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CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1230

Press
~~Mis.~~

Dated 8. 12. 1892 .

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Land Revenue), dated 30th August 1892, Forest No. 462 :—

MR. A. T. ARUNDEL.

Read—again the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Forest No. 223, Mis. :—

THE HON. MR. J. GROSE.

Read—the following Government Order, dated 18th February 1892, Mis. No. 998, Revenue :—

Read—Endorsement of the Political Department, dated 8th February 1892, No. 246, transferring to the Revenue Department the following letter from the Resident in Mysore, to the Chief Secretary to the Government of Madras, dated Bangalore, 4th February 1892, No. 358—291-90.

In continuation of my letter No. 3052—291-90, dated the 7th October 1891, I have the honour to forward, for the consideration of the Government of Madras, the accompanying copy of a letter (to be returned), from the Inspector-General of Forests in Mysore with its enclosures (to be returned), submitting a report on the subject of the boundary dispute between the Mysore State and the Nilgiri-Wynaad.

2. Pending the settlement of the boundary line now in dispute, the officers of the Mysore Government have received strict injunctions to desist from exercising any rights over the disputed tract, and, at the instance of the Durbar, I beg that similar instructions may be issued to the officers of the Madras Government and to the Tirumalpad of Nilambúr.

3. It is reported that the Mudumalai jungles adjoining the tract in dispute are not fire-protected and are consequently burnt down every year, while the tract claimed by the Durbar has escaped owing to its having been annually protected by a fire-line since 1878. The Durbar now ask for permission to protect the said tract by a fire-line as hitherto; this will of course not affect the proprietary right over the disputed locality. The favour of an early reply is requested on this point, as it is desirable to clear the fire-paths very soon in view of the approaching hot season.

4. The Durbar desired me, in October 1891, to ask the Madras Government to arrange for the deputation of Mr. Jellicoe to point out the boundary line in dispute to the Madras Survey Party now engaged in its demarcation, but I told them that this was unnecessary and inconvenient. However, at my suggestion, the Durbar are prepared to depute the Forest officer of the Mysore district to watch their interests during the demarcation of the line by the Madras Revenue Survey, and I trust that His Excellency the Governor in Council will see no objection to this.

Order—dated 18th February 1892, Mis. No. 998, Revenue.

The letter from the Inspector-General of Forests, Mysore, and its enclosures, will be forwarded to the Commissioners of Land Revenue for very early remarks, and with reference to paragraph 2 of the Resident's letter read above, the Board will be directed to issue the necessary instructions to the officers under it to desist from exercising any rights over the disputed tract pending the final settlement of the boundary line. The Nilambūr Tirumalpad should be advised to abstain from similar interference.

2. The Resident in Mysore will be informed that in the circumstances stated in paragraph 3 of his letter, the Government has no objection to the tract referred to therein being protected by a fire-line by the Mysore authorities and that the proposal in paragraph 4 to depute the Forest officer of the Mysore district to watch the interests of the Durbar during the demarcation of the line by the Madras Survey Department, has the approval of His Excellency the Governor in Council.

3. The following letter will be despatched in the Political Department to the Resident in Mysore.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue, with all enclosures.
" Superintendent, Revenue Survey.
" Political Department, with letter to the Resident.

Read—also the following letter from J. W. CHERRY, Esq., Conservator of Forests, Southern Circle, to the Secretary to the Commissioners of Land Revenue, dated Coimbatore, 27th February 1892, No. 372 :—

[Reference.—Nilgiri District Forest-officer's No. 1798, dated 18th February 1892.]

In forwarding copy of Mr. Morgan's letter and the Collector's endorsement, I have the honour to suggest that the Mysore authorities may be asked to call for explanation from their responsible Forest officials.

ENCLOSURE.

Office-note from R. W. MORGAN, Esq., District Forest-officer, Nilgiris, dated Ootacamund 18th February 1892, No. 1798.

[Subject—Fire occurrence.]

I regret to report the occurrence of five fires in the Mudumalai forest. Of these fires, two are believed to have been lit by incendiaries (Jain Kurumbers) wandering about the forests in search of honey, &c.

2. The other fires are due to carelessness on the part of the Mysore Forest subordinates who burnt off their lines in the heat of the day, and allowed the fire to cross into our forests. The Forester reports as follows :—

"There was neither the Mysore Forest Ranger, Forester, nor Forest Guard to stand over the men; therefore, the Kurumbers were themselves masters and they did the work as they liked. In doing so, the fire entered our forest. I observed smoke and immediately hastened to the spot and put out the fire;" and again "with all the warnings given to them, they (Mysore Kurumbers) set fire to their fire lines and went away while the line was still burning."

3. The total area burnt by these various fires amounted to ten square miles and it was with very great difficulty the fires were put out, as the grass was high, and a strong easterly wind blowing. It is impossible for us to successfully protect our forests when the Mysore Forest subordinates behave in this manner.

Endorsement by J. D. REES, Esq., Collector of Nilgiris, dated 19th February 1892.

Forwarded by the Collector of Nilgiris. It would appear that some communication with the Mysore authorities is needed.

Resolution—dated 10th March 1892, Forest No. 223, Mis.

The letter of the Inspector-General of Forests, Mysore, in regard to the disputed boundary, will be referred to the Collector of Nilgiris, through the Conservator, Southern Circle, for early report.

2. The Collector will issue the necessary instructions to the officers concerned to desist from exercising any rights over the disputed tract till the final settlement of the boundary line and also will advise the Nilambūr Tirumalpad to abstain from similar interference.

3. In regard to fire-protection, the Board had already issued orders in its Proceedings of the 24th December 1891, Forest No. 1005, similar to those now prescribed by Government. It appears, however, from the Conservator's letter of the 27th February 1892, No. 372, which will now be forwarded to Government, that the efforts of the Mysore authorities in this direction have not been very successful.

(True Copies and Extract.)

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

To the Secretary to Government, Revenue Department,
with copy of Board's Proceedings, dated 24th December 1891, F. No. 1005.
" Collector of Nilgiris, with the letter of the Inspector-General of Forests, and its 2 enclosures (to be returned),
through the Conservator of Forests, Southern Circle.

Read—also the following letter from J. D. REES, Esq., C.I.E., Collector of the Nilgiris, to the Secretary to the Commissioners of Land Revenue (through the Conservator of Forests, Southern Circle), dated Ootacamund, 18th June 1892, No. 508 :—

With reference to Board's Proceedings, Mis. No. 223, dated 10th March 1892, I have the honour to submit the report called for.

2. I have divided the report into four separate heads, viz. :—

- (1) The evidence and grounds on which the Mysore claims are based.
- (2) The evidence on which the Madras Forest Department, on behalf of the Nilambūr Tirumalpad, asserts its title.
- (3) The value of the evidence adduced in support of the claims advanced on either side.
- (4) The arguments in favour of the Tirumalpad's claim being preferred.

3. *Evidence on behalf of Mysore.*—Mr. Ricketts, the Inspector-General of Forests, Mysore, in his letter to the Chief Secretary of the Mysore Government (marked O in blue pencil) contends that the tract in dispute which covers an area of 8,704 acres, and is situated on the extreme north-eastern portion of the Mudumalai forest, belongs to Mysore on the following grounds :—

(a) That no attempt was made to define the boundary on the ground till 1875 when Colonel Cloete demarcated it.

(b) That the boundary so defined by Colonel Cloete, was based solely on the Ordnance sheet, which Colonel Cloete himself admitted to be incorrect, and on the evidence of certain Kurumbers (of whom Mudda was one), who were interested parties, and that the above evidence is now contradicted by that of Kurumber Nanja Gowda aged 70 (not found in the papers from Mysore) which clearly proves that the disputed tract belongs to Mysore.

(c) That the Mysore authorities protested at the time of Colonel Cloete's demarcation, asserting that the boundary defined by him was incorrect, as it included a large tract of land belonging to Mysore, and that the demarcation of the boundary would be only permitted to be continued on the distinct understanding that the line cleared and demarcated was purely a tentative one.

(d) That the boundary claimed by Mysore was not demarcated or shown on the survey map by Colonel Cloete, who failed to properly represent matters to the Madras Government.

(e) That it is not clear from the records that Mr. Jellicoe, the Mysore Forest-officer, went over the line with Colonel Jago in January 1876, and that his report was not conclusive, nor was it finally disposed of.

(f) That the maps, published by the Madras Revenue Survey Department, are based one upon another, and are worthless as evidence for the establishment of any rights by the Madras Government as Lessees of the Nilambūr Rajah, and that Colonel Cloete's map cannot be relied on, as the large stream, shown by him in it, as a tributary of the Mavinahalla, does not exist, a fact which Colonel Cloete himself admitted, though he showed the stream as part of the boundary.

(g) That "the possession of, and rights always exercised in, the tract in question by Mysore were never disputed by the Madras Forest Department or the Nilambūr Rajah." The Mysore Forest Department has been collecting timber and forest produce in the tract in question, without molestation, and has cut fire-paths since 1878 along the southern boundary of this tract, and that "possession is nine-tenths of law."

(h) That the ryots of Berambady (Mysore) village grazed their cattle in the disputed tract many years ago. That the Mysore Revenue accounts of 1849 show that the two depopulated villages called Chikkote and Dodda, or Hirekode, were situated in the disputed tract, and that there are old cart-tracks in the disputed tract made by Mysore carts.

(i) That the boundary claimed by Mysore is a natural one and moreover straight, and that the boundary claimed by the Tirumalpad is crooked, and requires artificial boundary marks which the Mysore line does not. This concludes the case for Mysore.

4. I have now to show what evidence there is of possession on behalf of the Tirumalpad of Nilambūr:—

(1) The whole Mudumalai forest, including the disputed tract, was leased originally by the Tirumalpad to Muddanah, a Mysore timber merchant, who felled timber in it.

(2) In 1859, Dr. Cleghorn, Joint Conservator of Forests for Mysore and Madras, settled the boundary between Mysore and Malabar and that boundary is the one now disputed by Mysore (*vide* General Morgan's letter, marked P., dated 12th April 1892, paragraph 2, and Colonel Cloete's memorandum, dated 4th August 1876, printed in Board's Proceedings, dated 29th November 1876, No. 2999, and the papers therein quoted).

(3) In 1863, Major-General Morgan (then Captain Morgan of the Public Works Department) obtained a 99 years' lease of the forest from the Tirumalpad, through Mr. Ballard, Collector of Malabar, on behalf of Government. The boundaries given in the lease (copy printed in Board's Proceedings, dated 27th January 1885, No. 271—F. 54) which correspond with the boundaries of the forest as demarcated by Colonel Cloete in 1875, include the disputed tract, and are as follows:—

North.—The southern part of Varrarai Katkamani.

South.—The northern side of the junction of the Kelukatpoia and Vellumpoia rivers.

East.—The western part of Chickalashetti Madaswarangudi.

West.—The eastern side of the Marattithodu Nulla lying on the west and north of Chirranaradi and Vallinaradi Mulla hill.

(4) Captain Morgan was, in 1864, transferred from the Public Works Department to the Forest Department, and worked the Mudumalai forest till 1874, when he left the Forest Department, and during the whole of that period, he was in possession on behalf of the Tirumalpad and Government of the tract in dispute (*vide* General Morgan's letter, dated 12th April 1892, marked P).

(5) Such possession was continued from 1874 to 1892, in fact up to date, by Colonel Jago, Messrs. Lushington, Nallasawmi Naidu, Sheffield and Morgan, officers of the Forest Department.

(6) On Colonel Morgan's retirement from the Forest Department, the Collector of Malabar, in his letter No. 3390, dated 12th December 1874 (marked A), informed the Commissioner of the Nilgiris that it would be "very desirable that before

Colonel Morgan's departure, at the end of December, he should sketch in the sheet map, forwarded herewith, the limits of the forest as hitherto in possession of Government." On the 29th December 1874, Colonel Morgan, with his letter No. 176-538 (marked B), forwarded "the map duly filled in" and stated as follows:—

"The northern boundary of Mudumalai forest is a ridge which divides it from Mysore, the eastern running nearly north and south is partly a ridge, and partly the Kakka-nulla stream."

This corresponds exactly with the boundary demarcated in 1875 by Colonel Cloete, and includes the disputed tract.

(7) In 1891, the Tirumalpad (who had for many years previously leased the forest products of the Mudumalai forest to other contractors), leased the minor forest products of the disputed tract, which was included in the area previously leased to the Madras Forest department (*vide* revised lease dated 19th May 1891) who thus obtained almost complete control over the whole forest.

(8) In 1875, it was ordered by Government that the boundary between Mysore and Malabar should be surveyed and demarcated. This work was carried out by Colonel Cloete and Mr. Fraser, his Assistant, both of the Madras Survey Department. Mr. Jellicoe, Assistant Conservator of Forests, Mysore, attended on behalf of the Mysore Government, and Colonel Jago on behalf of the Madras Government. Witnesses were examined and evidence taken. The officers concerned went over the line and inspected it, and Mr. Jellicoe forwarded a report, dated 7th January 1876, No. 521-275 (copy now forwarded by Mysore Government, marked I), in which he informed the Deputy Commissioner, Mysore, that he had carried out the instructions given to him, had taken "evidence . . . on the spot from Kurumbur Mudda who was deputed by the before-mentioned ryots to point out the line The evidence of this witness clearly went to show that, as far as the boundary between Mysore and Mudumalai forest was concerned, there was no dispute that the boundary was in fact as laid down in sheet No. 61 of the Trigonometrical Survey Map." Mr. Jellicoe then proceeded to specify in detail the boundary which the Mysore Forest officials are now attempting to dispute.

(9) On the 3rd June 1878 (*vide* Government Order, dated 27th July 1878, No. 1182), Major T. G. Clarke, Secretary to the Chief Commissioner of Mysore, writing to the Secretary to Government, Revenue department, in his letter, No. 2479, R.F. 12, applied for the services of a Madras Forest-officer to point out the boundary which, it was ascertained, was "undisputed" (paragraph 1).

Captain G. J. Vansomeran, the then Conservator of Forests, Mysore (*vide* enclosure No. 1 to letter referred to *supra*), reported to the Chief Commissioner, Mysore, that "the stones on the line require to be relaid and the line to be cleared. This clearing of the line should be done yearly; but the stones should be such as not to require renewal for years."

Mr. MacPherson, the then Deputy Conservator of Forests, Mysore (*vide* same enclosure), also stated that this boundary line should "this time be distinctly defined."

Thus, the then Forest officers of Mysore acquiesced in the line laid down by Colonel Cloete and did not pretend that any dispute existed. Colonel Cloete suggested that half of the cost of demarcation of this boundary should be recovered from the Mysore Government—*vide* his letter printed in Government Order, No. 3091, dated 12th October 1877. The Mysore Government was then addressed by the Madras Government (*vide* letter, No. 3092, dated 12th October 1877), and the Mysore Government, in reply, stated that the "demarcation of the boundary line (*viz.*, Colonel Cloete's line) under reference will be carried out by a Forest-officer of that Government in concert with a Forest-officer from Mysore, and desires that the Conservator will depute an officer for the duty in communication with the Conservator of Forests, Madras.

"2. The cost of demarcation and of the survey of the line will, as usual in such cases, be shared by this administration."

Government ordered (*vide* paragraphs 1, 2 and 3 of Government Order, No. 1182, dated 27th July 1878), that the boundary line in question, which "appears to have been pointed out in 1876 by the Forest-officers of both Governments and to have been demarcated and surveyed by the Revenue Survey department (Government

Order, dated 12th October 1877, No. 3091) " was to be again gone over and permanently demarcated by a Forest and Revenue Survey officer from Mysore, and that cairns of stones were to be erected along the line at regular intervals and in prominent positions and maintained by the Forest department, the Deputy Conservator of Forests, Nilgiris, inspecting the line and reporting results annually.

These orders were disregarded, or this so-called dispute would never have arisen.

(10) On the 12th February 1885, Major I. R. McCullagh, R.E., Deputy Superintendent, Mysore Topo Survey, applied to the Deputy Conservator of Forests, Nilgiris (*vide* No. 482, dated 12th February 1885, marked K), for the services of a Forest Ranger to point out the northern boundary of the Mudumalai forest; and Mr. Ricketts, in paragraph 5 of his letter, No. 2432-214, dated 12th December 1891 (marked O), admits that the Mysore Survey department followed the line demarcated by Colonel Cloete, for he says that "the measurers satisfied themselves by the stones laid down by the Madras Survey in 1875."

5. This concludes the evidence producible by the Madras Forest department, but does not in any way include evidence which the Tirumalpad of Nilambur will doubtless be able to produce if necessary.

6. The evidence in favour of both sides has now to be weighed and considered. I will first deal with the grounds on which the Mysore Forest officials claim the disputed area.

(a) With regard to the first statement (paragraph 3 (a) *supra*) made by Mr. Ricketts, it is clear that he is mistaken, for General Morgan, in his letter dated 12th April 1892 (marked P), distinctly states that Dr. Cleghorn decided the boundary between Mysore and Mudumalai so far back as 1859, and that it was never subsequently disputed. This fact is supported by paragraphs 1 to 9 and 21 of Colonel Cloete's memorandum, dated 4th August 1876, printed in Board's Proceedings, No. 2999, dated 29th November 1876; also by Government Order, No. 3091, dated 12th October 1877, letter from Major A. Dec Scott, R.E., No. 2176-78, dated 13th July 1877, to the Board and enclosure No. 1 thereto printed in the above Government Order, and, lastly, by the Mysore Chief Commissioner's Proceedings, dated 17th October 1878, printed in Government Order, No. 1779, dated 4th November 1878: As Dr. Cleghorn was Joint Conservator of both the Mysore and Madras Forests, and his action was tacitly acquiesced in by both Governments, his settlement was presumably binding. This, however, is a matter of minor importance, for the boundary was definitely settled and demarcated subsequently *without dispute*.

(b) Mr. Ricketts next proceeds (paragraph 3 (b) *supra*) to contest the validity of Colonel Cloete's settlement. He states that it was solely based on the Ordnance sheet and the evidence of interested witnesses. The evidence available proves that Colonel Cloete took every possible means within his power to define the boundary correctly.

The work was done by (1) referring to all available records on the subject, (2) by questioning the Kurumbers and ryots actually resident in the forest, and (3) by inviting the co-operation of the Mysore Revenue and Forest officials. Of the records, the lease executed by the Tirumalpad of Nilambur and the letter (No. 176-538, dated 29th December 1874, marked B) with the map sent by Colonel Morgan, who had up to that time been in charge of the Mudumalai forest, were alone sufficient to determine the boundary. The statements of the Kurumbers and Chetties resident in the forest enabled Colonel Cloete to identify the local names entered in the deed and mentioned by Colonel Morgan. But with regard to co-operation and assistance rendered by the Revenue and Forest officials of Mysore, Colonel Cloete's reports and the letters on the file sent herewith show conclusively that absolutely no assistance was given. Colonel Cloete applied on the 21st August 1875 (letter No. 1067-609, marked C) to the Deputy Commissioner for the services of the Mysore Revenue officials, but none were sent—*vide* Colonel Cloete's letter, No. 1232-705, dated 12th October, to the Deputy Commissioner, marked E. This fact is admitted by Mr. Jellicoe's letter, No. 521-275, dated 7th January 1876 (marked I). On the 28th of October 1875 (*vide* letter marked F), Colonel Cloete was informed that the Assistant Conservator of Forests, Mysore, acting under instructions from the head of his department, had refused to meet Mr. Fraser, who was Colonel Cloete's assistant, and

to go over the boundary with him. Subsequently, however, *after the boundary had been cleared and demarcated*, Mr. Jellicoe, Assistant Conservator of Forests, was deputed by the Mysore Government to go over the line and to inspect and report on it. In accordance with these instructions, Mr. Jellicoe met Colonel Jago, the Deputy Conservator of Forests, Nilgiris, on the 5th January 1876 (*vide* Mr. Jellicoe's letter, No. 521-275, dated 7th January 1876, to the Deputy Commissioner, Mysore, marked I) who represented Government, and *both* office with Colonel Cloete's Assistant, Mr. Fraser, went over the boundary and took place on the spot from Kurumbers resident in the forest.

Mr. Jellicoe then reported to the Deputy Commissioner that the boundary line had been correctly demarcated—*vide* his letter No. 521-275, dated 7th January 1876, quoted above.

Subsequently, this boundary so cut was surveyed and accepted by the Mysore Revenue Survey officials (as admitted by Mr. Ricketts in his letter, No. 2432-214, dated 12th December 1891, marked O) and acquiesced in by the then Deputy Commissioner of Mysore, Mr. Hill, and the Conservator of Forests, Mysore, Captain Vansomeran, and Deputy Conservator Mr. MacPherson. But when Mr. Hill, Deputy Commissioner, Mysore, objected to Colonel Cloete's boundary in 1875 (*vide* his letter No. 1789, dated 9th October 1875, marked D), the latter officer requested him to depute his Revenue officials to show him the boundary claimed by Mysore, and urged him to send them at once, as he wished to demarcate that boundary as speedily as possible before the fever season set in (*vide* letter, No. 1367-764, dated 6th November 1875, marked H); but no one was sent and the work was not done.

Mr. Ricketts next proceeds to discredit the evidence of the witnesses examined at the time of the joint commission in November 1876. Mr. Jellicoe, Assistant Conservator, Mysore, summoned and questioned several Mysore villagers. What they stated is contained in Mr. Jellicoe's report, No. 521-275 of 7th January 1876 (marked I), and is so important that I give it *in extenso* :—

"3. On questioning Hoongal Nunjé Gowda and others from that village, all men who, on account of their ages, were unable to proceed to the boundary, it was at first stated that stones had been placed along the line from the junction of these streams, (*viz*, Kakkanahalla, Honnurhalla and Imburhalla) to Rampur ford, but at what points these stones had been placed, by whom, and when, they were quite unable to say. They afterwards stated that no stones had ever been placed along this boundary. These men having been, as already stated, unable to accompany us to the boundary, and the Gundalpet Taluk Sheristadar, the Mysore Forest Ranger and the Barembady Jungle Mutsuddy having all said that they had never been along it, evidence was taken on the spot from Kurumba Mudda, who was deputed by the beforementioned ryots to point out the line. This man appears to have originally belonged to Mudumalai and to have gone over to Mysore within the last twelve years.

"4. The evidence of this witness clearly went to show that, as far as the boundary between Mysore and Mudumalai forest was concerned, there was no dispute; that the boundary was, in fact, as laid down in sheet No. 61 of the Trigonometrical Survey map, or naming the different points as follows :—from the Kakkanahalla bridge, a distance of 3½ miles, to the junction of the Kakkanahalla, the Honnurhalla and the Imbur or Kotehalla, then north following the Imburhalla for six miles to its source at the Kullambetta to the saddle connecting the Dodakullambetta with the Aribetta; thence following the ridge 2½ miles to the Karikanavai. From Karikanavai, the boundary runs along the Seppenhalla up the Gilan Tod and through the Siben Tod; then along the Mavinahalla in a westerly direction up to its junction with the Marigudi Tod, a distance of 8 miles, at which point the Mudumalai forest terminates."

A glance at the survey map prepared by Colonel Cloete and signed by Major Hessey will show that his boundary tallies exactly with the description given of it by Mr. Jellicoe. Mr. Ricketts, however, declares that the evidence of "Kurumber" Nanjé Gowda, the man referred to *supra*, who is *not* a Kurumber, but a Canarese Gowda (this is rather important, as Kurumbers live in the forest and Gowdas do not) is a "clear statement in favour of the line claimed by Mysore"!! (*vide* Mr. Ricketts' report, No. 2432-214, dated 12th December 1891, marked O). Whilst praising this witness, whose evidence, as stated above, Mr. Jellicoe in 1875 characterised as utterly worthless, Mr. Ricketts then proceeds to discredit the evidence of Kurumber Mudda, who was the only man who really knew anything about the boundary which he had apparently been over with Dr. Cleghorn twenty years previously. Mr. Jellicoe accepted his evidence as entirely trustworthy. He was a Kurumber resident in the Mysore

forests and spoke impartially. The evidence of this witness is discredited solely because the Amildar of Gundalpett says that, when he asked him to point out the boundary, he wanted a rupee as an advance for doing so! There is, however, nothing on the record to substantiate the Amildar's statement.

(c) The third contention raised is that the Mysore officials complained correctly cut. This is true. The Amildar or saw it (*vide* paragraph 3 of letter No. 1230 of 1876) reported that the boundary strength of some statement made by the Deputy Commissioner to depose Mysore and offered to demarcate it, in accordance with the letter, No. 1200-471, dated 13th September 1878, to the Superintendent, Madras Survey, printed in Government Order, No. 1628, Revenue, dated 8th October 1878; also letter No. 1232-705, dated 12th October 1875, from Colonel Cloete to the Deputy Commissioner, Mysore, marked E). The boundary line cleared and demarcated by Colonel Cloete only remained a tentative line pending the clearing of the line claimed by Mysore; but as this was never done and Mysore officials acquiesced in the line cut and demarcated by Colonel Cloete after the receipt of Mr. Jellicoe's (their own officer's) report, the boundary referred to ceased to be tentative and became the permanent boundary.

(d) Mr. Ricketts' objection No. 4, [paragraph 3 (d)] has been met partly under (c). The line was not demarcated or shown on the map, simply because the Mysore officials were too indifferent or apathetic to comply with Colonel Cloete's request for the deputation of an official to point it out.

The assertion that Colonel Cloete failed to properly represent the matter to Government must be considered unfounded, for the marginally-noted reports and letters from that officer conclusively prove the contrary.

* Letter No. 1200-471 dated 13th September 1878, and Mr. Puckle's letter No. 3361-144 dated 21st September 1878, to Government both printed in Government Order, dated 8th October 1878, No. 1628, Revenue.

(e) As to Mr. Ricketts' objection No. 5 [(paragraph 3 (e))] in his letter, 13th September 1878, No. 1200-471, paragraph 5, Colonel Cloete reported that "in January 1876, the Forest officers of both sides went over the line together, and Mr. Fraser, Sub-Assistant, Revenue Survey, pointed it out to them. Mr. Jellicoe, the Mysore Assistant Conservator, was satisfied that the line we had surveyed was the correct boundary, and I believe that he reported to the Mysore Conservator to that effect." The Deputy Commissioner's endorsement on Mr. Jellicoe's report, No. 521-275, dated 7th January 1876, shows that he accepted the statements therein contained, and the action of the Mysore Government in not subsequently pointing out to Colonel Cloete, when requested to do so by him, the boundary previously claimed by them as the correct one, proves that they acquiesced in the correctness of the boundary pointed out by their own Kurumbers and demarcated by Colonel Cloete. The Deputy Commissioner himself requested Colonel Cloete to employ "one Kurumber Mudda who is well acquainted with the boundary through the jungle and is able to point out the right line to be taken" (*vide* letter No. 1789, dated 9th October 1875). Venkata Dhasappa, the jungle Muttsuddy, in his report to the Amildar of Gundalpett (not dated, but numbered J by me), states that this Karimudda is "an experienced Bett Kurumba" and Mr. Jellicoe reported that he took a statement from this very Kurumber and that the boundary was demarcated in accordance with that statement and was pointed out by the said Kurumber. It is impossible for Mr. Ricketts to attempt to repudiate this now. That he himself accepted this line is clear from his letter, No. 1294-283 of 23rd August 1889 (marked L), in which he complains to the Conservator of Forests, Southern Circle, that the boundary marks on the frontier had not been properly maintained in accordance with paragraph 3 of Government Order, No. 1182, and that the stones on the line now disputed, viz., along the Barembady and Bandipur forests, were small, few and far between, and some of them not even firmly fixed in the ground, and impressed on the Conservator the importance of maintaining them in good order to prevent boundary disputes.

"once disposed of" re-opening themselves indistinct! No sooner did the Forest department and acting under the orders of Government demarcate it properly, than the Mysore operations. This long-settled dispute was the Mr. Ricketts' predecessor, and Mr. MacPherson had both acquiesced in the correctness of the

(f) The sixth ground advanced [paragraph 3 (f)] that our survey maps are opinion by Mr. Ricketts. They may be based one upon another; but it is unfortunate that the map prepared by the Mysore Survey Department has not been so checked that it must tally in every respect with Colonel Cloete's map as Mr. Ricketts admits. Colonel Cloete's line—*vide* paragraph 5 of his letter, No. 2,432-214, dated 12th December 1876, marked O. The map prepared by Sreenivasa Iyengar, Forest Surveyor, was sent solely to illustrate the views of the Assistant Conservator of Forests. Mr. Ricketts is mistaken altogether in saying that Colonel Cloete's map is useless. Colonel Cloete admitted that a stream "shown in the Ordnance Survey map as falling into the western boundary does not exist, and the Mavinahalla, which is shown on the map and now taken at this point follows the Deputy Commissioner's note on Mr. Jellicoe's report, No. 521-275, of 7th January 1876, marked I. It is only necessary to compare the map prepared by Colonel Cloete on the 16th August 1876 with the map prepared by Mr. Ricketts, and prepared by B. Sreenivasa Iyengar, Forest Surveyor, and submitted by Mr. B. Ramaswamy, Officiating Assistant Conservator of Mysore Forests, to see that the latter is altogether wrong and misleading, and absolutely worthless in support of the Mysore claim. The northern boundary of the Mudumalai forest, where it is disputed, is formed by the Doddahalla, a tributary of the Mavinahalla, then the Sibon Tod and Gilan Tod, and the Sepanhalla streams up to Karavai Kanavai (Kutkanavai of the Tirumalpad's deed). From thence the Karabetta and Kollichikall Betta Ridge to the Kakkannahalla stream (known at the point of junction as the Honnurhalla by Mysore ryots). These streams and the ridge are clearly shown, and marked in Colonel Cloete's map; but in the Mysore map the Mavinahalla alone is prominently shown right up to the Honnurhalla, apparently to mislead any one consulting this map into the belief that the Mavinahalla is the only possible natural boundary, and that Colonel Cloete's is an absurd and impossible one! As most of the small streams shown on this map do not exist, and those which do exist are not shown at all, it is evident that this map is worthless.

Every stream, however, shown on Colonel Cloete's survey map does exist, whereas the imaginary stream shown only on the Ordnance map has not been shown in this map, as Mr. Ricketts has erroneously stated.

(g) The seventh ground advanced [paragraph 3 (g)] is that of possession. The evidence available on behalf of the Madras Government is amply sufficient to prove that the Mysore Forest Department had not "always exercised rights in the disputed tract." Major-General Morgan, to whom I wrote for information on the 6th April 1892, distinctly states in his reply, dated 12th April 1892 (marked P), paragraph 3, that he "traversed the forest in every direction, and certainly the Barembady people never had possession of the now disputed tract or I should have known it, nor did any Mysore official attempt to exercise any right there."

On the 16th December 1890, the Forest Ranger, Mudumalai, reported (No. 160, marked N) that the Mysore Forest subordinates had encroached upon the Mudumalai forest, and had cut about 200 teak trees and had made a fire-line. He also referred to their having on a previous occasion cut a fire-line within the Mudumalai forest. He prevented the removal of the timber. Thus it will be seen that as soon as the Mysore Forest officials felled timber, they were promptly interfered with. Therefore it is clear that Mr. Ricketts' statement that the exercise of rights in the disputed tract "were never disputed by the Madras Forest Department" is unfounded and opposed to facts.

The forest products in the tract in question have been leased, for years, to contractors by the Tirumalpad of Nilambur, and have been collected by the lessees of

the Madras Government since 1891. duly reported by the Ranger in his report previously.

As to "possession being nine-tenths" Government is not, and never has been, and cannot be held to constitute possession.

(h) As to the eighth objection (Barembady village have grazed their cattle where in the Tippacadu and Sígúr Forest Department, and on payment of the

There is absolutely no trace of the General Morgan can testify. The amongst the records, and their value Ricketts then urges that there are old Mysore forest carts must have made timber by Muddanah 40 years ago, surprising that there are old cart-tracks.

(i) With regard to the next objection demarcated by Colonel Cloete follows Mr. Ricketts' contention that the boundary requires artificial boundary marks, etc.

7. To recapitulate, the evidence in the tract in question is briefly as follows:—

(1) The Tirumalpad of Nilambúr, and Government as his lessee, have been in possession up to date.

(2) The boundary was determined by Dr. Cleghorn on behalf of both Governments in 1859 and acquiesced in.

(3) It was again determined, surveyed and demarcated by Colonel Cloete, the representatives of both Governments being present, and was agreed to as the correct boundary.

(4) This decision was subsequently acquiesced in by Captain Vansomerén, Mr. MacPherson, the Chief Commissioner of Mysore, and Mr. Ricketts.

(5) The Madras Government decided that it was the correct boundary and ordered it to be properly defined and maintained. Thus all previous disputes were definitely settled and ought not now to be reopened.

ENCLOSURES.

From the Collector of Malabar, to the Commissioner of the Nilgiris, dated Calicut, 12th December 1874, No. 3390.

With reference to your letter of the 2nd instant, No. 52, I have the honour to inform you that as little is known of the geography of Mudumalai, I consider it very desirable that before Colonel Morgan's retirement at the end of December, he should sketch in the sheet map, forwarded herewith, the limits of the forests as hitherto, in possession of Government, also what he deems to be the limits of the lease now sought to be acquired.

The Deputy Conservator's hut, any considerable forest roads, and other land-marks easily identified on the ground should be included.

From Colonel H. R. MORGAN, Esq., Deputy Conservator of Forests, Ootacamund, to the Commissioner of the Nilgiris, dated Ootacamund, 29th December 1874, No. 176—533.

With reference to letter, No. 3390 of 12th December 1874, from the Malabar Collector, true copy of which has been forwarded to me, I have the honour to return the map duly filled in.

The western boundary of Mudumalai is a line drawn from the Mysore frontier to Nemblicotta and running almost due north and south. The southern boundary is the Bidderhulla stream in part and the Moyar river. The northern boundary is a ridge which divides it from Mysore. The eastern running nearly north and south is part a ridge and part the Kakkannah stream.

the cutting of fire-paths was, as above stated, in No. 160, dated 16th December, 1890, and

of law" it is quite clear that the Mysore is in possession. The commission of trespass

Mr. Ricketts [paragraph 3 (h)], the ryots of the tract, not only in the disputed tract, but elsewhere, by the permission of the Madras Forest Department, and on payment of the

existence of any villages in the tract in question, as the bounts referred to by Mr. Ricketts are not evidence is extremely questionable. Mr. Ricketts then urges that there are old cart-tracks in the forests, and assumes that as this very forest was worked for subsequently by General Morgan, it is not

entention [paragraph 3 (i)]: As the boundary is a ridge, it is also a natural boundary. The boundary claimed by the Tirumalpad is crooked and does not affect the Tirumalpad's right in the least.

in favour of the claim of Government to the

The land held by Muddanah is bounded on the south and east by the Moyar river, and on the west by the 8th milestone on the Gúdalúr road.

From Major J. R. McCULLAGH, R.E., Deputy Topographical Survey, to the Conservator of Forests, 1 February 1885, No. 482.

I have the honour to inform you that the operations are now being carried on on the borders of the Malabar District, the officer immediately engaged on that portion of the frontier, south and west of Jopalasami hill, bring uncertainty about the boundary line between Malabar and Mysore any pillars or marks whatever.

2. Under these circumstances I would feel obliged to Madumhalli forest (which I understand is the natural border) to meet Lieutenant Jackson and point out to him also the State boundary between Mysore and Malabar.

3. Lieutenant Jackson will be heard of at Banar road near the frontier.

No. 1441

Forwarded to the District Forest-officer, Nilgiris, issued to the Forest-officer in charge of the Mudumalai the Deputy Superintendent, Topographical Survey

CALICUT,
23rd February 1885.

Extract from letter, No. 1294—283 of 23rd April 1885, to the Conservator of Forests, Mysore, to the Conservator of Forests, Malabar, of boundary marks between Malabar and

With reference to your No. 139, dated 16th March 1889, Malabar District Forest-officer's No. 1610—3703, I inquire whether, as directed in paragraph 3 of Government Order of 27th July 1878, the boundary marks have been properly the line kept clear. In connection with the boundary forests and the Wynad and the Ootacamund forests reported in December 1888 that he came across a diameter and some 4 inches above the ground, so low. He also added that stones were very few and far between reference to a map not in his possession.

2. Seeing the voluminous correspondence in this matter and how the matters once disposed of re-open then indistinct, I need hardly suggest the extreme desirability I beg, in these circumstances, you will be so good as to condition of the boundary stones brought to notice.

* * *

No. 436.

Forwarded to the Conservator of Forests, North Malabar,
20th May 1890.

f

No. 440

Copy forwarded to the Collector of Nilgiris with request that he may be called upon for a report after due inquiry.

MADRAS,
21st May 1890.

by the Bidderhulla stream, on the north and south passing

Attendant in Charge, Mysore Topographical Survey, dated Mysore, 12th

the Mysore Topographical Survey strict, and Lieutenant Jackson, R.E., frontier between Moyar and Nugu my notice that there exists great uncertainty about the boundary line between Mysore and Malabar owing to the absence of

your deputing the Ranger of the forest on the Malabar side of the boundary of the forest which I take to

a village on the Mysore-Ootacamund

the request that the instructions be issued to comply with the request of

(Signed) E. W. DANCE,
District Forest-officer, Malabar.

889, from the Inspector-General of Southern Circle, on the maintenance

last, communicating copy of North Malabar District Forest-officer's No. 1610—3703, dated 16th March 1889, I have the honour to inform you that, as directed in paragraph 3 of Government Order, No. 1182, dated 27th July 1878, the boundary marks have been properly maintained by your department and the Wynad and the Ootacamund forests between Berambady and Bandipet the District Forest-officer, Mysore, which were only some 9 inches in diameter and some 4 inches above the ground, so low. It shook when struck by his foot and could only have been found by

lays in regard to boundary disputes when boundary marks are rendered indistinct, I need hardly suggest the extreme desirability of maintaining them in good order. I beg, in these circumstances, you will be so good as to institute needful inquiries as to the condition of the boundary stones brought to notice.

* * *

role, for favour of disposal.
(Signed) G. HOMFRAY,
Acting Deputy Conservator,
Conservator of Forests, Southern Circle.

request that the District Forest-officer

(Signed) A. W. PEET,
Acting Conservator of Forests,
Northern Circle.

From M.R. Ry. C. VENKATARAM
Mudumalai, to the District Forester,
No. 160.

I beg to report that having heard the northern portions of the Mysore Forest trees and are at the point of removing the Mudumalai forest and necessary a report. Accordingly he inspected the forest for your orders. Though his report, personal experience of the locality I sketch of the northern portions of the Mysore people in previous years North of this line they have divided it as Berambady jungle, and the other to the south.

Several correspondence regarding the boundary dispute have been made and it was not finally settled yet.

Before this, now they have again cut a quantity of timber. The pieces now cut are of the land known as Bandipur jungle, but only a swamp marked in the sketch called Nosagathay and also a footpath going towards Karanavai from Mudumalai. It is between these two limits they have cut the trees now.

Nothing has been done in that part of the land known as Bandipur jungle, but only a swamp marked in the sketch called Nosagathay and also a footpath going towards Karanavai from Mudumalai. It is between these two limits they have cut the trees now.

Besides, they have made two cart-roads which are also marked in the sketch. It is quite clear from the map of the Mudumalai leased forest that our northern boundary commences from A and goes towards E, D, &c. Still I do not know what made the Mysore authorities to encroach upon the forest. In the absence of a clear and perfect order, I am quite unable to understand what they have done.

Anyhow, pending the receipt of final orders, I have asked the Gundalpett Ranger, under whose supervision the sleepers are being laid, not to remove those logs until an order has been passed by you, and also I have directed the Forest Guards to have a constant watch over those timber pieces. I therefore request the Government to pass an order in this regard.

But if ordered, I shall at once have the fire tracing in this range is sanctioned. I request you to let me know from where I am to commence the work and where to close the northern parts of the Mudumalai forest.

From Major-General H. R. MORGAN
Ootacamund, dated 12th April 1892, No.

In reply to your letter of 6th April 1892, I have the honour to report as follows:—

I took charge of Mudumalai forest in 1856 and for close on 20 years I had charge, with the exception of about two years—1857 and 1858—when I was Conservator.

2. There never was any dispute between the boundary, as Dr. Cleghorn, when Joint Conservator of Madras and Mysore, arranged the line should run according to the Ordnance map as long ago as 1859, and Dr. Cleghorn informed me of the fact.

3. I traversed the forest in every direction and certainly the Berambady people never had possession of the now disputed tract, nor could have known it, nor did any Mysore officials attempt to exercise any right there. I mention that about 1870 I met (then) Captain Vansomeren of the Mysore forests, at the Bandipur bungalow, and he then made no objections to the existing boundary.

4. From the year about 1870 the demarcation stones should be laid down by the Survey Department.

5. It was usual in settling boundaries for a stream to be followed to its source and then a ridge selected as in the present case the Kakkanhalla stream from its junction with the Moyar river to its source, where I see the boundary in 1856. The blue line as shown on the map (Mysore) as Honnurhalla, was the boundary in 1856. The blue line as always was, the correct boundary, and in the larger map sent by Mr. Ricketts is, and possession of the Nilambur Rajah.

6. In 1861 I traversed a boundary between the Mysore and Wynad forests, between the Wynaad forests, which proves that Mysore was afterwards altered to the detriment of Mysore. Now it appears that Mr. Jellicoe's work is equally unsatisfactory, though the Mysore must be bound by the acts of its own officers.

7. Mr. Ricketts seems to think that this confers a right, but because he has, in mining parlance, tried to "jump" a claim that I was in possession for 20 years prior to this.

I, Avergal, Forest Ranger, No. I Range, Mudumalai, Nilgiris, dated Bonn , 16th December 1890,

part from the Forest Guards of the Mudumalai northernment have encroached upon our land and cut teak I sent Forester Ganapathi Iyer, with the map of the forest to inspect the forest thoroughly and submit his report, which I herein enclose quite clear, still from his verbal narration and my sketch of the following facts are true. In the enclosed sketch of the forest, the line from A to D in the fire line cut by which I have submitted my report then and there; one towards the west of the line B.C. is termed as Bandipur jungle.

boundary dispute have been made and it was not finally settled yet. Before this, now they have again cut a quantity of timber. The pieces now cut are of the land known as Bandipur jungle, but only a swamp marked in the sketch called Nosagathay and also a footpath going towards Karanavai from Mudumalai. It is between these two limits they have cut the trees now.

Nothing has been done in that part of the land known as Bandipur jungle, but only a swamp marked in the sketch called Nosagathay and also a footpath going towards Karanavai from Mudumalai. It is between these two limits they have cut the trees now.

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Anyhow, pending the receipt of final orders, I have asked the Gundalpett Ranger, under whose supervision the sleepers are being laid, not to remove those logs until an order has been passed by you, and also I have directed the Forest Guards to have a constant watch over those timber pieces. I therefore request the Government to pass an order in this regard.

But if ordered, I shall at once have the fire tracing in this range is sanctioned. I request you to let me know from where I am to commence the work and where to close the northern parts of the Mudumalai forest.

tired), to the Deputy Conservator of Forests, Ootacamund, 12th April 1892, No.

I have the honour to report as follows:—

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2. There never was any dispute between the boundary, as Dr. Cleghorn, when Joint Conservator of Madras and Mysore, arranged the line should run according to the Ordnance map as long ago as 1859, and Dr. Cleghorn informed me of the fact.

3. I traversed the forest in every direction and certainly the Berambady people never had possession of the now disputed tract, nor could have known it, nor did any Mysore officials attempt to exercise any right there. I mention that about 1870 I met (then) Captain Vansomeren of the Mysore forests, at the Bandipur bungalow, and he then made no objections to the existing boundary.

4. From the year about 1870 the demarcation stones should be laid down by the Survey Department.

5. It was usual in settling boundaries for a stream to be followed to its source and then a ridge selected as in the present case the Kakkanhalla stream from its junction with the Moyar river to its source, where I see the boundary in 1856. The blue line as shown on the map (Mysore) as Honnurhalla, was the boundary in 1856. The blue line as always was, the correct boundary, and in the larger map sent by Mr. Ricketts is, and possession of the Nilambur Rajah.

6. In 1861 I traversed a boundary between the Mysore and Wynad forests, between the Wynaad forests, which proves that Mysore was afterwards altered to the detriment of Mysore. Now it appears that Mr. Jellicoe's work is equally unsatisfactory, though the Mysore must be bound by the acts of its own officers.

7. Mr. Ricketts seems to think that this confers a right, but because he has, in mining parlance, tried to "jump" a claim that I was in possession for 20 years prior to this.

8. I notice that in the Kurumber evidence of Kurumber who gave evidence before Mr. Jellicoe, evidence was then accepted as reliable, is now a witness, on the strength of evidence not contained in apparently worthless and imaginary, then the evidence by Mr. Ricketts, who, wonderful to relate, knows the Kurumbers (?) must be considered as equally unreliable.

Mr. Ricketts, it is clear that if the Mysore Forest-officer, and whose evidence was then accepted as reliable, is now a witness, on the strength of evidence not contained in apparently worthless and imaginary, then the evidence by Mr. Ricketts, who, wonderful to relate, knows the Kurumbers (?) must be considered as equally unreliable.

Endorsement by J. W. CHERRY, Esq., Conservator of Forests, Southern Circle, dated Coimbatore, 11th July 1892, No. 1729.

I have the honour to forward the above.

Mr. Morgan has gone very fully into the subject, and no one can read his report without being struck with the force of his arguments, and the preponderance of the evidence in favour of Madras.

I trust, therefore, that the Government may be pleased to make a strong representation to Mysore in the matter.

From what I saw of both boundaries during a recent inspection, I should say that they are both natural lines, that is, lines that can be easily identified by a description from the natural features.

2. The Tirumalpad is really more concealed than we are, and would doubtless be prepared with evidence, if we had his lessees, we can hold him to it therein.

3. Besides the fixing of the line in 1856, graph 4 (2) of the report, there was the further survey of the line by Colonel Cloete under the orders of Government records shown in paragraphs 4 (8), (9) and (10) line then selected was acquiesced in by the Mysore authorities.

This line is reported to be identical with the line shown in the map of 1856, and, moreover, agrees with the Mysore boundaries which were published in 1833.

4. The Board will find what I take to be in detail in the topographical Survey map, 2 in 1856, surveyed by Colonel Cloete and published in 1856, shown in the map, but is particularly described in reference to certain letters shown along the boundary.

5. I do not see that Mr. Morgan mentions only reported that a previous Tirumalpad had been with a Mysore man.

If so, this might account for the two ruins to Mysore, but I observe that Mr. Morgan has not having existed.

6. It is a very great pity that the order of Colonel Cloete's line to be permanently demarcated. If they had been, we should probably have had the line laid down by Dr. Cleghorn in 1859, as shown in the old atlas sheets, which were published in 1833.

Resolution—dated 30th August 1892, Forest Department.

Submitted to Government with reference to Mis. No. 998, Revenue.

2. The Nilgiri Collector's report received above is clear and exhaustive. It was read and approved. The line under dispute was fixed so long back as 1856, of Forests of the Madras and the Mysore.

this settlement than we are, and would assist. We, and the boundaries as given in the map of 1856, surveyed by Colonel Cloete and published in 1856, shown in the map, but is particularly described in reference to certain letters shown along the boundary.

Mr. Cleghorn, referred to in paragraph 4 (2) of the report, there was the further survey of the line by Colonel Cloete under the orders of Government records shown in paragraphs 4 (8), (9) and (10) line then selected was acquiesced in by the Mysore authorities.

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Colonel Cloete's boundary, shown in the map of 1856, surveyed by Colonel Cloete and published in 1856, shown in the map, but is particularly described in reference to certain letters shown along the boundary.

at he informed me that it was common to the Mudumalai forest in a gamble.

ages being claimed as belonging to the Mysore, but I observe that Mr. Morgan has not having existed.

overnment in 1878, which required the line to be permanently demarcated and maintained, were not carried out. If they had been, we should probably have had the line laid down by Dr. Cleghorn in 1859, as shown in the old atlas sheets, which were published in 1833.

32.

Order, dated 18th February 1892, No. 1729.

th the Conservator's endorsement received above is clear and exhaustive. It was read and approved. The line under dispute was fixed so long back as 1856, of Forests of the Madras and the Mysore.

Original

8/8/92

Govt. of {1892} Madras
REVENUE.

S.C. No 3167924
17-5-94-19

CONCERNS BOTH BRITISH INDI
AND INDIAN STATES.

Issued

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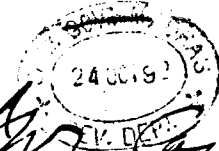
G.O., 8th December 1892, No. 1230.

DECEMBER.

Boundary.

Agreeing with the Board of Revenue in
remarks regarding the disputed line of — be-
tween the Mysore State and the Nilgiri-Wynaad.

26 X. 52
73



Dear Mr. Campbell

I have just seen
your letter, & am sorry
-ed all about the
matters to him.

I am now addressing
the Board with regard
to one or two points
that need clearing
up, & am sending
you a copy of the
letter to some
time, as the Board

25 Dec 1892

Original

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F.C. No 3167934
17-5-94-19

Gobt. of {1892} Madras
REVENUE.

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Issued

Recd.

G.O., 8th December

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the other.

James Smith
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Boundary.

Agreeing with the Board of Revenue in
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Govt. of {1892} Madras
REVENUE.

S.C. No 3167 of 1917-18-91-19

CONCERNS BOTH BR
AND INDIAN ST

Issued

Recd.

G.O., 8th December 189

DECEMBER

Submitted to the Secretary
Certain points of Mr. Morgan's
letter regarding the Madras
Mysore boundary dispute were
not clear so I sent Haragana
Mann to day. To Mr. Morgan
Some mistakes were I understood
pointed out to Mr. Morgan & he
promised in the letter to send
an official letter explaining
them. The papers will have to
be sent to the second letter
case.

Very well
24.10.94
K. K. K. K. K.
K. K. K. K. K.
K. K. K. K. K.

Boundary.

Agreeing with the Board of Revenue in
remarks regarding the disputed line of — be-
tween the Mysore State and the Nilgiri-Wynaad.

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G.O., 8th Dec

Agreeing
remarks reg
tween the M

Ordinance Survey map
and the misleading map sent
by the Mysore Forest Dept

N. 99 Lt.

110
Nilgiri Collector's Office
Cotacamund 29 September
23

From

J. D. Rees Esq. B. I. E.
Collector of Nilgiris

To

The Secretary to Government,
Revenue Department,
Cotacamund.

Sir,

With reference to Board's Proceedings
dated 30th August 1892, Forest No. 462, I
beg to point out that in paras 1 and 5 of
Mr Cherry's endorsement for "Mr Morgan"
"Mr Rees" should be read.

I have the honor to be,
Sir,

Your most obedient servant,

J. D. Rees.

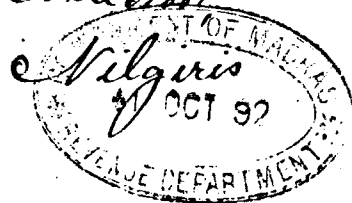
Collector.

Revenue (1892) Department

Current Number 8448

From

The Collector



To

The Secretary to Government,
Revenue Department,
Cotacumund.

Dated 29th } September 1892
Received 1st October 92.

No. 7462

Enclosure Nil

Subject.

Board's Proceedings 30th September 1892

No. 7462

Pointing out that in Paras 1 & 5
of the "for Mr Morgan"

"Mr Rees" should be read

Wm

Mr belongs to the

file of papers re

Mysore - Nilgiris boundary

disputed line

left out by P. 11/16

Nilgiri Collector's Office
Forest Branch,

Cotacumund 29 October 1892

12th 10

From,

J.D. Rees Esq.
Collector, Nilgiris,

To,

The Secretary to the Commissions of
Land Revenue,
Madras
Through the Conservator of Forests
Southern Circle
Cumbay

For,

I have the honor to submit the following
erratum to my letter no 500 dated 18th June 1892 printed
in Board's Proceedings Forest no 462 dated 30th August 92.
In para 4(8) line 4 for "Mr Jallicoe"
"Assistant Conservator of Forests, Mysore attended
on behalf of the Mysore Government and Col.
Jago on behalf of the Madras Government" read
"Mr Jallicoe Assistant Conservator of Forests Mysore
inspected the line subsequently on behalf of the
Mysore Government and Col. Jago on behalf of the
Madras Government"

In para 7(3) of the above letter, for "the
representatives of both Governments being present"
read "was inspected subsequently by the representatives
of both Governments"

2.

With reference to the Conservator's state-
ment in para 5 of his endorsement no 1729 dated 11th June
1892, the Mudumalai Forest is said to have been won
by a previous Tummalpad of Nilambur from a Ma-
lavar Raja of Gudalur in a gambling transaction.
The Conservator must have misunderstood Mr. Morgan.

3.

General Morgan in his letter dated 12th
April 1892, states that he was in charge of the Mudum-
lai Forest in 1856. The present lease was executed

in 1853, but two previous leases had been taken prior to the lease of 1856, and General Morgan informs me that the Mudumalai Forest was first subleased by one Edulji of Ootacamund to Government so far back as 1856, a second lease for 5 years having been obtained directly from the Travunpalad.

4. The Mudumalai Forest was attached to the Malabar District, when the present lease was executed, and the records relating to the two former leases are not available in this District.

5. To save delay, I have submitted a copy of this letter directly to Government.

Mine R.
Sd/- J. D. Rees
Collector.

True copy N^o 1342

Submitted to the Secretary to Government, Revenue Department.

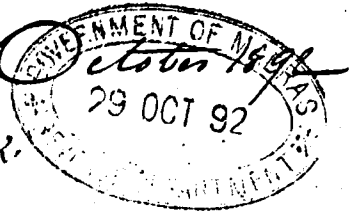
Ootacamund }
28 October 1892 }
Sd/-
Collector

Revenue (1892) Dept
of

The Collector of
Nilgiris
Current Number 9221
of

The Secretary to Government
Revenue Deptt.

Date { 28
Despd { 29 Oct 92
Ad { 29 Oct 92



N^o 1342

Subject

Submitting copy of letter
to the Board of Revenue
regarding Mudumalai -
Mysore boundary dispute

Managers

BOARD OF REVENUE (LAND REVENUE), 30TH AUGUST 1892, FOREST NO. 462.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

MR. A. T. ARUNDEL.

READ—again the following Proceedings of the Board of Revenue (Land Revenue), dated 10th March 1892, Forest No. 223, Mis. :—

THE HON. MR. J. GROSE.

Read—the following Government Order, dated 18th February 1892, Mis. No. 998, Revenue :—

Read—Endorsement of the Political Department, dated 8th February 1892, No. 246, transferring to the Revenue Department the following letter from the Resident in Mysore, to the Chief Secretary to the Government of Madras, dated Bangalore, 4th February 1892, No. 358—291-90 :—

In continuation of my letter No. 3052—291-90, dated the 7th October 1891, I have the honour to forward, for the consideration of the Government of Madras, the accompanying copy of a letter (to be returned), from the Inspector-General of Forests in Mysore with its enclosures (to be returned), submitting a report on the subject of the boundary dispute between the Mysore State and the Nilgiri-Wynaad.

2. Pending the settlement of the boundary line now in dispute, the officers of the Mysore Government have received strict injunctions to desist from exercising any rights over the disputed tract, and, at the instance of the Durbar, I beg that similar instructions may be issued to the officers of the Madras Government and to the Tirumalpad of Nilambur.

3. It is reported that the Mudumalai jungles adjoining the tract in dispute are not fire-protected and are consequently burnt down every year, while the tract claimed by the Durbar has escaped owing to its having been annually protected by a fire-line since 1878. The Durbar now ask for permission to protect the said tract by a fire-line as hitherto; this will of course not affect the proprietary right over the disputed locality. The favour of an early reply is requested on this point, as it is desirable to clear the fire-paths very soon in view of the approaching hot season.

4. The Durbar desired me, in October 1891, to ask the Madras Government to arrange for the deputation of Mr. Jellicoe to point out the boundary line in dispute to the Madras Survey Party now engaged in its demarcation, but I told them that this was unnecessary and inconvenient. However, at my suggestion, the Durbar are prepared to depute the Forest officer of the Mysore district to watch their interests during the demarcation of the line by the Madras Revenue Survey, and I trust that His Excellency the Governor in Council will see no objection to this.

Order—dated 18th February 1892, Mis. No. 998, Revenue.

The letter from the Inspector-General of Forests, Mysore, and its enclosures, will be forwarded to the Commissioners of Land Revenue for very early remarks, and with reference to paragraph 2 of the Resident's letter read above, the Board will be directed to issue the necessary instructions to the officers under it to desist from exercising any rights over the disputed tract pending the final settlement of the boundary-line. The Nilambur Tirumalpad should be advised to abstain from similar interference.

2. The Resident in Mysore will be informed that in the circumstances stated in paragraph 3 of his letter, the Government has no objection to the tract referred to therein being protected by a fire-line by the Mysore authorities and that the proposal in paragraph 4 to depute the Forest officer of the Mysore district to watch the interests of the Durbar during the demarcation of the line by the Madras Survey Department, has the approval of His Excellency the Governor in Council.

3. The following letter will be despatched in the Political Department to the Resident in Mysore.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue, with all enclosures.
Superintendent, Revenue Survey.
Political Department, with letter to the Resident.

Read—also the following letter from J. W. CHERRY, Esq., Conservator of Forests, Southern Circle, to the Secretary to the Commissioners of Land Revenue, dated Coimbatore, 27th February 1892, No. 372 :—

[Reference.—Nilgiri District Forest-officer's No. 1798, dated 18th February 1892.]

In forwarding copy of Mr. Morgan's letter and the Collector's endorsement, I have the honour to suggest that the Mysore authorities may be asked to call for explanation from their responsible Forest officials.

ENCLOSURE.

Office-note from R. W. MORGAN, Esq., District Forest-officer, Nilgiris, dated Ootacamund, 18th February 1892, No. 1798.

[Subject—Fire occurrence.]

I regret to report the occurrence of five fires in the Mudunalai forest. Of these fires, two are believed to have been lit by incendiaries (Jain Kurumbers) wandering about the forests in search of honey, &c.

2. The other fires are due to carelessness on the part of the Mysore Forest subordinates who burnt off their lines in the heat of the day, and allowed the fire to cross into our forests. The Forester reports as follows :—

"There was neither the Mysore Forest Ranger, Forester, nor Forest Guard to stand over the men; therefore, the Kurumbers were themselves masters and they did the work as they liked. In doing so, the fire entered our forest. I observed smoke and immediately hastened to the spot and put out the fire;" and again "with all the warnings given to them, they (Mysore Kurumbers) set fire to their fire lines and went away while the line was still burning."

3. The total area burnt by these various fires amounted to ten square miles and it was with very great difficulty the fires were put out, as the grass was high, and a strong easterly wind blowing. It is impossible for us to successfully protect our forests when the Mysore Forest subordinates behave in this manner:

Endorsement by J. D. REES, Esq., Collector of Nilgiris, dated 19th February 1892.

Forwarded by the Collector of Nilgiris. It would appear that some communication with the Mysore authorities is needed.

Resolution—dated 10th March 1892, Forest No. 223, Mis.

The letter of the Inspector-General of Forests, Mysore, in regard to the disputed boundary, will be referred to the Collector of Nilgiris, through the Conservator, Southern Circle, for early report.

2. The Collector will issue the necessary instructions to the officers concerned to desist from exercising any rights over the disputed tract till the final settlement of the boundary line and also will advise the Nilambur Tirumalpad to abstain from similar interference.

3. In regard to fire-protection, the Board had already issued orders in its Proceedings of the 24th December 1891, Forest No. 1005, similar to those now prescribed by Government. It appears, however, from the Conservator's letter of the 27th February 1892, No. 372, which will now be forwarded to Government, that the efforts of the Mysore authorities in this direction have not been very successful.

(True Copies and Extract.)

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

To the Secretary to Government, Revenue Department,
with copy of Board's Proceedings, dated 24th December 1891, F. No. 1005.
Collector of Nilgiris, with the letter of the Inspector-General
of Forests, and its 2 enclosures (to be returned),
through the Conservator of Forests, Southern Circle.

Read—also the following letter from J. D. REES, Esq., C.I.E., Collector of the Nilgiris, to the Secretary to the Commissioners of Land Revenue (through the Conservator of Forests, Southern Circle), dated Ootacamund, 18th June 1892, No. 508 :—

With reference to Board's Proceedings, Mis. No. 223, dated 10th March 1892, I have the honour to submit the report called for.

2. I have divided the report into four separate heads, viz. :—

- (1) The evidence and grounds on which the Mysore claims are based.
- (2) The evidence on which the Madras Forest Department, on behalf of the Nilambur Tirumalpad, asserts its title.
- (3) The value of the evidence adduced in support of the claims advanced on either side.
- (4) The arguments in favour of the Tirumalpad's claim being preferred.

3. Evidence on behalf of Mysore.—Mr. Ricketts, the Inspector-General of Forests, Mysore, in his letter to the Chief Secretary of the Mysore Government (marked O in blue pencil) contends that the tract in dispute which covers an area of 8,704 acres, and is situated on the extreme north-eastern portion of the Mudunalai forest, belongs to Mysore on the following grounds :—

(a) That no attempt was made to define the boundary on the ground till 1875 when Colonel Cloete demarcated it.

(b) That the boundary so defined by Colonel Cloete, was based solely on the Ordnance sheet, which Colonel Cloete himself admitted to be incorrect, and on the evidence of certain Kurumbers (of whom Mudda was one), who were interested parties, and that the above evidence is now contradicted by that of Kurumber Nanja Gowda aged 70 (not found in the papers from Mysore) which clearly proves that the disputed tract belongs to Mysore.

(c) That the Mysore authorities protested at the time of Colonel Cloete's demarcation, asserting that the boundary defined by him was incorrect, as it included a large tract of land belonging to Mysore, and that the demarcation of the boundary would be only permitted to be continued on the distinct understanding that the line cleared and demarcated was purely a tentative one.

(d) That the boundary claimed by Mysore was not demarcated or shown on the survey map by Colonel Cloete, who failed to properly represent matters to the Madras Government.

(e) That it is not clear from the records that Mr. Jellicoe, the Mysore Forest-officer, went over the line with Colonel Jago in January 1876, and that his report was not conclusive, nor was it finally disposed of.

(f) That the maps, published by the Madras Revenue Survey Department, are based one upon another, and are worthless as evidence for the establishment of any rights by the Madras Government as Lessees of the Nilambur Rajah, and that Colonel

Cloete's map cannot be relied on, as the large stream, shown by him in it, as a tributary of the Mavinahalla, does not exist, a fact which Colonel Cloete himself admitted, though he showed the stream as part of the boundary.

(g) That "the possession of, and rights always exercised in, the tract in question by Mysore were never disputed by the Madras Forest Department or the Nilambur Rajah." The Mysore Forest Department has been collecting timber and forest produce in the tract in question, without molestation, and has cut fire-paths since 1878 along the southern boundary of this tract, and that "possession is nine-tenths of law."

(h) That the ryots of Berambady (Mysore) village grazed their cattle in the disputed tract many years ago. That the Mysore Revenue accounts of 1849 show that the two depopulated villages called Chikkote and Doddā, or Hirekode, were situated in the disputed tract, and that there are old cart-tracks in the disputed tract made by Mysore carts.

(i) That the boundary claimed by Mysore is a natural one and moreover straight, and that the boundary claimed by the Tirumalpad is crooked, and requires artificial boundary marks which the Mysore line does not. This concludes the case for Mysore.

4. I have now to show what evidence there is of possession on behalf of the Tirumalpad of Nilambur:—

(1) The whole Mudumalai forest, including the disputed tract, was leased originally by the Tirumalpad to Muddanah, a Mysore timber merchant, who felled timber in it.

(2) In 1859, Dr. Cleghorn, Joint Conservator of Forests for Mysore and Madras, settled the boundary between Mysore and Malabar and that boundary is the one now disputed by Mysore (*vide* General Morgan's letter, marked P., dated 12th April 1892, paragraph 2, and Colonel Cloete's memorandum, dated 4th August 1876, printed in Board's Proceedings, dated 29th November 1876, No. 2999, and the papers therein quoted).

(3) In 1863, Major-General Morgan (then Captain Morgan of the Public Works Department) obtained a 99 years' lease of the forest from the Tirumalpad, through Mr. Ballard, Collector of Malabar, on behalf of Government. The boundaries given in the lease (copy printed in Board's Proceedings, dated 27th January 1885, No. 271—F. 54) which correspond with the boundaries of the forest as demarcated by Colonel Cloete in 1875, include the disputed tract, and are as follows:—

North.—The southern part of Varrarai Katkamani.

South.—The northern side of the junction of the Kelukatpoia and Vellumpoia rivers.

East.—The western part of Chickalashetti Madaswarangudi.

West.—The eastern side of the Marattithodu Nulla lying on the west and north of Chirranaradi and Vallinaradi Mulla hill.

(4) Captain Morgan was, in 1864, transferred from the Public Works Department to the Forest Department, and worked the Mudumalai forest till 1874, when he left the Forest Department, and during the whole of that period, he was in possession on behalf of the Tirumalpad and Government of the tract in dispute (*vide* General Morgan's letter, dated 12th April 1892, marked P).

(5) Such possession was continued from 1874 to 1892, in fact up to date, by Colonel Jago, Messrs. Lushington, Nallasawmi Naidu, Sheffield and Morgan, officers of the Forest Department.

(6) On Colonel Morgan's retirement from the Forest Department, the Collector of Malabar, in his letter No. 3390, dated 12th December 1874 (marked A), informed the Commissioner of the Nilgiris that it would be "very desirable that before Colonel Morgan's departure, at the end of December, he should sketch in the sheet map, forwarded herewith, the limits of the forest as hitherto in possession of Government." On the 29th December 1874, Colonel Morgan, with his letter No. 176-538 (marked B), forwarded "the map duly filled in" and stated as follows:—

"The northern boundary of Mudumalai forest is a ridge which divides it from Mysore, the eastern running nearly north and south is partly a ridge, and partly the Kakka-nulla stream."

This corresponds exactly with the boundary demarcated in 1875 by Colonel Cloete, and includes the disputed tract.

(7) In 1891, the Tirumalpad (who had for many years previously leased the forest products of the Mudumalai forest to other contractors), leased the minor forest products of the disputed tract, which was included in the area previously leased to the Madras Forest department (*vide* revised lease dated 19th May 1891) who thus obtained almost complete control over the whole forest.

(8) In 1875, it was ordered by Government that the boundary between Mysore and Malabar should be surveyed and demarcated. This work was carried out by Colonel Cloete and Mr. Fraser, his Assistant, both of the Madras Survey Department. Mr. Jellicoe, Assistant Conservator of Forests, Mysore, attended on behalf of the Mysore Government, and Colonel Jago on behalf of the Madras Government. Witnesses were examined and evidence taken. The officers concerned went over the line and inspected it, and Mr. Jellicoe forwarded a report, dated 7th January 1876, No. 521-275 (copy now forwarded by Mysore Government, marked I), in which he informed the Deputy Commissioner, Mysore, that he had carried out the instructions given to him, had taken "evidence . . . on the spot from Kurumbur Mudda who was deputed by the before-mentioned ryots to point out the line . . . The evidence of this witness clearly went to show that, as far as the boundary between Mysore and Mudumalai forest was concerned, there was no dispute that the boundary was in fact as laid down in sheet No. 61 of the Trigonometrical Survey Map." Mr. Jellicoe then proceeded to specify in detail the boundary which the Mysore Forest officials are now attempting to dispute.

(9) On the 3rd June 1878 (*vide* Government Order, dated 27th July 1878, No. 1182), Major T. G. Clarke, Secretary to the Chief Commissioner of Mysore, writing to the Secretary to Government, Revenue department, in his letter, No. 2479, R. F. 12, applied for the services of a Madras Forest-officer to point out the boundary which, it was ascertained, was "undisputed" (paragraph 1).

Captain G. J. Vansomeran, the then Conservator of Forests, Mysore (*vide* enclosure No. 1 to letter referred to *supra*), reported to the Chief Commissioner, Mysore, that "the stones on the line require to be relaid and the line to be cleared. This clearing of the line should be done yearly; but the stones should be such as not to require renewal for years."

Mr. MacPherson, the then Deputy Conservator of Forests, Mysore (*vide* same enclosure), also stated that this boundary line should "this time be distinctly defined."

Thus, the then Forest officers of Mysore acquiesced in the line laid down by Colonel Cloete and did not pretend that any dispute existed. Colonel Cloete suggested that half of the cost of demarcation of this boundary should be recovered from the Mysore Government—*vide* his letter printed in Government Order, No. 3091, dated 12th October 1877. The Mysore Government was then addressed by the Madras Government (*vide* letter, No. 3092, dated 12th October 1877), and the Mysore Government, in reply, stated that the "demarcation of the boundary line (*viz.*, Colonel Cloete's line) under reference will be carried out by a Forest-officer of that Government in concert with a Forest-officer from Mysore, and desires that the Conservator will depute an officer for the duty in communication with the Conservator of Forests, Madras.

"2. The cost of demarcation and of the survey of the line will, as usual in such cases, be shared by this administration."

Government ordered (*vide* paragraphs 1, 2 and 3 of Government Order, No. 1182, dated 27th July 1878), that the boundary line in question, which "appears to have been pointed out in 1876 by the Forest-officers of both Governments and to have been demarcated and surveyed by the Revenue Survey department (Government Order, dated 12th October 1877, No. 3091)" was to be again gone over and permanently demarcated by a Forest and Revenue Survey officer from Mysore, and that

cairns of stones were to be erected along the line at regular intervals and in prominent positions and maintained by the Forest department, the Deputy Conservator of Forests, Nilgiris, inspecting the line and reporting results annually.

These orders were disregarded, or this so-called dispute would never have arisen.

(10) On the 12th February 1885, Major I. R. McCullagh, R.E., Deputy Superintendent, Mysore Tope Survey, applied to the Deputy Conservator of Forests, Nilgiris (*vide* No. 482, dated 12th February 1885, marked K), for the services of a Forest Ranger to point out the northern boundary of the Mudumalai forest, and Mr. Ricketts, in paragraph 5 of his letter, No. 2432-214, dated 12th December 1891 (marked O), admits that the Mysore Survey department followed the line demarcated by Colonel Cloete, for he says that "the measurers satisfied themselves by the stones laid down by the Madras Survey in 1875."

5. This concludes the evidence producible by the Madras Forest department, but does not in any way include evidence which the Tirumalpad of Nilambur will doubtless be able to produce if necessary.

6. The evidence in favour of both sides has now to be weighed and considered. I will first deal with the grounds on which the Mysore Forest officials claim the disputed area.

(a) With regard to the first statement (paragraph 3 (a) *supra*) made by Mr. Ricketts, it is clear that he is mistaken, for General Morgan, in his letter dated 12th April 1892 (marked P), distinctly states that Dr. Cleghorn decided the boundary between Mysore and Mudumalai so far back as 1856, and that it was never subsequently disputed. This fact is supported by paragraphs 1- to 9 and 21 of Colonel Cloete's memorandum, dated 4th August 1876, printed in Board's Proceedings, No. 2999, dated 29th November 1876; also by Government Order, No. 3091, dated 12th October 1877, letter from Major A. Dec Scott, R.E., No. 2176-78, dated 15th July 1877, to the Board and enclosure No. 1 thereto printed in the above Government Order, and, lastly, by the Mysore Chief Commissioner's Proceedings, dated 17th October 1878, printed in Government Order, No. 1779, dated 4th November 1878. As Dr. Cleghorn was Joint Conservator of both the Mysore and Madras Forests, and his action was tacitly acquiesced in by both Governments, his settlement was presumably binding. This, however, is a matter of minor importance, for the boundary was definitely settled and demarcated subsequently *without dispute*.

(b) Mr. Ricketts next proceeds (paragraph 3 (b) *supra*) to contest the validity of Colonel Cloete's settlement. He states that it was solely based on the Ordnance sheet and the evidence of interested witnesses. The evidence available proves that Colonel Cloete took every possible means within his power to define the boundary correctly.

The work was done by (1) referring to all available records on the subject, (2) by questioning the Kurumbers and ryots actually resident in the forest, and (3) by inviting the co-operation of the Mysore Revenue and Forest officials. Of the records, the lease executed by the Tirumalpad of Nilambur and the letter (No. 176-538, dated 29th December 1874, marked B) with the map sent by Colonel Morgan, who had up to that time been in charge of the Mudumalai forest, were alone sufficient to determine the boundary. The statements of the Kurumbers and Chetties resident in the forest enabled Colonel Cloete to identify the local names entered in the deed and mentioned by Colonel Morgan. But with regard to co-operation and assistance rendered by the Revenue and Forest officials of Mysore, Colonel Cloete's reports and the letters on the file sent herewith show conclusively that absolutely no assistance was given. Colonel Cloete applied on the 21st August 1875 (letter No. 1067-609, marked C) to the Deputy Commissioner for the services of the Mysore Revenue officials, but none were sent—*vide* Colonel Cloete's letter, No. 1232-705, dated 12th October, to the Deputy Commissioner, marked E. This fact is admitted by Mr. Jellicoe's letter, No. 521-275, dated 7th January 1876 (marked I). On the 28th of October 1875 (*vide* letter marked F), Colonel Cloete was informed that the Assistant Conservator of Forests, Mysore, acting under instructions from the head of his department, had refused to meet Mr. Fraser, who was Colonel Cloete's assistant, and

to go over the boundary with him. Subsequently, however, *after the boundary had been cleared and demarcated*, Mr. Jellicoe, Assistant Conservator of Forests, was deputed by the Mysore Government to go over the line and to inspect and report on it. In accordance with these instructions, Mr. Jellicoe met Colonel Jago, the Deputy Conservator of Forests, Nilgiris, on the 5th January 1876 (*vide* Mr. Jellicoe's letter, No. 521-275, dated 7th January 1876, to the Deputy Commissioner, Mysore, marked I) who represented Government, and both officers, with Colonel Cloete's Assistant, Mr. Fraser, went over the boundary and took evidence on the spot from Kurumbers resident in the forest.

Mr. Jellicoe then reported to the Deputy Commissioner that the boundary line had been correctly demarcated—*vide* his letter No. 521-275, dated 7th January 1876, quoted above.

Subsequently, this boundary so cut was surveyed and accepted by the Mysore Revenue Survey officials (as admitted by Mr. Ricketts in his letter, No. 2432-214, dated 12th December 1891, marked O) and acquiesced in by the then Deputy Commissioner of Mysore, Mr. Hill, and the Conservator of Forests, Mysore, Captain Vansomeran, and Deputy Conservator Mr. MacPherson. But when Mr. Hill, Deputy Commissioner, Mysore, objected to Colonel Cloete's boundary in 1875 (*vide* his letter No. 1789, dated 9th October 1875, marked D), the latter officer requested him to depute his Revenue officials to show him the boundary claimed by Mysore, and urged him to send them at once, as he wished to demarcate that boundary as speedily as possible before the fever season set in (*vide* letter, No. 1367-764, dated 6th November 1875, marked II); but no one was sent and the work was not done.

Mr. Ricketts next proceeds to discredit the evidence of the witnesses examined at the time of the joint commission in November 1876. Mr. Jellicoe, Assistant Conservator, Mysore, summoned and questioned several Mysore villagers. What they stated is contained in Mr. Jellicoe's report, No. 521-275 of 7th January 1876 (marked I), and is so important that I give it *in extenso* :—

"3. On questioning Hoongal Nunjé Gowda and others from that village, all men who, on account of their ages, were unable to proceed to the boundary, it was at first stated that stones had been placed along the line from the junction of these streams, (*viz*, Kakkanahalla, Honnurhalla and Imburhalla) to Rampur ford, but at what points these stones had been placed, by whom, and when, they were quite unable to say. They afterwards stated that no stones had ever been placed along this boundary. These men having been, as already stated, unable to accompany us to the boundary, and the Gundalpett Taluk Sheristadar, the Mysore Forest Ranger and the Barembady Jungle Mutsuddy having all said that they had never been along it, evidence was taken on the spot from Kurumba Mudda, who was deputed by the beforementioned ryots to point out the line. This man appears to have originally belonged to Mudumalai and to have gone over to Mysore within the last twelve years.

"4. The evidence of this witness clearly went to show that, as far as the boundary between Mysore and Mudumalai forest was concerned, there was no dispute; that the boundary was, in fact, as laid down in sheet No. 61 of the Trigonometrical Survey map, or naming the different points as follows :—from the Kakkanahalla bridge, a distance of $3\frac{1}{4}$ miles, to the junction of the Kakkanahalla, the Honnurhalla and the Imbur or Kotehallā, then north following the Imburhalla for six miles to its source at the Kallanbetta to the saddle connecting the Dodakullēnbetta with the Aribetta; thence following the ridge $2\frac{1}{2}$ miles to the Karikanavai. From Karikanavai, the boundary runs along the Seppenhalla up the Gilan Tod and through the Siben Tod; then along the Mavinhallā in a westerly direction up to its junction with the Marigudi Tod, a distance of 8 miles, at which point the Mudumalai forest terminates."

A glance at the survey map prepared by Colonel Cloete and signed by Major Hesse will show that his boundary tallies exactly with the description given of it by Mr. Jellicoe. Mr. Ricketts, however, declares that the evidence of "Kurumber" Nanjé Gowda, the man referred to *supra*, who is *not* a Kurumber, but a Canarese Gowda (this is rather important, as Kurumbers live in the forest and Gowdas do not) is a "clear statement in favour of the line claimed by Mysore"!! (*vide* Mr. Ricketts' report, No. 2432-214, dated 12th December 1891, marked O). Whilst praising this witness, whose evidence, as stated above, Mr. Jellicoe in 1875 characterised as utterly worthless, Mr. Ricketts then proceeds to discredit the evidence of Kurumber Mudda, who was the only man who really knew anything about the boundary which he had apparently been over with Dr. Cleghorn twenty years previously. Mr. Jellicoe accepted

his evidence as entirely trustworthy. He was a Kurumber resident in the Mysore forests and spoke impartially. The evidence of this witness is discredited solely because the Amildar of Gundalpett says that, when he asked him to point out the boundary, he wanted a rupee as an advance for doing so ! There is, however, nothing on the record to substantiate the Amildar's statement.

(c) The third contention raised in Mr. Ricketts' letter (paragraph 3 (c) *supra*) is that the Mysore officials complained at the time (1875) that the boundary had been incorrectly cut. This is true. The Amildar of Gundalpett, who never went near the boundary or saw it (*vide* paragraph 3 of Mr. Jellicoe's letter, No. 521-275, dated 7th January 1876) reported that the boundary had been improperly cut apparently on the strength of some statement made to him by a cooly ; but when Colonel Cloete asked the Deputy Commissioner to depute some person to show the boundary claimed by Mysore and offered to demarcate it, no notice whatever was taken of his request ! (*vide* paragraph 4 of Colonel Cloete's letter, No. 1200-471, dated 13th September 1878, to the Superintendent, Madras Survey, printed in Government Order, No. 1628, Revenue, dated 8th October 1878 ; also letter No. 1232-705, dated 12th October 1875, from Colonel Cloete to the Deputy Commissioner, Mysore, marked E). The boundary line cleared and demarcated by Colonel Cloete only remained a tentative line pending the clearing of the line claimed by Mysore ; but as this was never done and Mysore officials acquiesced in the line cut and demarcated by Colonel Cloete after the receipt of Mr. Jellicoe's (their own officer's) report, the boundary referred to ceased to be tentative and became the permanent boundary.

(d) Mr. Ricketts' objection No. 4, [paragraph 3 (d)] has been met partly under (c). The line was not demarcated or shown on the map, simply because the Mysore officials were too indifferent or apathetic to comply with Colonel Cloete's request for the deputation of an official to point it out.

The assertion that Colonel Cloete failed to properly represent the matter to Govern-

ment must be considered unfounded, for the marginally-noted reports and letters from that officer conclusively prove the contrary.

(e) As to Mr. Ricketts' objection No. 5 [(paragraph 3 (e)] in his letter, 13th September 1878, No. 1200-471, paragraph, 5, Colonel Cloete reported that "in January 1876, the Forest officers of both sides went over the line together, and Mr. Fraser, Sub-Assistant, Revenue Survey, pointed it out to them. Mr. Jellicoe, the Mysore Assistant Conservator, was satisfied that the line we had surveyed was the correct boundary, and I believe that he reported to the Mysore Conservator to that effect." The Deputy Commissioner's endorsement on Mr. Jellicoe's report, No. 521-275, dated 7th January 1876, shows that he accepted the statements therein contained, and the action of the Mysore Government in not subsequently pointing out to Colonel Cloete, when requested to do so by him, the boundary previously claimed by them as the correct one, proves that they acquiesced in the correctness of the boundary pointed out by their own Kurumbers and demarcated by Colonel Cloete. The Deputy Commissioner himself requested Colonel Cloete to employ "one Kurumber Mudda who is well acquainted with the boundary through the jungle and is able to point out the right line to be taken" (*vide* letter No. 1789, dated 9th October 1875). Venkata Dhasappa, the jungle Muttsuddy, in his report to the Amildar of Gundalpett (not dated, but numbered J by me), states that this Karimudda is "an experienced Bett Kurumba" and Mr. Jellicoe reported that he took a statement from this very Kurumber and that the boundary was demarcated in accordance with that statement and was pointed out by the said Kurumber. It is impossible for Mr. Ricketts to attempt to repudiate this now. That he himself accepted this line is clear from his letter, No. 1294-283 of 23rd August 1889 (marked L), in which he complains to the Conservator of Forests, Southern Circle, that the boundary marks on the frontier had not been properly maintained in accordance with paragraph 3 of Government Order, No. 1182, and that the stones on the line now disputed, viz., along the Barembady and Bandipur forests, were small, few and far between, and

some of them not even firmly fixed in the ground, and impressed on the Conservator the importance of maintaining them in good order to prevent boundary disputes "once disposed of" re-opening themselves when boundary marks are rendered indistinct ! No sooner did the Forest department, in compliance with this request, and acting under the orders of Government, commence to clear the boundary and demarcate it properly, than the Mysore Ranger set to work to obstruct these operations. This long-settled dispute was then revived, though Captain Vansome, Mr. Ricketts' predecessor, and Mr. MacPherson, the Deputy Conservator in charge, had both acquiesced in the correctness of the boundary.

(f) The sixth ground advanced [paragraph 3 (f)] that our survey maps are worthless as evidence is simply an expression of opinion by Mr. Ricketts. They may be based one upon another ; but it is unfortunate that the map prepared by the Mysore Revenue Survey Department has not been submitted by Mr. Ricketts, for we know that it must tally in every respect with Colonel Cloete's map as Mr. Ricketts admits that the Mysore surveyors followed Colonel Cloete's line—*vide* paragraph 5 of his letter, No. 2,432-214, dated 12th December 1891, marked O. The map prepared by Sreenivasa Iyengar, Forest Surveyor, was meant solely to illustrate the views of the Assistant Conservator of Forests. Mr. Ricketts is mistaken altogether in saying that Colonel Cloete's map is useless. Colonel Cloete admitted that a stream "shown in the Ordnance Survey map as falling into the Mavinhalla and forming the south-western boundary does not exist, and the line now taken at this point follows the Mavinhalla, which is shown on the map and follows (?) the natural boundary"—*vide* Deputy Commissioner's note on Mr. Jellicoe's report, No. 521-275, of 7th January 1876, marked I. It is only necessary to compare the map prepared by Colonel Cloete on the 16th August 1876 with the map filed by Mr. Ricketts, and prepared by B. Sreenivasa Iyengar, Forest Surveyor, and submitted by Mr. B. Ramaswamy, Officiating Assistant Conservator of Mysore Forests, to see that the latter is altogether wrong and misleading, and absolutely worthless in support of the Mysore claim. The northern boundary of the Mudumalai forest, where it is disputed, is formed by the Doddahalla, a tributary of the Mavinhalla, then the Sibon Tod and Gilan Tod, and the Sepanhalla streams up to Karavai Kanavai (Kutkanavai of the Tirumalpad's deed). From thence the Karabetta and Kollichikall Betta Ridge to the Kakkanahalla stream (known at the point of junction as the Honnurhalla by Mysore ryots). These streams and the ridge are clearly shown, and marked in Colonel Cloete's map ; but in the Mysore map the Mavinhalla alone is prominently shown right up to the Honnurhalla, apparently to mislead any one consulting this map into the belief that the Mavinhalla is the only possible natural boundary, and that Colonel Cloete's is an absurd and impossible one ! As most of the small streams shown on this map do not exist, and those which do exist are not shown at all, it is evident that this map is worthless.

Every stream, however, shown on Colonel Cloete's survey map does exist, whereas the imaginary stream shown only on the Ordnance map has not been shown in this map, as Mr. Ricketts has erroneously stated.

(g) The seventh ground advanced [paragraph 3 (g)] is that of possession. The evidence available on behalf of the Madras Government is amply sufficient to prove that the Mysore Forest Department had not "always exercised rights in the disputed tract." Major-General Morgan, to whom I wrote for information on the 6th April 1892, distinctly states in his reply, dated 12th April 1892 (marked P), paragraph 3, that he "traversed the forest in every direction, and certainly the Barembady people never had possession of the now disputed tract or I should have known it, nor did any Mysore official attempt to exercise any right there."

On the 16th December 1890, the Forest Ranger, Mudumalai, reported (No. 160, marked N) that the Mysore Forest subordinates had encroached upon the Mudumalai forest, and had cut about 200 teak trees and had made a fire-line. He also referred to their having on a previous occasion cut a fire-line within the Mudumalai forest. He prevented the removal of the timber. Thus it will be seen that as soon as the Mysore Forest officials felled timber, they were promptly interfered with. Therefore it is clear that Mr. Ricketts' statement that the exercise of rights in the disputed tract "were never disputed by the Madras Forest Department" is unfounded and opposed to facts.

The forest products in the tract in question have been leased, for years, to contractors by the Tirumalpad of Nilambur, and have been collected by the lessees of the Madras Government since 1891. The cutting of fire-paths was, as above stated, duly reported by the Ranger in his report, No. 160, dated 16th December, 1890, and previously.

As to "possession being nine-tenths of law" it is quite clear that the Mysore Government is not, and never has been, in possession. The commission of trespass cannot be held to constitute possession.

(4) As to the eighth objection of Mr. Ricketts [paragraph 3 (h)], the ryots of Barembady village have grazed their cattle, not only in the disputed tract, but elsewhere in the Tippacadu and Sigur forests, by the permission of the Madras Forest Department, and on payment of the usual fees. This is no proof of title.

There is absolutely no trace existing of any villages in the tract in question, as General Morgan can testify. The accounts referred to by Mr. Ricketts are not amongst the records, and their value as evidence is extremely questionable. Mr. Ricketts then urges that there are old cart-tracks in the forests, and assumes that Mysore forest carts must have made them!! As this very forest was worked for timber by Muddanah 40 years ago, and subsequently by General Morgan, it is not surprising that there are old cart-tracks!

(i) With regard to the next contention [paragraph 3 (i)]: As the boundary demarcated by Colonel Cloete follows streams and a ridge, it is also a natural boundary. Mr. Ricketts' contention that the boundary claimed by the Tirumalpad is crooked and requires artificial boundary marks, cannot affect the Tirumalpad's right in the least.

7. To recapitulate, the evidence in favour of the claim of Government to the tract in question is briefly as follows:—

(1) The Tirumalpad of Nilambur, and Government as his lessee, have been in possession up to date.

(2) The boundary was determined by Dr. Cleghorn on behalf of both Governments in 1859 and acquiesced in.

(3) It was again determined, surveyed and demarcated by Colonel Cloete, the representatives of both Governments being present, and was agreed to as the correct boundary.

(4) This decision was subsequently acquiesced in by Captain Vansomeran, Mr. MacPherson, the Chief Commissioner of Mysore, and Mr. Ricketts.

(5) The Madras Government decided that it was the correct boundary and ordered it to be properly defined and maintained. Thus all previous disputes were definitely settled and ought not now to be reopened.

Endorsement by J. W. CHERRY, Esq., Conservator of Forests, Southern Circle, dated Coimbatore, 11th July 1892, No. 1729.

I have the honour to forward the above.

Mr. Morgan has gone very fully into the subject, and no one can read his report without being struck with the force of his arguments, and the preponderance of the evidence in favour of Madras.

I trust, therefore, that the Government may be pleased to make a strong representation to Mysore in the matter.

From what I saw of both boundaries during a recent inspection, I should say that they are both natural lines, that is, lines that can be easily identified by a description from the natural features.

2. The Tirumalpad is really more concerned in this settlement than we are, and would doubtless be prepared with evidence, if required to assist.

As his lessees, we can hold him to the lease, and the boundaries as given therein.

3. Besides the fixing of the line in 1859 by Dr. Cleghorn, referred to in paragraph 4 (2) of the report, there was the further demarcation and survey of the line by Colonel Cloete under the orders of Government in 1875, and from the facts and records shown in paragraphs 4 (8), (9) and (10) of the report, it is apparent that the line then selected was acquiesced in by the Mysore authorities.

This line is reported to be identical with that laid down by Dr. Cleghorn in 1859, and, moreover, agrees with the Mysore boundary, as shown in the old atlas sheets, which were published in 1833.

4. The Board will find what I take to be Colonel Cloete's boundary, shown in detail in the topographical Survey map, 2 inches to the mile, of the Nilgiri district, surveyed by Colonel Cloete and published in 1886, in which the line is not only shown in the map, but is particularly described as "the boundary" in a marginal reference to certain letters shown along the boundary.

5. I do not see that Mr. Morgan mentions it, but he informed me that it was commonly reported that a previous Tirumalpad had won the Mudumalai forest in a gamble with a Mysore man.

If so, this might account for the two ruined villages being claimed as belonging to Mysore, but I observe that Mr. Morgan denies all signs of the said villages having existed.

6. It is a very great pity that the orders of Government in 1878, which required Colonel Cloete's line to be permanently demarcated and maintained, were not carried out. If they had been, we should probably have heard nothing more of this matter.

RESOLUTION—dated 30th August 1892, Forest No. 462.

Submitted to Government with reference to its Order, dated 18th February 1892, Mis. No. 998, Revenue.

2. The Nilgiri Collector's report received with the Conservator's endorsement read above is clear and exhaustive. It would appear therefrom that the boundary line under dispute was fixed so long back as 1859 by Dr. Cleghorn, Joint Conservator of Forests of the Madras and the Mysore Governments, and was agreed to by the Mysore Government—vide Government Order, dated 28th April 1859, No. 577. The

line was subsequently surveyed and demarcated (though not permanently) by Colonel Cloete in 1875.* The Mysore Government did not even then question the correctness of the boundary line; on

the contrary, the Mysore Forest officers appeared to have "satisfied themselves that this portion of the line had been correctly marked"—vide paragraph 9 of Lieutenant-Colonel Cloete's memorandum printed in Government Order, dated 23rd December 1876, No. 2132. After a while, however, the Mysore Government complained that the line, as surveyed and demarcated by Colonel Cloete, could not be identified, partly owing to the natural difficulties of the country, but mainly owing to the irregular or imperfect manner in which the demarcation stones had been laid—vide letter from the Secretary to the Chief Commissioner of Mysore printed in Government Order, dated 27th July 1878, No. 1182. The

† Government Order, dated 8th October 1878, No. 1628.

order of the Madras Government † on the subject of this complaint clearly stated that it was not intended that the line should be again defined, but that it should be pointed out by the Survey Department and permanent boundary marks erected in prominent positions. This order was, however, lost sight of by the officers of the Madras Government concerned, as will be seen from the correspondence recorded in Government Orders, dated 22nd May 1890, No. 356, and 30th October 1890, Mis. No. 6590. Otherwise the line would have been long ago permanently demarcated and the present dispute would not have arisen.

12 BOARD OF REVENUE (LAND REVENUE), 30TH AUGUST 1892, FOREST No. 462.

3. Under these circumstances, therefore, the Board considers that it is unnecessary to re-open the dispute and that the Mysore Government may be informed accordingly.

(True Copies and Extract.)

[Signature]
Acting Secretary.

To the Secretary to Government, Revenue Department,
with 3 enclosures in F. R. No. 406 of 1892
returned, and 6 enclosures in F. R. No. 1881
of 1892, in original (to be returned). ✓

Copy to the Conservator of Forests, Southern Circle.
" " Collector of the Nilgiris.

Exd. W. J. Lewis.

REVENUE DEPARTMENT.

1892.

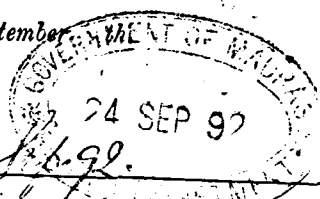
Board of Revenue

(Land Revenue)

MADRAS.

Current number 8257

Printed September



Proceedings, dated 30th August 1892,
Forest No. 462.

Encls 7

Submitting to Government, with remarks, endorsement of the Conservator of Forests, Southern Circle, forwarding, with his observations, letter from the Collector of Nilgiris submitting the report called for from him regarding the disputed line of boundary between the Mysore State and the Nilgiri-Wynaad.

REVENUE DEPARTMENT.

C. N. 8257, 8448 & 9221 of 92

From

Dated

189

FOR ORDERS.

*I have put up a
round draft Rule
14-11-92*

These papers relate to the Boundary dispute between Mysore and the Nilgiri Wynaad. A draft B.O. and letter to the Resident in Mysore are submitted for approval. A précis of the evidence in favor of Govt is given in the draft letter. The Collector's letter with the Conservator's endorsement thereon as it originally stood contained a few errors and some misleading statements which were apparently overlooked in the Board's Office. These were accordingly pointed out to the D.F.O., Nilgiris, and the third of the enclosures noted above contains the Nilgiris Collector's letter correcting the mistakes ~~supplementing~~ and explaining and completing

the statements, made in his first letter, by supplementary information. Mr Ricketts case seems to be a very weak one and is mostly based upon hearsay evidence. It is possible that the Mysore administration will abandon the claim of a strong representation he made & it is a draft letter is accordingly submitted for approval.

Ans
14.11.51.

hah
There is some strong language in General Munro's letter P^x which might be as well to omit in printing.
Ans

Mysore Wynaad
Boundary dispute

Ans
G O 1230
7/12

I allude to the last sentence of para 5
Ans

To The Hon. the Chief Secy
for favor of Council initials

C 29/11
17/12

FOR ORDERS.

REVENUE DEPARTMENT.

Current No.

From

Recd. C. No. 8257, 8448, 19221 of 92.

Dated

189.

Print in full

FOR ORDERS.

Forest No. 30 order 8 "December 1892 No 1230

24/12/92

Ans
7/12

The Govt agrees with the Board - the following letter will be addressed in the Political Department to Mr Resident in Mysore. Ans
20.11.11

Note for the Pass to the Commr of Political Dept. with enclosure with letter 50/3
Letter to Resd. not to be printed

The Resident in Mysore Bangalore.

24/12/92

Ans
7/12

Sir
Adverting to your letter No 358 dt 4. Feb 1892. 291-90, I am directed to forward a copy of the marginally noted Progs of the Govt regarding the disputed line of boundary between the taluqa - Wynaad and the Mysore State & request the H.H. the Maharajah; Darbar may be moved to reconsider the position in the

the boundary, demarcated by
 1875
 Col. Cloke is ~~the~~ is a
 cloud witness that the
 substance of the
 Mysore has not added
 sufficient ^{grounds} to fully ~~convince~~ its being ~~respected~~
~~respected~~. I am, therefore, stating
 the Mysore Darbar is willing,
 on a candid view of the facts
 arguments are put forward
 by the Collector of the district, to
 accept the above opinion, & to
 relinquish ~~abandon~~ the claim which it
 has advanced. I am ~~fully~~ in conclusion
 to request that the decision of
 the Darbar may be communicated
 to the Government early date

FOR ORDERS.
 175 J 15 miles
 It is 75 mi
 175 mi

Print Order (but not till
 to Residents and papers read
 see secy's orders. mli
 8/11

G.O. 8 Dec 1892 No 1230

Dul

14 " 92

Ch

20/11

28/11

5 of the letter
 from 28/11

I.