention among other instances, the dispute of the Pozhakandom. In that case the Cochin Sirkar refused to accept the line as shown in Ward and Connor's map and the line was accordingly altered and a large tract of forest, which was then claimed by the British Jenmi and which according to Ward and Connor's map was in our territory, was surrendered to Cochin by G.O., No. 91, dated 26th January 1852. Again in the case of Nellikal Edom, Mr. Knox, the Sub-Collector of Malabar, in his letter to the Collector, dated 7th May 1855, No. 57, states that "in the previous seven suits the Cochin Sirkar had successfully proved the incorrectness of this map" (viz., Ward and Connor's map). Again in the dispute of the Kannambra Nair

the Cochin Sirkar have repudiated Ward and Connor's line. I know of these disputes as they were all on the boundary of the Pálghat taluk, but I believe there are several other instances in which the Cochin Sirkar have repudiated Ward and Connor's line. At the same time, it must be admitted as Mr. Galton, Acting Collector of Malabar, stated in his letter to the Board of Revenue, No. 4529, dated 7th November 1883, that "Ward and Connor's line has been taken as the basis of settlement in determining the boundary throughout between British territory and the States of Cochin and Travancore."

18. *So the Grandhavari or Ward and Connor's map to be accepted as the basis of settlement in the present case.*—The question, which is now to be decided by Government, is whether the Grandhavari or Ward and Connor's map is to be accepted as the basis of settlement in the present case. The Nambidi's Grandhavari has once been accepted as a basis for settling the boundary of one portion of his Agamalai forest, and, therefore, in my opinion, should be accepted as the basis of settlement of the rest. Its authenticity and reliability has been admitted by every British official who has had occasion to inquire into the boundaries of the Nambidi's Agamalai forest from Captain Watson in 1806 to the present time. The Cochin Sirkar, on the other hand, base their claims on Ward and Connor's map, which they have not hesitated to repudiate in other instances whenever it was adverse to their claims.

As regards the evidence of possession of the tract in dispute, the Nambidi produces his leases, of which the most important are those granted to Mr. Henry Gardner and Sir William Robinson as showing that two officials who were peculiarly well qualified to know accepted as correct the boundaries of the disputed tract as shown in the Grandhavari and extending southwards towards Travancore. From 1807 to 1823, the Nambidi's forests, as shown in the Grandhavari, were managed by the British Conservancy Department. Since the abolition of the Conservancy up to the present day, the Nambidi's forests have been leased out from time to time. In the leases from 1849 to 1862 the Nambidi has invariably specified the boundary in accordance with the Grandhavari. In subsequent leases the boundaries have not been specified, but the forest has simply been shown as the "Agamalai." Accounts are not forthcoming to show where timber has actually been felled.

The Cochin Sirkar, on the other hand, produce the accounts mentioned above to show that they have been felling timber within the tract claimed by the Nambidi; but the Nambidi, as mentioned in paragraph 15, has always regarded the acts of the Cochin Sirkar in felling timber within the disputed tract as trespasses, and when he was informed of them invariably complained to the British authorities.

As regards the contention of the Cochin Sirkar that the present dispute was settled by the G.O. of 1854 passed on Captain Horsley's report, I have already stated in paragraph 11 that I do not consider that the Nambidi's claim is in any way affected by it. I request that the matter may be submitted for the orders of Government.

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Reference on the above, dated 6th August 1888.

The Conservator of Forests, Southern Circle, will be requested to favor the Board, at a very early date, with his views on the matter, and also to report if there is any information available in his office bearing on it. Mr. Douglas, it would appear, must know something of it.

(Signed) H. A. SIM,
Acting Secretary.

To the Conservator of Forests, Southern Circle, with letter and enclosures, in original, to be returned.

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Office-note from C. G. DOUGLAS, Esq., Examiner of Forest Accounts, dated Madras, 15th September 1888.

[*Subject.*—The Board's Reference on General Register No. 2597 of 1888, forwarding to the Conservator of Forests, Southern Circle, a letter from the Collector of Malabar, dated 13th July 1888, No. 1970-P., relating to a boundary dispute between the Cochin Sirkar and the Nambidi of Kolangód.]

I offer the following remarks for what they may be worth on paragraphs 10, 11 and 12 of the Head Assistant Collector's report which accompanied the above reference.

2. I used to be well acquainted with the tract in dispute and frequently visited it when in charge of the Anamalai forests; it was in dispute between the Nambidi and Cochin eighteen years ago and had been so for at least thirty years previous.



3. At that time Coimbatore was also a claimant, but was put out of court by the award of 1854.

Cochin asserts (paragraph 10 of Mr. Dance's report) that this award confirmed them in possession to the exclusion of the Nambidi, who, however, contends that it did not affect his case at all, and that his claims were not even investigated at the inquiry which preceded it (paragraph 11 of the report).

5. Cochin also urges that in 1871 Mr. Stevenson, their then Conservator of Forests, and I accepted Ward and Connor's line from Vengoli Peak westwards as the boundary between Cochin and British Territory, but Mr. Dance questions our authority, and the Nambidi denies the finality of our decision (paragraph 12 of the report).

6. Touching the award of 1854, the opinion of every British officer who has had to do with the case is, I believe, that it did not dispose of the Nambidi's claim, but merely effected a settlement between Cochin and Coimbatore.

7. References could probably be multiplied, but the following are, I think, sufficiently conclusive:—

(1) Board's Proceedings, dated 11th April 1876, No. 983, relating to an unsuccessful attempt on my part to revive the Coimbatore claims and containing my letter to the Collector of Coimbatore, dated 16th February 1876, No. 1, paragraphs 23, 24 and 25 of which are to the point, as well as paragraphs 6 and 7 of the Board's Proceedings thereon.

(2) Board's Proceedings, dated 4th September 1876, No. 2265, concerning a case of elephant shooting in the disputed tract, and urging the necessity of settling the question of ownership, with reference to letters on the subject from the Collectors of Malabar, Coimbatore and myself.

(3) Proceedings of Government, dated 7th October 1876, No. 1442, embodying a letter from the Resident in Travancore and Cochin, dated 23rd September 1876, No. 75, to the 4th paragraph of which and to the order thereon attention is invited.

8. From these papers, nothing can be plainer than that twelve years ago the Nambidi's case was still considered an open one, and nothing that I am aware of has since transpired to alter this view.

9. With regard to the State boundary which Mr. Stevenson and I are alleged to have accepted in 1871, the facts are these. Ward and Connor's line from Vengoli Peak westward happens to be the southern limit of the Takedy leased forest, which was then (1871) about to be surveyed. The country beyond was known to be in dispute, and Cochin, being one of the claimants and possibly a future legally-recognized owner, had to be consulted before demarcation could safely proceed. Mr. Stevenson and I met accordingly and agreed as to the southern and part of the western boundary of the leased forest, but to nothing more. I had no authority to settle any dispute or to accept any State boundary, and to prove that I did not do so, it is only necessary to refer to the map of the forest subsequently prepared by the Survey Department (published in 1875) which clearly shows the country to the south to be "*claimed by Cochin and Malabar.*" This has all the more significance because I was intimately associated with Mr. Baber, Assistant Superintendent, in the work of demarcation and survey.

10. In short, the orders of 1854 and the inspection of the leased forest boundary in 1871 are practically almost identical in their bearing on this dispute. The first simply declared that Coimbatore would no longer advance any claim beyond Ward and Connor's line from Vengoli Peak *southward*, and the second that the Forest Department had no concern with anything beyond Ward and Connor's line from Vengoli Peak *westward*, which is the southern boundary of its leased forest, about which there never had been any doubt, and which Mr. Stevenson and I identified without difficulty. To argue that the Nambidi's claim was affected either by the decision of 1854 or by any proceedings of mine in 1871 is, in my humble opinion, contrary to reason. Neither was relevant to his dispute with Cochin beyond clearing the ground of a third party and leaving the question of real ownership to be fought it on some future occasion.

11. As to Ward and Connor's map, I can only say that I have often found it an unreliable guide to the Anamalais, and I speak from some experience, having as a boundary officer explored and demarcated the whole forest frontier between the district of Coimbatore and Malabar, Cochin, Travancore and Madura. The Survey Department and Messrs. Peet and Porter have also discovered its untrustworthiness, while, as both Mr. Winterbothom and Mr. Dance remark, Cochin itself has never hesitated to impugn its accuracy when convenient. I confess I have little confidence in its authority in the present case.

12. Whichever way the dispute is settled, the Collector of Malabar thinks there will be no difficulty in obtaining a lease of the land on easy terms if desired. This should not be lost sight of, for the forests are rich in timber and the tramways now being laid down at no great distance in the Coimbatore district may, if results justify their extension, eventually become the means of developing valuable resources hitherto inaccessible.

To the Secretary to the Commissioners of Land Revenue,
through the Conservator of Forests, Southern Circle,
with a map to be returned and with the original
papers received with the Board's Reference returned.

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Endorsement by the Acting Conservator of Forests, Southern Circle, dated Madras, 25th September 1888, No. 1795.

Forwarded. I have nothing to add to Mr. Douglas' note, which shows, as far as Forest Department is aware, that there has always been a dispute south of the Kolangód leased forest, and that Forest-officers have not in any way admitted the claims either of the Cochin Sirkar or the Kolangod Nambidi.

2. The remarks in paragraph 7 of Mr. Winterbotham's report are particularly interesting, though they show how hopeless it would be for the British Government to put forward, on its own account, any claim to the territory in dispute. Mr. Douglas, who knows the area well, states that the forests are rich in timber, and it is possible that we may hereafter be tempted to obtain a lease, when ownership has been established, but in the meantime, and while both claimants are uncertain as to the result of their claims, would it not be better to offer to buy them both out?

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READ—the following letter from the Examiner of Forest Accounts, Madras, dated 2nd October 1888, No. 1341:—

ABSTRACT.—Submitting a memorandum from the Kolangód Nambidi representing his claims to certain tract of forest land claimed by the Cochin Government.

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RESOLUTION—dated 17th October 1888, No. 882.

Submitted to Government.

2. Mr. Dance, the British Commissioner appointed in C.O., dated 11th January 1888, No. 195, to settle the boundary between Malabar and Native Cochin, submits for orders the claim put forward by the Kolangód Nambidi (on behalf of the British Government) to a portion of the land which is marked in the map as belonging to Cochin.

3. The claim relates to a portion of forest land lying south west of Vengóli Peak, the trijunction point of Coimbatore, Malabar and Cochin, and has been brought forward by the Nambidi, because, though of little importance to the British Government, it is of importance to him as bringing his jenmam claims within the British Courts, instead of those of Cochin. The area of the land is not stated, but it appears to be some 25 square miles.



4. The dispute is a long standing one, and the arguments brought forward on either side appear to be weak. On the Nambidi's side, the whole case rests on the Granthavari, or boundary roll, of 1781: this, though drawn up by the Nambidi himself, is admittedly old, having been in the hands of British Officers in 1806, and being found marked on the ground at any rate in 1842; it has been accepted as genuine and acted on by the British Government in its Coimbatore boundary settlement of 1850; the boundaries entered in it have been entered in all the Nambidi's leases, some of which were to the British Government, and trespasses upon the land included in it have been consistently complained of. On the Cochin side, the case rests on Ward and Connor's line of 1823, which the Cochin Sirkar claim was accepted by the British Government in 1854 and 1871, and on occasional fellings in various years, dating from 1839. The acceptance of Ward and Connor's line by the British Government for any point *westward* of Vengoli Peak is, however, disproved by Mr. Douglas; and the fellings were objected to at the time.

5. In fact, the evidence of actual possession is *nil*: partly because of the rugged and inaccessible character of the country, and partly because of the dispute itself, which has left the tract a no-man's land; for the same reason, the mere entry of the boundaries in the leases proves nothing.

6. The case therefore rests, for the Nambidi, on the one-sided boundary roll, and for Cochin, on Ward and Connor's line: the former seems the stronger, for it dates further back than the latter; and the latter has already in numerous cases been successfully impugned, in some by Cochin itself.

7. The Board are not in possession of the arguments of the Cochin Commissioner, Mr. Kolhoff, but unless they alter the aspect of the case very much, the Board consider that the British Government are entitled to claim the whole of the tract now in dispute: its intrinsic value to Government is, however, so small, and the advantages of a good natural boundary so great, that the Board recommend that the tract be first roughly surveyed, and claim laid only to the best boundary, whether that include the whole or only a part. The Nambidi in his petition, which is enclosed, asserts that his Granthavari boundaries are natural ones, but this does not agree with the map, and remains to be proved.

8. The Conservators proposal that *both* parties should be bought out does not commend itself to the Board on any grounds of economy.

9. Mr. Dance's report and Mr. Douglas' note are full and complete.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with two maps and petition in original.

Copy to the Collector of Malabar.
" " Conservator of Forests, Southern Circle.
" " Examiner of Forest Accounts.

Ind. W. J. Lewis.

REVENUE DEPARTMENT.

1888.

# Board of Revenue

(Land Revenue),

MADRAS.

*Printed November 8th.*

*Proceedings*, 17th *Oct.* 1888, *No.* 882.

Submitting to Government, with remarks, papers relating to a dispute between the Kólangód Nambiár and the Cochin Sirkar regarding a large tract of *forest* lying to the south-west of Vengoli Peak.



## PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read Proceedings of the Board of (Copy annexed) Rev. (C.R.) 17 Oct. 1888, No. 882.

Order thereon, 28 Dec. 1888 No. 2708.

With the above Proceedings the Board of Revenue submit a report of the Commissioner appointed by Government to settle the boundary between the Palghat Taluk and Native Cochin and Malabar relative to a dispute between the Kólangód Nambiár and the Cochin Sirkar regarding a large tract of forest land.

2. Before arriving at a decision in the matter the Government desire to peruse the report which the Cochin Commissioner may have made to his Sirkar. The Resident, Travancore and Cochin, will accordingly be requested to the Political Department to obtain and submit the same together with an expression of the views of the Sirkar on the subject.

(True Extract)

Secretary to Govt.

To the Commr. of

Date 9/12/87

Communicated to the President — Forwarded for the necessary Orders.

Govt. of India 1887 Mar. 5.

REVENUE.

To The Political Dept

Dated
Recd. } Encl.

Mis. G.O., 22-12-1887, No. 5705

SUBJECT.

Requesting the Resident in Travancore to obtain & forward the Report of the Cochin Commissioners on Mr. Bonda's petition for Medical Aid

The Resident (Colonel) Jeffries Cochin

Rec'd 26th Jan

Reply Sent

From

J. C. Colledge, Esq.,
Boundary Commissioner.

To

J. Gouda Menon, Esq.,
Dewan of Cochin,
Ernakulam.

Sir,

As the Commissioners have come on the British side and myself on the side of Cochin, have been unable to agree upon a line of boundary between Mankotta and Cochin from the point reached by Mr. Logan, I have the honor to report for your information the subject for orders of Government in accordance with the instructions furnished to me by letter No. 1265 dated 4th September 1886.

2. The Commissioners met at Pulgat on the 3rd August 1887, and proceeded to the Cochin side of the boundary where the representative of the Cochin Durbar appeared, and objected to Mr. Logan's line commencing from Vengode Tekkancherry, their claim to a straight line from the Cochin side of the line [illegible] boundary. Although the Commissioners did not admit any such claim on the part of the Durbar, each one submitted claims on the part of his Durbar, either to the whole or part of the disputed territory, which the Cochin Commissioner refused to receive, stating that he had no instructions to deal with any portion of the claim

Con

now claimed by him beyond Ward and Connor's line since its demarcation by those Officers, and if so, where and when;
(2) Why Ward and Connor's line was allowed to be demarcated unchallenged by the Kamtridy, who, the Commissioners presumed, was given an opportunity for establishing his claims at the time;
(3) Why the Kamtridy never made any attempt to establish his claim when the line was again demarcated by Messrs Douglas and Stevenson in 1871.—
3. The Kamtridy has but a very vague and hazy notion of the boundaries of his Akamalai forest. Relying on his Grandhavari, he pointed out roughly his boundaries on the map and these are indicated on the accompanying sketch by the purple line. It will be observed that the tract claimed comprised the whole of the Coffee Estates which pay Cochin a tax of Rs 1,000 annually, cardamom plantations, Kalamora & Forest Depots at Idamalayar and & Chooripara, Police Station House and other buildings on the Kellampathies, all falling within the Cochin claiming line, besides Parambicolam adjudged to Cochin in 1854. In the course of the hearing of the case, however, which took place at Palghat from the 5th to the 9th April last, the Kamtridy ~~relinquished~~ abandoned a great portion of his claim and eventually confined it to the tract within the line marked green: The altered line does not, as far as I can see, help him and goes against his own Grandhavari, in that it disregards the bearings mentioned in that document and further stops far short of Travancore named as one of the boundaries.—

4. The Grandhavari gives the boundaries from Venjoli to Kamamkolam as follows— "Venjoli, South Payara Modu para, Southwest Kyotha paramba, South Parambikulam, Kumari Kezhu Chal, South Pambala para, Southwest Kally para, Southwest Koova aru, Southwest Pathical Para, South Chungam Vecha Madi, South Elanthalicha River, Southwest Valangi Motha Vazhi, Ambala para Motha Vazhi, thence South Travancore Territory, West Panjichal Para, Odam Koozhal River, West Koppan Chaval para, West Madan Poorah Padu, West Orukomban para, North west Moozhala para, Northwest Erakara Kooty Para, North Kariyala Modu, Muthala Kuzhi, Chothu para Modu, North Chalam Karunda Modu, North Manja Kunnu, Kanni Alvira Modu, thence to Vaga Pallam Modu, Charana Modu, Kalpadi Ayee Modu, Karimba Kandam Vayil, Sanyasi Kanavazha, Vayambali Kolam, Kamamkolam".—
5 You will perceive that the line, finally put forward by the Kamtridy, does not, in the first place, touch Travancore (not to mention anything about the unidentifiable nature of all the names mentioned with a few exceptions) and in the next instead of going north west from Orukomban ~~to its~~ it goes north east. The boundaries laid in the Grandhavari are more or less in accordance with Kamtridy's original claim which took in the whole of the Cochin Coffee Estates and cardamom plantations.- But the claim has as I have observed, been abandoned by the Kamtridy himself.—
6. The Grandhavari on which the

Kamtridy

Kaukiz Kaunty rules is a true Copy not purporting to have been prepared by Law in Madras 9th N. E. i.e. February 1782 - This document seems to have been accepted by the British Officers as authentic and reliable in their disputes with the Kaundi - Notification in favor of Grandkaroi with reference to boundaries both of Tanjore cannot however justify any inference as to the accuracy of the boundaries contained in it. The letter, the ten Head Assistant Collector of Palghat says in his Revenue Letter 5th October 1842 that he found stones with Kaukiz Rules at places mentioned in the Grandkaroi side of Tanjore - It is very easy to place stones in any place in the jungle and Survey and that no attempt was made in the present case to point out such stones to the Commissioners although there are places in the Grandkaroi side of Tanjore where such stones are said to have been planted. Moreover the Kaukiz himself has been constrained to admit that the boundaries given in the Grandkaroi after the Commissioners were wrong in as much as they took into account Estates &c. - he now takes the boundary line to be that which Kaumukkamanee according to his own admission the Grandkaroi boundaries do not uphold & his present Claim, ana before the Superintendent in the 1st Instance, proceeded his Case -

7. In support his Case, the Kaukiz produces a Register of leases or Pattas Licenses passed by him to fill Kundee

from

2/

from his Pleasure - These Licenses are not passed in respect of particular portions of the Akkanalai, but in respect of the whole fit, and Kaukiz Akkanalai (without the Kundee in dispute) is sufficiently large to accommodate even a larger number of Licenses than ever existed under the Kaukiz - The Grandkaroi boundaries are shown in these Licenses, and the Kaukiz wants the Commissioners to infer from this that he has been exercising acts of ownership in the disputed tract - But no such inference can properly be drawn - With respect to all these Licenses it may be once for all remarked that there is not a scrap of evidence to show that under any of these Licenses Kundee was filled within the tract in dispute - It is to look recurring that Licenses to fill Kundee in Akkanalai were granted and Kundee cut accordingly when the case for Tanjore is not that the Kaukiz has no Akkanalai but that his Akkanalai does not extend this side of Kundee Cuttings unless the Kaukiz can show that fellings prior thereto were carried on within the tract in question - Moreover almost the whole of the tract now Claimed by the Kaukiz was Claimed by the Grandkaroi Collector up to 1854 part of his District and in the perpetual employment of Cuttaboe Hill renters - The Grandkaroi also it was employed by his Licensees part of Malabar - How can these and the same forest be employed by Cuttaboe Hill renters as part of Cuttaboe and by British officers as leased under Kaukiz as part of Malabar is more than I can realize -

8

8. It appears that under the orders of the Court of Directors the Conservancy of Forests in Malabar was taken up by the British Government. Akamalai was accordingly under the Management of Mr. Baker from 1806 to 1823. Whilst the fine Teak and Canoe Survey took place, and it is not likely that Mr. Baker would have permitted Hart and Conner to demarcate as they have done. Mines Hart and Connor's survey took place between 1818 & 1823 and if the Kaundy's Akamalai Forest Has been taken up by Government had extended South of Hart and Conner's line, it appears more than unlikely that they would have laid down Mr. Baker would have allowed them to lay the boundaries as they have done, especially when it is remembered that the British interests were well watched during the course of the Trigonometrical Survey at the place in question by British Revenue Authorities as may be inferred from the letter of Lieut. Connor to the Collector of Malabar dated 4th September 1819.—

9. The Kaundy relies mainly on two Clauses in particular framed by him of the Akamalai Forest with Boundaries. One of them appears to have been framed in 1841 to one Mr. Henry Gardner formerly Asst Conservator of Forests and he after to Mr (afterwards Sir William) Robinson on behalf of Government in 1849. These two gentlemen the Kaundy argues being peculiarly well qualified by their positions to know the real State of things accepted as correct the boundaries of his

Akamalai

Akamalai as given in his Grant Karar. But in these cases no there is not an iota of evidence produced before the Commissioners to show that any operations were ever carried on, on the Cochin side of Hart and Conner line while Cochin has proved by the most accurate that trees were felled and various sorts of forest produce collected from places all over the disputed tract in the regular Course of the working of Forests by Cochin from 1044/1839 downwards (vide Ex. Exhibits A & D). Moreover they could not have enjoyed the tract in dispute most of which was claimed by the Cochin Collector as part of his District. It may not be out of place to point out here that Mr Stuart, Acting Collector of Cochin has in para 6 of his letter to Government dated 17th March 1862, No. 23, plainly admitted that Cochin is in possession of the area in dispute.—

10. About the beginning of the present Century Mr Takoor from Malabar, Mr Munro from Coimbatore and Dewan Kunjapa Ayr and Sankaranarayana Pillai from Cochin were appointed Commissioners to settle all disputes of boundary between the British and Cochin Territories, with Captain Blacker, the Resident Resident of Cochin and Travancore to watch the proceedings. From the Copies of reports of Mr Vaughan and Mr Blacker dated 26th April 1816 and 15th November 1815 respectively furnished by the Government it will be seen that the present disputes were not heard of then.—

11. During the time of Messrs Hart

and

and Connor Grant survey to the Kawlay does not appear to have brought forward his claims. He acquiesced in the boundary as laid down by Ward and Connor and when questioned about it now, he replies that this was a purely military reconnaissance survey, it forming no part of their duty to settle disputed boundaries. Granting this to be true, the fact remains the same that the Kawlay did not then put forward his pretensions as is evident from the fact that the boundary in question is not marked "disputed" by Messrs Ward and Connor, while it appears to be their usual practice to mark so in cases of dispute.—

12. For did the Kawlay appear to have come forward with his claims when the fact in question was for many years the subject of dispute between Canada and Ochkai, until the decision of 1854 adopted at Ochkai. In extract of minutes of Convention No. 104, dated 4th March 1853, the Mandarin Gomeschkai says "the place in which the Ochkai frontier is disputed will have to be referred to Yuy, and the Kalan and the Canadian Commissioners. Each of these parties appears to have made up their minds that Tsitsihar was the place referred to, and that the disputed boundary was that claimed by the Canadian Government, and not the Kalan boundary.—



13. Again in 1871 as there was disputes about the boundary, Mr Douglas the British Resident sent officers on the one side and Mr Stevenson the Canadian Forestry Agent on the other to inspect the place with a view to settling the boundary disputes. Even then the Kawlay Power appeared to urge his claim although Mr Douglas says (in his letter to the Deputy Superintendent Revenue Survey No. 282 dated 1st November 1871 enclosing his report after the inspection) "he (the Kawlay) had ample warning." In the said letter Mr Douglas says in para 3, "from Temple to Pelican the boundary is unmistakable" and in para 15, "the Canadian line between the Lower Forest and Rokin runs from Temple to Pelican Lake the junction between the Kelliwaypoo and Tonakaron rivers from here to the river which rises at Jakely and joins the Kekiwapoo, Kelliwapoo & Tokiac Rivers at a spot not far from Kawjicon, is more properly the Western boundary and in Mr Stevenson & myself were agreed upon the river forming the line between the junction at Pelican Lake & and the source of the Western of the Jakely and Tokiac rivers near Kawjicon. We thought it unnecessary to go further when so good a natural line was, as it were, demarcated." All the line agreed to above by the Douglas & Ward and Connor line, which Cooke has all along claimed.—

14. From the above it is clear that although ample opportunities afforded the Kabaka at different times during the long period of years from 1875 to 1894 to establish his claim he, to say the least, has been guilty of the present existence in having kept over his rights, if he had any and the inference seems the irresistible that his claim is not founded in fact.—

15. The present question however, is, I think, res judicata by reason of the decision of 2nd June 1854 (vide extract Minutes of Consultation No 225 of the same date) which was confirmed by the Queen's Government in Her Minutes of Consultation dated 7th March 1856 and re-affirmed subsequently by G. O. No 708 dated 30th May 1876 - In Her Minutes of Consultation aforesaid the Government further directed the local officers who attempted to reopen the question and the disputes that arose in 1854, between the British Government on the one side and the Crown Lawyer who had appeared at the Enquiry should, I consider, be regarded as simply acting in behalf of the British Government with the evidence in support of the position that the Kaiser in question is British property and the proper Native Authority to be called upon to adjudicate the claim as it was before. Para 7 extract from the proceedings of the Board of Enquiry dated 24th January 1853 runs thus:— "The Sketch Map was returned to the Collector in order that the boundaries as claimed by Coomba might be defined. This is done (vide Note from Collector dated 24th December 1852) to extend along the Kaiconi range the Nkongwa, then along the east banks of the Kafeenga and Kiriora Rivers." The Claim to Collect this Claim

(1) On perpetual enjoyment.—

(2) On the evidence of Kaiser or the people as well as the evidence of the residents in the Ibo Country.—

(3) On the facts of the Case the Kaiser having illegally Collected the Poll Tax for two years.—

(4) On the existence of a duty Cus in the Bay which should be deposited Customary Dues from the Free. The Lawful Claimant Cus for the Entire Bay and follow the Navigation up to Mkomazi and Ocean or by a little further the Port known as Vetchily Bya and he also alleges perpetual enjoyment. For the same first was in the Exercise of Similar Rights over and of Lands under the Country, I cannot understand Capt Foley the Officer appointed to settle the dispute between Consulate and Chief and who was in the event of his being unable to determine that Question of the disputed Title to refer it to Government to give a Final Decision according a portion to each party his decision in his letter dated 29th March 1854 in these words:— "In the Interest given below, Case of opinion that the

a. 14. boundary between Cochin and Coimbatore
a skilled is correctly represented in the printed
la East Map (Ward and Conner's sheet No 62)
a copy by the dotted line colored blue on the side
b = Tal and red on the West and that all the
m been Country to the West of that line belongs to
= in Cochin," which decision it was that was
a ary Confirmed by Government as stated in
h ove. the beginning of this paragraph. In para
m ie 6 of this order, the Government directed
h 15. the Collector of Coimbatore to draw the forest
j ct, lines in dispute from Cochin and the
- the Collector applied to Cochin for such lines
Mis and represented that it may be given
- dat on the same terms and conditions as
s Gove have entered into by the Raja of
a dar Cochin in relation. Vide his letter
a on Resident dated 20th June 1864, Ex.
Ke 217. This Govt that the forest lines in
Tem dispute do not belong to the Raja of
a bo Cochin. That decision the Raja of
a to appeals on the ground that he was
a Gov no party to it, and avers that the line
a Gov up to Tengli has been already finally
Gov demarcated, he urges that it is not his
Ke intention to interfere with the boundary
h as settled by Government in 1854 and
Re claims for a line running parallel
Ke to the west of that line, leaving with
g the Cochin limits of Cherai about half a mile
Ec or more more or less to the west of the decision
C of 1854, in doing which while adhering to
a as far as the terms of the former decision, he virtually
the grants the substance of it as will be
de evident from a glance at the sketch.
- his, in my view, he cannot be awarded

Not

but the answer is no.

17. Nor is nothing adduced by the Raja by before the Commissioners that he did not acquiesce in the decision of 1854. It is true that the Board of Revenue in their proceedings No. 983 dated 11th April 1876 say in para 6 that "they (the Kottayam Raja's Claims) can be settled on their merits in Communication with the Peria when the boundary westward from Tengoli comes to be demarcated." But the Raja by takes as a concession on the part of the Govt of his unlimited right to have an extensive territorial dispute settled once for all as between Government and Government.

18. The Raja by does not take the boundary line to the west of Tengoli. He takes a due north parallel to the demarcated line, takes Cochin backwards for about ten miles and then parallel to the sea keeping a strip of about eighteen miles from within Cochin territory. Such no such wide concession was either asked by the Raja or that the petitioner contemplated to be put upon the Board's remarks is that when the boundary comes to be already demarcated, the Raja by might have the lines as drawn by the respective Governments have each dif- ferences of boundary as between himself and his feudatory settled. And in his discussion it may not be out of place to refer to the characteristic passage in the Board's proceedings just cited which runs thus:- "The words of Government

Cannot.

cannot now be revised without the assumption of a position which it is undesirable that should take, viz, that for a perusal and interested party respecting a dispute long ago closed, and without giving information the Turkish Civil which will doubtless feel the attempt to reopen very keenly." This it will be observed, was rendered by an attempt made by the local officers to reopen the question in 1876, and the Viceroy forwarded in their order No. 708 dated 30th May 1876 enclosed the view of the Boundary above cited in these words "The Government agree with them (Govt) that it is undesirable to reopen the question settled in 1854." Thus between the Turkish Empire the question has been repeatedly settled by authority competent to do so for forty years and it is unfortunate to open the question.

19. Turkey admits that she has been in undisturbed possession and enjoyment of the tract in question from time immemorial to which the Turkish officers by saying that he has not title replied in them and in support of their assertion he cites as evidence the census Commissioner has made a report, Turkish officers appointed Turkish people to cultivate land as all the land was formerly alleged these have commenced to pay

about Turkish Boundary line. It may not be out of place here to remark that the British Claim prior to 1854 extended to some fifteen miles on the British side of Hasa and Turkish line, but that during the dispute which was decided in that year the then Queen Turkish Commissioner Nazim Effendi in his letter No. 273 dated 26th May 1853 pronounced it saying "the Turkish is not desirous of claiming the extended boundary but of position that it would be better for both if there to attempt to disturb the boundary defined in the former Convention map which has for so many years been considered an undisputed."

20. The so called Expedition 1840 and 1841 as seen in the Island of Bahrein within undisputed British territory, while the visits in 1869, 1873 and 1880 were near Katar Peninsula and Hasa and Turkish territory for a short distance from the Neutral boundary and which is not included in Turkish Claim. It may also be urged that almost all the disputes subsequent to 1854 between Hasa and Katar the Turkish Government (Shatt-el-Arab River) claimed by the Ruler of Katar as the alleged trespass in Bahrein in 1855 it may be observed that there has been no communication addressed the Turkish Government by the British Resident as is usually

done in such cases and that it might have been the result of an attempt to repeat the Kawishy to accept evidence to be used on future occasions.—

21. Cockin draws Jack and Cockin line which is not arbitrary from Temple up to Redcar river it is watershed and then it is a river called Kattapara Kole. Many boundaries have been laid down and Cockin line to be correct and the boundary from Temple to Manjacotty that is up the points claimed by the Kawishy was ever demarcated in 1871 according to Cockin Claim. The line claimed by the Kawishy is on the contrary quite arbitrary up the Kattapara River and over after that it does not follow the river but runs parallel to it touching it here and there the line sometimes from 2 to 7 furlongs from Kattapara Kole is also arbitrary.—

22. Claim up

(I) the Kawishy Claim is uncertain. The first clearer up to near boundary and thereafter a jungle path where be found the open cultivation stopping as regards the open cultivation and cardamom plantations.—

(II) It is agreed even by his Grantkeeper Mr Thompson that up to 1871 the Kawishy never pretended to look west from Jack Kole-east, while his present line agreed extend his forest up to Travancore limits which is not his present Claim.—



(III) It is res judicata, for almost the whole of the forest now claimed by the Kawishy was claimed by the Coimbatore Collector as part of his District and his Claim was disallowed by the Madras Government in 1854 or 34 years ago.—

(IV) It was not put forward by him from 1815 to 1871.—

(V) It is not supported by evidence—There is no evidence that any timber was cut within the tract now in dispute—No pleader perpetual enjoyment—But the Coimbatore Collector set up the same claim before 1854—How can one tract be possession of Coimbatore Hill renters and Kawishy Cooses at the and the same time?

(VI) The line claimed by him is arbitrary.—

23. Cockins Claim on the Contrary.

(I) is not arbitrary—It is a watershed i.e., a natural boundary up to Redcar river and then a river called Kattapara Kole—

(II) It is supported by possession of the disputed tract, the possession being proved by Cockin forest accounts and audited by British authorities—The accounts are very full showing the particulars of bills, the expenses of felling timber, payments to Carpenters, Cooks, Elephant drivers &c—

(III) It is further supported by the decision of the Madras Govt. in 1854

(IV) It follows Watershed Connecting line, a line which has been taken as the basis of a Measurement in determining the boundary between British Territory and the State of Travancore & Cochin.—

(E) the boundary was once demarcated in 1871 from Peugh peak to Kanjacotty i.e. (up the ghaut now claimed by Travancore) according to Cochin claim.—

24. Looking at both sides of the case I am of opinion that Ward and Conner's line is the correct boundary—the general accuracy of their map has been over and over acknowledged and deferred to in the ad=justment of boundary disputes with the Kottayam Rajah and between Travancore and Pandiseé (vide extract from the Proceedings of the Board of Revenue dated 24th January 1853 para 9) the boundary fixed, in my opinion, therefore, be demarcated with this line as the basis.

25— The Dewan however is of opinion that the Grandkarey is a reliable and authentic document and that it should be followed in this settlement—he is further of opinion that the decision of 1854 is not binding on the Rajah inasmuch as the Rajah was no party to it.

26— As there is such a difference of opinion between us I beg to refer the matter for orders.—

I have &c.
(signed) J. C. Colebrooke.

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True Copy
Par ordre du Raja
Illegible.

Office
Cochin
Fort

No. 40.

Resident's Office,
Ernakulam
Dated 6th April 1889.

From

J C Stanyngton Esquire

President in Travancore and Cochin,

To

The Honorable J F Price

Chief Secretary to Government,
Fort St. George

Sir,

In reply to the Government Order Reference on No. 12 of 1889,— I have the honor to return the papers which accompanied it together with the Cochin Commissioners Report and a letter No. 529 of 29th March 1889 to my address (in original) enclosing the views of the Cochin Circar on the subject of the disputed forest.

I have the honor to be
Sir,
your most obedient Servant.

Illegible
President.

Enclosures.

Subjoined is a list of the papers
mentioned.

Proceedings of the Board of
Revenue (Land Revenue) dated
17th October 1888 No 882

Proceedings of the Madras
Government Revenue Department
No 770 dated 22d December 1888.

Report of the Cochin Boundary
Commissioner No 26 dated 5th Sept 1888.
with a Sketch map and State-
-ments A & B.

Letter from Secretary to
Cochin to Resident No 529 dated
29th March 1889 with 2 Sketch maps.

Revenue 1859. 345

Political Department.

From

The Resident in Travancore & Cochin.

To

The Chief Secretary to Government,
Fort St. George.

Dated 6th April 1859.

Received 13th

No. 40

Enclosures 9

18 APR 59
REVENUE DEPARTMENT

Transferred
to the Revenue
Department—
Published
Chief Secretary

CHIEF SECRETARY'S
11 AUG 59
DEPARTMENT

Submits certain
papers and the accom-
panying Report
regarding the boundary
dispute between the
Cochin Sirkar and
the Cotangode Nambidy.

Transferred

18 JUL 59

Devan's letter
and the explanations thereon
Submitted by the Resident

No. 529.

**HUZUR CUTCHERRY ON CIRCUIT,**

CHOWERAH IN COCHIN,

*29th March* 1889.

To

J. C. HANNYNGTON, Esq.,

*British Resident in Travancore and Cochin.*

Sir,

I have the honor to acknowledge the receipt of your letter, No. 84, of the 17th January last, forwarding the Proceedings of the Board of Revenue, dated 17th October 1888, No. 882, and the Government Order thereon, dated 22nd December 1888, No. 7,705, (both of which are herewith returned) and desiring me to submit the Cochin Commissioner's Report as well as the views of the Sirkar on the Boundary dispute therein alluded to.

2. In reply, I beg to state that the Report of Mr. Kohlhoff, the Cochin Commissioner, has been already submitted with my letter, No. 1,959, of the 22nd December 1888.

3. As regards the views of the Sirkar, I have the honor to say that they are in entire accord with those of the Cochin Commissioner.

4. The dispute to be decided must be considered as one between the British Government and Cochin, and not as one between Cochin and the Collengode Nambidy. Cochin claims both the sovereignty and the jenm of the disputed tract. The Collector of Malabar, for the British Government, claims the sovereignty only, and the Nambidy claims the jenm only of the same tract. So far as the jenm right is concerned, it is a matter for the decision of the Civil Courts of the State in which the land is situate. It is only the question of sovereignty that has to be decided by the arbitrators or by agreement between the British Government and Cochin.

4. It may be true that the dispute is one between two Governments and not between the Nambidy and Cochin State; but the decision of the question as to sovereignty will depend upon the question raised by Nambidy *i.e.*, title and possession. If the Nambidy, an old ruling Chieftain, who ruled the country *not* under the Government of Cochin can prove his title to the tract in dispute, that it was included in his dominion, and it was held by him as his jenm lands after conquest of Malabar, then it seems plain that Cochin sovereignty is disproved. If the Nambidy, proves that he has been in *possession* as a subject of the British State denying the claim of the Cochin State whenever asserted, then it appears to be strong evidence in favor of the sovereignty of the British Government. The Cochin Dewan is not right in saying that the jenm claims ought to be adjudicated in the Civil Courts. For, as the Collector points out in his report, the Nambidis jenm claims in competition against the Cochin Sircar will not be recognized for a moment in the Cochin Civil Courts.

5. This being so, I submit that the question has already been over and over again decided in favor of Cochin with regard to a greater part of the disputed tract and to the extent, it should not be re-opened.

5. It has only been decided that the disputed tract does not belong to Coimbatore.

6. The tract I allude to is the one marked P. A. O. K. N. V. in the accompanying sketch. In 1849, there arose a dispute between the Government servants of the Coimbatore District and Cochin about the latter's right to fell trees in Perambikulam; communications passed through the British Resident about this matter, and about several other real or pretended trespasses on either side until in 1852 the matter was referred to the Board of Revenue. The Board, after getting the Collector of Coimbatore to define the boundary as claimed by him, suggested in their Proceedings, dated the 24th January 1853, No. 39, that "the "dispute be referred to the decision of a "single individual in the confidence of both "Governments. Captain Horsley appears "to the Board a fit person for this duty. In "the event of his being unable to determine "*that the whole of the disputed tract belongs to "either party*, he might be empowered to fix "on a new boundary *assigning a portion to "each.*"

7. The boundary, as defined by the Collector, extended along the dotted line running with the Noycoota (or Noycand) range to Choladuar at a spot called Orucomban and then along the east bank of Vetycoly and Noycoond Poyas (or rivers). This includes the whole of the tract P. A. O. K. N. V., for, although it might, at first be doubted whether what is here called the Noycoond river is not the river marked in the sketch as Parampikulam, the fact that Parampikulam and Pillayeaul were among the places then in dispute,† and the words "along the *east* bank of the Vetycoly and Noycoond Poyas" show that the Collector must have meant the Nelliyampolay river by Noycoond Poya. Vetycoly is identified with the river O. A. in Ward and Connor's Map Sheet, No. 62.

8. The above suggestions of the Board was approved of by the Government, and in para. 6 of their Minutes of Consultation, dated 4th March 1853, they said: "It must be "clearly understood that the award given "by Mr. Horsley, whatever it may be, is to "be final." Accordingly, after the consent "of Cochin was obtained, Mr. Horsley was

6 to 15. The Dewan insists that the dispute has been settled between the British Government and Cochin Government, by the acceptance by Government of Captain Horsley's report. But the report says:—

1. "I have the honor to submit my opinion on the boundary question between *Cochin* and *Coimbatore*." The claim of the Malabar District or any native of the Malabar District to the tract in dispute was never considered, and after the decision that the tract in dispute belonged not to Coimbatore but to Cochin (when the Kollengode Nambidis' claims were brought forward by the Collector of Coimbatore he was left to prefer his claims through the Collector of Malabar, whereas if the claims had been finally settled as between Cochin and the British Government his claims would have been summarily rejected.

*Proceedings of the Board of Revenue, dated 7th September* 1854.

"If the Nambidy of Kollengode has any claims to prefer to any portion of the forest land awarded to the Cochin Circar by extract Minutes of Consultation, Department of Public Works, of the 2nd June 1854, he should advance it through the Collector of Malabar." With reference to this, the Nambidy would respectfully also draw the attention of Government to Mr. Douglas' statement referred to also in the Report of the Revenue Board. "Touching the award of 1854, the opinion of every British officer who has had to do with the case is, I believe, that it did not dispose of the Nambidys' claim, but merely effected a settlement between Cochin and Coimbatore," and references in support of this are made in para. 7 of his note.

It is hardly possible to put the case more strongly than this, and the Nambidy begs to state that the Proceedings of the Board of Revenue dated 7th September 1854, conclusively shews that the claims of Malabar which are identical with those of the Nambidy were not settled. The decision of 1854 can effect only the then contending parties, viz., Coimbatore and Cochin.

Regarding para. 11, Nambidy begs to state that he claims the whole tract and does not relinquish the small strip of land what Mr. Dance says is his own view.

Regarding para. 14, the lease to the Government is filed and was referred to before the Commissioners.

* The underlinations in this and the subsequent quotations do not exist in the originals, but were introduced by me to invite special attention to words so marked.

† *N.B.*—That Parampikulam was then in dispute between Cochin and Coimbatore is admitted by Mr. Dance in his Report, para. 15. That Pillayeaul was included in Coimbatore's claim will appear from the Dewan's letter to the Resident, No. 328, dated 5th August 1849, complaining of the Principal Collector of Coimbatore having stationed 15 peons, armed and having badges, at that place, and the Resident's reply, dated 10th August 1849 in which he says: "In reply to your letter, No. 328, "of the 4th instant, I would observe that I think the "company's servants may fairly claim the northern "slope of the range of hills you refer to. I consider the "boundary line to run along their crest and that all "even, their mere location there, can be of no detri- "ment."



"appointed. He gave it as his opinion that "the boundary between Cochin and Coimbatore is correctly represented in the printed "map of Ward and Connor, by the dotted "line coloured blue on one side, and red on "the other, and *that all the country to the "west of that line belong to Cochin.*" The Board concurred in this view and the Government in confirming Ward and Connor's line, said: "It is remarked that in his letter "of the 25th August 1852, para. 2, the "Collector of Coimbatore has suggested that "*if the title of the tract in question be ceded "to the Cochin State* it may be rented from "them on the same terms as his forests have "been rented from the Collengode Nambidy. "The Governor in Council desires that *the "Collector will* place himself in communi- "cation with the Resident and *ascertain "whether the Circar would be disposed to "lease this forest* on such conditions." (Minutes of Consultation, No. 225, dated 6th June 1854.

9. I submit that it is abundantly clear from the above passages that it was the dispute between the two Governments about the whole of the tract marked P. A. O. K. N. V. that was referred to arbitration, and that what was decided was not simply, as asserted by Mr. Douglas, that Ward and Connor's line was the boundary between Coimbatore and Cochin, but that the whole of the above forest belonged to Cochin and not to the British Government.

10. The British Resident must have understood the decision in this sense, for, in forwarding a copy of this award to the Dewan, he speaks of it as "deciding in favor "of the claim of the Circar *to the tract of "Forest land in the vicinity of Anamalacherry "hitherto disputed* by the *Collector of Coim- "batore.*" (See Resident's letter, No. 1,076, dated 17th June 1854.

11. The argument advanced by the Nambidy and supported by Mr. Dance in para. 11 of his report that the Nambidy "does "not wish to interfere with the boundary "then laid down by the Government. He "claims in the present case a boundary run- "ning to the west of that line, which latter, "as far as the Nambidy's claim is concerned, "will still be the frontier between the two "States," is thoroughly unsound and misleading. It is true that the boundary line then laid down is not now disputed, but it is equally true that what is now sought to be done, is to deprive Cochin of by far the greater part of what was once claimed by the British Government and after mature deliberation awarded by that Government itself to Cochin.

12. Mr. Dance says in the same para. that on the Nambidy's petitioning the Revenue Board on the 7th September 1854 against the above decision, the Board passed an order

the effect that "if he had any claim to prefer "to any portion of *the forest land awarded to "the Cochin territory (by the above G. O.)* he "should advance it through the Collector of "Malabar." I do not see how the words underlined in the above quoted passage could have been considered as consistent with the argument suggested in the earlier part of the same para. It seems to me that these words show that some forest land was awarded to Cochin; and, what that land was must be ascertained with reference to the claims put forward by either party. Where the award is in general terms, as in this case, it refers to the whole of the claim (in this case P. A. O. K. N. V.) and not to any unspecified part of it. Mr. Dance seems to think that this order implies a sort of promise that the Nambidy's claims to the above tract would be considered afterwards. But I submit that the order was only meant to inform him that if he had any grievance to represent to the Board, he should do so through the proper channel.

13. The decision of 1854 was admittedly re-affirmed in 1856 and the local officers who tried to re-open it were censured.

14. Mr. Douglas, whose office note is now relied on by the Board of Revenue has admitted that the tract south of Ward and Connor's line from Vengoly to Polalancooty or Pulliancooty belongs to Cochin. For, on the 1st November 1871, Mr. Douglas, then Acting Deputy Conservator of Forests, Anamalai &c. ranges, wrote thus to the Acting Deputy Superintendent, No. 1 Party, new Survey, Coimbatore, "From Vengoly to Pillaicaul "the boundary is *unmistakable* . . . . . "I agree, however, with Mr. Stevenson in "thinking that the line is intended to run "along the ridge *so as to give our side, that "is, the North, to the Nambidy, and the "Southern slope, to Cochin"* (para. 3). Again in para. 15 he wrote *"the Southern line "between the leased forest and Cochin runs "from Vengoli to Palliancooly the junction* "between the Nelliampalay and Thoonacadava rivers." Mr. Douglas now says that in so writing he was only referring to the southern boundary of the forest leased to Government by the Nambidy. The telegram received by the Dewan from the Resident on the 6th September 1871, asking the Dewan to send an officer to meet and co-operate with Mr. Douglas, says "Coimbatore Collector "telegraphs that Government has ordered "survey of the Nambidy's teak Forest." There is nothing said here about the survey intended being only of the leased part of the Nambidy's forest. But be this as it may, the fact remains that *the line from Vengoli to Palliancooty was recognized by him (Mr. Douglas)* as the *northern Boundary of Cochin.* As no copy of the lease has been filed in the records of this case, I am unable to say whether the lease purported to include the



whole of the Nambidy's forest in this quarter or only a portion of it. But if it included the whole, Mr. Douglas' opinion above given will be strong evidence in favor of Cochin, and if it included only the tract north of the line from Vengoli to Palliancooty and east of the line from Palliancooty to Manhacooty then the very omission from this lease of the tract included in the lease of 1849 and in the award of 1854 will go to show how the officer who took this renewed lease understood the Government Order of 1854. Speaking about the river between Palliancooty and Manhacooty Mr. Douglas wrote: "If the Nambidy "has any claims west of the river, the "British Government has nothing to do with "them as far as an interest in the lease is "concerned; for, according to the lease, the "line follows the river between the two "junctions (Palliancooty and Manhacooty) "abovementioned" (para. 16). Mr. Douglas' omission to make a similar remark about the Nambidy's claims to the lands south and west of the line from Vengoly to Palliancooty is a matter worthy of note. The entry "claimed by Cochin and Malabar" in the map published in 1875, will not show that Mr. Douglas' opinion about the tract, previously expressed, was wrong, but only that Malabar had then begun to claim the land.

15. Mr. Dance alludes to the words "land "south-west of Vengoli Peak claimed by both "Malabar and Cochin" in the Board's Proceedings, No. 2,699, dated 21st September 1874, as showing that Messrs. Douglas' and Stevenson's visit to the place did not in the Board's opinion put an end to the dispute. I have not been able to find a copy of those Proceedings, but I may say that whatever was then said by the Board to this effect cannot have any force after their subsequent Proceedings of the 11th April 1876, hereafter considered.

16. The award of 1854 was reiterated in very strong terms in 1876 under the following circumstances: Mr. Douglas in his letter of the 16th January 1876, No. 1, to the Coimbatore Collector urged that, inasmuch as there were three claimants Coimbatore, Malabar and Cochin to the tract marked P. A. O. K. N. V. and the order of 1854 disposed of only the question between Coimbatore and Cochin, the dispute between Cochin and Malabar still remained to be decided, and, as Ward and Connor's map, on the strength of which the G. O. of 1854 was passed was inaccurate, the claims of Coimbatore might also be reconsidered in deciding the Cochin and Malabar claims. The letter purports to have been written "with "the view of reviving the claims of Coim"batore to a magnificent sketch of forest "assigned to the Cochin Circar in 1854." When this letter was referred to the Revenue Board, they said in their Proceedings, dated the 11th April 1876, No. 938:—"Whether

16. The claims of Malabar or any native of Malabar is totally distinct from any claim that might have been advanced by Coimbatore and as the Dewan himself puts it in para 16, the "order of 1854, disposed of only the question between Coimbatore and Cochin." The rebuke "in very strong terms in 1876 was made because an attempt was again made to revive "the claims of Coimbatore to a magnificent sketch of forest assigned to the Cochin Circar in 1854." The reiteration has no reference to any claim put forward by Malabar or any native thereof and it was made only by the Coimbatore not by the Malabar authorities.

"may have been the rights of the case originally, Government deliberately and decidedly in 1854 directed a boundary to be "accepted which *indisputably gave to Cochin* "*a valuable forest tract* over the *British claims* "to which the local officers now wish to see "revived." *Rightly or wrongly*, the Cochin authorities claimed the tract before the *Government decided the dispute in favor of Cochin* "*by waiving adverse claims.* . . . . . "*The award of Government in 1854 cannot* "*now be revived* without the assumption of a "position which it is undesirable Government "ment should take, *viz.*, that of a powerful "and interested party re-opening a *dispute* "*long ago closed.*"

17. Thus, with the full knowledge that Malabar also claimed the forest, the Board decided that the award of 1854 was final and the British claims to the tract could not be revived. The Government approved of these Proceedings in their order of the 30th May 1876.

18. Mr. Douglas in his office note, dated Madras, 15th September 1888, refers to paras. 23, 24 and 25 of his letter above cited and to paras. 6 and 7 of the above quoted Proceedings of the Revenue Board as showing that the G. O. of 1854 "merely effected a settlement between Cochin and Coimbatore." I see nothing in paras. 23, 24 and 25 that calls for any remark. The Board in para. 6 of their Proceedings say, "It seems unnecessary to go into the question of the Collengode "Nambidy's claims here. They can be settled "on their merits in communication with "the Circar when the boundary westward "from Vengoly Peak comes to the demarcated" . . . . . and in para. 7, they "say, . . . . . the boundary from "Vengoli Peak westwards and northwards "must also be definitely settled at some future "period as circumstances admit." When taken along with the passages previously cited from the same Proceedings and the fact that the only reference to the Nambidy's claims in all the correspondence then under consideration consisted in Mr. Douglas' assertion that "following the memoir further "would lead into the forest leased from the "Collengode Nambidy in Malabar, a mile "and more beyond," paras. 6 and 7 cannot be construed as leaving open for future settlement any part of the disputed tract about which the British claims were decided not to be revived.

19. Mr. Douglas then refers to the Board's Proceedings, dated 4th September 1876, No. 2,205, as proving the "same" point. These proceedings were passed under the following circumstances. Mr. Douglas, represented to his superior, the Collector of Coimbatore that, Mr. T. Chitheldeng, permits for that purpose both from the Cochin Government and the Collengode Nambidy, had shot two elephants

17. The Nambidy with reference to this again begs to insist that the Government decided the matter in dispute *only* as between Coimbatore and Cochin and not between British Government and Cochin State as urged by the Dewan. To make the matter conclusive, the Nambidy would point out that the grounds of the Coimbatore claim as stated in para. 15 of the Cochin Commissioners report based *viz.*,

(1) perpetual enjoyment.

(2) the evidence of the Kadeir or hill people as well as the evidence of the residents in the low country.

(3) the fact of the Coimbatore Hill renters having unmolestedly collected Hill produce along the river bank and (4) the existence of a dotted line in the map which shows that a doubtful boundary existed from the first."

(An extract from Captain Horsley's report) apply only to Coimbatore and are absolutely inconsistent with the claims of Malabar. So that the claims of Malabar were never considered or adjudicated upon.

17 to 26. Here the Dewan takes exception to Mr. Douglas' note. The Nambidy would submit that Mr. Douglas is himself the best authority of what he did or intended to do, and in paras. 9 and 10 of his note he distinctly says that he never intended or did decide the boundary between Cochin and Malabar but that he only wished to ascertain the boundary of the leased forest and that it was done in pursuance of the order of the Government.

[illegible] the tract described in his letter as "long "in dispute between Coimbatore, Malabar "and Cochin concerning which, orders were "recently passed by Government in confirmation of a previous decision of long standing, waiving all claims on behalf of "Coimbatore." The Coimbatore Collector made over the case to the Collector of Malabar. The latter does not appear to have received any information on the matter from any other source, as he would have done if the lands were, or were claimed to be, within his jurisdiction. He, however, wrote to the Revenue Board asking that the boundary question between Malabar and Cochin be settled soon and till then all officers of Government be forbidden to shoot elephants in the disputed tract. The Board simply said: "It "is very desirable that the *boundary between* "*Malabar and Cochin* should be definitely "settled . . . . . The Board think that "an effort should be made to settle *the boun-* "*dary of this disputed tract* at least, if possi- "ble, after the Coimbatore line is settled. "The Board do not see how the shooting of "elephants within the tract in question can "well be forbidden *as it would be difficult to* "*define the locality and it may eventually be* "*assigned to Cochin.*" It seems to me that the Board used the words "*boundary of*" before the words "the disputed tract" advisedly so as to show that the Board doubted whether the place where the elephants were shot was within or without the tract previously awarded to Cochin and that in saying that the Cochin-Malabar dispute should be settled they had no intention to suggest their readiness to re-open the award. The fact that these Proceedings were passed a few months after those quoted in para. 16, and that no reference is made to them by the Board shows that this must have been the Board's meaning.

20. Mr. Douglas next cites the Proceedings of Government, dated 7th October 1876, No. 1,442, and para. 4 of the Resident's letter of the 23rd September 1876, No. 75, therein embodied. I find from these that the Resident backing up Mr. Douglas' opinion as expressed in his letter of the 16th February 1876, recommended that in deciding the Coimbatore and Cochin boundary between Vengoly and Shekkalacoond, the Nambidy's claim be also decided in communication with an officer to be deputed by Malabar; urging as a reason, that the Nambidy claimed the tract to the east of the line between those two places and therefore the determination of that line alone will be of no practical use to Cochin. The Government sanctioned this proposal remarking, "The services "dispensable for the correct determination "of the boundary line between Vengoli Peak "and Shekkalacoond." On these documents I would remark that the fact of the Nambidy claiming lands already awarded to Cochin

does not appear to have been contemplated by the Government in passing that order but only the fact that the Nambidy claimed, which he does not now do, the land immediately bordering on the Vengoli-Shakkalacood line, the line which alone had then to be settled.

21. Having thus separately dealt with the three Proceedings specially mentioned in para. 7 of Mr. Douglas' office note, and shewn that there is nothing in them to detract from the conclusiveness or finality of the award of 1854 as between the British Government and Cochin, I shall now, for the purpose of showing that the Nambidy's claims should not be gone into at present, call attention to the order of the Government, No. 709, dated 15th May 1882, approving of the Board's Resolution, No. 1,099, dated the 22nd April 1882. It will also be evident that this order cancels Proceedings last cited by Mr. Douglas and considered by me in the preceding paragraph.

22. The Board's Resolution is in the following words:—

Para 3. "The Board agree with the "Collector that it is not desirable to attempt "on this occasion the settlement of any "claims that may be advanced by the "Nambidy of Collengode. *For the reasons "given by Mr. Stuart* they would confine the "proceedings to the determination of, the "boundary between Coimbatore and Cochin. "*Any inquiry regarding the Collengode claim* "should be postponed and *conducted inde-"pendently*, as seems to have been contempla-"ted. (G. O. 12th August 1881, No. 1180)."

23. Mr. Stuart's (Acting Collector of Coimbatore) letter here referred to runs thus:—

Para. 5. "The following matter also re-"ferred to in paragraph 1, of the letter from "the Conservator of Forests appears to need "the orders of Government. Proceedings of "the Madras Government, Revenue Depart-"ment, No. 1042, dated 4th October 1876 "contain a letter from Mr. MacGregor, the "late Resident of Travancore, describing "claims made by the Collengode Nambidy, "a Proprietor in Malabar District, to lands "which, if his, would be bounded by the "boundary now to be settled. The Conser-"vator recommends that these claims be con-"sidered and settled at the same time; but I "cannot agree for the following reasons.



"Para. 6. Cochin is in possession of the area "claimed* and the Nambidy has nothing "for him but to sue for the land in the "Cochin Courts *unless, indeed*, the Govern-"ment sees fit to take his place and part and "to contest the matter with Cochin as a "boundary dispute between Malabar and "Cochin. In that case an officer from Mala-"bar ought, I think, to be present, advised "if necessary by the Nambidy and his people, "but having the entire control on behalf of "Malabar of the settlement of the boundary "as between Malabar, Cochin and Coimba-"tore leaving it to the Nambidy hereafter "to sue for whatever land he claims in the "Courts of Cochin, Malabar or Coimbatore, "according to whichever of these Districts "the lands he claims may fall at the close of "this settlement.

"Para. 7. The recognition of the Nambidy "on his own account as an actor in the "settlement of the boundary would, in any "case, I believe, lead to complications.

. . . . . "Para. 8. Either on the Coim-"batore side or the Malabar side, the "Nambidy's claims can, *after the boundary is "settled with Cochin*, be considered by the "Government or referred to the Civil Courts, "and as said above, *Cochin being in posses-"sion of what else he claims, we cannot help "him as regards what eventually falls within "the Cochin boundary with regard to which, "he will, I think, have to apply to the Cochin "Circar or their courts.*"

24. Thus it was settled that the Nambidy's claims should be considered independently of the disputes between the two Governments; and in pursuance of this decision the Vengoli—Thakkalacoond line was demarcated without a consideration of the Nambidy's claims.

25. Having thus shown that the Collector of Malabar on behalf of the British Government is precluded from re-opening the dispute as regards the tract marked P. A. O. K. N. V. and also that the Nambidy's claims to any part of the disputed tract ought not to be gone into now, I would remark that the tract south of P. A. O. K. N. V. being entirely

* The area claimed is described by Mr. MacGregor in para. 4 of his letter. He says: "the Nambidy "besides other land, all the tract of land bounded on the "North by the line from Vengoli to Polalencooty on the "East by the line from Vengoli to Shakkalacoond on the "South by the Palakkadava river and on the West by "Nellampoya."

The sketch (copy herewith sent) affixed by him to the letter shows that the tract specified is P. A. M. B. V. Palakkadava and Parambikulam rivers being the boundary. It also shows that "by other land" Mr. MacGregor meant all the land bounded on the north by the Parambikulam river on the west by the Vengoli line, on the south by Sholayar, on the east by the Anaimalai, Choreykull and Shakkalacoond.

This is the whole of the tract now in dispute, except what lies to the north of the line P. A. O. in addition to what Mr. Stuart describes as being in the possession of Cochin.

separated by it from Malabar is also presumably not a part of Malabar, and that only the dispute about the tract in the north remains to be decided on the evidence.

26. However I shall deal with the evidence in this case as regards the whole of the disputed tract both as regards Malabar and as regards the Nambidy. Malabar does not appear to have advanced any claim whatever to any portion of the tract now in dispute until about 1874. If she had preferred any claim it would have been brought to the notice of Cochin, through the British Resident. The absence of such notice proves this fact. That Malabar laid no such claim till 1853 is further shown by paras. 2, 3 and 4 of extract from Minutes of Consultation, No. 104, dated 4th March 1858, in which the Governor in Council says: "The places in "which the Cochin frontier is disputed will "thus be reduced to two, one on the Malabar "and one on the Coimbatore border. That "on the side of Malabar relates to a small "strip of land near Warrenkenchery, &c." Considering that the dispute on the Coimbatore border thereafter specified was the very one referred to in Mr. Horsley's arbitration by this very minute and decided in favor of Cochin in 1854, this is very strong evidence against Malabar. Mr. Knox, having issued warrants in 1855, against the Cochin subjects, said to have *trespassed on Peramillkulam and* Koothuperampa can prove nothing; because unless the Magistrate happens to know that the alleged place of offence is not within his jurisdiction, he will issue the warrant as a matter of course.

27. The facts that Malabar put in [illegible] claim to the now disputed tract before the Commissioners appointed to decide the Cochin Malabar and Coimbatore boundary in 1815; that she said nothing when Ward and Connor's map was being prepared in 1823 though she had due notice given to her; that she remained silent even after the map was published according to the Act of Parliament in August 1840; that Coimbatore and North Malabar was claiming to be in possession till the decision of 1854; that it was Mr. Douglas a Coimbatore officer and not any officer of Malabar, that in 1873 or 1874 objected to the removal of teak logs cut by the

26. The Dewan makes the astounding statement that Malabar does not appear to have advanced any claim to the portions in dispute until about 1874. But the cases referred to in para 7 of the report of Mr. Dance show the assertion of our claim and our exercise of ownership long before; especially the lease to Government in 1849 and the lease to Mr. Gardiner in 1841. In 1853, there is the Proceedings of the Board of Revenue, to assert our claims through the Collector of Malabar. In 1855, on our complaint, warrants were issued against Cochin, subject for trespass upon the disputed tract and though the Dewan says it proves nothing, it shows we asserted our claims and those who, on behalf of Cochin, tried to enter into possession fled from a Magisterial investigation into the consequences of this act. So early as 1806, the whole of the disputed tract was in the possession and under the management of the Government Conservator of Forests. In the joint report of Messrs. Robinson and Walhouse, dated 28th May 1850, they state "under the orders of the Court of Directors, dated 7th January 1806, the conservancy of all Malabar Teak forests was undertaken and among others that of the teak forests in the Agamalais, the property of the Nambidy of Collengode were assumed and unlike most others it appears these were directly managed by the Conservator and his establishments. The surveys and inquiries then instituted and the account of resources and of these teak forests prepared at that time by the Conservator's Department, shew that the Conservators had the Grandhavari boundary roll of the Nambidy of Collengode in its present integrity before them; that they assumed the boundaries as therein indicated as correct and accepted this as the foundation of their surveys and operations. The entire tract in controversy is included within their detailed descriptives of Forests containing teak and appears from 1806 to 1823 to have been administered by the Bombay conservancy."

28. The letter of the Collector of Malabar, dated 22nd September 1819, to Mr. Connor will explain how it was that Ward and Connor excluded the disputed tract. In fact as the Collector says all "disputes to be reserved for future decision" and while the Collector referred Mr. Connor to Naujappayyan, the Cochin Dewan for all information, no notice was given of the Survey to the Nambidy or to any of the adjoining Proprietors of the forests in those parts. That Ward and Connor's map is useless for the decision of the point in dispute will appear conclusively from their statement that that survey "was entirely a military and geographical



Cochin Forest Department many years previously and detained the timber; that it was Mr. Douglas again, that, after the Coimbatore claims to the tract had been disallowed, brought the elephant shooting case to the notice of the Collector of Malabar through the Collector of Coimbatore; that the Collector of Malabar and Mr. Dance have not been able to refer to a single instance (except the one already explained by me) in which Malabar claimed any part of the tract in dispute; all these show that Malabar has no rightful claim to the land. The Collector of Malabar is even now unable to point out the boundaries of the tract he claims; if otherwise, he would not have allowed the Nambidy to first include and then exclude the Cochin coffee estates in and from the Malabar claims.

23. I shall now refer to the occasions on which the Nambidy claimed the lands. In his Grandkavari and in some of the leases executed by him, he seems to have so stated the boundaries of his lands as to include some indefinite part of the disputed tract. Of this, I shall speak later on. But besides this, he does not appear to have laid any claim to the lands except by complaining of *the Cochin trespasses*. Mr. Dance does not give a list of such claims in his report, but in the copy furnished to me of his sketch map, I find some places marked as having been trespassed upon by Cochin in 1840, 1841, 1846, 1854, 1858, 1870, 1873, and 1880 of all these places, only three, namely, Kuttoperampu and Parambikulam said to have been trespassed upon in 1854 and 1858 and Kamankulam alleged to have been trespassed upon in 1873 or within the disputed tract; so that all the other complaints do not show anything in favor of the Nambidy. As regards the complaints of 1854 and 1858, there can be no evidence against Cohin, because no notice of these complaints was given to this Cirkar. Moreover, these complaints were admittedly made only after the decision of the Government in 1854. If the Nambidy had any *bonâ fide* claims, why should he not advance them before the Commissrotiers in 1815? Why did he say nothing about them when Ward and Connor were preparing their map in 1823? Why did he remain quiet when the Coimbatore authorities were disputing the tract with Cochin. His quiescence till this decision and then from 1859 to 1872 is inexplicable.

29. Mr. Dance speaks of Cochin having only spasmodically felled trees in the disputed tract and of the Nambidy having [illegible]

[illegible] Mr. Douglas' letter of the 20th July [illegible] Head Assistant Magistrate of [illegible] Proceedings of the Madras [illegible] ment, dated 20th September 1877.

one; the definition of boundaries and investigation of disputes regarding them not belonging in any way to their duties." (Collectors letter to the President, 8th April 1841).

In passing, the Nambidy would point out that Mr. Dance and Mr. Kindersley state this as the Nambidy's claim while as a matter of fact it is the admission of Lieutenant Connor himself. We also beg to refer to Mr. Dance's report para 17 whence it will appear that the Cochin Government themselves impugned the correctness of the map and often successfully. In 1815 the tract was in the possession of the Government Conservator, no dispute existed then. It was only in $\frac{1044}{1845-46}$ *i. e.*, the year in which the Trigonometrical map was published, the Cochin Sircar has for the first time felled timber in the disputed tract. Even this felling was objected to by the Nambidy.

28. The Dewan admits that some of the claims refer to the tract in dispute, but he gets over it by saying those claims from no evidence against the Cochin Sircar as no notice was given to them of these complaints. But warrants were issued for the arrest of Cochin servants and they fled from the inquiry. Further, it is remarkable that the Cochin Government should plead want of notice in such cases while in the incidents alleged against the Nambidy, they are not able to assert that any notice was given to the Nambidy. Complaints in 1840, 1841, 1846 1870, 1873, 1880, show that the Nambidy insisted on preserving the boundaries in the Grandhavari unmolested and that the Cochin was aware of the claims of the Nambidy.

29. Some [illegible] of these accounts appear to have been [illegible] before the Commissioner Mr. Dance as to the felling and [illegible] when we complained and warrants were issued, the Cochin servants ran away from inquiry as already stated. On other occasions it does not appear that the [illegible]

complained of such acts as the part of Cochin whenever he came to know of it. I have just shown that the Nambidy complained only in 1854, 1858 and 1861. But as shown by the accounts, Exhibit A Cochin fell trees in the forest in many other years also namely, in 1838, 1841, 1842, 1844, 1845, 1846, 1847, 1849, 1851, 1852, 1853, 1856 and 1874. The lessees of Cochin did the same thing in 1859, 1861 and 1862. Mr. Dance's remarks are omitted all the years between 1829 and 1855, because he looked only to the years in which trees were cut from Perambikulam or Kuttuparamba. But Manhaconty* from which Cochin fell trees in 1839, 1844, 1846, 1847, 1852, and 1853, Pillaycaul from which she fell trees in 1845, Palalatkannu or Polaleanmudy from which she fell trees in 1851 are places within the disputed tract and are marked on the printed map. She also fell trees from Attuvacherikunnu in 1841, 1842, 1845, 1846, 1847, 1852 and 1853; from Palpidichapara in 1849 and 1852; from Thellikel in 1851 and 1852, &c. These places are given by the Cochin Commissioner in his sketch map as within the disputed tract, and though they are not marked in the Survey map, I believe there will be no question about their whereabouts, as regards Thellikel. I may also observe that it must presumably be near the Thellikel river which is identified by Mr. Douglas in his letter of the 1st November 1871, with the Nellianpolay or Nalliampathy river. I might mention here that the accounts show that trees were felled more than once from the same places in the same year; that logs were removed by Cochin in other years also and that account Exhibit **D** shows that Cochin removed other forest produce in several years.

That it is not at rare intervals that the Cirkar exercised acts of ownership over the disputed tract, and it is a mistake to say that the Nambidy complained whenever she did so.

30. The fact that the trespasses complained of were mostly on places being close to the boundary as claimed by Cochin and that if the Nambidy's claims were true, Cochin could not have obtained access to the rest of the places except through a large tract of British territory, also goes to prove the truth of the Cochin claim.

31. The Resident's letter cited in the footnote to para. 7 show that in 1849 Cochin was in possession of the Southern side of the range at Pillaycaul and Mr. Stuart's letter of 1882 cited in para. 23 shows that Cochin was then in possession of all the disputed tract except what lies to the north of the line P. N. O.

* I understand that the term Manhaconty is applied to a tract which lies on both sides of Ward and Conner's line.

31. As to the President's letter referred to it was, we believe, not before the Commissioners and there is only an extract given so that it is impossible to say what its value is or to what tract it applies. The letter of Mr. Dunsterville, the Collector of Coimbatore is of little value, as he is bound to consider the tract in dispute to be the property of Cochin (by the decision of 1854) and further that opinion was not expressed after any investigation.



32. Cochin having thus proved her possession she entitled to retain it especially in the absence of any reliable evidence of title in any other. The leases given by the Nambidy as they are unsupported by any evidence of consequent possession, are of no greater force as evidence than the Grandhavari; and the Revenue Board admit that the mere entry of the boundaries in the leases proves nothing. But as Mr. Dance has written at some length on this matter, I think it will to briefly reply to his arguments. The two leases he considers important are those to Mr. Gardiner and to Mr. Robinson. He argues that as the former gentleman had been Sub-Conservator of Forests under the Government, and as such had worked the Collengode Forests which were included in the conservancy of 1806 to 1823, he would not have taken a lease from the Nambidy of Cochin territory. But this argument loses its force when it is considered that the lease included a sufficient extent of the Nambidy's forests to answer all the requirements of Mr. Gardiner; that the tract belonging to Cochin is not separately spoken of in the lease, and that Mr. Gardiner fell trees under the lease which were claimed and attached by the Coimbatore authorities. If Mr. Gardiner could fell trees belonging to Coimbatore notwithstanding all his special knowledge about the forest, there is no improbability in his taking a lease which included tracts belonging to Cochin. As regards the Nambidy's giving the Grandhavari boundaries in his plaint against Mr. Gardiner that is only a matter of course as the suit was based on the lease which again was based on the Grandhavari.

34. As regards the lease to Mr. Robinson and the accounts prepared by the Temalpuram Tahsildar, I would say the former was based on the Grandhavari and the latter must have taken the boundaries in the lease as correct. So also the fact of the Nambidy giving the same boundaries in the surety bond carries little weight, because there is nothing to show that any proper enquiries were made by anybody before the bond was accepted.

32. That the lease was not followed up by possession is impossible to assert in the face of the fact that the leases of Mr. Gardiner and others were such by a Civil Court on the footing of the lease and no question then arose that they did not then get possession of all the lands in the lease and it is admitted the lease includes tract in dispute. Mr. Gardiner felled trees in the Nambidy's forest as debited in the Grandhavari; but as Coimbatore claimed a portion of the forest, the felling was objected to by the Coimbatore authorities; but Cochin never objected to Mr. Gardiner's felling.

34. It will be observed that no reason is assigned for Mr. Robinson's taking the lease. He was an officer who was making enquiries as to the tract between 1845 & 1850.

The lease with the Government in 1843 was not executed accidentally, but only after a protracted negotiation since 1839. The Board of Revenue authorised the Collector to enter into contract with the forest owners for the benefit of the Government (*vide* their Proceedings dated 3rd December 1840). It is only subsequent to this date the above lease was executed. About the year 1840, the Bombay Government have also been negotiating with the Nambidy for a lease of the Akamalai forest for a period of 30 years. One Williams, the agent of the Bombay Government, inspected this forest in 1839, which was then in the possession of Nambidy and the lessees under him. In his letter to the Resident of Travancore and Cochin, dated 9th November 1839, he asks the Resident's permission to float the timber of his forest down the Alwaye river and thence to Cochin ports; and states that the Akamalai forest touches the Travancore Territory in the south. This shows that the Ward and Conner's line

was not accepted by the Madras Government as bona fide and also by the Nambidy at any time. Further Nambidy's possession was not in any way dependent upon Ward and Conner's line. The negotiations that commenced about the year 1843 resulted as above stated in the lease of 1844, and subsequently in a Karar for 16 years of a portion of the Akamalai forest in 1850. When the latter Karar was entered into, the Government communicated with each lessee about the nature of his rights and ascertained how far the leases prior to 1850 would affect the proposed contract. Therefore the Nambidy began to state that in pursuance of the title under the Grandhavari, he has been exercising openly acts of ownership over each and every portion of the Akamalai forest within the Grandhavari boundaries, consequently beyond Ward and Conner's line also. In the absence of a statement from the Cochin Circar as to the origin of their title to the tract, it is enough to point out that the title and possession of the Nambidy as above disclosed, should be accepted as correct. To base one's title to a valuable forest upon a map which will hereafter be shown is not authoritative is to say the least of it very dangerous." And with reference to this, the Nambidy would point out that the Cochin Government also can only refer to leases but cannot refer to any other act to show that possession followed their own leases and considering that there are old leases not impeached till this date, that the lessees are now dead, that the Nambidy never worked the forest himself it is hardly possible that they would not have been followed up by possession. Security bond was accepted by the Government only after investigation was made by the Revenue authorities.

With reference to these *accounts*, it has to be pointed out that they would not have been accepted as reliable in a Court of Law though their genuineness was questioned at the earliest opportunity before the Commissioners, and they have been, apparently accepted without any proof.

35. Then as to the comparative credibility of the Nambidy's Grandhavari and Ward and Connor's map, I cannot say whether the Grandhavari as now produced is throughout the same as was in the possession of the conservancy officers from 1806 to 1823. Assuming it to be so, it has got the merit of greater antiquity, but then it is a document prepared by the Nambidy or his people without the knowledge of the Cochin or the British Government and though it was in the possession of the British officers for many years (1806 to 1823) they do not appear to have verified its statements at any time during this period. The survey map on the other hand was prepared by competent men by order of the British

35. The insinuation of the Dewan that the Grandhavari now produced is not the same as was produced before in 1806 and 1823 is painfully surprising as the Cochin Government is in possession of a copy of the Grandhavari furnished to them by the British officials years before. The British authorities did verify the Grandhavari between 1806 to 1823. Messrs. Robinson and Walhouse say in their report that "the surveys and enquiries then instituted and account of measures, &c., of these Teak forests prepared at that time by the Conservator's Department, show that the Conservator and the Grandhavari Boundary roll of the Nambidy of Collengode in its present integrity before them; that they assumed the



Government and after intimation given to the Malabar and Cochin authorities. If the Grandhavari has been referred to with great respect in Mr. Silver's memorandum of 1842 on a disputed boundary between Malabar and Coimbatore, it cannot nevertheless have been thought worthy to be acted upon; for, the Collector of Malabar must have known from the Grandhavari that the tract in dispute in the years 1849 to 1854, was within his jurisdiction and the Collector of Coimbatore must have known that it was not within his jurisdiction so that the former and not the latter would then have been the person to contest the claims of Cochin to that tract in those years. If Messrs. Robinson and Walhouse accepted the Grandhavari as correct in 1850, as between the Nambidy and Coimbatore, Ward and Conner's map has been accepted as correct as between the British Government and Travancore and the Nambidy and as between the Nambidy and Cochin. The Revenue Board, in their Proceedings, dated the 25th January 1853, No. 39, say, "the general accuracy of this map has been "established and determined to in the boundary "disputes with the Collengode Nambidy as "between Tinnevelly and Travancore." Mr. MacGregor, Collector of Malabar, in his letter to the British Resident, dated 23rd June 1873, says, with reference to the line between Vengoli and Kattaparathode—"I "consider that no good cause has been shown "by the Collengode Nambidy for departing "from the line shown in the survey map."

36. Mr. Galton, the Acting Collector of Malabar, in his letter to the Board of Revenue, dated the 7th November 1883, No. 4529, says "Ward and Connor's line has been taken as "the basis of settlement in determining the "boundary throughout between the British "territory and the States of Cochin and "Travancore."

37. Ward and Connor's line is moreover more in accordance with natural boundaries than the Nambidy's line which, on two sides, not only follows natural boundary, but is even now left uncertain.

38. It is alleged that Cochin herself disputed the correctness of Ward and Connor's map in several instances:—But Mr. Dan[illegible] specified only three, viz., the dispute with Polakolatam, with Kannampara Nair and with Nellikel Eram. The existence of the dispute last referred to is shown by the map itself (see map No 62) and therefore that claim is not inconsistent with the map. The other two disputes had been referred to the Commissioners and they had given an opinion in favor of Cochin, before Ward and Conner's map was prepared; (see Mr. [illegible]'s letter, dated 26th April 1816) so that although the Government order on the Commissioners' report was passed only after the map was prepared, it cannot well be said that Cochin in these cases, either disputed the map. The boundaries as therein indicated as correct, and accepted this as the foundation of their surveys and operations."

38. Even now the Cochin Circar impugns the correctness of Ward and Conor's map whenever it is hostile to their interest. So long ago as 1855, the Sub-Collector of Malabar wrote to the Collector about a boundary dispute in the Palghat Taluq thus. "In the previous seven miles, the Cochin Government had successfully proved the incorrectness of this map—(Ward and Connor's) and vested their claim on Captain Ardagh's map which I have reason to believe now becomes more favorable to us,

following passage from Dewan Shankara Warrier's letter to the British Resident, dated 26th May 1833, will, on the other hand, show the willingness of Cochin to abide by the same.

"The Sircar is not desirous of claiming the "extended boundary being of opinion that it "would be better for to forego it than to "attempt to disturb the boundary defined "in the grand Trignometrical map, which "has for so many years been considered an "authority."

39. There may, no doubt, be cases in which the exact line drawn by Ward and Connor was called in question by Cochin, but I believe there is none where the claim was carried by her several miles beyond the line.

40. I must now say a few words about the Grandhavari in particular. The extract of it given by Mr. Dance, omitting the names of the places that could not be identified runs thus:—"Vengoli, South, south-west Koot-"parampu, south Parampikulam Karani Koyac-"hi, south, south-west, south-west, southwest, "south, south., south-west Velangee Mooka-"vazhi, Ambalapara Mookavazhi thence south "Travancore territory, west, west, west, "west Orukombaupara, north-west, north-"west, north, north, north thence to—, —, —, —, —, —, Kamankulam." This differs from the sketch maps prepared by the Commissioners in the following respects: In the maps Parampikulam is to the S. W. of Koothupa-rampu instead of being south of it, and neither of these places is on the boundary line claimed by the Nambidy. Whereas the Grandhavari takes on westwards from Parampikulam to the Mookamghi, the claiming line in the map leads eastward up to a certain spot (Noycoond) and then westwards to the Mookamazhi; the claim line does not go within six miles of Travancore territory, whereas the Grandhavari leads to it southwards from the Mookhamazhi; finally, the line according to the Grandhavari continues to go northwards and westwards from Orukompampara until it reaches Kamankulam, whereas the maps show that Kamankulam is far to the east of Orukomban. Thus the Grandhavari is inconsistent with the relative position of the places as shown by the map and also with the Nambidy's claim.

41. That the Grandhavari is so vague that it cannot be acted upon will appear from the fact that the Nambidy once claimed all the Cochin Coffee Estates under it which he does not now do, and that he formerly omitted to claim the tract south of the dotted line between Noycoond and Orukompermund which he now claims. It will also appear from the indefiniteness of the lines now claimed between Vengoly and Noycoond and between Orukompara and Mukkacooty.

40. The Dewan asserts that sketch maps were prepared by the Commissioners and that the boundaries given in the Grandhavari do not agree with the Sketch map. It is not accurate to say that sketch maps were prepared by the Commissioners though as a matter of fact, the Nambidy specially requested in the last para. of his written statement that such a map might be prepared. What was really done, an enlarged sketch was taken of the Trigonometrical survey map. When our complaint itself is that the Trigonometrical survey map is wrong, it is no argument that the Grandhavari boundaries do not agree with the maps.

41. This error is explained in Mr. Dance's report para 2. The error arose as the Agent did not understand the map, and as soon as the mistake was pointed out to him he corrected his mistake. The Dewan says "If the Nambidy can identify the places hereafter, why has he not done it yet." Probably the Dewan was not aware when he wrote this, that the Nambidy undertook to point out the places, but that the Commissioners refused to go (para 9 of the statement.)



Mr. Dance says in para. 3, that the Nambidy will point out the intervening places afterwards by the help of his Kaders. It will be a dangerous thing to allow this. If the Nambidy can identify the places hereafter, why has he not done it yet.

42. Mr. Silver seems to have believed in the Grandhavari, because he found stones bearing the Nambidy's marks in the lines inspected by him. As no such stones have been pointed out to the present Commissioners in the lines now claimed by the Nambidy, the reason for Mr. Silver's belief does not apply to the present case. The Grandhavari may have been correct in the specification of the boundaries then inspected and may be, and is wrong as regards the boundaries now in question.

42. When as is admitted in this para. it appears that the Grandhavari is correct in many particulars it is only fair to presume its correctness till the contrary is shewn and as to the stones as the Commissioners refused to go through the boundary line it is premature to assert that no such stones exist. In connection with this, it must be remembered that a copy of the Grandhavari was with the Cochin officials years ago, and that probably if they have disappeared, the Cochin subordinate officials are not wholly innocent in the matter.

43. I have thus shown:—

(1) That the Nambidy's claims should not have been made a matter for consideration by the Commissioners;

(2) that Ward and Connor's map has been and ought to be held more reliable than the Grandhavari;

(3) that the award of 1854 is and has been admitted to be conclusive as against the British Government, so far as the tract P. A. O. K. N. V. is concerned;

(4) that Malabar can have no claim to the tract south of it;

(5) that Cochin is in possession of the whole of the disputed tract and has been admitted by the Collector of Coimbatore in his letter to the Board, to be in possession of all but the tract P. A. O. C. D.

44. I shall now conclude this letter with the remark that I understand from the Cochin Commissioner that the area of the whole tract in dispute is about 62 square miles, and not merely 15, as surmised by the Board of Revenue. Cochin can scarcely afford to lose such an extent of her territory though it may seem but a small matter in the opinion of the British Government.

I have the honor to be,

Sir,

Your most obedient Servant,

(Sd.) P. GOVINDA MENON,

*Dewan.*

(True Copy)

G. A. GALTON,

*Secretary to the Board.*

The Valia Nambidi of Kollengode begs to state in reference to the Proceedings of the Commissioners dated 7th August 1887 as follows:—

The tract now in dispute is a large one, lying to the South-West of Vengoli Peak and extends up to Elanthalachi Pozha in the South. This large tract of Jungle land is a part of the Akamala forest of the Nambidi and has been from time immemorial in the continual enjoyment of his family as a portion of the said Akamala forest. This tract of the forest which is claimed by Cochin and another tract of forest which touches the limits of the Coimbatore District have formed the subject of investigation of the Government Officers European and Native both of this District and of the adjacent District of Coimbatore. In the said investigations warm simpathy and earnestness were evinced by some of them to arrive at a correct conclusion; and the usual formalities of Judicial Proceedings were thoroughly observed in sifting the evidence of the rival claimants.

2. In all such investigations, the Officers concerned have expressed favourable opinion supporting the title of the Nambidi to this tract. The Nambidi has, from time immemorial and since the assumption of the Government of this country by the East India Company, about the close of the last century, been in the continual enjoyment of this tract as a part of the British territory and has always come forward to vindicate his rights and support his title whenever encroachments were made by the Cochin Officers. The Nambidi had to contend on one side all along against the ruling sovereign of Cochin who himself has come forward to claim this as part of his territory (no subject of the Cochin territory ever claimed this tract as his private property) whenever encroachments were made by his Officers, and, on other hand, against the Officers of the British Government some of whom hesitated to institute Proceedings against the Officers of the Cochin state who made unlawful encroachments upon this tract and some were unwilling to undertake the arduous task of the deciding the claim; the Nambidi had also to prove before the Officers of the British Government his title and his possession while the Cochin Circar had the easy task of asserting its title. The Nambidi regrets to find that the Commissioners did not deem it necessary on this occasion to call for a statement from the Cochin Circar like the one which he is called upon to submit. The constant change sin Chief Revenue Officers of this Division, have, on many occasions, tended to encourage the petty Officers of the Cochin Circar, to renew their encroachments upon this tract. Notwithstanding all these disadvantages he (Nambidi) has succeeded in establishing his rights before the authorities that made investigations in the matter.

3. The Commissioners [illegible] the Nambidi by their Proceedings dated 7th August 1887.

1. To show the evidence upon which he relies in support of his claims;

2. And to state whether he has ever exercised any of the rights of ownership over any portion of the extent now claimed by him beyond Ward and Conner's line since its demarcation by those officers and if so where and when;

3. Why Ward and Conner's line was allowed to be demarcated unchallenged by the Nambidi who, we presume, was given an opportunity of establishing his claims at the time;

4. And why the Nambidi never made any attempt to establish his claims when the line was again demarcated by Messrs. Douglas and Steevenson in 1871. Mr. Douglas in his letter dated 1st November 1871 No. 282 para 17 states that the Nambidi's representative was not present at the demarcation (although he had ample warning).

4. The Akamala forest of the Nambidi extends over a large area having as its boundaries, hills, mountains, rivers, &c., which form *natural boundary* marks on all sides. It is bounded on the East by Kooch mallah, Pandaravara mallah, Kongarala Parah, Theona, Kadavu, Kavalam Kunnu, Vengoli mallah, Parumba kulam, Elanthalachi Pozha; on the South by Mookkuvazhi, Oadurkuzhal Pozha, Orukumban Para, Mavala Para, Erakarkuttu Pazha; On the West by Kariyila Thodu, Mudala Kuzhi Chotta Para Thodu, Charam Thodu, Kannan Kulam, Nelli Puzha, Karun Puzha, Elamara Kavu, Elampulavu, Alli mallah; On the North by the Southern side of the Pura mallah. These are the main boundaries on the four sides. The detailed boundary showing the various spots or points which form the line of boundaries on all sides together with the Geographical situation of such points is given below,

## GRANDAVARI BOUNDARY.

East:—The Eastern portion of Pandaravara mallah and the Western portion of Annamala this side towards the South of it Perumkaruan kulam, the Eastern portion and the paramba on the Western side of Annamala and from thence this side South Kongaaalla para, Panapallom Chola, Noramba Kezhatti mala from East of Thanakadavu to the West of Anamalai up to Kavalan Kunnu, the Perupambau hill on the Southern side of it, the South Vengazhi mala, Southern Vayara Thodu para thence South-West Koothu paramba Paramba kulam, Kuravi-kizh-Chal Pozha; thence South Pampala para, South-West Kally para, South-West Thoova Aroo (river), thence South-West Pathikkal para; thence South Chunkam-Vecheha Thatti (Toll post); thence South Elanthalachi Pozha, South-West Velango Mookku Vazhi, Ambalapara Mookkod Vazhi; thence South the Travancore country; From Ambalapara Mookku Road towards the West Panjichal para, Odom Kozhal Pozha, West Koogpel Chavel para, thence West Madom Poorah para, West Orookumban para; thence North-West Mavala para, thence North-West Erakur Koottu Puzha, thence North Kariyala Thodu, Muthula Kuzhi Chottapara Thodu; thence North Chalam Gurungar medu; thence North Manjjah kunnu, Kannan Aluva Thodu, thence North Vagapallom Thodu, Charam Thodu, Kalpadee Azhi Thodu, Karumban Kandom Vayal, North, Shanmiayasi Kananye, Vayanvali Kulam, Kanan Kolam Moothayangira puzha, Nelli puzha, West Cochin, Karran puzha on the North of Nelli Puzha Thonikayom, North Telli-Kavu's malah, Valvecha Thanda, Pulayan Kodumbi mala, Poolayam para, Peroom Perugah para, North Thandu Vazhi, Koondoor, Elamarakavu, Vatti mala, Valia mala, North Elambelavoo, Alli mala,

These boundaries are clearly shown in the Proceedings of the Government dated 19th July 1872 and 18th November 1872.

5. Particulars of stones placed along the boundary line are also given in the Grandavari.

6. Spots on the boundary line where the stones are laid are:—

Thoonkadavu ferry on the eastern boundary, Paramba Kulathil Paramba, Pazhala Para, Elanthalachi Pozha, Mookkoo-vazi Para, Madampura Para, Orookumbanvazi Para, Erakkarkoottoo Puzha, Chotta Para, Pulayan Para, Elamarakavil, Elampulavoo and Muranga Malakkal.

7. Mr. Silver, Head Assistant Collector of Malabar, when he examined the boundaries of the Akamala forest, had actually dug and found stones in some of the places and the stones bore the inscription "Veera Revi Sri" which is the mark of the Nambidi of Kollengode (Vide Mr. Silver's report dated 4th. October 1842)

The tract in the present controversy lies within the said boundaries.

8. The most ancient record on which the Nambidi bases his title, is the Grandavari Book or Boundary Roll. All the chieftains of Malabar as well as the big Jenmies have, from time immemorial, been preserving a Grandavari showing the detailed boundaries of their dominions or estates and various other particulars concerning them. This Grandavari discloses the above mentioned boundaries of which an extract is submitted herewith as appendix A. This document has been tested and found to be a reliable one by former Commissioners who had to deal with the boundary question between Malabar, Coimbatore and Cochin. Messers Robinson and Walhouse, Commissioners who investigated the dispute between Nambidi and Coimbatore ryots state in their joint report dated 28th. May 1850 in para 5, "The document of the oldest date which we have had before us, is that on which the Nambidi of Kollengode grounds his title to the tract in question viz:—the ancient family Grandavari a bulky and minute boundary Roll and general description of all the properties of that Petty Rajah's family * * * * * we can find no ground on which to doubt the antiquity or authenticity or to invalidate the authority of the important title deed to which great weight would, we believe, be attached in any legal investigation. The interna evidence it contains, of accuracy and care in preperation has been tested." This document was a basis of their decision in 1850 and it will be shown hereafter that it was acted upon by Government Officers both prior to, and subsequent to that date. The Board of Revenue called upon the Collector of Malabar to report specially upon the authenticity and genuiness of this Grandavari when Mr. Robinson has again in his letter dated 2nd. August 1850 to the Collector of Malabar, reported in extenso the various grounds upon which he formed his opinion about this document and the tests which he made before he satisfied himself as to the trustworthiness of this document. The Nambidi was also on this occasion required to state the several previous occasions in which he made use of this document and if any Officer of the British Government ever acted upon it.

9. The Nambidi's reply dated 12th Kackidagom 1025 (5th August 1850) alludes to the decision of the Government Officers upon the boundary dispute of this very tract in the year 1840 and the decision made then in his favour (Vide his letter on the record). The Government accepted the report of Messrs. Robinson and Walhouse and the boundary line between Coimbatore and Malabar was marked in 1850 in accordance with the Grandhavari. In their Proceedings of the 19th July 1872 the Government observed "as it appears that the Commissioner in 1850 relied on Nambidi's Grandhavari and that this document can be identified beyond dispute, the Government approve of the boundary line being fixed down in accordance with it". The boundaries of the tract now in dispute can now be identified, a map be prepared according to the Grandhavari and if Commissioners go over the boundary line.

The boundaries in the Grandhavari are clearly shown in the several leases of the forest granted during the span of the several years by the Nambidi to the several individual

as well as to the Madras Government. All these leases were acted upon and the lessees have paid the stipulated signorage to the Nambidi due upon the logs they felled in the Akamala forest within the above-mentioned boundaries.

10. The Court of Directors resolved to undertake the conservancy of Malabar teak forest and in pursuance of their resolution the British Government was in management of all the teak forests in Malabar from the year 1806 to 1823. During that time the Akamala forest of the Nambidi of course including the disputed tract was in the actual management of the conservator of forests. During the management of the conservator he has prepared a list of the numerous parambas that constitute the Akamalah teak forest shewing the number of teak trees standing on each paramba, the Geographical position of each the distance from each other and other particulars shewing the resources of each paramba which list is now in the Government record.

11. The Nambidi further understands that Captain Watson Conservator made a survey of the forests in Tenelpuram and in Palghat in 1807 and prepared a correct plan of the Akamala forest including the disputed tract and submitted it to the Government of Bombay by whom it was sent back to the Collector of Malabar (Vide letter by Collector of Malabar to the Collector of Coimbatore dated 23rd October 1812). This list and the plan would unmistakably shew that the Grandhavari boundaries were accepted and acted upon by the Conservator and the disputed tract was also managed as part of the forest belonging to the British Government.

12. In his report dated 25th. July 1807 to the Government of Bombay he has given the actual number of trees that then stood in this forest and has marked them in his plan.

13. Reference to this plan and the list was frequently made by all the Government Officers that were deputed to make local investigation, concerning the dispute of this tract. In the joint report submitted by Messrs. Robinson and Wathouse above alluded to in para 9 they state "under the orders of the Court of Directors dated 7th January 1806 the conservancy of all Malabar teak forests was undertaken and among others that of teak forests in Akamala, the property of the Nambidi of Kollengode was assumed and unlike most others it appears these were directly managed by the Conservator and his Establishments. The Surveys and enquiries then instituted and the account of resources &c., of these teak forests prepared at that time by the Conservator's Department show that Conservators had the Grandhavari Bombay Roll of the Nambidi of Kollengode in its present integrity before them". The Government Conservancy lasted from 1806 to 1823 in which year it was abolished and withdrawn. This Akamala forest is a very large tract, the numerous blocks or parambas (as they are called in the said list) are each known by a separate name and the word Akamala is only a generic name. The list shews that the blocks or parambas which lie in the disputed tract were managed by the Conservator as part and parcel of the Akamala Estate and as a part of the British Territory. If this tract forms a portion of Malabar then Nambidi believes that the claims of Cochin are unfounded.

14. When the Coimbatore ryots have transgressed upon the eastern boundary of the Akamala forest of the Nambidi, the Revenue authorities of Malabar and Coimbatore have for a space of seven years carried on a volume of correspondence which resulted in the appointment of Commissioners to settle the dispute on investigation in the year 1840. The Commissioners have given decision favourable to the Nambidi. As the dispute with the Coimbatore ryots was concerning the places lying to the north of Vengoli Peak, the decision of the said Commissioners was silent on the question of their tract. Nevertheless evidence was adduced before them (both oral and documentary) to show the correct eastern boundary of the Akamala forest as a whole which evidence was found reliable by the said Commissioners. So that it is now evident that the eastern boundary up to Vengoli of the Grandhavari was found on investigation to be correct and it is now respectfully submitted that the remaining portion of the eastern boundary of the Grandhavari may be accepted on the strength of the authenticity of the Grandhavari and evidence which the Nambidi then offered and which he now offers. Prior to 1850 in which year as stated above the Akamala forest including the tract in controversy was leased to the Government of Madras the Nambidi gave security to the Government for the year $\frac{1017}{1841-42}$ for a large sum of 50,000 Rupees for the good conduct of one Treasurer named Shshuiyar who was then employed in the Collector's Office at Calicut in the list of properties tendered to the Government as security, the Akamala forest including the tract in dispute is included and the Grandhavary boundaries are mentioned; it is described as a tract about 28 Indian Miles in length and 18 in breadth. The Tahsildar and other Revenue Officers of the Taluq have submitted a report to the Collector on the 25th. Menom 1017 that the properties shewn in the list may be accepted as sufficient security for half a lac of Rupees. The 5th. April 1842 Government has accepted the security. Again when a part of the Akamala forest was leased to the Government for 16 years in the year 1850 a darkast was taken from the Nambidi in the year 1850 (dated 28th. July of that year) which adopts the boundaries as shewn in the Grandavari. It is respectfully submitted that the British Government was not only in actual management of this tract from 1806 to 1823 as shewn above but also was a lessee for some years and was fully acquainted with the boundaries of the Akamala forest as shown in the Grandavari. The Nambidi, therefore, begs to call upon the Government to come forward and to give evidence to support his title and possession. The Nambidi further begs to point out the injustice that may be done to him if the Government were to give up a valuable property of a subject of their own in favour of a rival sovereign when they are themselves the best witness to the title and possession of that subject.

15. Sometime after the abolition of the Government Conservancy in 1823, the Cochin Officers persisted in making encroachments upon the neighbouring forests and harassing the forest owners of Tenelpuram; they were felling timber clandestinely at first and subsequently began to assert their title to the forests. This led to the various disputes between the Cochin Circar and the Jennies of this Taluq. In the letter addressed by the Collector of Malabar Mr. Sheffield to the Board of Revenue dated 7th July 1831 para 6 he states "with reference to the Southern and South-Eastern sides of the Tenelpuram Taluq the Cochin authorities have for a long time past been carrying on the most barefaced encroachments." This Collector was himself an eye witness to the clandestine felling of timber by the Cochin authorities and urged upon the Board the necessity of appointing two Commissioners to mark the boundary between Cochin and Malabar.

16. In the year 1840 the Cochin authorities made a "most barefaced encroachment" upon the South-Western places of the Nambidi's Akamala forests. Upon a complaint lodged by the Nambidi to the Head Assistant Magistrate, enquiries were instituted and magisterial and Revenue Officers were deputed to make local investigation. The Officers examined the boundaries in reference to the Grandhavari and took evidence as to possession. The Head Assistant Collector Mr. Silver issued then an order to the Taluq dated 12th September 1841 No. 72 to apprehend the trespassers. When encroachments were again noticed in 1842 Mr. Silver himself went to the spot, examined the Grandhavari boundaries, the plan and the list of the Conservator of forests above alluded to were sent for from the Collector's Office and passed a decision confirming the order No. 72 dated 12th September 1841. Vide his report dated 22nd September 1842.

17. Again in $\frac{1021}{1845-46}$ the Cochin people trespassed upon the Nambidi's Akamala

forest upon a portion of the tract in the present controversy and Nambidi's claim was set in the Head Assistant Magistrate's Office on the 1st. Dhanu 1021. An Officer was sent to go to the locality then trespassed upon and to make investigations at the spot. The report dated 22nd Dhanu 1021 states that Cochin people clandestinely felled teak trees in the Nambidi's forests now in dispute and that they receded when they heard that a British Officer was coming to the place. On this occasion also the Grandhavari boundary was accepted on investigation and the trespassers were driven out beyond the boundaries shewn in the Grandhavari. These papers relating to the decisions in 1840, 1841 and 1846 were placed before Messrs. Robinson and Walhouse who in their joint report above alluded to para 19 state "the precautions and advances of the Cochin Hill people and authorities into the tract in controversy in 1840 and 1841 and again in 1846 appear to have been watched and were repelled by the Nambidi Kollengode and the Officer's European and Native of Malabar, on careful enquiry and on the ground that the tract in question was the property of Nambadi of Kollengode by Grandhavari."

18. After the abolition of the Government Conservancy one Henry Gardner who was a Sub-Conservator during the Government Conservator's management settled at Palghat as a private merchant. He obtained a lease from the Nambidi to foll a large number of logs in the Akamala forest within the boundaries shewn in the Grandhavari, he was felling timber from 1916—1920. 1841—1845. The Nambidi instituted a Civil Suit O. S. 176 of 1844 on the file of the Subordinate Judge at Calicut against the said Henry Gardner for an injunction order to prohibit him from felling larger number of logs than he contracted for and also to recover damages for the logs so felled. The said Court sent its own Officer to count the number of logs felled by Henry Gardener and to estimate the value thereof. The Court Officer who was an Amien submitted an account together with his report shewing the names of the several parambas teak trees on which Henry Gardener felled. The lease granted to Henry Gardener and filed in the said suit and also the account prepared by the Court Officer which was a basis of the decree passed by that Court clearly shew that this tract within the Grandhavari boundary was in the actual possession of the Nambidi's lessee, Henry Gardener. These papers were also laid by the Nambidi in 1850 before Messrs. Robinson and Walhouse the Commissioners as evidence and they found this evidence reliable (vide their report para 19).

19. The Cochin people trespassed upon Kuttuparaba and Parambakulam (the two important blocks shewn in the conservator's list of 54 Parambas and within Grandavari's boundary) in 1854 and began felling teak trees on the pretext that the Madras Government ceded those Parambas to the Cochin Circle when the boundary dispute between Coimbatore and Cochin was settled. The Cochin authorities mistook the meaning of the Madras Government. All that was then decided was that as regards the dispute between Cochin and Coimbatore, the Government agreed to accept the boundary line shewn in the Trigonometrial map and left the claims of Cochin and of the Kollengode Nambidi to be settled on their merits when the boundary Westward of the Vengoli comes to be settled. (Minutes of consultation dated 2nd. June 1854 and also Proceedings of the Board of Revenue dated 11th April 76.) The Nambidi lodged a complaint against the Trespassers in the Court of District Magistrate, Palghat on the 30th. Kanni 1030. The Madras Government ordered the Nambidi to state his claim to the tract in dispute and to address the Collector on the subject. (Vide their minutes of consultation 2nd. June 1854, and Proceedings of the Board of Revenue dated 7th. September 1854 and also 11th. April 1876.) The Nambidi had in obedience to the said Government orders addressed the Collector on the subject and stated in extenso his claim to this tract assertion his Grandavari boundary (vide his letter to the Collector dated 10th. Kumbam 1030. October 185

The Collector and the Sub-Collector instituted enquiries; deputed magisterial and Revenue



Officer to go to the spot. They ascertained that the trespass complained of was true and that the said tracts Puramba and Parambakulam formed part of Nambidi's Akamala estate and that the forest now in dispute the Cochin Circar had no right. The Sub-Collector therefore issued an order dated 20th. January 1855 No. 10 to arrest the trespassers from Cochin and to bring them before him for trial. He confirmed Mr. Silver's order dated 12th. September 1840 No. 72. A very unfair tactics was afterwards pursued by Cochin Officers; they withdrew from the Nambidi's forest now in dispute whenever a British Police Officer approached to arrest them in obedience to the said order while they were clandestinely felling trees in the place within the Grandavari boundaries. The Joint Magistrate has, with a view to stop future encroachments by the Cochin Officers issued an order to the Nambidi dated 18th. September 1855 No. 212 informing him that 3 persons were specially deputed to stay in the forest on the boundary line to arrest the trespassers and to guard the frontier. Those persons were given written orders to that effect and were at Nambidi's cost, retained for some years.

20. The Officer above alluded to who made local enquiries, submitted their reports to the Joint Magistrate though the Tahsildar of Temmalpuram on the following dates 4th. Dhanu 1030 and August 1855. Their reports were based on.

17th. December 1864

(a.) The evidence of the Kadaers

(b.) The Grandhavari.

(c.) Government Conservater's plan or list of 54 blocks or parambas.

(d.) Mr. Silver's decision.

(e.) Leases granted to several individuals and to the Government.

(f) Captain Watson's plan and also on their own personal testimony to having seen the lessees of the Nambidi felling trees in all the blocks in this forest.

QUESTION 2. 21 The several leases granted by the Nambidi that show all the boundaries of the forest are herewith submitted, a list shewing the names of lessees and the dates of the leases &c., forms the Appendix B.

22. The evidence regarding the possession of the forest would not always be plentiful "in cases of waste or jungle lands when the right to those lands is disputed, it is always impossible to give evidence of acts of ownership or possession over the property because it is uninhabited and uncultivated. In such cases it is often necessary to rely upon slighter evidence of possession and sometimes possession of the adjoining land coupled with the evidence of title and the Courts are justified in presuming that the party who has the title has also the possession." (I. L. R. 3 Cal. 768.

23. "The nature of the proof of possession must depend on the nature of the case. In the case of a house actually occupied or land under cultivation proof of possession is easy. In many cases of lands in capable of cultivation jungle or waste lands all the evidence which can reasonably be given is to show possession taken, or act of ownership done, at sometime which possession will if law continue". (I. L. R. 7. Cal. 230).

24. "Whenever a tract of land with a defined boundary has been through out held by a person as owner and acts of ownership have been done on various portions of the land acts of enjoyment may be accepted as evidence of the possessions of the whole." (10 Mad Madras 305). These principles of Law are applicable to this case.

25. The leases herewith produced show that the Grandhavari boundaries were always asserted and claimed by the Nambidi and the lessees were felling trees within those boundaries. Some of these lessees were evicted by the decrees of Civil Courts. A perusal of these leases will satisfy that the Nambidi was exercising act of ownership over all the portions of the Akamala forest within the boundaries defined in the Grandhavari. Two of these leases deserve special mention. One is a Karar executed by one Toulinson executor of the estate of one Henry Gardener who was as stated above a Sub-Conservator during the Government Conservancy from 1806 to 1823; and the other lease is that executed by the Madras Government in 1849. In both these leases as in all the other leases the whole forest within the Grandhavari boundaries is included. Henry Gardener and the Madras Government could not be said to have simply accepted the boundary as given by Nambidi himself and that they did not exercise their rights as lessees. The lease with the Government in 1849 was not executed accidently but only after a protracted negotiation since 1839. The Board of Revenue authorized the Collector to enter into contract with the forest owners for the benefit of the Government (vide their Proceedings dated 3rd December 1840.) It is only subsequent to this date the above lease was executed. About the year 1840, the Bombay Government have also been negotiating with the Nambidi for a lease of the Akamala forest for a period of 30 years. One Williams the Agent of the Bombay Government inspected this forest in 1839, which was then in the possession of Nambidi and the lessees under him. In his letter to the Resident of Travancore and Cochin dated 9th November 1839 he asks the Resident's permission to float the timber of this forest in the Alwaye river and thence to Cochin ports; and states that the Akamala forest touches the Travancore Territory in the South. This shows that the Ward and Conner's line was not accepted by the Madras Government as lessee and also by the Nambidi at any time. Further Nambidi's possession was not in any way dependent upon Ward and Conner's line. The negotiation that commenced about the year 1840 resulted as above stated in the lease of 1849 and subsequently in a Karar for 16 years of a portion of this Akamala forest in 1850. When the latter Karar was entered into, the Government communicated with each lessee about the nature of his rights and ascertained how far the leases prior to 1850 would affect the proposed contract. Therefore the Nambidi begs to state in answer to this question that in pursuance of the title under the Grandhavari he has been exercising openly acts of ownership over each and every portion of the Akamala forest within the Grandhavari boundaries; consequently beyond Ward and Conner's line also. In the absence of a statement from the Cochin Circar as to the origin of their title to the tract it is enough to point out that the title and possession of the Nambidi as above disclosed should be accepted as correct. To base one's title to a valuable forest upon a map which will hereafter be shewn is not authoritative is to say the least of it very dangerous.

Question 8. 26. With regard to the map of Lieutenants Ward and Conner it is not a document of any authority in this case. The Survey of Lieutenants Ward and Conner as stated by the latter gentleman himself (in his letter dated 20th January 1820) was entirely a Military Geographical one; the definition of boundaries for investigation of disputes regarding them not belonging in any way to their duties (vide Collector's letter to the Resident dated 3rd April 1841). By the letter addressed by Mr. Vaughon the Collector of Palakar to Lieutenant Ward dated 22nd September 1819 in reply to that gentleman's letter asking him to send some of the public servants for his aid in exploring the hills to the South of Kollengode the Lieutenant was referred to Nanjappaiyar the Dewan of Cochin for the particulars required. No notice was given by the Lieutenants Ward and Conner or the Collector Mr. Vaughon. It appears very clearly from the letter above quoted that Mr. Vaughon instructed the Lieutenants Ward and Conner to finish the survey of these hills soon and not attend to any dispute regarding the boundary; and also informed them that disputes might arise regarding the boundaries; but that such disputes should be reserved for future discussions. Consequently Malabar attended upon the Surveyors when the Akamala forest was explored and

The Collector



the Dewan of Cochin under whose instructions the Surveyors were asked to work must have [illegible] include this forest in the present Controversy within the dominions of his Rajah. This was done without the knowledge of the Nambidi and in his absence. That the plan of Lieutenants Ward and Conner was not at any time accepted as authoritative on questions like the present one is manifest from the existance of disputes between Cochin and Malabar Jenmies from the commencement of this century and also from the appointment of Commissioners to settle such disputes on several occasions. The Cochin authorities also did not always accept the correctness of this map but they relied on it only whenever it favored their claims. (Vide letter by Mr. Knox to Mr. Conolly the Collector dated 7th May 1855 and also the proceedings of the present Commissioners in the matter of the Pallikalladath Aschen).

27. Mr. Vaughon specially asked them not to attend to any dispute lest the survey might be protracted and he deserved the discussion of such disputes. Messrs. Robinson, Silver and others did discuss these questions in 1840 to 1850 and in 1855 as above shewn and on all such occasions Nambidi's rights and possession were upheld. The Head Assistant Collector of Malabar Mr. Austin in his investigation into a dispute regarding the Western boundary of this tract at a point called Kattaparathodu found this map of Ward and Conner to follow an arbitary line of boundary and not the natural features. He had ample evidence before him to arrive at this conclusion (vide his report dated 1st December 1873). Mr. Steevenson the Cochin representative who was a party to the said investigation also agreed with Mr. Austin who based his decision mainly upon the Grandhavari of the Nambidi and also upon the lease to the Government dated 11th December 1849.

28. Lieutenant Colonel Cloete of the Revenue Survey demarcated the Eastern boundary of the tract in the present controversy and made local investigation in 1876. He drew the attention of the Government to the great want of correctness in Ward and Conner's map at this line of the boundary and to the discrepancies between the recorded bearings and distances. He proves the incorrectness of the map and states that the country was only roughly sketched in by them (vide Proceedings of the Board of Revenue dated 11th April 1876.) To presume that Nambidi had notice of the operations of Lieutenants Ward and Conner is quite inconsistent with his persistent attempts to repel the invaders from Cochin. During the previous investigation no officer had ever attempted to use this map against the Nambidi which is quite significant of the fact that it was considered as no authority in boundary disputes.

Question 4. 29. Thayitri Valiamma the present manager of the Nambidi's family is now unable to say whether any Kariastan was or was not sent to point out the boundary to Messrs. Douglas and Steevenson. This family had a most incompetent manager who had dissipated most valuable properties. He was removed from the management by a decree of the Civil Court after a protracted and costly litigation which commenced in. (a) If he had not answered the calls of the Government Officers, it was but consistent with his usual mismanagement. He for it is respectfully submitted if Douglas and Steevenson were authorized to do the former functions and to settle the boundary dispute between Cochin Circar and Nambidi, that they did not finally settled the boundary between Nambidi and Cochin is evident from the investigations made by the Head Assistant Collector Mr. H. T. Knox in 1855, 3 or 4 years after the survey of Douglas and Steevenson.

30. The 4th question assumes that when the Surveyors in 1871 laid the Traverse [illegible] [illegible] Vengoli, the claims of the Nambidi to the forest lying to the South of Vengoli (the [illegible] of the present Controversy) were either waived by the Nambidi because he did not [illegible] Agent to the demarcation Officer notwithstanding the repeated warnings given to him or

that the said Officers found the claim of the Nambidi to be unfounded. The joint report of Messrs. Douglas and Steevenson was in 1871.

31. Mr. Douglas in his report to the Collector of Coimbatore dated 8th January 1874 upon a petition of the Kadhars says "that paras 2 and 3 of the kader's petition refer to an immense tract of very valuable forest situated to the South of leased forest and is claimed by Cochin and Nambidi. This is a matter of very great importance and I hear that the Collector of Malabar is making enquiries about it." Again in his letter to the Collector of Coimbatore dated 17th January 1874 says "that Messrs. Robinson and Wilhouse did not profess to deal with this very important tract and sooner the question is raised the better. There is the land; there are the claimants; all that is required is a commission to investigate the whole matter". He has also submitted a sketch map prepared by him for this tract which shews the extent of the tract now claimed. The Board of Revenue by their Proceedings dated 21st September 1874 appointed Messrs. Douglas and Steevenson and Knox to investigate the claims of Cochin and Malabar to this tract; in para 6 they say it appears "that there is a dispute at the Trijunction and that there is a land South-West of Vengoli peak claimed by Malabar and Cochin and by Coimbatore also."

32. The Nambidi therefore begs to submit that the demarcating Officers who laid the Trijunction stone at Vengoli did not settle the disputed claims of this tract and that the Nambidi did not waive his rights because he did not send his Agent.

33. In conclusion it is submitted that the Commissioners will be pleased to take into their favourable consideration the several decisions passed on former occasions, also to examine the kaders living in this forest as well as the lessees and their Agents that felled trees in this forest under Nambidi and to examine the leases and other documents herewith produced before they submit this case to the orders of the Government and also to take a map of the forest according to the contentions of both the parties.

Statement of the claim put in by the Nambidi before the Commissioners

Palghat
5th July 1889.

From
V. Venga Iyer
Pleader on behalf of the
Cochin Nambidi of Kollengode
Palghat Taluq District Malabar

To
C. A. Galton Esquire
Secretary Revenue Deptt Govt
Madras

Respected Sir,

I beg to enclose herewith a printed copy of the Dewan's letter to the Resident with over exceptions on the same del against each paragraph, Care having been taken not to repeat the arguments and facts stated in the reports of the Dewan and in the Proceedings of the Board of Revenue. The Dewan's letter to the Resident being an amplification of the report of the Cochin Commissioners of finality of the statement of the claim put in by the Nambidi before the Commissioners recorded.

I beg to remain
Sir
Your most obedt servt

( 188 . )

REVENUE DEPARTMENT.

No.

*From*

*Dated*

*Received*

*Enclosures*

*No.*

SUBJECT.

( 1882 )

REVENUE DEPARTMENT.

No. 3/24.

ABSTRACT.

From

H. Conyer Esqr

Senior Member of the

Board of Revenue

Salem Circle

Coimbatore Dist.

Received 18th July

Dated 19th July

Received 18th —

Enclosures 12.

No.

SUBJECT.

Land Encroachments

Encroachments reported

by the Revenue Officers

to the Revenue Board

during the month of

June 1882.

For Government Order 23rd March 1878

Read the following letter

from

H. Conyer Esqr

Senior Member of the Board of Revenue

Salem

dated 19th July 1882

Sir,

In returning the Extract from the Proceedings of the Board of Revenue, dated 22nd December 1853 recording the Minute of Council thereon approved, received with the Board's Order, dated 27th February 1854, I have the honor to report that the distance from Somanoor to the Forest of Coundry on dispute between Coimbatore and Cochin by the nearest route is about 24 miles. It will consequently be nearly one day's journey, allowing 20 days in getting there and 5 days in returning to my own division at Pollachy, and allowing ten days more for the time occupied in visiting the boundary and in making the necessary enquiries on the spot the whole journey of any distance from Somanoor by road to the nearest of the rivers.

2. Under these circumstances I observe that the Right Honorable the Governor in Council directs that the performance of the duty assigned to me will not occupy me more than three days, a fortnight and therefore on the return of the Extract Council in question may be drawn for my pay, and that the Collector of my working charge will forward any objection

Encl. in Despatch from Sir Edmund Head

Chief Secretary to the Lieut. Governor of Nova Scotia
with his Despatch No. 23 dated 31st March 1854

Crown Engineers Office
St. John N.B.
Commissioners Office
15th March 1854

(Seal Office)

Sir,

I have the honor to enclose for the information of His Excellency the Lieut. Governor a Report from Captain Bell, Secretary to the Board of Works, on the Boundary Question between New Brunswick and Nova Scotia.

I have the honor to be
Sir
Your most obedient humble Servant
(Signed) [illegible]
Colonial Secretary &c &c

To
Captain J. H. Bell
Secretary to the Board of Works &c &c &c

I have the honor to acknowledge the receipt of your letter of the 24th dated 23rd Instant, I have the honor to submit my opinion on the boundary question between Moncton and Shediac.

2nd I learn from a letter from the President of Trincomalee and Caribou to the Secretary to Government of the 27th dated 31st January 1853, that the Collector of Shediac forwards his claim to the North West of the boundary, as defined by the Joint Commissioners.

1st On perpetual occupancy and

2nd On the residence of Madore and Hall previous, no doubt on the existence of the Road leading in the Low Country.

3rd On the part of the Shediac Hall claiming according to Colonel Hay produce along the River Shediac and

4th On the existence of dotted lines on the Map which Shediac Hall & Co. have exhibited from the Post Office while on the part of Moncton, Col. Hay called Hall's claim, both supported by an Engineer Officer and Surveyor - the records of the Crown Land Office being, I conclude, those used by the Board of Works in their Report to the Assembly fixed boundaries

Copy

referred to in the Resident's letter.

3. On the first, 2nd and 3rd points I do not pretend to be able to give a decided opinion — It is obvious however to remark that the many discrepancies and evidences may be and judging by the 17th para of the Resident's letter above referred to, would be brought forward by the opposite party if a formal enquiry were instituted, so that no satisfactory Conclusion could in any opinion be arrived at from such evidence.

4. It remains therefore to consider whether or not the existence of the dotted line ~~encountered~~ receiving along the ridge of the Nag corras Range of mountains is sufficient to show that a doubtful boundary existed from the first. I think not and for the following reasons, 1st Because similar dotted lines are made use of in the printed map of Cochin to represent Talook and such divisions boundaries and where do such are not Colored, — Colour in my opinion to show the district boundaries subsists in the present instance, are represented by black and red, the former for Cochin and the latter for Cochin State.

The dotted line running in a westerly direction along the 10°. 30' parallel of latitude, striking off from the district boundary at the 76°. 30' parallel of Eastern longitude is an invention in pencil. This latter dotted line from the southern limit of the Chalacooda Talug of Cochin. Other inventions of the kind may be seen by referring to the maps.

2. Because it does not appear that there was any dispute at the period the Survey was made for had there been, it would have been mentioned by Captain Ward in his Memoir as a reason for defining the disputed boundary by a dotted line.

3. Because the description of the Survey Boundary, or sub divisions, given in his memoir of 1816 shows clearly that the dotted line running along the Nag corras Range which I suppose to be the same as that which the terms the "Kurra mancaveil Range" is the southern boundary of the said Boundary — His description is as follows "Nag corras, a sub division of Chittoor (a Talug of Cochin) is separated from along the districts of Eravencad Elamalapurram of Malabar, which limit this division on the west, north and East the South and South west by Chalagoody" Talug of Cochin, the

Kurrakeemmaicoil Range of mountains and the Courtapore Peak, defining the Coimil to the South East by the mountains of Coimbatore. The fact that the Periyakulley of the Kadamur Dam is 80 miles and that of Kadamadu 24 miles South east from Periyakulley the medium breadth being 7 miles.

These measurements agree very well with the map, enabling given the distance from Periyakulley to the Koyencoma Pakoin mark as near as practicable 24 miles and Consequently shows that the dotted line traversing along the Range of mountains in the Northern boundary of the above Circle. This is more clearly seen by the Large Engraved map of Coimbatore on a scale of 2 inches to a mile from which the printed map was reduced and by the Skeleton map annexed to it.

4th Because Captain Ward in his description of the Necessary Sub division speaks of Leak Timber of a Dispersion description growing in the Pachyakulley valley (north east of the Kurrakeemmaicoil Range) through which valley a small River of that name meanders to the west, as also on the slopes on the sides of the Kattapoocaud Hills evidently intending it to be considered that both of these localities belonged to the Sub division and they are represented in the map.

5th For the general reasons given above in opinion the boundary declared as Coimbatore is correctly represented in the printed map by the dotted line Colored blue on one side and red on the other and that all the Country to the West of that line belongs to Cochin.

Civil Engineers office 8th Division
Veerapandumpatteum
29th March 1864

(Signed) W. H. Horsley Captain
Civil Engineer 8th Division

(True copy)

G. Patton
Superintendence &
Correspondence Branch.

No 719

*N.B.*—In any future communication on this subject, the number and date of this letter should be quoted, and the communication should be addressed to the Examiner, Public Works Accounts, Madras, and not to any officer by name.

P.C. No. 1041/1

F.A. Stuart
19 SEP 89

From

MAJOR C. H. P. CHRISTIE, R.E.,

EXAMINER OF P. W. ACCOUNTS, MADRAS,

The Under Secretary to Government,

No. 5741 M Revenue Department.

*Madras,* 7 September 1889.

Sir,

As requested in your memo dated 7th.August 1889 No.5424/89 transferred to this office for compliance with the proceedings of the Board of Revenue,Land Revenue,No.2678 Routine,dated 15th.August 1889, I have the honor to forward herewith copies of the two letters of Captain Horseley which accompanied proceedings of the Board of Revenue dated 1st.May 1884,No.337.

I have the honor to be,

Sir,

Yovr Most Obedient Servant.

Major R.E.

Examiner P.W.Accounts Madras.

From

The Resident P.W.Accounts,

Madura.

To

The Under Secretary to Government,

Revenue Department.

No. 541 X

Dated 7th September 1880.

Read.

1 Copies of Captain Horseley's

Letters Forwards.

NOTE FOR THE ~~UNDER SECRETARY.~~

No 2830 P.
C.N. 5724 of 1889.

Read Petition from the Nambidi of Collengode
dated 16th July 1889.

also Cochin Commissioners Report regarding the boundary
dispute between Cochin Sirkar & Colangode Nambidy

For orders

The above papers relate to a boundary
dispute between the Cochin Government
and the Malabar District. Two Commis-
sioners — Mr. Boyce for Malabar and
Mr. Kohlhoff for Cochin — investigated the
question and reported (vide No. 1860 of 7th March 1884)
as they cannot agree in their conclusions
each submitted a report to his own Govern-
ment. The Government have now to
decide the points at issue.

2. The locality in dispute lies to the South
West of Vengoly Peak (which is acknowledged
to be the intersection of Cochin, Coimbatore
and Malabar Districts see Trigonometrical
Survey Map No. 62). The Cochin Govt.

* Latitude 10° 20'
† Longitude 76° 22'

Claim boundary from Vengoly to Ka-
-manKulam and Manjacooly as shown
in the map, which is the boundary as
determined by Messrs Ward and Connor
in 1823. The Nambidi of Kollengode on
the Malabar side would run the line from
Vengoli due South as far as the Sholayar
thence along that river till its junction
with the Vatcooly Poya, and thence along
the Vatcooly and Nelliyam Poyas to the
neighbourhood of KamanKulam (Please
see the plans submitted by Messrs Dance
and Kohlhoff and by the Cochin Sirkar
and para 2 of Mr. Dance's report in B.P.
dated 17th October 1888 No. 882).

3. No witnesses were examined as it
was thought that the evidence of the jun-
-gle people was worthless because they
shift their allegiance from one side to the
other as urged by the spur of the moment
(Para 10 of the Malabar Collector's letter in
B.P. 17th Oct 1888 No. 882). The evidence

* roughly speaking

on which the question should be decided
is therefore wholly documentary.

4. The Nambidi bases his claim on a
boundary roll known in the Vernacular
as Grandhavari and prepared by the Nam-
-bidi in 1781. An extract therefrom
is given in para 3 of Mr Dance's report.
Mr. Dance was able to identify only 4 points
on the whole line from Vengoly to Kaman-
-Kulam — (1) Koothparamba (2) Paraan-
-bakulam, both in the neighbourhood
of Vengoly (3) Mookavahai (the Southern-
-most point on the alleged boundary)
(4) Porookoomban Para (the Westernmost
point). Mr. Dance states that the Nam-
-bidi will be able to point out the in-
-tervening places by means of his
Kadars, or hill-tribes if required. Pre-
-sumably he did not call on him to
do so at the beginning of the enquiry
but merely compared the map with the

boundary-roll. It is doubtful whether Mr. Dance's expectation will be realised if the boundary should be carefully examined from point to point. For the same boundary-roll was on a previous occasion consulted in connection with a boundary-dispute between the Nambidi and the Coimbatore District, and the details could not be identified.* The difficulty will be intensified in the case under consideration by the nature of the country which is all but inaccessible. There is one point which deserves to be particularly noticed. In the extract from the boundary-roll it is stated that to the "South of Mookarahzi lies Travancore territory; but as observed by Mr. Winterbotham in his marginal note, Travancore claims no land within 6 miles of it.

* C. O. 18th November 1872 No. 1676.

* not b as shown in para 4 of Mr. Dance's report

5 Mr. Dance claims respect for this boundary-roll. He states that it was accepted by Messrs. Robinson and Walhouse in 1855 as the basis of the settlement between the Nambidi and Coimbatore and he quotes from para 5 of their report. Mr. Dance does not however mention that the Commissioners' decision was influenced by several other considerations as well, as will be seen from the following extracts from the Commissioners' report:—

"Para 3. Under the orders of the Court of "Directors dated 9th January 1806 the Conservancy of all Malabar Teak Forests was "undertaken and among others that of the "teak forests in the Agamallies, the property "of the Nambidis of Cottengode were assumed "and unlike most others, it appears these "were directly managed by the Conser-"vator and his Establishment. The sur-"vey and inquiries then instituted and

boun- Teak forests prepared at that time
Mr by the Conservators Department shou-
if the -that the Conservators had the Pramba-
-and -vare Boundary Roll of the Wambaddy
saw of Colengode in its present integrity be-
ore -fore them - that they assumed the
a l -boundaries as therein indicated as
ch -Correct and accepted this as the foun-
det -dation of their surveys and operations
def- The entire tract in controversy is included
ter within their detailed descriptions of
th forests containing teak and appears
Of -from 1806 till 1823 to have been ad-
p -ministered by the Bombay Conservancy
f- We cannot discover that their surveys or
H operations were in any way questioned
T -or interfered with by the authorities of
-Coimbatore at that time or up to the
-date of the abolition of the Conservancy

"Nor do we discover any simultaneous opera-
-tions or contemporary counter-working of
"these forests by the authorities of Coimbatore

"Para 11 These parts were first surveyed by
"Messrs Ward and Connor in 1820 in
"Connexion with the survey of the Cochin
"Country and the surveys were revised again
"in 1823/4 In these surveys the boun-
-dary line contended for by the Wambiddi
"Collengode has been followed and
"the whole tract assigned to Malabar We
"must presume, we think, that the Survey
"officers were in communication with
"both Sides and all the hill people and
"Mr Newham the Revenue Surveyor who
"Carried out the detail of these surveys
"Still Surviving, we learn from him that
"Messrs Ward and Connor were in com-
"munication with the Hill people and
"Will produce Contractor and that

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then no disposition to dispute the boun-
"dary existed; that the boundary was
"accordingly laid down with ease on
"information collected from the people on
"this Survey the maps of both districts of
"Coimbatore and Malabar are founded and
"agree precisely. The boundary traced is
"that contended for by the Nambrddi of
"Colongode and the officers of the District
"of Malabar"

"Para 23. We have met with no matter
"which shows undisputed occupancy and
"which might be confided in as establish-
"ing a clear title or right on the part of
"the Coimbatore Sircar to this tract. We
"do not think that the documentary evi-
"dence we can produce, viz Mr. Cook's
"paper and some slightly corroboratory
"allusions in others can be looked on as
"Counterbalancing the Nambriddy of Colon-
"gode's ancient Grandhwary or Boundary
"Role, supported as it is by proofs of anti-
"quity and of early acknowledgment on the
"part of the Government officers of the Conver-
"vancy, and of their continued occupancy
"and preservation of the tract in controversy
"by virtue of its belonging to the Nambiddy
"of Colongode and being part of the district
"of Malabar and further corroborated by
"the facts of Fullerton, Ward and Connor's Survey
"of these Hills."

for the grandhwary or boundary-roll was
accepted by the Commissioners for three
reasons:— (1) it was supported by the
early acknowledgment on the part of the
Govt officers of the Conservancy (2) it was
further corroborated by Messrs Ward and
Connor, and (3) there was no satisfactory
evidence for Coimbatore. The Granthwari
as defining the boundary between Malabar
and Coimbatore, having thus been proved
to be correct was always deferred to by
British officials. But before attempting

* para 8 of Mr. Dance's report

to determine the boundary between Malabar
and Cochin by this same Grandhavaris
it requires to be fully tested. The land in
dispute is claimed to have formed a part
of the Nambidi's Agamalai Forest; and if
this was the case it must have been ma-
-naged by the Conservator and his esta-
-blishment. Is there any thing to shew
that the Conservator worked the forests
within the disputed tract? Mr. Dance
states that the accounts relating to the
Conservancy were not among the records
furnished to him and presumes that the
accounts might be forthcoming in the
Collector's office. Mr. Minchinbotham ap-
-parently refers to this statement and
says that Mr. MacGregor when Collector
of Malabar in 1834 visited the disputed
forest and found scarcely any evidence
of the forest having been worked. The
Collector fears that he could not discover
how the forest was worked during the two
years' lease in Mr. Robinson's time. But
as the disputed tract was only a portion
of the whole extent and not the most
accessible portion he cannot infer with
any certainty that any felling was carried
on in it. Thus the support which the
Boundary-roll derived in the dispute
between Malabar and Coimbatore from
the actual working of the forests cannot
be looked to here. Nor is it supported
by the survey of Messrs Ward and Conor
as in the other Case as that accepts the
disputed territory to the Cochin Govern-
-ment.

Para 5 of the Collector's letter in B.P. 17th October 1850 No. 852

Para 7

7. Mr. Dance contends that the boundary
given in the Grandhavari has been accepted
for many years, first by the British officers
of the Conservancy, who had the boundary
roll with them, next by a Mr. Gardiner
who had belonged to the Conservancy
and who on its abolition in 1823 obtained

a private contract for himself. Lastly by Mr. Robinson who obtained a lease of the Forests for five years in 1849. In a number of other cases to private persons also the boundary as given in the boundary-roll was entered. The boundary-roll having been once prepared including the land in dispute, it was natural that the boundary as therein given should be entered in all subsequent papers relating thereto. But the acquiescence of the several officers & private persons in the correctness of the boundary can help the Nambidi if these persons had had notice of the Counter claim of the Cochin Government. There is nothing to show that they had any such notice. For unless they went into the disputed tract (which from its inaccessibility they probably never did) the Cochin Government would have had

no occasion to assert its rights.

para 8

8. Lastly Mr. Dance refers to certain accounts prepared by a Tahsildar in 1839 and 1840 under the orders of the Collector. Among the items included in the Nambidis agamalai Forest are five of the four places identified by Mr. Dance - viz Koothparamba and Parambakulam. Much reliance cannot be placed on these accounts as the source from which the information was received has not been specified. It was probably the Pandikavari itself. There is one point however, which must not be lost sight of - viz that the two places specified are in the immediate neighbourhood of Vengoli and that the other two places - Mookkanchi & Cherookumbanpara, which marked the Southern and Western limits of the land in dispute are altogether omitted. Having enumerated all the arguments for the Nambidi or the Malabar side, Mr. Dance considers those for Cochin in

paras 9 to 17 of his report. The Cochin Government repudiates the Grandhavaris as merely an ex-parte document. On this connection the remarks of Mr Winterbotham the Collector of Malabar may be usefully quoted. "I do not regard the Mambrides "grandhavari as very good evidence of "title. I do not see that it can be looked "on as anything but a statement "made by a claimant in his own interest "not made on oath and not subject to "Cross-examination. If it had been "produced to support the claim at the "time if (the grandhavari) was made "it would have been rejected with ridicule "Even as it is frequently; and it would be "strange if there had ever been a valuable "title which could be proved to be "ancient only by such evidence. If "does however serve to show the antiquity "of the claim (para 3 of the Collector's "letter in B. P/17th Nov 1888 No. 8822). The ex parte statement was accepted as between Malabar and Coimbatore for a long time as in each case not opposed by Cochin and as the Survey officers Messrs Ward and Connor, after careful enquiries recognised the boundary as correctly described in the Grandhavari. But in the case of Malabar versus Cochin, the support that may be derived from the actual working of the Forests is wanting and the Survey officers in 1823 adopted a different line as the boundary. The guarantee under which the ex parte statement was accepted in one case was not available in the other.

10. In the second place, Cochin pleads Res judicata, inasmuch as the boundary now claimed by the Mambrides was formally relinquished by the Madras Government in G.O. dated 2nd June 1854. The facts that led to this order of Government are briefly as follow:— In 1851 the Resident in Travancore & Cochin referred

to certain boundary disputes and
wrote as follows "Para 20. There
is a claim however of more impor-
tance that has only recently been
advanced by the Collector of Coim-
batore to certain Forest tracts on
the top of the Anamalai Hills. The
boundary line, it will be observed pass-
immediately west of Anamalaicheri, and
it has always been acknowledged as such
but very recently a hill-contractor has
obtained a grant from the Collector to
fell teak on the west of the boundary
and has forcibly obstructed the Cochin
Servants who endeavoured to resist the
encroachment". Next year (1852) the
Resident wrote again as follows "Para 9
The other claim in regard to a Forest
tract near Anamalaicheri is less defen-
sible for it had never formed a matter
of dispute but had always been in-
cluded

In C. M. C. 8th July 1861

in all the maps that have been published be-
longing to the Cochin Sircar". Para 10. Copies
of report with an original sketch of the lo-
cality are herewith forwarded and from
which the injustice of the claims on the
part of Coimbatore will at once be
apparent". Para 12. The sketch is an ex-
act copy from the Government printed
maps and it also corresponds perfectly with
the large survey by Captain Ward in
my office ... but nothing can justify
any decision a departure from what has al-
ready been laid down as its position by
the Government surveys and every slip
of which is so invariably indicated in
the maps accompanying the survey
and a reference to which in the Cochin
Collectorate Office already so fully con-
firmed its accuracy". In connection
with this the Board submitted a report from
which the following is extracted — Para 7.
The sketch map was returned to the Collector
in order that the boundary as claimed

C. In. C. dated 9th Aug 1852.

y Coimbatore might be defined. This
now stated to extend along the Nay-
-coona Range to the Sholayar, then along
the east banks of the Velipoody & Nay-
-coona Poyas" In other words the tract
claimed was very nearly the same as
that under dispute. "Para 8. Possession
of the tract appears in favor of Coimbatore
supported both by local tradition and
the testimony of the present inhabitants. The
claim on the part of Cochin rests more
prominently upon the Trigonometrical
Map and memoir having given the bound-
-ary to that State. "Para 9. The general
accuracy of the Map has been established
and referred to in the boundary dispute
with the Kollengode Nambidi and between
Tinnevelly and Travancore and in a
reference which the Board have made to
the memoir of Captain Ward, while engaged
in the Survey, they are unable to find
any mention of a dispute as to boun-

* This should be Nelligam

dary in the locality now in question".
"Para 10 Under the circumstances, the Board
would have at once recommended the ad-
-mission of the claim preferred on behalf of
Government; but a dotted line occurring
along the Nayecoona range and this line run-
-ning west into the Shorayar called at that
spot the Coorakumbam and defining the
boundary as claimed by Coimbatore is
in the opinion of the Board too remarkable
a coincidence to be slightly passed over. The
Board accordingly recommend that the
question might be referred to the decision
of a single officer in the confidence of
both Governments." This proposal was
accepted, and Captain Horsley was
accordingly selected for this duty. The
investigation was however never carried
out. For Captain Horsley informed the
Board that they were misled in supposing
that a doubtful boundary was implied
by the dotted line along the ridge

Mec. 26th Feb. 1859.

Of the Maycoona Range of mountains; that an uncolored dotted line always marks a Taluq and Subdivision Boundary and that the Boundary between distinct territories was always coloured. He also adverted to Captain Ward's Survey Memoir as proof that there was no disputed boundary, when that officer's labours were performed. The Govt. agreed with Captain Hawley and was of opinion that there were not sufficient reasons for deviating from the boundary line near Anamalaicheri and the District of Coimbatore as laid down in the great Trigonometrical map of India.

E. I. C. 2nd June 1857.

11. The second argument of the Cochin Government that the question at issue was already adjudicated upon must be admitted. But the Nambidi urges that he was not a party to the dispute between Cochin & Coimbatore and that his claim were not then gone into. The contention must fail. For in both the disputes the one decided in 1854 and that under report the parties have been the same the Cochin and the Madras Govts. The Nambidi being a subject of one of the states and claiming the disputed land in that character must wait till the dispute between the two Governments is settled and then represent by petition whatever he may have to say to the Government within whose jurisdiction his claim may lie. He was heard on the present occasion not as one having a right to be heard but as representing the Madras side of the question. In the next place the fact in question has been almost the same. The question is therefore res judicata. Mr. Douglas contends that the award of 1854 merely effected a settlement between Cochin & Coimbatore and did not dispose of the Nambidi's claim. This is merely a

Para 6 of his letter in B.P. 17th Oct 88 No 882.

technical objection. The Cochin Govern-
-ment claimed a certain tract of land
and obtained it. It is idle to say that
we merely decided that the land did
not belong to Coimbatore and left for
further discussion the question whether
it belonged to Malabar. As far as Co-
-chin was concerned it was immate-
-rial in what territorial division
the Madras Govt alleged the tract of
land to have been included.

12. Both Mr. Dance and Mr. Douglas state
that there were so many allusions in
subsequent Correspondence to the Nam-
-bidis claim being unsettled. This
is true; but neither the Govt nor the Board
were aware till now of the real extent
of the Nambidis claims. It was merely
believed (I presume) that there were
minor differences along the boundary
already settled - viz - that of the Trigonometrical

Survey and that these required settlement.
Otherwise the Govt would have rejected the
Nambidis claims at once on the obvious reason as
-ing extract - "Whatever may have been
"the rights of the case originally Government
"deliberately and decidedly in 1854 directed
"a boundary to be accepted which indispu-
-tably gave to Cochin a valuable forest
"tract. The British claims to which the
"Local officers now wish to see revived -
"Award of Govt in 1854 cannot now
"be revived without the assumption of
"a position which it is undesirable that
"Govt should take - viz. that of a powerful
"and interested party reopening a dispute
"long ago closed". Among the local officers
referred to in the above extract was Mr. Douglas
who still adheres to his old opinion.

13. The next argument of Cochin is that the
line as shown in Ward and Conner's map
was accepted by Messrs Stevenson and

Ref. 11th Apr 1876 No. 938
in G.O. 30th May 1876 No. 708

Douglas in 1871. Mr. Douglas explains that he merely surveyed the Southern boundaries of the Takedy leased forest from which the land in dispute was purposely excluded. This explanation may be accepted.

14. Next the Cochin Govt produced accounts to prove that it felled timber within the disputed tract in 1839, 1855-57, 1859, 1861, 1862 & 1874. The Nambiar complained of what he termed trespass by the Cochin Government in 1854, 1855-1858. In other words he has been claiming the tract only from 1854, the date of the order in which the Madras Govt relinquished its claim.

15. Lastly the Cochin Govt contend that at the time when Messrs Ward and Connor surveyed the line, no dispute existed as no dispute was marked on the side of the land in dispute. The Nambiar on the other hand asserts that Ward & Connor's Survey

B. P. 11th April 1876 Ad. 938 in G.O. 30th May 1876, Ad. 708. Paras 9 & 10 of his letter in B. P. 17th October 1888 No. 882.

was a purely military and geographical one. Whatever the scope of the Survey may have been almost all the boundary disputes have been decided with reference thereto among which may be mentioned Coimbatore and Cochin and between Coimbatore and Malabar. When the line to the east and north of Vengoly Peak was laid down in accordance with this Survey there is no reason why the line to the west of it should not be similarly determined. Besides this the disputed tract in question was not one of those referred to a Commission in 1816 and this proves that at that time there was no dispute about it.

16. Mr. Douglas condemns in very strong language the map prepared by Messrs Ward and Connor. He says "I can only say that I have often found it an unreliable guide to the Anamalais and I speak from some experience, having as boundary officer explored and demarcated the lot

Forest frontier between the district of Coimbatore and Malabar, Cochin Travancore and Madura. The Survey Department and Messrs Peet and Porter have also discovered its untrustworthiness, while as both Mr. Wentworth and the Dy. Conservator remark, Cochin itself has never hesitated to impugn its accuracy when convenient. Peet with regard to the untrustworthiness of the map; the only mistakes that have been reported in the map by the Survey Dept. and by Mr. Douglas appear to be those contained in paras 8 & 24 of Lieutenant-Colonel Cloete's letter in G.O. 30th May 1876 No. 708. The boundary line was surveyed from Vengoli to Kalliampandal and the following places were identified - Shekkakund, Palakadaramman Palakadaru river, Sitakal, Palaguiar stream, Chirakal, and Sholayaur.

Para 11 of his letter in

B. P. 17 Oct 1885 No. 882

But the boundary Commissioners found a great want of correctness in the map and also discrepancies, between the recorded bearings and distances and the map compiled therefrom. From Kalliampandal the features of the ground were reported to be so utterly misrepresented both in the old Map and in the descriptive memoir that it was impossible to proceed. Six years later, Mr. Peet who is cited as an authority by Mr. Douglas wrote as follows:-

10th Feby 1882 No. 184

"I feel bound however to note what I consider to be errors in order to place the facts before the Board as fully as possible and to dispute the point whether Ward and Conner's map is so inaccurate as has been suggested." (Para 8) In these he (Colonel Cloete) mentions having identified "the two points mentioned by Ward and Conner - viz - Shekkacund and Palakadam amman near Anamalaicheri. Now I venture to submit my opinion that

"the identification of this latter flank sta-
"tion correct and that this incorrect deter-
"-mination of the Palghat gap in man
"affects the whole boundary thence to
"Kalampandal ---" Para 21 I am
"led to think this because of my belief
"that Ward and Connor's fixed points
"were more accurate than they have been
"given credit for, my idea being that
"their main points were accurately de-
"termined by triangulation and the com-
"-plex between roughly sketched in. This
"would account for the inaccuracies in
"the courses of streams of which a note-
"worthy example occurs in the present
"map viz the course of the Sholayar)
"though the fixed points thereon may
"be accurately determined." Para 22
"A reference to the map No II herewith
"forwarded may seem to refute at
"once this idea of the general accuracy
"of Ward and Connor's main points
"on this map is shown a dotted line
"which marks out Kalampandal accord-
"ing to Ward and Connor's distances and
"bearings to be about two miles to the
"E.N.E of its true position. Para 23 At
"first sight this would seem conclusive
"proof of the general inaccuracy of Ward
"and Connor's map and specification
"but I beg to submit a theory whether
"this enormous discrepancy is not due
"to a change of meridian, that is to
"say that the true North as shown
"in Ward and Connor's map differs
"from the true north as shown on the
"Revenue Survey Map. That the meri-
"dian does not alter is well known, but
"whether it has so altered in fact I know
"not. I merely propound the theory
"as it seems to me to account for
"what otherwise is a hopeless discrepan-
"-cy. Para 24. 28 Show the effect of
"carrying out this theory I have append

Encl to this letter a map No. III in which I have copied in blue the outline of the boundary according to the Revenue Survey Map No. II and in red the outline copied from Ward and Conner's map large scale. Shifting the meridian of the latter Para 25. In short starting from Vengoli as a fixed point and taking Kalia-napandal as a fixed point at the other end of the line. I have (to use a term of Euclid) applied Ward and Conner's lines to the Revenue Survey lines. I found that after applying the point Vengoli in each and shifting round Ward and Conner's lines by changing the meridian that the point 'Kalianapandal' absolutely coincided without the slightest need of alteration" The general accuracy of the map is thus esta-

C10. 22nd Jan 83 No. 94

blished and the correct boundary as revised by Mr. Peel was in the end accepted. With reference to the statement that the map was valueless beyond Kalianpandal, Mr. Peel wrote as follows in 1882 "Para 18. We are driven to one of two conclusions - either the point Pannimed-Kuttu is utterly incorrectly identified now, or Ward and Conner did not identify the spot themselves. I make this latter suggestion with extreme diffidence for a perusal of their memoirs, makes it evident that their energy was almost incredible. However it will seem by an extract which I will give later that they did not deem the accurate determination of boundaries in this direction of the first importance; and I have searched again and again for any description of the point Pannimed-Kuttu, nor can I find in their diary any mention of their visiting the point. I am there

-fore inclined to suggest as possible
That this point was entrusted to some
Subordinate and was fudged". Such
things do occur; as an instance
Shown
I have to my own knowledge during
a boundary dispute in Wynaad where
the surveyor with the plane-table
traced a stream as running over a
ridge 1000 feet high. I therefore suggest
it as possible, even with such won-
derfully active and painstaking work-
ers as Ward and Connor that there
is an exemplification of the remark
"Aliquando bonus dormitat Homerus"

17. Mr. Douglas states that the Cochin
Govt never hesitated to impugn the ac-
curacy of the map when convenient
The Dewan of Cochin on the other hand
states that there might have been cases
in which the exact line drawn by
Messrs. Ward and Connor was called
in question by his Govt; but that there
was no case in which the claim was
carried by her several miles beyond the
frontier. It is necessary therefore to go
into particulars. Mr Dance cites three
cases:—

(1) That of Pozhakal Edom settled by
G.O. 26th January 1852 no 91 (2) that
of Nellikal Edom settled in G.O. 11 September
1850 no 862.

(3) And that of Kannambra Nair settled
by G.O. 26 January 1852 no 91.

The real explanation is that the disputed
in all these cases were settled by a
boundary Commission in 1815 & the lands
in dispute were ceded to Cochin. But
effect was given to the recommendation
of the Commission years after. In the
meantime Ward and Connor's map
was prepared including the disputed
land within British territory and
this palpable mistake was accordingly
corrected when the Govt decided the

question

10. Summary — The result of the foregoing analysis is that no case has been made out for the Nauclidé. His grandfather's having a decree ex parte Malcolm A case cannot be relied on against further evidence, and this is wanting in the present case. Ward and Conner's map assigns the land to the Cochin Raja, and as this map was relied on in all boundary disputes and notably in that between the Nauclidi himself and the Coimbatore district, there is no reason why the dispute in question at present should also be settled with reference to it. The accuracy of the map has been unjustly questioned, as for as explained by Mr. Pratt the main points were accurately determined by triangulation and the country between them roughly sketched in. The question is ~~[illegible]~~ besides res judicata, the tract claimed by the Nauclidé having been assigned to the Cochin Raja by a G.O of 1856.

REVENUE DEPARTMENT.

Current No.

From

Dated 188 .

FOR ORDERS.

The Govt of Madras having relinquished its jurisdiction over the tract cannot now exercise it merely to help the Nauclidé. For the latter claims the German rights to the tract and as this can be enquired into by the ordinary civil courts, he must seek his remedy in the courts of the Cochin Govt. It is submitted that the boundary as shown in Ward & Conner's map be adopted and that the same be demarcated.

The foregoing note explains the salient points of the case very clearly but I [illegible] favour the Cochin

Cn 05 2830 F
Cn 05 5424 Sq

FOR ORDERS.

Regarding the boundary dispute between Malabar and Cochin

REVENUE DEPARTMENT.

Current No.

From

Dated 188 .

FOR ORDERS.

Gum the Land was
was united by Thomas
for various 1806 - 1823
and the, and the Land
devised in 1849 - it
could not lawfully change
the Lands, and if it
could have been any
person of the Name
was entitled a Estate
that Estate but only
but upon the any
Estate was made under
the Land with Estate
It would probably, have
been better to keep the
Estate back for further
Enquiry and a Reim-
burse would be a the
Expense before it.
Then if any Lot Estate
I value in Estate at.
The Lands that there
Land on the Boundary
Lots and in acts I
Mention, under the
Estate granted at Lein
Lands in which the
Land Land the Lands
Estate with the Boundary
as given in the Lots
on Northwards following
Letter the Name Land

The Lots, Land is based
on the Grant Enquiry at the
Time I the Surveyor in
June in 1805 and Land
Names Survey in 1823
the Land was particularly
by the Lands and was
Lein was made by Estate I
any Person in the Name
Lein ; Right the Name
Land was assigned to
Lots by the Name I
for in 1854 and the
the Lots for Enquiry
Land Lots for Enquiry
Name Lein by following
Letter the Name Land

I do not Know the the
Existence of particularly
Land Lots = the Land
in for the Lots Part and
and in Estate Lots of
Part are Expense that it
Lein Lots any Land
Enquiry Lots Land
following Land Lots
Lots Lots the Land
Lots Lots Land Lots
Lots Lots Land Lots
Lots Lots Land Lots
Lots Lots Land Lots

FOR ORDERS.

REVENUE DEPARTMENT.

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From

Dated 188 .

FOR ORDERS.

FOR ORDERS.

Proceedings of the Madras Government

Read again 9 Oct 22 Dec, 1888
nos 1705

Ord Cnts 2830, 57247 6937 of 1889

Order

From the above papers it would appear that the Commissioners refused to go round the boundary specified in the Nambirdi's Grant-dhawari, and that, therefore they did not in any way test its Correctness. This should certainly have been done inasmuch as it is a matter of the greatest importance in considering the Nambirdi's Claim to see whether the limits specified in his boundary-roll can be identified and to ascertain whether any Stones or other marks similar to

discovered by Mr Silver in 18

exist at any of the point named therein.

If such marks are forthcoming they will go far to establish the Nambidi's contention. To admit of a decision being arrived at on the merits, it is essential that the Commissioners should go on the ground and endeavour to ascertain by actual inspection how far the limits specified in the Nambidi's Sanadhavari can be identified and what the boundaries according to the old are.

It will only be necessary at present to survey the line so far as will admit of its being marked temporarily on map. A survey with the ordinary compass will probably suffice for the purpose. The Superintendent Revenue Survey will depute a Surveyor for this duty.

The Cochin Govt will be requested through the Resident to arrange to send a representative (Mr. Kohlhoff if available) to meet the Head Assistant Collector of Malabar at as early a date as possible.

It is stated by Mr Dance that no accounts are forthcoming to show what tribute was ever paid in the Nambidi's time during the periods when they

to the British Gov

The Collector of Malabar is requested to have a careful search made among the Records of his office and report whether any such accounts are forthcoming and whether they show that any felling took place within the ~~disputed~~ tract. During the time that the Travancore Sircar was under the Board

2. In para 34 of the Nambudri's memorial on the Dewan's letter reference is made to a letter addressed to the Resident in Travancore and Cochin in 1839 by an Agent for the Bombay Govt in which it appears to be stated that the ~~aforesaid~~ river touches Travancore territory on the South. The letter is ~~not~~ on record, and application

[illegible] 5 Nov 1839 it is alleged that a letter was addressed by the Resident Cochin & Travancore to the Bombay Govt

Oct

3/10/91

Board requested to submit information of Govt the Nam- petition addressed to them in objecting to the decision of Govt pending the settlement of the boundary tween Coimbatore and Cochin and isposed of by their Proceedings of the

September 1857.

Dec. 12-13 { To The Commr. of M
" Political Dept
" Sept. Ker. Circle

From Secy

The Secretary to Govt

Revenue Dept

The Hd Clerk requested to peruse para 6 of Memorial of Nambudiripad dated 5th March 1859 & to ascertain from the Collector of Malabar.

RJ
10/1/91

To

The Resident

in Cochin

Trav

[illegible] the same to pass

Copy of the &c marginally r

and to request that the Cochi

may be moved to appoint a repre-

-sentative to accompany the British

Commissioner from Malabar and en-

-deavour to identify the boundary a

laid down in the Nambidi's Grandha-

-vari. I have also to request that

search may be made among the

records of your office for a letter da-

-ted 2nd November 1839 addressed to the

Resident in Cochin and Travancore

by the Madras agent of the Bombay

Commissioner

referred to in para 3

a second Communication than that of which Madras have been duly informed from Commissioner Bombay before submission

of the

Letter from the Resident in Travancore and Cochin. The Secy to Govt. Revenue Board, Cannanore.

Nov. 1839 of the date of the Letter referred to is mentioned in the G.O of the Madras Govt of the 2nd Secy to Govt and of the G.O is communicated to the Board. The Resident with the despatch bearing the G.O was Board Dept. (Letters are mentioned to this) to forward the letter by a vakil

27 Sept

With reference to the Chief Secretary's remarks I have received communications in the G.O. of 30th ult from the Madras Govt requesting for information whether we have any objection to cancel the letter

30/9

The Resident in Travancore and Cochin

2 Oct

3-4-14 C

26-2-08

24.7.06

1892-17

Draft Co. regarding the

boundary dispute between

Malabar and Cochin.