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CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 293

Press ✓
Mis. —

Dated 10-4- 18 93.

Not to be folded or roughly handled

10TH APRIL 1893, No. 293, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Land Revenue), dated 19th December 1892, No. 728 :—

Read—the following Government Order, dated 4th September 1890, Mis. No. 5448, Revenue :—

Read—petition from Nellikal Edom Kunju Achen of Vateancheri amshom of Pálghat taluk, dated 29th July 1890, appealing against the decision of the Boundary Commission for demarcating the boundary between Cochin and Malabar in cases Nos. 71 (a), 71 (b) and 71 (c).

Order—dated 4th September 1890, Mis. No. 5448, Revenue.

The petition will be referred to the Collector of Malabar for report.

2. The petitioner, Nellikal Edom Kunju Achen, appeals against the decisions of the Cochin-Pálghat Boundary Commission in cases 71 (a), (b) and (c). These were dealt with in paragraph 7 of Government Order, dated 1st July 1890, No. 510, and having been duly notified by this Government, cannot now be revised. The petitioner is of course wrong in declaring that the Commissioners had no power to make over the tract belonging to him, which is affected by the above decisions, to the Cochin Sirkar in defiance of his private interests. The settlement of the boundary line between two States is an act of State. It does not affect the possession or enjoyment of private property, but it may, and it often does, alter the status of persons residing on the frontier. In the present instance the petitioner alleges that by the transfer of his forest land to Cochin his janmam rights therein will be forfeited and he adduces various arguments to prove that the said lands should properly be included in British territory. Under paragraph 8 of Government Order, dated 1st July 1890, No. 510, an endorsement has already been sent to the petitioner, informing him that the question of ownership is one for decision by a Civil Court and that the Commissioners' findings do not affect the rights of individuals.

3. The petitioner bases his claim on Ward and Conner's map and on a certain boundary roll. His statement of 9th May 1888 gives full particulars of the case. This document was before the Commissioners when they passed their decision in April 1889, but the various arguments are not specifically dealt with. The Collector will now report fully upon the petitioner's claims, and should obtain and submit for the information of Government the boundary roll alluded to by the petitioner. The Collector should also submit Mr. Robinson's letter of 9th October 1848, referred to in his report of 2nd July 1850, the maps illustrative of Mr. Vaughan's settlement, and any other papers dealing with the case. It is not competent for the Government to re-open the question of the boundary, which has been finally settled by the order of July last, but in the event of good cause being shown to suppose that petitioner's land should properly have been included in British territory, the Government will be prepared to address the Cochin Sirkar in view to the petitioner's janmam rights to the said lands being duly recognised.

(True Extract.)

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

Para. 1 to Petitioner.

To the Collector of Malabar (through the Board—Land Revenue), with
petition and enclosures to be returned.

Reference on the above, dated 13th September 1890.

Forwarded.

Read—Official Memorandum, dated 29th June 1891, No. 190, Revenue.

ABSTRACT.—Requesting early reply to Order No. 5448, dated 4th September 1890, referring, for report, to the Collector of Malabar petition from Nellikal Edom Kunju Achen regarding a boundary dispute.

Reference on the above, dated 8th July 1891.

Forwarded to the Collector of Malabar in continuation of this office Reference, dated 2nd June 1891 on Petitions No. 1705 of 1891 and 13th September 1890 on Petition No. 4592 of 1890. He is requested to expedite the submission of the report called for by Government in its Order, dated 4th September 1890, No. 5448, Revenue.

Read—Official Memorandum, dated 21st November 1891, No. 247, Revenue.

ABSTRACT.—Requesting an early reply to Order No. 5448, dated 4th September 1890, referring to the Collector of Malabar for report petition from Nellikal Edom Kunju Achen regarding a boundary dispute.

Reference on the above, dated 1st December 1891.

Forwarded to the Collector of Malabar in continuation of the Board's Reference, dated 13th September 1890 on Petition No. 4592 of that year and its subsequent reminders, dated 2nd June and 8th July 1891 on Petitions Nos. 1705 and 2191 of 1891. He is requested to submit, without further delay, the report called for by Government in its Order, dated 4th September 1890, No. 5448, Revenue.

Read—the following letter from W. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 11th January 1892, No. 22-P. Ind.:—

With reference to Board's Reference, dated 13th September 1890, on Petition Register No. 4592, of 1890, I have the honour to submit the following report on the petition, dated 29th July 1890, from Nellikal Edom Kunju Achen appealing against the decision of the Boundary Commission for demarcating the boundary between Cochin and Malabar in cases Nos. 71 (a), 71 (b) and 71 (c), together with the records, according to the enclosed list, bearing on the question. The map, which is apparently illustrative of Mr. Vaughan's settlement, and a copy of Mr. Robinson's letter, dated (9th) 3rd October 1848, will be found among the records, but the Nellikal Edom's Boundary Roll, dated 876 M.E.—1701 A.D., is written in Vattezhutu character and I have hitherto failed in obtaining a translation of it.

2. The matter is beset with considerable difficulty because, although a statement of claims was submitted to the Commissioners by the British claimant, no corresponding statement was apparently furnished on behalf of Cochin. Hence the precise nature of the real questions at issue is not easily discernible. In the next place complications have been introduced by the division of the dispute into three separate disputes. Beyond the remark that "this, though marked as one dispute, consists of three separate ones," no explanation of the course adopted by the Commissioners is forthcoming. On the other hand no such distinction is made in the Nellikal Edom Achen's statement of claim, while the names of various points in the boundary given in the decision of the Commissioners compared with the names in the Boundary Roll of 1828 and the reports of Messrs. Vaughan, Sheffield and Robinson, which will be hereafter noticed, show that the disputes separated by the Commissioners are in reality one and the same dispute, and relate to one and the same tract of country.

3. This tract is known as the Kallianikara hills which, according to paragraphs 10 to 13 of Mr. (afterwards Sir William) Robinson's report, dated 3rd October 1848, consist of spurs "comprising the most eastward valley of the Company's country at the foot of those (i.e., the Pálghat) hills abutting on the Cochin Sirkars district of Menara."

4. The earliest report on record relating to this tract and any dispute in connection therewith is the one furnished by Mr. Vaughan, First Assistant to the Collector of Malabar, who had been appointed in August 1815 Commissioner for determining the Malabar-Cochin boundary in conjunction with the Commissioner of the Cochin Sirkar. Captain Arthur of the Engineers, and then employed by Cochin and Travancore, was at the same time deputed to survey the boundary. As the result of his investigation Mr. Vaughan stated in paragraph 6 of his letter to the Collector, dated 26th April 1816, that "the overpowering evidence and documents on the Cochin side was again equally strong in this instance (i.e., the instance of the Kallianikara hills). I am therefore induced to propose a total relinquishment on our part, to these hills. After having heard every thing advanced by both parties I was clearly of opinion that we had no claims on the hills in question, and on referring to Captain Watson's reports on the forests of this part of the country I am confirmed in my opinion of the justice of the claims of the Cochin Government. I need hardly add that Captain Watson is the gentleman first appointed Conservator of the Forests on the assumption of them by the Honorable Company. * * * * * An extract from his report, dated 28th May 1807, is herewith sent."

The extract alluded to is as follows:—

"The map will show that the Konkote stream is the most westerly of those that united with the Tippey and flow through the territory of the Company, the others taking their course into Cochin Proper, whence the Timber Farmer has been in the habit of purchasing teak from these western forests named Mail Kandel, for which he has paid kuty kanom at five veray fanams."

Unfortunately, as subsequently remarked by Mr. MacGregor, no map accompanied this decision. But in 1870 Mr. MacGregor obtained from the Resident in Travancore and Cochin the map said to be illustrative of Mr. Vaughan's decision, and had a copy made of it. The map now submitted is apparently the copy thus made.

5. In his letter, dated 9th October 1816, the Collector, Mr. Warden, supported Mr. Vaughan's proposal and recommended that "the survey made by Captain Arthur under the direction of the Commissioners be confirmed by Government as defining the territorial boundaries between the two States where they unite in the district of Pálghatcherry," but no orders were, for the time, passed on the subject.

6. Eleven years later, on the 29th November 1827, the Board asked the Collector to report "what had been done in consequence of the Commissioners' report and whether there is any question at present regarding it." On this the Collector, Mr. Sheffield, made the following representation in paragraphs 6 and 7 of his letter, dated 7th February 1831:—

"6. With respect to the boundary of the Nall deshom or Chittore district aforesaid, as well as that of the southern and south-west sides of the Temalpuram taluk, the Cochin authorities have, for a long time past, been carrying on the most barefaced encroachments and particularly in the vicinity of Waddakanjery in the tracts immediately under the ghât mountains of which the Nellika-Edathil Achen and Poyakel Achen are the rightful proprietors."

"7. The Commissioners who met in the year 1815 to settle that boundary dispute never, as I could learn, visited the spots in question and their opinion, as expressed in their respective reports regarding the claim to what is called by the Cochin people the Oolipara mali, is by no means satisfactory and at once shows that the information which they had obtained regarding the localities was not correct, for in disposing of this part of the claim Captain Blacker assigns to the Nellika-Edathil Achen the Pootandy mallah, a mountainous tract which the chieftain never laid claim to and which is now and always was in the possession of the Cochin Sirkar, whilst Mr. Vaughan assigns to the said Achen another hilly tract, but situated about two miles to the westward of Pootandy and known by the name of Calanikara mallah which the Cochin Sirkar affirms was never claimed nor taken possession of by them since it belongs, as they acknowledge, exclusively to the aforesaid Nellika-Edathil Achen."

7. This is, I submit, a very important point, because Mr. Sheffield having (vide paragraph 10 of his letter) visited the tract himself in 1827, was not likely to have

been mistaken in reporting that Cochin then questioned the correctness of the very map—"known as Captain Arthur's, which is alleged to have been prepared specially to illustrate the decisions of the Commissioners of 1815"—on which the claim of the Sirkar was based in 1889. In this connection, the extract from Captain Watson's report, dated 28th May 1807, which was relied on by Mr. Vaughan must be taken into consideration. Even if the extract referred, beyond doubt, to the tract in dispute, it is difficult to understand its bearing on the question of ownership, but in a pencil note, apparently made by Mr. Sheffield, it is pointed out that the Konkote stream mentioned in the extract has no connection with the Kallianikara hills. These are said to be drained by the Olipara tode and the Kallianikara river, and this statement receives corroboration from Mr. Robinson's description of the country in his report, dated *3rd October 1848.

* The reference, 9th October 1848, in the letter of 2nd July 1850, is an error.

8. Another important point in Mr. Sheffield's report is the sketch of the disputed locality which he furnished with it. The explanation of that sketch, together with an account of the state of matters at the time given in paragraphs 8, 9 and 10, is here transcribed:—

"8. I beg leave to submit with this address a rough sketch of the tract in dispute between the Nellika-Edathil Achen and the Cochin Sirkar and to state that the extent of country claimed by the former as far as a pagoda situated on the north side of the Olipara tode, which is dedicated to the goddess Buggavathy and is still kept up at the Achen's expense, is distinguished in it with a blue line whilst the boundary line as admitted by Cochin is marked with a red one which, as your Board will perceive, is drawn along the said Olipara tode, a mountain stream which descends from the Vellatty mountain and after joining the Vanday rivulet falls into the Ponani river in the Palghat valley."

"9. Now from the statement of the Cochin people it is clear that the country on the left bank of the Olipara tode belongs to the Nellika-Edathil Achen and it has, moreover, been admitted by Cochin that the Valia and Cherria Vellatty nullahs, two mountains in which this stream takes its rise, are within the Company's territory, but nevertheless the servants of the Cochin Sirkar have resorted to extreme acts of violence and aggression in order to obtain possession of valuable teak timber already cut or growing upon both the said Vellatty mountains."

"10. To these I was myself an eye witness, for on proceeding in November 1827 to this unhealthy tract where I contracted jungle fever which has been hanging about me ever since, I observed on the left bank of the Olipara tode near the Olipara rock fresh marks of fire and the remains of a serambee or upper roomed building which had been built in this dense jungle to afford the persons, employed by the renter under the Nellika-Edathil Achen in working the adjoining forests, shelter and protection against wild elephants and which building had been most wantonly set fire to by the Cochin Rajah's servants who it is said dispossessed the renters' people of one or more of the elephants which they had brought to assist them in their work and even carried off some of the people to the Cochin country where they were confined and on this and several other occasions they dispossessed the Nellika-Edathil Achen and his people of large quantities of valuable teak timber."

9. Mr. Sheffield proceeded to recommend with a view to bringing the dispute to a satisfactory termination that Captain Ward should be appointed Commissioner; but in paragraph 19 of the Proceedings, dated 18th July 1831, enclosed in its letter dated 11th August 1831, the Board considered that "it would not be proper to set aside the decision formerly passed without fuller inquiry and more conclusive evidence of its incorrectness," and Government in Extract Minutes of Consultation, dated 9th August 1831, agreed with the Board.

10. Nothing more appears to have transpired until 1848 when serious disputes arose between British subjects and the subjects of the Cochin Sirkar in connection with the unsettled boundary in the neighbourhood of Kallianikara and Mr. Robinson, then Head Assistant Collector, proceeded to the spot in company with Mr. Kohlhoff, the Conservator of Forests, Cochin. In paragraphs 9 to 16 of his report, dated 3rd October 1848, Mr. Robinson described the physical features of the tract and it appears from paragraphs 18 and 19 that the line of boundary assigned by the Government maps to the Company's territories included "both west and east (of the Olipara tode) bank with the line of the Vellatty hills and spurs as far as the junction of the Vengavan spur, the west face of this spur with the various hilly offsets above the Olipara rock and below that rock the Tengacherry flats, &c., included between the Olipara tode and the

muttath code." This description of the boundary, it will be observed, supports the account given by Mr. Sheffield.

11. In paragraphs 20 to 22 a map produced by the Cochin Conservator of Forests as "Captain Arthur's map" is discussed, and Mr. Robinson endorses Mr. Sheffield's opinion thereof. In paragraph 21 he states that it "is an exceedingly rough and inaccurate outline and at least in regard to this part of the country may be safely challenged as the result of no single scientific observation or measurement," and in paragraph 20 that "it bears no signature, and as the entire correspondence of the time shows that no such arrangement of the entire southern boundary either formally or cursorily took place, it can scarce be considered a conclusive document." In addition to these remarks Captain Arthur himself is quoted at the end of paragraph 21 and proves that the map was not the result of actual survey but that "the southern boundary was laid down from native information and descriptive documents supplied by the Cochin Government." Then Mr. Robinson after showing in paragraph 22 that according to the so-called "Captain Arthur's map" the boundary runs down "the deep valley of the Olipara tode," points out in paragraph 23 that if this were really the boundary, the land already described as lying east of the Olipara tode—in other words land which, according to the testimony of Mr. Sheffield, was admitted by Cochin to belong to the Nellikal Edom—would be transferred to Cochin. This transfer would therefore be made solely on the strength of an unauthenticated map in opposition to authoritative Government maps prepared at a later date, and a reference to these maps will show that the land was considered to be under dispute.

12. In paragraph 27 of the same report, Mr. Robinson observes that "the Nellikal Edom also includes these hills in their contract he gives (*sic*) to merchants for felling wood within their boundaries," and the statements made in paragraph 19 are deserving of special consideration. Therein Mr. Robinson recorded the fact that "the neighbouring hills are the janmi property of the Nellikal Edom family, and these outlines are coincident with the boundaries they have ever contended for. The surveys of the Government forests when under amani correspond."

13. On the other hand in a subsequent report, dated 2nd July 1850, Mr. Robinson, after "further examination and fuller experience," considered that the Olipara tode should be regarded as the boundary. The rival claims of the Nellikal Edom and of the Cochin Sirkar are thus set forth in paragraph 2. "The Cochin Government claims the Olipara tode nullah as the boundary stream, the Achen advances his claim to the Venga Veera spur and the Mutan tode nullah," and in paragraph 3 Mr. Vaughan's opinion expressed in his letter, dated 26th April 1816, that the British claim to the hills in question should be totally abandoned is quoted. That opinion and the grounds for it have already been discussed in paragraphs 5 and 8 of this letter, and although Mr. Robinson adopted it in 1850, it is quite opposed to his earlier impression formed in 1848, on "the surveys of the Government forests" and to Cochin's disclaimer deliberately recorded by Mr. Sheffield in 1831.

14. Mr. Robinson himself followed Mr. Sheffield in pointing out that the tract was never surveyed in 1815, and Mr. Vaughan's opinion was doubtless due to an error with regard to the localities under dispute and their names. Moreover, Mr. Robinson admitted in paragraph 3 of the letter now under reference that in the printed Trigonometrical map (prepared in 1819) the tract is shown to be in dispute, and hence his argument in paragraph 4 that the surveyors engaged in the preparation of that identical map acquiesced "in the probability of the Cochin claim being the better one," certainly does not carry conviction with it. Altogether therefore the recommendation made in paragraph 6 of his letter that "advances across the Olipara tode" by the Achen should not be permitted was founded exclusively on the decision of the Commissioners in 1815 and the Trigonometrical map of 1819. The former is proved, and has been admitted by Cochin to be imperfect and incorrect, while the latter, in which the tract is distinctly shown as disputed, is altogether inconclusive.

15. Moreover, there is very strong proof that Mr. Sheffield was right in considering the decision arrived at by the Commissioners of 1815 to be wrong and that Mr. Robinson's first opinion was correct. The proof will be found first in the Government paimash accounts of 974-M.E.—1799 A.D. and 981-M.E.—1806-A.D. wherein

Kallianikara nilam is shown as part of British territory and in the paimash account of 1015-M.E.—1840 A.D. wherein the Kallianikara forests are entered as the janmam of the Nellikal Edom. This is in the next place corroborated by the accompanying extract from the Forest Conservator's diary for 1822, pages 33 to 46. The entries therein relate to timber felled in the Olipara forest which is described as the janmam property of the Nellikal-Edathil Achen. One passage contains a list of logs elled by one Omar kootti "in the forests of Nellikal-Edathil Achen. Olipara nullah." The map prepared by Mr. Sheffield, will be found to correspond with the extract from Captain Arthur's map obtained by the Collector from Cochin in 1870 and therein Olipara mala is shown to be on the east of the Olipara tode. It is clear therefore that, according to the Forest accounts maintained while the Malabar forests were under the management of Government, the Nellikal Edom boundary extended to the east beyond the Olipara tode. And lastly the boundary roll prepared in 1828 and recorded in the Collector's office includes the tract as part of British territory and the private janmam of the Nellikal Edom. A translation of this boundary roll, so far as it relates to the dispute, is annexed, and it will be seen that the Muttath tode is named as one of the boundaries. Muttath tode is shown in Ward and Connor's map as "Muttath Polay" east of the Olipara tode and again therefore it appears that the Nellikal Edom's boundary extended beyond the Olipara tode.

16. But the recommendation made by Mr. Robinson and supported by the Collector and the Board was accepted by Government in Extracts Minutes of Consultation,* dated 11th September 1850, where

*Communicated with extract from the Board's Proceedings, dated 19th September 1850. it was ordered that the "Nair Chief" should be prohibited in express terms from entering upon "the tract in question

as forming part of the Cochin territory." Subsequently it was brought to the notice of Government that the award of the Commissioners of 1815 had not been formally ratified, and in Extract Minutes of Consultation, dated 26th February 1853, Government confirmed the decision of the Commissioners and directed that it should be rigidly acted upon. When this decision was passed, the paimash accounts of 1809, the Government Forest account of 1822 and the boundary roll of 1828, which proved that the Kallianikara hills belonged to the Nellikal Edom, were not brought to the notice of the Board and Government, and the admission made to the same effect by Cochin and recorded by Mr. Sheffield in 1831 was lost sight of. Hence there appears to be little doubt that the Nellikal Edom inadvertently suffered great injustice in being deprived of lands and forests to which it was lawfully entitled.

17. Apart from this question the relief afforded by the decision was only temporary, because in September 1869 a collision took place between the dependants of the Nellikal Edom Achen and some Cochin subjects. The Resident forwarded the Dewan's complaint of trespass with a letter, dated 19th October 1869, and Mr. Buick, the Head Assistant Collector, was directed to investigate the matter. He reported on the 20th November 1869 that the Cochin subjects themselves were the culprits because they had committed acts of aggression on the west side of the Olipara tode, and had therefore trespassed upon British territory. Thereupon the Dewan of Cochin in a letter, dated 29th January 1870, forwarded with the Resident's letter, dated 1st February 1870, asserted for the first time in the controversy that the Olipara tode which formed the boundary between the two States at the place in dispute was the more westerly of the two streamlets which meet at the Olipara rock. Hence he contended that the tract in which the collision had occurred was Cochin territory.

18. The Dewan's letter was referred to Mr. Buick who wrote in the postscript to his letter, dated 14th February 1870, as follows:—

"The boundary at this place is admitted to be the Olipara tode and the Olipara rock, and as far up as the rock there is no dispute. Here we find the two streamlets referred to in my previous letter. The more easterly stream, which appears to be the more important one of the two, flows over the rock; the more westerly falls in at its base. The amsom authorities assure me the land between them belongs to Warrakancherry, and I think better evidence to the contrary must be shown than a mere reference to Captain Arthur's map, the correctness of which, where the Warrakancherry frontier is concerned, has never been admitted I believe by an official in Malabar."

19. Mr. Buick's report was submitted to Government by the District Magistrate, Mr. MacGregor, with his letter, dated 16th September 1870, and printed with Government Order, dated 15th October 1870, No. 324, Political. In paragraph 9 thereof Mr. MacGregor stated that "it is admitted on all hands that the Olipara tode divides Cochin from British territory, the former lying east and the latter west of the stream." After discussing the facts of the case then in question, Mr. MacGregor in paragraph 20 points out that the boundary upstream to the south of the Olipara rock is uncertain, the stream dividing into two, and observes that Mr. Robinson in his report states definitely that the line claimed by Cochin was the Olipara tode which he describes as "the mountain torrent which drains the valley and passing in its course over the Olipara rock seems with the other local and more specific names to bear the general appellation of Olipara tode." Then in paragraph 21 Mr. MacGregor states his opinion in the following terms—"unfortunately no survey or map was appended to the Government order deciding the boundary, but as Mr. Robinson inspected the spot carefully with the Cochin Conservator his definition which clearly points to the more easterly stream should, I think, be accepted, especially as the relinquishment by Government of their claims was based on his report."

20. The matter was referred to the Board of Revenue for opinion as to the expediency of adopting special measures for defining the boundary in anticipation of the extension of the operations of the Revenue Survey Department to Malabar, and in its Proceedings, dated 14th December 1870, No. 7124, the Board stated its belief "that the frontier is well defined naturally so that no artificial demarcation is necessary and it would be inexpedient to give the Cochin authorities a seeming opportunity of re-opening questions which have long since been settled," and that "at the spot where the dispute referred to in these papers occurred, the eastern branch of the Olipara tode is unquestionably the boundary."

21. The tendency of Cochin to advance its frontier must already have attracted attention in the reports of Messrs. Sheffield, Robinson and MacGregor, to which reference has been made and a clear proof is furnished by the Dewan's letter of the 14th September 1871, in which, after complaining of trespass by British subjects in Olipara Karadi Kunnu, Vellattimila and other places, he asserted in paragraph 3 that the Sirkar believed Carrimpara, which is on the range of hills lying to the west of the Olipara tode, and not to the Olipara tode as shown in Captain Arthur's map to be the real boundary. This assertion is said to be made on the strength of the report furnished to the Sirkar by the Commissioners appointed on its behalf in 1815. The Dewan did not, however, explain why this objection was never raised between 1815 and 1853, and though he now offered to accept Olipara tode as the boundary in order to avoid further disputes and uncertainty, he maintained in paragraph 4 that it must be the western and not the eastern branch of the stream.

22. Government subsequently in its Order, dated 29th September 1871, No. 307, Political, prohibited further felling of timber in the disputed tract pending final adjustment of the dispute. On this order being communicated with the Board's Proceedings, dated 18th October 1871, Mis. No. 3635, Mr. Buick remarked in paragraph 3 of his letter, dated 9th November 1871, that "in his letter, dated 1st July 1850, Mr. Robinson writes "the Cochin Government claims the Olipara tode mullah as the boundary stream" and it was on this report that the orders of Government, under date 11th September 1850, were passed relinquishing to the Cochin State all that they then claimed, and which both Mr. Robinson and the Government evidently understood to be bounded by the Olipara tode." Mr. Buick adds that "the question for determination is what is the Olipara tode" and reiterates his opinion that it is the more easterly of the two streamlets.

23. Since then several complaints have been made by the Nellikal-Edathil Achen of trespass by Cochin on his lands and in October 1878 a counter-complaint was made by Cochin. Mr. Sewell, to whom the matter was referred for inquiry, reported on the 28th February 1879 that he surveyed part of the boundary and the conclusion at which he arrived, as stated in paragraph 13 of his letter, was that "it is proved that the easternmost prong of the fork is the Olipara river along which the surveyors who drew up the field-book of the survey map ran their boundary and it consequently

follows that this is the boundary fixed by the Joint Commissioners in 1815." In October 1883 another complaint was made by the Achen and in reporting thereon in his letter dated 23rd November 1883, Mr. Brodie, the Head Assistant Collector, was astonished to find Cochin again attempting to shift the boundary. In paragraph 3 of his letter he asks: "Can they (the Cochin people) have the impudence to assert that the small stream called Cheria Akkadi Kunnu tode by the Edom's people is their Olipara tode and boundary?" and is of opinion that "surely, as every Malabar officer has maintained it, is enough for them to assert that that stream is Olipara tode which flows round the base of Olipara rock and not the stream of more than double the volume that flows over the rock itself." Cochin's reply given in paragraph 2 of the Dewan's letter, dated 23th December 1883, was that "the disputed tract is not confined to the Olipara tode but extends to Carimpara thund." The consequence of this correspondence was that Government in its Order, No. 310, dated 7th March 1884, Revenue, approved of the Collector's proposal for the appointment of Commissioners for the settlement of the boundary. Commissioners were duly appointed and their final decision on this case was passed on the 17th April 1889, fixing a boundary line which was not in accordance with the contention of either party, but was said to be drawn for the most part on the "give-and-take" principle. In arriving at that decision the Commissioners appear to have entirely ignored the previous correspondence on the subject and to have neglected all examination of the evidence which was expressly referred to in the British claimant's written statement of claim. No evidence on the side of Cochin appears to have been adduced, and with regard to the Olipara tode Cochin based its claim solely on Captain Arthur's map. It has already been noticed that according to this map the Olipara tode is the boundary and the fact that this map was in the end taken as the foundation of Cochin claim proves that Cochin's recent pretensions to the tract west of the Olipara tode as far as Carimpara thund were, in the language used many years ago, an attempt at barefaced encroachment.

24. It will now be seen that the history of the case resolves itself into two periods. The first ranges from 1815 to 1853 and the dispute then extended to the whole of the tract known by the name of the Kallianikara hills. This tract was shown in the Government paimash account of 974-M.E.—1799 A.D., 981-M.E.—1806 A.D. and 1015-M.E.—1840 A.D., in the Government Forest accounts of 1822 and in the Boundary Roll of 1828, as well as by the admissions of Cochin as recorded by Mr. Sheffield in 1831, to belong to the Nellikal Edom Achen. But the evidence thus available does not appear to have been examined and the recommendation made by Mr. Robinson in 1850 that the Olipara tode should be regarded as the boundary was based solely on the old decision of 1815 and an unauthenticated map. Effect being given to this recommendation by the order of Government in 1853, the Nellikal Edom Achen was deprived of a tract of country which was handed over to Cochin although Cochin had disclaimed ownership and possession.

25. The second period runs from 1853 to 1889 when the Commissioners appointed in 1886 pronounced their final decision. The decision of the earlier Commissioners of 1815 and the map which had been prepared to illustrate it had been repudiated by Cochin not only before the Government Order of 1853 was passed, but even so recently as 1871 when the Dewan sought to push the frontier line across the Olipara tode to the west as far as Carimbara. Cochin had, therefore, refused to be bound by the decision of 1815 and the Government Order of 1853. Hence, as prayed for by the British claimant, a fresh inquiry was necessary and justice demanded that the evidence on both sides of the case should be carefully weighed unless the Commissioners considered that the Order of 1853 was final. But it is evident that they did not consider it final because they have not adhered to it. Neither on the other hand did they take into consideration the evidence relied upon by the British claimant and distinctly brought to their notice while Cochin was apparently absolved from the necessity of referring to any evidence at all except Captain Arthur's map. Considering that in 1815 Mr. Vaughan mentioned "the overpowering evidence and documents on the Cochin side," the failure of Cochin to produce any evidence on this occasion is not less remarkable than the attempts which it has so often made to shift the boundary from one place to another. It was shown in 1831 that the tract now in question was

not in reality dealt with by the Commissioners in 1815. Hence the evidence and documents mentioned by Mr. Vaughan must have related to some other tract or would have been produced now. As no evidence has been produced the presumption is that none is available. In any case there cannot be any doubt that the line of boundary adopted by the Commissioners in 1889 was purely arbitrary.

26. Unfortunately this line which has been accepted by the British and the Cochin Government is not only arbitrary but is at the same time so indefinite that the decision arrived at is by no means a final settlement of the boundary, at any rate so far as the Olipara tode is concerned. The line is stated to be Ward and Connor's line, "from the Olipara rock," but the Commissioners failed to denote the subsequent course of the line and Cochin has not been slow to take advantage of this want of precision. When the Commissioners' award was accepted, Government ordered that the boundary should be demarcated in accordance with it. The demarcation was carried out by Head Surveyor Mr. Butler, and in a letter to the Resident, dated 18th November 1890, the Dewan complained that the boundary line between Olipara rock and Vallat moodi had been wrongly demarcated by the British Head Surveyor. A copy of the letter, together with a copy of the Cochin Chief Engineer's letter and the original sketch of the locality furnished by that officer is now submitted, and it will be seen that the Dewan still maintains that the western and not the eastern streamlet is Olipara tode and therefore the boundary. It may here be noted that the Commissioners are wrong in holding that there was any doubt on this point when Mr. Robinson reported in 1850, because the correspondence already quoted will show that the identity of the Olipara tode was never questioned until 1870. In the same year the Board of Revenue expressed the opinion that the eastern streamlet was undoubtedly the boundary and every officer of the British Government who has visited the tract has arrived at the same conclusion. Moreover, I now forward a sketch which was prepared by Head Surveyor Mr. Davenport and which, having been received by Mr. Dance on the 14th October 1887, was before the Commissioners when they passed their decision. In this sketch the boundary is shown in accordance with Ward and Connor's Field book and no objection to it was taken by the Cochin Commissioner when he and Mr. Dance decided that Ward and Connor's line was to be adopted. Comparison will show that the line followed in the sketch corresponds with the line now followed by Head Surveyor Mr. Butler; hence after acquiescing in the alignment before the decision was pronounced, Cochin has now rendered that decision nugatory by virtually rejecting it and introducing a new element of contention.

27. One fact which will not escape notice is that neither is the eastern nor is the western fork of the river in question called Olipara tode in the sketch now forwarded by the Dewan of Cochin. The western streamlet is called Neeralan tode and the eastern Vengavara tode, while the Olipara tode is represented as ending at the Olipara rock. This is altogether inconsistent with the claim put forward by Cochin because as recorded by the Commissioners the Olipara tode is admittedly the boundary. But according to the present sketch and the new contention Olipara tode is not the boundary in dispute and the dispute begins where the Olipara tode ends.

28. This action on the part of Cochin proves that the State refuses to abide by the decision of the Commissioners. Government has declared that it is not competent for it to re-open the question of the boundary, which has been finally settled by the Order of July 1890, but I would now submit that Cochin has itself re-opened the question and that in reality the dispute has not been finally settled. There cannot, I think, be any doubt that the decision arrived at in 1815 and confirmed in 1853 was erroneous, and considering the exceedingly imperfect nature of the inquiry made in 1889, when evidence available on behalf of the British claimant was ignored and no evidence was adduced by Cochin, I would strongly recommend that the Cochin Government should not be disappointed in the wish which it has expressed by its action for a new settlement of the dispute.

29. If Government still considers that this course is not open, it has, I trust, nevertheless been proved that the Kallianikara hills, which comprise the disputed tracts in cases Nos 71 (a), 71 (b) and 71 (c) should properly have been included in British

territory. In cases Nos. 71 (a) and 71 (b) the boundary must, under the view now contemplated remain as it is, but with regard to case No. 71 (c) the boundary line of Olipara tode, now disputed by Cochin, requires to be definitely surveyed and demarcated strictly in accordance with Ward and Connor's line in a manner which will prevent the possibility of any further contention. I would suggest that an Assistant Superintendent of Survey be deputed for the purpose, but this work cannot be undertaken until the fever season, which will shortly commence, is over. Meanwhile, I must bring to notice the fact that the Nellikal Edom Achen has complained to me of the felling of timber by Cochin subjects on Karadi kunnun which is, according to the present actual demarcation, included in British territory. The logs were seized by one of the Achen's agents, but have been detained by the local Sub-Magistrate of Alathur at the instance of the Cochin officials. The Dewan in a letter to the Resident, dated 14th August 1891, has also complained that the Achen's people are felling timber within the newly disputed tract and requests that they may be "brought to justice." A copy of this letter is enclosed and I may state that I am not aware of any such prohibition against the felling of trees as is mentioned by the Dewan, who fails to allude to the fact that timber has been felled in the same tract by Cochin subjects. Until the present demarcation is proved, not merely alleged to be wrong, it seems to me that the Achen is within his rights and it is the subjects of Cochin who should be brought to justice. But in order to prevent any further dispute which may end in serious consequences, I would suggest that, pending the orders of Government, any acts of possession over the land in question by Cochin subjects no less than by British subjects be prohibited.

30. I must, in conclusion, express my regret for the delay which has occurred in the submission of the report. It will now be seen that a great mass of records, some of ancient date and difficult to decipher had to be studied, and I trust that some allowance will be made for the nature of the task which required more time than I have until lately been able to command.

Read—Board's Proceedings, dated 17th October 1892, No. 2438.

ABSTRACT.—Requesting the Collector of Malabar to forward, at a very early date, the Trigonometrical survey map of Ward and Connor referred to in Mr. Dumergue's report regarding the Nellikal Edom boundary dispute.

Read—the following letter from H. BRADLEY, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 31st October 1892, Ref. on C. No. 4143-P.:—

With reference to the Board's Memorandum, dated 17th instant, No. 2438, I have the honour to state that I have not been able to find among my records the Trigonometrical survey map of Ward and Connor of 1823. In paragraph 14 of his report, dated 11th January 1892, Mr. Dumergue speaks of "the printed Trigonometrical map (prepared in 1819)" and nowhere does he refer to the map of 1823. I have this day despatched a map in which the disputed tracts have been marked in pencil; it appears to have been prepared by Ward and Connor and to have been published in 1840. I understand that Mr. Dumergue referred to this map when writing his report. His authority for saying that the map was prepared in 1819 is, I believe, a statement in paragraph 4 of Mr. Robinson's letter, dated 2nd July 1850, that "in 1819 we find the surveyors ordered to trace with peculiar care the boundary, &c." A copy of this letter is enclosed.

ENCLOSURE.

From W. ROBINSON, Esq., Head Assistant Magistrate, dated Palghat, 2nd July 1850, No. 175.

With reference to my report, dated 9th October 1848, relative to the boundary dispute existing between the Cochin Sircar and the Nellikal Edom Achen's family, I have the honour to submit the result of my further examination and fuller experience.

2. The appended map shows the nature of the difference; the disputed tract is coloured green. The Cochin Government claims the Olipara tode mullah as the boundary stream; the Achen advances his claim to the Venga Neeratpur and the Mutan tode mullah.

3. By the printed Trigonometrical survey map this tract is shown to have been at that time considered in dispute, that is, the difference, though it had been the subject of a careful inquiry by Commissioners appointed by the Government of Madras and Cochin, had not then, 1819, been authoritatively decided. The same spot precisely was in dispute before the Commissioners for the settlement of this boundary appointed in 1815, and the bearings of the matter, the evidence, &c., were all examined and inquired into at great length. The result was as remarked by

Mr. Commissioner Vaughan of the Achen's case "the examination of all parties, which is herewith forwarded, will clearly not only show the weakness of the evidence, but decided contradiction and that scarcely two of the witnesses agree either with one another or the Achen himself. The latter seemed, and was so ill-informed on the subject as well as his followers, that they could not say on what side of the hill the wood was cut, and on this chiefly rested the matter in dispute. The overpowering evidence and documents on the Cochin side was again equally strong in this instance, and I am therefore induced to propose a total relinquishment on our part to these hills. After having heard everything advanced by both parties I was clearly of opinion that we had no claims on the hills in question, and on hearing Captain Watson's reports on the forests of this part of the country, I am confirmed in my opinion of the justice of the claims of the Cochin Government. I need hardly add that Captain Watson is the gentleman first appointed Conservator of the Forests on the assumption of them by the Honorable Company and who had turned the undivided attention of a fertile mind combined with the most active exertions in ascertaining the extent, nature situation, and resources of the Malabar forests." The authoritative confirmation by the Government of this view was recommended in the Commissioners' report, but no definite instructions resulting from this commission appears ever to have been issued.

4. In 1819 we find the surveyors ordered to trace with peculiar care the boundary between the Cochin territory and South Malabar acquiescing, as the result of their inquiry, in the probability of the Cochin claim being the better one—*viz* extract from the Field book shown below:—

	Course.	Distance.		
		Miles.	Furlongs.	Yards.
S. 70 E		..	4	110
S. 23 E		..	4	..
S. 2 W		..	3	..
S. 54 W		..	4	..
S. 58 E		..	1	110
S. 45 E		2	..	..
S. 70 E		..	7	..
S. 34 E		1	1	..
S. 62 W		..	4	..

5. Under these circumstances I can see no reason for supporting the Achen's advanced claim which was then deliberately deemed so weak. To strengthen it nothing new has since transpired. Matters of this description lying over unadjusted lead to all sorts of difficulties and contentions and only tempt aggression and retaliation. I regret to find that much wood that was in 1848 ordered not to be removed, pending settlement of this matter, has been clandestinely floated off. The logs lay, it is true, to the west of the nullah and were probably chiefly cut in wholly undisputed land, but it is impossible to look effectually after wood so situate nor have the Government any interest at the stake.

6. I would propose to let Itty Komby Achen know that no sort of support will be given or countenance lent to his claim and that similar advances across the Olipara tode will be admitted by us to be aggressions on his part. The Cochin Sircar might be advised of this view and warned to defend their own property and take such steps as they may consider requisite in the matter.

Resolution—dated 19th December 1892, No. 728.

Submitted to Government with reference to its Order, dated 4th September 1890, No. 5448.

2. Mr. Dumergue furnishes the report called for by Government on the petition of Nellikal Kunju Achen of Watacancherry amsom requesting Government to alter

the decision in cases 71 (a), (b), (c) of the Commissioners Messrs. Dance and Kohlhoff, appointed by the Madras and Cochin Governments to demarcate the disputed boundary between the Palghat taluk of Malabar and the Cochin State. The tract of country now under consideration is known as the Kallianikara hills. Its possession has long been contested, the Cochin Government claiming it as forming part of its territory and the Nellikal Achens (British subjects) maintaining, on the other hand, that the forests belong of right to them and are included in British limits. The Commissioners' decision was favorable to Cochin, and hence the present appeal.

3. The petitioner's main contention is that by the transfer of his forest estate to Cochin in accordance with the finding of the Commissioners, his jenmam rights therein will be forfeited inasmuch as the proprietorship in all the forest lands in Cochin vests in the Rajah. Mr. Dumergue, who has discussed the subject at considerable length, accepts the petitioner's case, arriving at the conclusion that the area involved lies within the British frontier. As regards dispute 71 (c) he observes (paragraph 25, *et seq.*) that the line of boundary adopted by Messrs. Dance and Kohlhoff in 1889 was purely arbitrary and at the same time so indefinite that their decision is by no means a final settlement of the controversy. As far back as 1815 a stream called the Olipara tode was claimed by Cochin as the boundary, and the claim was admitted, but, as remarked by Government (paragraph 7 of Government Order, dated 1st July 1890, No. 510, Revenue), it appears that there are two streams of this name in the locality, and it was afterwards found impossible to decide which stream was meant. The present Commissioners have adopted Ward and Connor's line "from the Olipara rock" at the junction of the two streams, but as pointed out by Mr. Dumergue, they have failed to demarcate the subsequent course of the line, and he affirms that Cochin has taken advantage of this want of precision in the following manner. Whereas prior to the notification of the Commissioners' finding that Government tacitly acquiesced in an alignment which takes the eastern of the two streams as the border line, it has since "rendered that decision nugatory by virtually rejecting it and introducing a new element of contention." Mr. Dumergue here alludes to the letter of the Dewan of Cochin to the British Resident, dated 18th November

1890, No. 2771, * from which it will be seen that the western stream is maintained to be the dividing line. "This action on

the part of Cochin proves," says Mr. Dumergue, "that the State refuses to abide by the decision of the Commissioners," and he would, therefore, in view of the erroneous conclusions arrived at by Messrs. Dance and Kohlhoff in all three cases [71 (a), (b), (c)], "strongly recommend that the Cochin Government should not be disappointed in the wish which it has expressed by its action for a new settlement of the dispute." For reasons which will be given later on (paragraph 11) the Board considers that Mr. Dumergue has taken a mistaken view of the matter.

4. The Government has already stated, in its order referring this matter for report, that the decisions in question having been duly ratified cannot now be revised, but it added that in the event of good cause being shown to suppose that petitioner's land should properly have been included in British territory, it would be prepared to address the Cochin Sirkar with a view to the petitioner's janmam rights to the said lands being duly recognised. Apart from the fact that the rescission of the agreement arrived at is out of the question, the contention of the Collector that the Cochin Government has repudiated the decisions, and practically wishes them revised, because there is still some doubt about the precise line of the boundary in case 71 (c) need hardly, the Board thinks, be taken seriously. The Board has accordingly examined the records with a view to determining whether there are sufficient grounds for recommending to Government (1) that the Cochin Sirkar be addressed, as contemplated, in behalf of the petitioner, and (2) that the boundary line demarcated by the British surveyor and objected to by Cochin should be revised.

5. (1) The basis on which petitioner's case rests is best stated at paragraphs 15 and 16 of Mr. Dumergue's letter. The report of Mr. Sheffield, the Principal Collector of Malabar, to the Board in 1831, is there relied upon as proving the incorrectness of the conclusions, favorable to Cochin, formed in 1815 by Mr. Vaughan, the Head

Assistant to the Collector of Malabar, who had been appointed in conjunction with the Commissioner of the Cochin Sirkar to define the Malabar-Cochin boundary. The opinion, equally adverse to the Commissioners of 1815, which was recorded by Mr. (afterwards Sir William) Robinson in 1848, when Head Assistant Collector of Malabar, is also quoted in support of the petitioner's claim. Mr. Dumergue holds that there is "very strong proof" that Messrs. Sheffield and Robinson were right. The proof, he states, will be found, first, in the pymash accounts of 1799 and 1806, wherein Kallianikara *nilam* is shown as part of British territory, and in the pymash accounts of 1840, wherein the Kallianikara forests are entered as the janmam of the Nellikal Edom. The diary of this Government's Forest Conservator for 1822 is next referred to. Allusion is therein made to the Olipara forest as the janmam property of the Nellikal Edatil Achen. Similarly, in the boundary roll prepared in 1828, and recorded in the Collector's office, the tract is shown as British territory, and the private janmam of the Nellikal Edom. Importance is finally attached by Mr. Dumergue to the circumstance that when in 1853 Government formally ratified * the decision of the Commissioners of 1815,

* E.M.C., dated 26th February 1853, No. 233. "the pymash accounts of 1809, the Government Forest account of 1822 and the boundary roll of 1828 which proved that the Kallianikara hills belonged to the Nellikal Edom, were not brought to the notice of the Board and Government, and the admission made to the same effect by Cochin and recorded by Mr. Sheffield in 1831 was lost sight of."

6. The Board finds itself unable to concur with Mr. Dumergue in his valuation of the documentary evidence in the case. In the first place, as regards Mr. Sheffield, his letter to the Board, dated 7th February 1831, which Mr. Dumergue quotes, contains material misstatements of fact, and clearly indicates that his inquiry into the matter was far from thorough. At paragraph 13 of Proceedings, dated 18th July 1831, No. 1357, which deal with this letter, the Board "regret to observe that the bad state of Mr. Sheffield's health prevented him from entering so fully into the subject as might have been wished." Mr. Sheffield was of opinion that the Commissioners of 1815 had been misled by incorrect information regarding localities, and he reported that "in disposing of this claim, Captain Blacker (the Assistant Resident at Travancore) assigns to the Nellikal Edatil Achen the Pootandy mullah, a mountainous tract which that Chieftain never laid claim to, and which is now, and always was, in possession of the Cochin Sirkar, whilst Mr. Vaughan assigns to the said Achen another hilly tract, but situated to the westward of Pootandy, and known by the name of Kallianikara mullah, which the Cochin Sirkar affirms was never claimed nor taken possession of by them, since it belongs, as they acknowledged, exclusively to the aforesaid Nellikal Edatil Achen." The Board, however, pointed out (paragraphs 16 to 19 of the above Proceedings) that the Kallianikara hill mentioned by Mr. Vaughan was stated by him to belong to Cochin, not as Mr. Sheffield represented to Malabar. Hence the tract referred to by Mr. Sheffield could not be identical with that alluded to by Mr. Vaughan. Again, the Board remarked that there was no mention of Pootandy in Captain Blacker's report, and that there appeared to be some confusion in Mr. Sheffield's description of the places so denominated. As to Mr. Sheffield's assertion that the Commissioners of 1815 "never, as far as he could learn, visited the spots in question," and his recommendation that the boundary should be defined anew, the Board considered that Mr. Sheffield had overlooked that part of Mr. Vaughan's report, wherein it is stated that he "traced step by step" the whole line of boundary. The Board added that "great pains appear to have been taken to ascertain the true limits of the two States," and that in its opinion "it would not be proper to set aside the decision formerly passed without fuller inquiry and more conclusive evidence of its incorrectness." These views were concurred in by the Government (*vide* Extract Minutes of Consultation, dated 9th August 1831, No. 759). The patent defects in Mr. Sheffield's report have not been removed by subsequent investigation, and under these circumstances it is impossible to attach weight to the arguments which he advanced. It may be finally noted in connection with this officer that though he wrote in 1831, he made no mention of the pymash accounts of 1799 and 1806, the Forest

Conservator's diary of 1822, or the Boundary Roll of 1828, as supporting his contentions. These documents will next be commented on.

7. With reference to a similar boundary dispute between the poligars of Coimbatore and the Cochin Government, also discussed by the Board in its Proceedings, dated 18th July 1831, No. 1357, the pymash accounts had been quoted as favoring the claim of the poligars. The Board thereupon observed (paragraph 10) that the decision of the Commissioners was passed with a full knowledge of the accounts alluded to, and added that "when it is considered that the pymash accounts produced by the poligars were made without any concurrence on the part of the Cochin Government, it will be evident that they cannot be admitted as a correct record of the state of the limits of the two countries." There is no reason to assign greater value to such accounts so far as the Kallianikara hills are concerned. Obviously the pymash accounts of 1799 and 1806 were before Mr. Vaughan's Commission, and there is no foundation for the belief that the statements contained in them were then overlooked. Indeed, it appears from the record of inquiry appended to Mr. Vaughan's report, that when the Achen was asked why he failed in the first instance to mention a hill afterwards laid claim to, he replied that the omission was due to the fact that the hill in question was not "entered in the pymash account." The Forest accounts of 1822 are at best but one-sided, and the Boundary Roll of 1828, which bears the signature of the then Achen, was clearly prepared from information given by him and the British subjects. As evidence it is worthless. The decision of 1815, as already mentioned, was not ratified by Government until 1853, and it is not a matter for surprise if those interested in the dispute took the opportunity afforded by this delay to create, during the interval, evidence to support their claims.

8. The remaining document on which Mr. Dumergue relies is Mr. Robinson's

• Enclosure No. 2 to Mr. Dumergue's letter. letter of the 3rd October 1848 to the Magistrate of Malabar.* Mr. Dumergue points out that Mr. Robinson has therein given a description of the boundary in the neighbourhood of Kallianikara, which "supports the account given by Mr. Sheffield." At paragraph 19 of this letter, Mr. Robinson asserted that "the neighbouring hills are the janmi property of the Nellikal Edom family and these outlines are coincident with the boundaries they have ever contended for. The surveys of the Government forests when under amani corre-

† In Board's Proceedings, dated 25th July 1850, No. 1524. spond." Less than two years later, however, Mr. Robinson abandoned these views, and in his letter, dated 2nd July 1850, to the Magistrate of Malabar, † sub-

mitted "the result of his further examination and fuller experience." After recognizing that the same spot precisely was in dispute before himself and the Commissioners of 1815, Mr. Robinson held that there was no ground for allowing the Achen's claim, "which was then deliberately deemed so weak," adding that, "to strengthen it nothing new has since transpired." Hence he recommended that no countenance should be lent to the Achen, but that on the contrary the Cochin Government should be warned to defend its own property against advances of the Achen across the Olipara tode. This proposal was approved by the Board and Government (*vide* Board's Proceedings, dated 25th July 1850, No. 1524, and Extract Minutes of Consultation, dated 11th September 1850, No. 862), and no valid argument has now been urged by Mr. Dumergue for giving preference to Mr. Robinson's earlier and less considered opinion.

9. Mr. Dumergue repeatedly alludes (*vide* paragraphs 11, 13, 14, 16 and 24 of his letter) to an admission by Cochin that the Kallianikara hills belong to the Nellikal Edom. The admission referred to is thus stated at paragraph 9 of Mr. Sheffield's letter to the Board of the 7th February 1831. "Now from the statement of the Cochin people it is clear that the country on the left bank of the Olipara tode belongs to the Nellikal Edatil Achen, and it has, moreover, been admitted by Cochin that the Valia and Cherria Vellathy mullahs, two mountains in which this stream takes its rise, are within the Company's territory . . ." No authority is given by Mr. Sheffield

for this statement and the letter in which it is recorded was before the Board when it passed its Proceedings, dated 18th July 1831, No. 1357. It does not appear that, prior to the date of Mr. Dumergue's letter, any weight has been attached to this portion of Mr. Sheffield's report, and the so-called admission, in the shape in which it exists, is manifestly not binding on the Cochin Government, and cannot be regarded as possessing any importance whatever.

10. To sum up—against the petitioner there are the recorded judgments of three generations of Commissioners. The decision of the Commissioners of 1839 was avowedly a compromise, and did not go as far in favour of Cochin as the decisions of 1815 and 1850, but the inherent weakness and vagueness of the Achen's claims were amply demonstrated in 1815. As Mr. Vaughan remarked in his report, "scarcely two of the witnesses agree with one another, or the Achen himself, . . . and the latter was so ill-informed on the subject as well as his followers that they could not say on which side of the hill the wood was cut, and on this chiefly rests the matter in dispute." From the observations in the foregoing paragraphs it follows that the Board considers that Mr. Dumergue has failed to show that the Kallianikara hills ought to have been included in British territory; hence in the Board's opinion there is no substantial ground for making any representation to Government on behalf of the petitioner. The Achen's motive in getting as much as possible of his property included within British limits is to avoid paying janmabhogam to Cochin, but although his claim to property may extend beyond the British frontier as now laid down, that is no reason why the boundary claimed by Government should be pushed forward. In his letter to the Board, dated 9th October 1816 (in Consultation, dated 21st October 1816, No. 1484), Mr. Warden, † Collector of Malabar, explains that certain desams in this frontier were ceded centuries ago by the Rajah of Palghat to the Rajah of Cochin in return for military aid rendered by the latter against the Zamorin of Calicut, and hence he argues that the property in land possessed by individuals "is no criterion for defining the boundary limits of such States." In the present case there is certainly no reason to suppose that the interests of Government are identical with those of the Achen claimant.

11. The Board has now discussed the main question arising out of the Government order referring the petition for report. The further point raised by Mr. Dumergue and by the Cochin Sirkar, viz., the necessity for defining precisely the boundary line in case 71 (c) has still to be considered. As already stated in paragraph 3 *supra*, Messrs. Dance and Kohlhoff failed to demarcate the line they agreed upon and remarked: "The matter now is purely of a professional nature, and if the Cochin surveyor comes to a different conclusion from that arrived at by our surveyor, the matter will have to be settled by sending an Assistant Superintendent of Survey to finally decide the matter" (paragraph 9 of Report by Mr. Dance in Government Order, dated 1st July 1890, No. 510, Revenue). The area now involved appears to be between 1 and 2 square miles. A comparison of the sketch which accompanies

• Enclosure 7 to Mr. Dumergue's letter. Mr. Robinson's letter of the 2nd July 1850, with that prepared by Head Surveyor Davenport* and placed before

the recent Commission (*vide* paragraph 26 of Mr. Dumergue's letter), and with that prepared by Mr. Hudson and forwarded by the Dewan of Cochin shows that the disputed tract has receded from the junction of the Olipara tode and Mutath tode to the south-east, to where two streams unite near the rock. Which of these two streams retains the name of Olipara tode is uncertain. The three maps are in agreement here on only one point, namely that the boundary line follows the course of one of the streams to a point on the mountain ridge half a mile east-north-east of the peak Vellati-moody. Surveyor Davenport's map adopted by Mr. Dance makes this stream the easterly one, Mr. Robinson's and Mr. Hudson's maps make it the westerly. Mr. Hudson's map places the junction of the two streams and the Olipara rock about a mile too far to the south-east, but it agrees with Davenport's in the position of Ward and Connor's line which is accepted as the boundary. The Cochin Sirkar asserts that the British surveyor instead of following Ward and Connor's line has included between one and two square miles to the eastward of it; the chainage is said to be double

that of Ward and Connor's line and it is worthy of note that this area as shown in Mr. Hudson's map corresponds roughly with the area indicated by Mr. Dance by a note and a red pencil line on Davenport's map, as claimed by the petitioner, but rejected by the Commissioners.

12. The contingency contemplated by Mr. Dance of a divergence between the two surveyors has thus occurred and an Assistant Superintendent of Survey should now be deputed to go over the boundary line with an officer deputed by the Cochin Sirkar, and finally demarcate it, obliterating any marks which are found to be wrong. If these officers follow the measurements and angles of Ward and Connor's line shown below beginning from the junction of the Olipara tode with the Muttath tode, no serious difficulty should be experienced—

	Course.	Distance.		
		Miles.	Furlongs.	Yards.
The winding course of the Olipara river to Vellattimoodu on the high mountains (paragraph 4 of Mr. Robinson's letter, dated 2nd July 1850, No. 175).	S. 45 E. S. 70 E. S. 34 E. S. 62 W.	2 .. 1 ..	7 .. 1 4	

(True Copies and Extract.)

(Signed) F. LEVY,
for Acting Secretary.

To the Secretary to Government, Revenue Department,
with enclosures received with Government Order,
dated 4th September 1890, No. 5448,
returned and with enclosures and maps received
with Collector's letters to be returned.
Copy to the Collector of Malabar.

ORDER—dated 10th April 1893, No. 293, Revenue.

Miscellaneous.

The Government agrees with the Board of Revenue in its opinion that there are no grounds for moving the Cochin Sirkar to recognize the janmi right of Nellikal Edom Kunju Achen to the Kallianikara hills. The Achen clearly has no claim to these hills, and he will accordingly be informed that the Government cannot interfere on his behalf.

2. With reference to paragraphs 11 and 12 of the Board's Proceedings read above, the Superintendent of Survey will be requested to depute a survey officer of the grade of Assistant Superintendent to go over and finally demarcate the boundary line. It is desirable that Cochin should be represented at this demarcation, and the Cochin Sirkar will, therefore, be addressed in the Political Department with a view to the deputation of a representative to accompany the demarcating officer and watch Cochin interests.

3. The Collector Mr. Dumergue represents, in paragraph 21 of his letter to the Board read above, that the demarcation will take some time to complete, and that meanwhile it is desirable to prohibit all acts of possession on the part of British as well as Cochin subjects over the tract in dispute. The Government agrees with the Collector and desires him to warn the Achen and his people against committing any

acts of interference pending the final demarcation of the boundary. The Cochin Sirkar will be asked, in the Political Department, to prevent similar interference on the part of its own subjects during the same

(True Extract)

(Signed) E. GIBSON,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue), with enclosures.
,, the Superintendent, Revenue Survey.
,, the Political Department.
,, the Petitioner (paragraph 1).

Exd. C. M. Brisson.

60 Copies.

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Recd.

Encl.

G.O., 10th April 1893, No. 293.

CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

APRIL.

Nellikal Edom Kunju Achen.

Agreeing with the Board of Revenue in its opinion that there are no grounds for moving the Cochin Sirkar to recognize the janmi rights of — to the Kallianikara hills and requesting the Superintendent, Madras Survey, to depute a survey officer to go over and finally demarcate the Cochin-Malabar boundary line.

3-12-08
23-12-08
14-5-12
26-2-15
24-11-26

12.6.26

To

His Excellency the Governor in Council,

FORT ST. GEORGE,

MADRAS.

THE HUMBLE PETITION OF APPEAL BY NELLIKAL EDM KUNCHU ACHEN OF VATICANCHERI
AMSHAM PALGHAT TALUQ MALABAR DISTRICT, AGAINST THE DECISION OF THE BOUNDARY
COMMISSIONERS MESSRS. G. W. DANCE AND KHOLHOFFE DEMARCATING THE BOUNDARY OF NATIVE
COCHIN AND THE MALABAR DISTRICT IN CASES NOS. 71 (a), 71 (b), 71 (c).

Most Respectfully sheweth:—

That the Commissioners have not paid sufficient attention to the Trigonometrical survey Map prepared by Lieutenant Ward and Couner in settling the disputes between the appellant and the Cochin Circar.

2. That in their decision 71 (a) they have overlooked the important facts that there was no dispute at all about the boundary line near Fannikunnu and Iyeppan Neravu at the time of the Trigonometrical survey, and that Veelaly Mala and Mailadan Paratha Mala with all the lands stretching from them up to the river in the South are shewn as lying in the British Territory, and that Lieutenants Ward and Couner have not shewn that this part of the boundary was 'disputed' while they have impartially shewn that another portion of the boundary was disputed.

3. That the Commissioners held no proper enquiry as to the title, and did not take documentary evidence as the basis for their decision; that the appellant has proved by documentary evidence that Veelali Mala and Mailadan Parutha Mala are his property, and are in his possession.

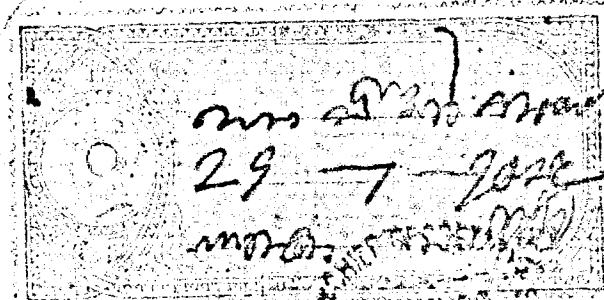
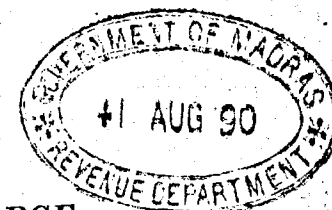
4. That on the said malas and the adjacent lands the British Government were collecting revenues, and the commissioners had no power to give up this tract in favour of Cochin, especially when the private interests of the appellant were at stake.

5. That, as regards the outrage and the trespass committed by the Cochin officials for the past many years, the appellant has submitted an explanatory statement shewing the stratagem adopted by the Cochin officials and the indifference of the District officers of Malabar to the grievances of the appellants' ancestors.

6. That the commissioners have taken no notice of the Boundary Roll prepared by the Government Officers in 1826-1828 regarding the boundary of the forest of this appellant and the Cochin Circar though it was brought to their notice by writing and by verbal representations.

7. That it is now respectfully submitted that the Appellant is entitled to have the boundary line as shewn in the Said Boundary Roll (now in the Custody of the Collector) demarcated, and that the Commissioners had no right to deviate from this boundary line except upon very strong grounds.

8. That they have assigned no such grounds for deviating from this boundary Roll.



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9. That the Cochin Officials put forward extravagant claims and base their rights on misrepresentations, is evident from the two contradictory decisions passed in case No. 71 (c), the later decision cancelling the former one after this appellant's strong protest against the injustice done to him by the earlier decision in 71 (c).

10. That the appellant begs to submit that all the forests within the line claimed by him were under the management of the British Conservator of Forests till 1826.

Prays that your Excellency in-Council may be graciously pleased to alter the decision of the Commissioners such that the boundary line between Malabar and Cochin in 71 (a) may take in Veelaly and Mailadan Parathu Malas into the British Territory as surveyed by the Trigonometrical Surveyors Lieutenants Ward and Couner (Vide their map), and also to direct that the boundary line be run in accordance with the boundary Roll prepared by the Government Officers in 1826 to 1828, now in the custody of the Collector of the District.

For which act of kindness, the Petitioner shall, as in duty bound,

Ever Pray.

KUNJU ACHAN മംഗലാപുരം ജില്ലാ
സർക്കാരിൽ

July 1890

Enclosures.

1. Decision of the Commissioners dated 29 August 1888
2. Printed copy of the Enclosure no I.
3. Decision of the Commissioners dated 17 April 1889.
4. Printed copy of the enclosure no III.
5. Explanatory statement put in before the Commission
by the Appellant dated 9 May 1888
6. Printed copy of 2nd.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—the following Government Order, dated 4th September 1890, Mis. No. 5448, Revenue:—

Read—petition from Nellikal Edom Kunju Achen of Vateancheri amshom of Palghat taluk, dated 29th July 1890, appealing against the decision of the Boundary Commission for demarcating the boundary between Cochin and Malabar in cases Nos. 71 (a), 71 (b) and 71 (c).

Order—dated 4th September 1890, Mis. No. 5448, Revenue.

The petition will be referred to the Collector of Malabar for report.

2. The petitioner, Nellikal Edom Kunju Achen, appeals against the decisions of the Cochin-Palghat Boundary Commission in cases 71 (a), (b) and (c). These were dealt with in paragraph 7 of Government Order, dated 1st July 1890, No. 510, and having been duly notified by this Government, cannot now be revised. The petitioner is of course wrong in declaring that the Commissioners had no power to make over the tract belonging to him, which is affected by the above decisions, to the Cochin Sirkar in defiance of his private interests. The settlement of the boundary line between two States is an act of State. It does not affect the possession or enjoyment of private property, but it may, and it often does, alter the status of persons residing on the frontier. In the present instance the petitioner alleges that by the transfer of his forest land to Cochin his janmam rights therein will be forfeited and he adduces various arguments to prove that the said lands should properly be included in British territory. Under paragraph 8 of Government Order, dated 1st July 1890, No. 510, an endorsement has already been sent to the petitioner, informing him that the question of ownership is one for decision by a Civil Court and that the Commissioners' findings do not affect the rights of individuals.

3. The petitioner bases his claim on Ward and Conner's map and on a certain boundary roll. His statement of 9th May 1888 gives full particulars of the case. This document was before the Commissioners when they passed their decision in April 1889, but the various arguments are not specifically dealt with. The Collector will now report fully upon the petitioner's claims, and should obtain and submit for the information of Government the boundary roll alluded to by the petitioner. The Collector should also submit Mr. Robinson's letter of 9th October 1848; referred to in his report of 2nd July 1850, the maps illustrative of Mr. Vaughan's settlement, and any other papers dealing with the case. It is not competent for the Government to re-open the question of the boundary, which has been finally settled by the order of July last, but in the event of good cause being shown to suppose that petitioner's land should properly have been included in British territory, the Government will be prepared to address the Cochin Sirkar in view to the petitioner's janmam rights to the said lands being duly recognised.

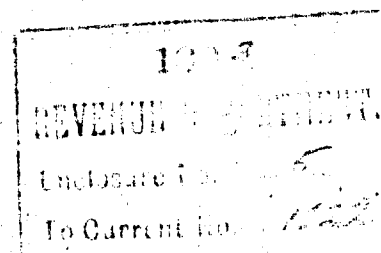
(True Extract.)

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

Para. 1 to Petitioner.
To the Collector of Malabar (through the Board—Land Revenue), with
petition and enclosures to be returned.

*contains (12 of the 1890)
to the Board, and the
to the Board, and the
to the Board, and the
to the Board, and the*

*Papers received on the Board
Refused by 12-September 1890,
on Pet^r Reg^r no 4542 of 1890*



Reference on the above, dated 13th September 1890.

Forwarded.

Read—Official Memorandum, dated 29th June 1891, No. 190, Revenue.

ABSTRACT.—Requesting early reply to Order No. 5448, dated 4th September 1890, referring, for report, to the Collector of Malabar petition from Nellikal Edom Kunju Achen regarding a boundary dispute.

Reference on the above, dated 8th July 1891.

Forwarded to the Collector of Malabar in continuation of this office Reference, dated 2nd June 1891 on Petitions No. 1705 of 1891 and 13th September 1890 on Petition No. 4592 of 1890. He is requested to expedite the submission of the report called for by Government in its Order, dated 4th September 1890, No. 5448, Revenue.

READ—Official Memorandum, dated 21st November 1891, No. 247, Revenue.

ABSTRACT.—Requesting an early reply to Order No. 5448, dated 4th September 1890, referring to the Collector of Malabar for report petition from Nellikal Edom Kunju Achen regarding a boundary dispute.

Reference on the above, dated 1st December 1891.

Forwarded to the Collector of Malabar in continuation of the Board's Reference, dated 13th September 1890 on Petition No. 4592 of that year and its subsequent reminders, dated 2nd June and 8th July 1891 on Petitions Nos. 1705 and 2191 of 1891. He is requested to submit, without further delay, the report called for by Government in its Order, dated 4th September 1890, No. 5448, Revenue.

READ—the following letter from W. DUMERGUE, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 11th January 1892, No. 22-P. Ind.:—

With reference to Board's Reference, dated 13th September 1890, on Petition Register No. 4592, of 1890, I have the honour to submit the following report on the petition, dated 29th July 1890, from Nellikal Edom Kunju Achen appealing against the decision of the Boundary Commission for demarcating the boundary between Cochin and Malabar in cases Nos. 71 (a), 71 (b) and 71 (c), together with the records, according to the enclosed list, bearing on the question. The map, which is apparently illustrative of Mr. Vaughan's settlement, and a copy of Mr. Robinson's letter, dated (9th) 3rd October 1848, will be found among the records, but the Nellikal Edom's Boundary Roll, dated 876 M.E.—1701 A.D., is written in Vattezhutu character and I have hitherto failed in obtaining a translation of it.

2. The matter is beset with considerable difficulty because, although a statement of claims was submitted to the Commissioners by the British claimant, no corresponding statement was apparently furnished on behalf of Cochin. Hence the precise nature of the real questions at issue is not easily discernible. In the next place complications have been introduced by the division of the dispute into three separate disputes. Beyond the remark that "this, though marked as one dispute, consists of three separate ones," no explanation of the course adopted by the Commissioners is forthcoming. On the other hand no such distinction is made in the Nellikal Edom Achen's statement of claim, while the names of various points in the boundary given in the decision of the Commissioners compared with the names in the Boundary Roll of 1828 and the reports of Messrs. Vaughan, Sheffield and Robinson, which will be hereafter noticed, show that the disputes separated by the Commissioners are in reality one and the same dispute, and relate to one and the same tract of country.

3. This tract is known as the Kallianikara hills which, according to paragraphs 10 to 13 of Mr. (afterwards Sir William) Robinson's report, dated 3rd October 1848, consist of spurs "comprising the most eastward valley of the Company's country at the foot of those (i.e., the Palghat) hills abutting on the Cochin Sirkars district of Menara."

4. The earliest report on record relating to this tract and any dispute in connection therewith is the one furnished by Mr. Vaughan, First Assistant to the Collector of Malabar, who had been appointed in August 1815 Commissioner for determining the Malabar-Cochin boundary in conjunction with the Commissioner of the Cochin Sirkar. Captain Arthur of the Engineers, and then employed by Cochin and Travancore, was at the same time deputed to survey the boundary. As the result of his investigation Mr. Vaughan stated in paragraph 6 of his letter to the Collector, dated 26th April 1816, that "the overpowering evidence and documents on the Cochin side was again equally strong in this instance (i.e., the instance of the Kallianikara hills). I am therefore induced to propose a total relinquishment on our part to these hills. After having heard every thing advanced by both parties I was clearly of opinion that we had no claims on the hills in question, and on referring to Captain Watson's reports on the forests of this part of the country I am confirmed in my opinion of the justice of the claims of the Cochin Government. I need hardly add that Captain Watson is the gentleman first appointed Conservator of the Forests on the assumption of them by the Honorable Company. * * * * * An extract from his report, dated 28th May 1807, is herewith sent."

The extract alluded to is as follows:—

"The map will show that the Konkote stream is the most westerly of those that united with the Tippey and flow through the territory of the Company, the others taking their course into Cochin Proper, whence the Timber Farmer has been in the habit of purchasing teak from these western forests named Mail Kandel, for which he has paid kuty kanom at five veray fanams."

Unfortunately, as subsequently remarked by Mr. MacGregor, no map accompanied this decision. But in 1870 Mr. MacGregor obtained from the Resident in Travancore and Cochin the map said to be illustrative of Mr. Vaughan's decision, and had a copy made of it. The map now submitted is apparently the copy thus made.

5. In his letter, dated 9th October 1816, the Collector, Mr. Warden, supported Mr. Vaughan's proposal and recommended that "the survey made by Captain Arthur under the direction of the Commissioners be confirmed by Government as defining the territorial boundaries between the two States where they unite in the district of Palghatcherry," but no orders were, for the time, passed on the subject.

6. Eleven years later, on the 29th November 1827, the Board asked the Collector to report "what had been done in consequence of the Commissioners' report and whether there is any question at present regarding it." On this the Collector, Mr. Sheffield, made the following representation in paragraphs 6 and 7 of his letter, dated 7th February 1831:—

"6. With respect to the boundary of the Nall desh or Chittore district aforesaid, as well as that of the southern and south-west sides of the Temalpuram taluk, the Cochin authorities have, for a long time past, been carrying on the most barefaced encroachments and particularly in the vicinity of Waddakanjery in the tracts immediately under the ghât mountains of which the Nellika-Edathil Achen and Poyakel Achen are the rightful proprietors."

"7. The Commissioners who met in the year 1815 to settle that boundary dispute never, as I could learn, visited the spots in question and their opinion, as expressed in their respective reports regarding the claim to what is called by the Cochin people the Oolipara mali, is by no means satisfactory and at once shows that the information which they had obtained regarding the localities was not correct, for in disposing of this part of the claim Captain Blacker assigns to the Nellika-Edathil Achen the Pootandy mallah, a mountainous tract which the chieftain never laid claim to and which is now and always was in the possession of the Cochin Sirkar, whilst Mr. Vaughan assigns to the said Achen another hilly tract, but situated about two miles to the westward of Pootandy and known by the name of Calanikara mallah which the Cochin Sirkar affirms was never claimed nor taken possession of by them since it belongs, as they acknowledge, exclusively to the aforesaid Nellika-Edathil Achen."

7. This is, I submit, a very important point, because Mr. Sheffield having (vide paragraph 10 of his letter) visited the tract himself in 1827, was not likely to have

been mistaken in reporting that Cochin then questioned the correctness of the very map—"known as Captain Arthur's, which is alleged to have been prepared specially to illustrate the decisions of the Commissioners of 1815"—on which the claim of the Sirkar was based in 1889. In this connection, the extract from Captain Watson's report, dated 25th May 1807, which was relied on by Mr. Vaughan must be taken into consideration. Even if the extract referred, beyond doubt, to the tract in dispute, it is difficult to understand its bearing on the question of ownership, but in a pencil note, apparently made by Mr. Sheffield, it is pointed out that the Konkote stream mentioned in the extract has no connection with the Kallianikara hills. These are said to be drained by the Olipara tode and the Kallianikara river, and this statement

*The reference, 9th October 1848, in the letter of 2nd July 1850, is an error. receives corroboration from Mr. Robinson's description of the country in his report, dated *3rd October 1848.

8. Another important point in Mr. Sheffield's report is the sketch of the disputed locality which he furnished with it. The explanation of that sketch, together with an account of the state of matters at the time given in paragraphs 8, 9 and 10, is here transcribed:—

"8. I beg leave to submit with this address a rough sketch of the tract in dispute between the Nellika-Edathil Achen and the Cochin Sirkar and to state that the extent of country claimed by the former as far as a pagoda situated on the north side of the Olipara tode, which is dedicated to the goddess Buggavathy and is still kept up at the Achen's expense, is distinguished in it with a blue line whilst the boundary line as admitted by Cochin is marked with a red one which, as your Board will, perceive, is drawn along the said Olipara tode, a mountain stream which descends from the Vellatty mountain and after joining the Vanday rivulet falls into the Ponani river in the Palghat valley."

"9. Now from the statement of the Cochin people it is clear that the country on the left bank of the Olipara tode belongs to the Nellika-Edathil Achen and it has, moreover, been admitted by Cochin that the Vallu and Cherria Vellatty nullahs, two mountains in which this stream takes its rise, are within the Company's territory, but nevertheless the servants of the Cochin Sirkar have resorted to extreme acts of violence and aggression in order to obtain possession of valuable teak timber already cut or growing upon both the said Vellatty mountains."

"10. To these I was myself an eye witness, for on proceeding in November 1827 to this unhealthy tract where I contracted jungle fever which has been hanging about me ever since, I observed on the left bank of the Olipara tode near the Olipara rock fresh marks of fire and the remains of a serambee or upper roomed building which had been built in this dense jungle to afford the persons, employed by the renter under the Nellika-Edathil Achen in working the adjoining forests, shelter and protection against wild elephants and which building had been most wantonly set fire to by the Cochin Rajah's servants who it is said dispossessed the renters' people of one or more of the elephants which they had brought to assist them in their work and even carried off some of the people to the Cochin country where they were confined and on this and several other occasions they dispossessed the Nellika-Edathil Achen and his people of large quantities of valuable teak timber."

9. Mr. Sheffield proceeded to recommend with a view to bringing the dispute to a satisfactory termination that Captain Ward should be appointed Commissioner; but in paragraph 19 of the Proceedings, dated 18th July 1831 enclosed in its letter dated 11th August 1831, the Board considered that "it would not be proper to set aside the decision formerly passed without fuller inquiry and more conclusive evidence of its incorrectness," and Government in Extract Minutes of Consultation, dated 9th August 1831, agreed with the Board.

10. Nothing more appears to have transpired until 1848 when serious disputes arose between British subjects and the subjects of the Cochin Sirkar in connection with the unsettled boundary in the neighbourhood of Kallianikara and Mr. Robinson, then Head Assistant Collector, proceeded to the spot in company with Mr. Kohlhoff, the Conservator of Forests, Cochin. In paragraphs 9 to 16 of his report, dated 3rd October 1848, Mr. Robinson described the physical features of the tract and it appears from paragraphs 18 and 19 that the line of boundary assigned by the Government maps to the Company's territories included "both west and east (of the Olipara tode) bank with the line of the Vellatty hills and spurs as far as the junction of the Vengavan spur, the west face of this spur with the various hilly offsets above the Olipara rock and below that rock the Tengacherry flats, &c., included between the Olipara tode and the

muttath code." This description of the boundary, it will be observed, supports the account given by Mr. Sheffield.

11. In paragraphs 20 to 22 a map produced by the Cochin Conservator of Forests as "Captain Arthur's map" is discussed, and Mr. Robinson endorses Mr. Sheffield's opinion thereof. In paragraph 21 he states that it "is an exceedingly rough and inaccurate outline and at least in regard to this part of the country may be safely challenged as the result of no single scientific observation or measurement," and in paragraph 20 that "it bears no signature, and as the entire correspondence of the time shows that no such arrangement of the entire southern boundary either formally or cursorily took place, it can scarce be considered a conclusive document." In addition to these remarks Captain Arthur himself is quoted at the end of paragraph 21 and proves that the map was not the result of actual survey but that "the southern boundary was laid down from native information and descriptive documents supplied by the Cochin Government." Then Mr. Robinson after showing in paragraph 22 that according to the so-called "Captain Arthur's map" the boundary runs down "the deep valley of the Olipara tode," points out in paragraph 23 that if this were really the boundary, the land already described as lying east of the Olipara tode—in other words land which, according to the testimony of Mr. Sheffield, was admitted by Cochin to belong to the Nellikal Edom—would be transferred to Cochin. This transfer would therefore be made solely on the strength of an unauthenticated map in opposition to authoritative Government maps prepared at a later date, and a reference to these maps will show that the land was considered to be under dispute.

12. In paragraph 27 of the same report, Mr. Robinson observes that "the Nellikal Edom also includes these hills in their contract he gives (*sic*) to merchants for felling wood within their boundaries," and the statements made in paragraph 19 are deserving of special consideration. Therein Mr. Robinson recorded the fact that "the neighbouring hills are the janmi property of the Nellikal Edom family, and these outlines are coincident with the boundaries they have ever contended for. The surveys of the Government forests when under amani correspond."

13. On the other hand in a subsequent report, dated 2nd July 1850, Mr. Robinson, after "further examination and fuller experience," considered that the Olipara tode should be regarded as the boundary. The rival claims of the Nellikal Edom and of the Cochin Sirkar are thus set forth in paragraph 2. "The Cochin Government claims the Olipara tode nullah as the boundary stream, the Achen advances his claim to the Venga Vcera spur and the Mutan tode nullah," and in paragraph 3 Mr. Vaughan's opinion expressed in his letter, dated 26th April 1816, that the British claim to the hills in question should be totally abandoned is quoted. That opinion and the grounds for it have already been discussed in paragraphs 5 and 8 of this letter, and although Mr. Robinson adopted it in 1850, it is quite opposed to his earlier impression formed in 1848, on "the surveys of the Government forests" and to Cochin's disclaimer deliberately recorded by Mr. Sheffield in 1831.

14. Mr. Robinson himself followed Mr. Sheffield in pointing out that the tract was never surveyed in 1815, and Mr. Vaughan's opinion was doubtless due to an error with regard to the localities under dispute and their names. Moreover, Mr. Robinson admitted in paragraph 3 of the letter now under reference that in the printed Trigonometrical map (prepared in 1819) the tract is shown to be in dispute, and hence his argument in paragraph 4 that the surveyors engaged in the preparation of that identical map acquiesced "in the probability of the Cochin claim being the better one," certainly does not carry conviction with it. Altogether therefore the recommendation made in paragraph 6 of his letter that "advances across the Olipara tode" by the Achen should not be permitted was founded exclusively on the decision of the Commissioners in 1815 and the Trigonometrical map of 1819. The former is proved, and has been admitted by Cochin to be imperfect and incorrect, while the latter, in which the tract is distinctly shown as disputed, is altogether inconclusive.

15. Moreover, there is very strong proof that Mr. Sheffield was right in considering the decision arrived at by the Commissioners of 1815 to be wrong and that Mr. Robinson's first opinion was correct. The proof will be found first in the Government paimash accounts of 974-M.E.—1799 A.D. and 981-M.E.—1806-A.D. wherein

Kallianikara nilam is shown as part of British territory and in the paimash account of 1015-M.E.—1840 A.D. wherein the Kallianikara forests are entered as the janmam of the Nellikal Edom. This is in the next place corroborated by the accompanying extract from the Forest Conservator's diary for 1822, pages 33 to 46. The entries therein relate to timber felled in the Olipara forest which is described as the janmam property of the Nellikal-Edathil Achen. One passage contains a list of logs elled by one Omar kootti "in the forests of Nellikal-Edathil Achen. Olipara nullah." The map prepared by Mr. Sheffield, will be found to correspond with the extract from Captain Arthur's map obtained by the Collector from Cochin in 1870 and therein Olipara mala is shown to be on the east of the Olipara tode. It is clear therefore that, according to the Forest accounts maintained while the Malabar forests were under the management of Government, the Nellikal Edom boundary extended to the east beyond the Olipara tode. And lastly the boundary roll prepared in 1828 and recorded in the Collector's office includes the tract as part of British territory and the private janmam of the Nellikal Edom. A translation of this boundary roll, so far as it relates to the dispute, is annexed, and it will be seen that the Muttath tode is named as one of the boundaries. Muttath tode is shown in Ward and Connor's map as "Muttath Polay" east of the Olipara tode and again therefore it appears that the Nellikal Edom's boundary extended beyond the Olipara tode.

16. But the recommendation made by Mr. Robinson and supported by the Collector and the Board was accepted by Government in Extracts Minutes of Consultation, * dated 11th September 1850, where it was ordered that the "Nair Chief" should be prohibited in express terms from entering upon "the tract in question as forming part of the Cochin territory." Subsequently it was brought to the notice of Government that the award of the Commissioners of 1815 had not been formally ratified, and in Extract Minutes of Consultation, dated 26th February 1853, Government confirmed the decision of the Commissioners and directed that it should be rigidly acted upon. When this decision was passed, the paimash accounts of 1809, the Government Forest account of 1822 and the boundary roll of 1828, which proved that the Kallianikara hills belonged to the Nellikal Edom, were not brought to the notice of the Board and Government, and the admission made to the same effect by Cochin and recorded by Mr. Sheffield in 1831 was lost sight of. Hence there appears to be little doubt that the Nellikal Edom inadvertently suffered great injustice in being deprived of lands and forests to which it was lawfully entitled.

17. Apart from this question the relief afforded by the decision was only temporary, because in September 1869 a collision took place between the dependants of the Nellikal Edom Achen and some Cochin subjects. The Resident forwarded the Dewan's complaint of trespass with a letter, dated 19th October 1869, and Mr. Buick, the Head Assistant Collector, was directed to investigate the matter. He reported on the 20th November 1869 that the Cochin subjects themselves were the culprits, because they had committed acts of aggression on the west side of the Olipara tode, and had therefore trespassed upon British territory. Thereupon the Dewan of Cochin in a letter, dated 29th January 1870, forwarded with the Resident's letter, dated 1st February 1870, asserted for the first time in the controversy that the Olipara tode which formed the boundary between the two States at the place in dispute was the more westerly of the two streamlets which meet at the Olipara rock. Hence he contended that the tract in which the collision had occurred was Cochin territory.

18. The Dewan's letter was referred to Mr. Buick who wrote in the postscript to his letter, dated 14th February 1870, as follows:—

"The boundary at this place is admitted to be the Olipara tode and the Olipara rock, and as far up as the rock there is no dispute. Here we find the two streamlets referred to in my previous letter. The more easterly stream, which appears to be the more important one of the two, flows over the rock; the more westerly falls in at its base. The amsom authorities assure me the land between them belongs to Warrakancherri, and I think better evidence to the contrary must be shown than a mere reference to Captain Arthur's map, the correctness of which, where the Warrakancherri frontier is concerned, has never been admitted I believe by an official in Malabar."

19. Mr. Buick's report was submitted to Government by the District Magistrate, Mr. MacGregor, with his letter, dated 16th September 1870, and printed with Government Order, dated 15th October 1870, No. 324, Political. In paragraph 9 thereof Mr. MacGregor stated that "it is admitted on all hands that the Olipara tode divides Cochin from British territory, the former lying east and the latter west of the stream." After discussing the facts of the case then in question, Mr. MacGregor in paragraph 20 points out that the boundary upstream to the south of the Olipara rock is uncertain, the stream dividing into two, and observes that Mr. Robinson in his report states definitely that the line claimed by Cochin was the Olipara tode which he describes as "the mountain torrent which drains the valley and passing in its course over the Olipara rock seems with the other local and more specific names to bear the general appellation of Olipara tode." Then in paragraph 21 Mr. MacGregor states his opinion in the following terms—"unfortunately no survey or map was appended to the Government order deciding the boundary, but as Mr. Robinson inspected the spot carefully with the Cochin Conservator his definition which clearly points to the more easterly stream should, I think, be accepted, especially as the relinquishment by Government of their claims was based on his report."

20. The matter was referred to the Board of Revenue for opinion as to the expediency of adopting special measures for defining the boundary in anticipation of the extension of the operations of the Revenue Survey Department to Malabar, and in its Proceedings, dated 14th December 1870, No. 7124, the Board stated its belief "that the frontier is well defined naturally so that no artificial demarcation is necessary and it would be inexpedient to give the Cochin authorities a seeming opportunity of re-opening questions which have long since been settled," and that "at the spot where the dispute referred to in these papers occurred, the eastern branch of the Olipara tode is unquestionably the boundary."

21. The tendency of Cochin to advance its frontier must already have attracted attention in the reports of Messrs. Sheffield, Robinson and MacGregor, to which reference has been made and a clear proof is furnished by the Dewan's letter of the 14th September 1871, in which, after complaining of trespass by British subjects in Olipara Karadi Kunnu, Vellattimala and other places, he asserted in paragraph 3 that the Sirkar believed Carrimpara, which is on the range of hills lying to the west of the Olipara tode, and not to the Olipara tode as shown in Captain Arthur's map to be the real boundary. This assertion is said to be made on the strength of the report furnished to the Sirkar by the Commissioners appointed on its behalf in 1815. The Dewan did not, however, explain why this objection was never raised between 1815 and 1853, and though he now offered to accept Olipara tode as the boundary in order to avoid further disputes and uncertainty, he maintained in paragraph 4 that it must be the western and not the eastern branch of the stream.

22. Government subsequently in its Order, dated 29th September 1871, No. 307, Political, prohibited further felling of timber in the disputed tract pending final adjustment of the dispute. On this order being communicated with the Board's Proceedings, dated 18th October 1871, Mis. No. 3635, Mr. Buick remarked in paragraph 3 of his letter, dated 9th November 1871, that "in his letter, dated 1st July 1850, Mr. Robinson writes 'the Cochin Government claims the Olipara tode mullah as the boundary stream' and it was on this report that the orders of Government, under date 11th September 1850, were passed relinquishing to the Cochin State all that they then claimed, and which both Mr. Robinson and the Government evidently understood to be bounded by the Olipara tode." Mr. Buick adds that "the question for determination is what is the Olipara tode" and reiterates his opinion that it is the more easterly of the two streamlets.

23. Since then several complaints have been made by the Nellikal-Edathil Achen of trespass by Cochin on his lands and in October 1878 a counter-complaint was made by Cochin. Mr. Sewell, to whom the matter was referred for inquiry, reported on the 23rd February 1879 that he surveyed part of the boundary and the conclusion at which he arrived, as stated in paragraph 13 of his letter, was that "it is proved that the easternmost prong of the fork is the Olipara river along which the surveyors who drew up the field-book of the survey map ran their boundary and it consequently

follows that this is the boundary fixed by the Joint Commissioners in 1815." In October 1883 another complaint was made by the Achen and in reporting thereon in his letter dated 23rd November 1883, Mr. Brodie, the Head Assistant Collector, was astonished to find Cochin again attempting to shift the boundary. In paragraph 3 of his letter he asks: "Can they (the Cochin people) have the impudence to assert that the small stream called Oheria Akkadi Kunnu tode by the Edom's people is their Olipara tode and boundary?" and is of opinion that "surely, as every Malabar officer has maintained it, is enough for them to assert that that stream is Olipara tode which flows round the base of Olipara rock and not the stream of more than double the volume that flows over the rock itself." Cochin's reply given in paragraph 2 of the Dewan's letter, dated 28th December 1883, was that "the disputed tract is not confined to the Olipara tode but extends to Carimpara thund." The consequence of this correspondence was that Government in its Order, No. 310, dated 7th March 1884, Revenue, approved of the Collector's proposal for the appointment of Commissioners for the settlement of the boundary. Commissioners were duly appointed and their final decision on this case was passed on the 17th April 1889, fixing a boundary line which was not in accordance with the contention of either party, but was said to be drawn for the most part on the "give-and-take" principle. In arriving at that decision the Commissioners appear to have entirely ignored the previous correspondence on the subject and to have neglected all examination of the evidence which was expressly referred to in the British claimant's written statement of claim. No evidence on the side of Cochin appears to have been adduced, and with regard to the Olipara tode Cochin based its claim solely on Captain Arthur's map. It has already been noticed that according to this map the Olipara tode is the boundary and the fact that this map was in the end taken as the foundation of Cochin claim proves that Cochin's recent pretensions to the tract west of the Olipara tode as far as Carimpara thund were, in the language used many years ago, an attempt at barefaced encroachment.

24. It will now be seen that the history of the case resolves itself into two periods. The first ranges from 1815 to 1853 and the dispute then extended to the whole of the tract known by the name of the Kallianikara hills. This tract was shown in the Government paimash account of 974-M.E.—1799 A.D., 981-M.E.—1806 A.D. and 1015-M.E.—1840 A.D., in the Government Forest accounts of 1822 and in the Boundary Roll of 1828, as well as by the admissions of Cochin as recorded by Mr. Sheffield in 1831, to belong to the Nellikal Edom Achen. But the evidence thus available does not appear to have been examined and the recommendation made by Mr. Robinson in 1850 that the Olipara tode should be regarded as the boundary was based solely on the old decision of 1815 and an unauthenticated map. Effect being given to this recommendation by the order of Government in 1853, the Nellikal Edom Achen was deprived of a tract of country which was handed over to Cochin although Cochin had disclaimed ownership and possession.

25. The second period runs from 1853 to 1889 when the Commissioners appointed in 1886 pronounced their final decision. The decision of the earlier Commissioners of 1815 and the map which had been prepared to illustrate it had been repudiated by Cochin not only before the Government Order of 1853 was passed, but even so recently as 1871 when the Dewan sought to push the frontier line across the Olipara tode to the west as far as Carimbara. Cochin had, therefore, refused to be bound by the decision of 1815 and the Government Order of 1853. Hence, as prayed for by the British claimant, a fresh inquiry was necessary and justice demanded that the evidence on both sides of the case should be carefully weighed unless the Commissioners considered that the Order of 1853 was final. But it is evident that they did not consider it final because they have not adhered to it. Neither on the other hand did they take into consideration the evidence relied upon by the British claimant and distinctly brought to their notice while Cochin was apparently absolved from the necessity of referring to any evidence at all except Captain Arthur's map. Considering that in 1815 Mr. Vaughan mentioned "the overpowering evidence and documents on the Cochin side," the failure of Cochin to produce any evidence on this occasion is not less remarkable than the attempts which it has so often made to shift the boundary from one place to another. It was shown in 1831 that the tract now in question was

not in reality dealt with by the Commissioners in 1815. Hence the evidence and documents mentioned by Mr. Vaughan must have related to some other tract or would have been produced now. As no evidence has been produced the presumption is that none is available. In any case there cannot be any doubt that the line of boundary adopted by the Commissioners in 1889 was purely arbitrary.

26. Unfortunately this line which has been accepted by the British and the Cochin Government is not only arbitrary but is at the same time so indefinite that the decision arrived at is by no means a final settlement of the boundary, at any rate so far as the Olipara tode is concerned. The line is stated to be Ward and Connor's line "from the Olipara rock," but the Commissioners failed to denote the subsequent course of the line and Cochin has not been slow to take advantage of this want of precision. When the Commissioners' award was accepted, Government ordered that the boundary should be demarcated in accordance with it. The demarcation was carried out by Head Surveyor Mr. Butler, and in a letter to the Resident, dated 18th November 1890, the Dewan complained that the boundary line between Olipara rock and Vallat moodi had been wrongly demarcated by the British Head Surveyor. A copy of the letter, together with a copy of the Cochin Chief Engineer's letter and the original sketch of the locality furnished by that officer is now submitted, and it will be seen that the Dewan still maintains that the western and not the eastern streamlet is Olipara tode and therefore the boundary. It may here be noted that the Commissioners are wrong in holding that there was any doubt on this point when Mr. Robinson reported in 1850, because the correspondence already quoted will show that the identity of the Olipara tode was never questioned until 1870. In the same year the Board of Revenue expressed the opinion that the eastern streamlet was undoubtedly the boundary and every officer of the British Government who has visited the tract has arrived at the same conclusion. Moreover, I now forward a sketch which was prepared by Head Surveyor Mr. Davenport and which, having been received by Mr. Dance on the 14th October 1887, was before the Commissioners when they passed their decision. In this sketch the boundary is shown in accordance with Ward and Connor's Field Book and no objection to it was taken by the Cochin Commissioner when he and Mr. Dance decided that Ward and Connor's line was to be adopted. Comparison will show that the line followed in the sketch corresponds with the line now followed by Head Surveyor Mr. Butler; hence after acquiescing in the alignment before the decision was pronounced, Cochin has now rendered that decision nugatory by virtually rejecting it and introducing a new element of contention.

27. One fact which will not escape notice is that neither is the eastern nor is the western fork of the river in question called Olipara tode in the sketch now forwarded by the Dewan of Cochin. The western streamlet is called Neeralan tode and the eastern Vengavara tode, while the Olipara tode is represented as ending at the Olipara rock. This is altogether inconsistent with the claim put forward by Cochin because as recorded by the Commissioners the Olipara tode is admittedly the boundary. But according to the present sketch and the new contention Olipara tode is not the boundary in dispute and the dispute begins where the Olipara tode ends.

28. This action on the part of Cochin proves that the State refuses to abide by the decision of the Commissioners. Government has declared that it is not competent for it to re-open the question of the boundary, which has been finally settled by the Order of July 1890, but I would now submit that Cochin has itself re-opened the question and that in reality the dispute has not been finally settled. There cannot, I think, be any doubt that the decision arrived at in 1815 and confirmed in 1853 was erroneous, and considering the exceedingly imperfect nature of the inquiry made in 1889, when evidence available on behalf of the British claimant was ignored and no evidence was adduced by Cochin, I would strongly recommend that the Cochin Government should not be disappointed in the wish which it has expressed by its action for a new settlement of the dispute.

29. If Government still considers that this course is not open, it has, I trust, nevertheless been proved that the Kallianikara hills, which comprise the disputed tracts in cases Nos 71 (a), 71 (b) and 71 (c) should properly have been included in British territory. In cases Nos. 71 (a) and 71 (b) the boundary must, under the view now contemplated, remain as it is, but with regard to case No. 71 (c) the boundary line of

Olipara tode, now disputed by Cochin, requires to be definitely surveyed and demarcated strictly in accordance with Ward and Connor's line in a manner which will prevent the possibility of any further contention. I would suggest that an Assistant Superintendent of Survey be deputed for the purpose, but this work cannot be undertaken until the fever season, which will shortly commence, is over. Meanwhile, I must bring to notice the fact that the Nellikal Edom Achen has complained to me of the felling of timber by Cochin subjects on Karadi kunnu which is, according to the present actual demarcation, included in British territory. The logs were seized by one of the Achen's agents, but have been detained by the local Sub-Magistrate of Alathur at the instance of the Cochin officials. The Dewan in a letter to the Resident, dated 14th August 1891, has also complained that the Achen's people are felling timber within the newly disputed tract and requests that they may be "brought to justice." A copy of this letter is enclosed and I may state that I am not aware of any such prohibition against the felling of trees as is mentioned by the Dewan, who fails to allude to the fact that timber has been felled in the same tract by Cochin subjects. Until the present demarcation is proved, not merely alleged to be wrong, it seems to me that the Achen is within his rights and it is the subjects of Cochin who should be brought to justice. But in order to prevent any further dispute which may end in serious consequences, I would suggest that, pending the orders of Government, any acts of possession over the land in question by Cochin subjects no less than by British subjects be prohibited.

30. I must, in conclusion, express my regret for the delay which has occurred in the submission of the report. It will now be seen that a great mass of records, some of ancient date and difficult to decipher had to be studied, and I trust that some allowance will be made for the nature of the task which required more time than I have until lately been able to command.

READ—Board's Proceedings, dated 17th October 1892, No. 2438.

ABSTRACT.—Requesting the Collector of Malabar to forward, at a very early date, the Trigonometrical survey map of Ward and Connor referred to in Mr. Dumergue's report regarding the Nellikal Edom boundary dispute.

READ—the following letter from H. BRADLEY, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 6th October 1892, Ref. on C. No. 4143-P.:

With reference to the Board's Memorandum, dated 17th instant, No. 2438, I have the honour to state that I have not been able to find among my records the Trigonometrical survey map of Ward and Connor of 1823. In paragraph 14 of his report, dated 11th January 1892, Mr. Dumergue speaks of "the printed Trigonometrical map (prepared in 1819)" and nowhere does he refer to the map of 1823. I have this day despatched a map in which the disputed tracts have been marked in pencil; it appears to have been prepared by Ward and Connor and to have been published in 1840. I understand that Mr. Dumergue referred to this map when writing his report. His authority for saying that the map was prepared in 1819 is, I believe, a statement in paragraph 4 of Mr. Robinson's letter, dated 2nd July 1850, that "in 1819 we find the surveyors ordered to trace with peculiar care the boundary, &c." A copy of this letter is enclosed.

ENCLOSURE.

From W. ROBINSON, Esq., Head Assistant Magistrate, dated Palghat, 2nd July 1850, No. 175.

With reference to my report, dated 9th October 1848, relative to the boundary dispute existing between the Cochin Sircar and the Nellikal Edom Achen's family, I have the honour to submit the result of my further examination and fuller experience.

2. The appended map shows the nature of the difference; the disputed tract is coloured green. The Cochin Government claims the Olipara tode mullah as the boundary stream; the Achen advances his claim to the Venga Neeratpur and the Mutan tode mullah.

3. By the printed Trigonometrical survey map this tract is shown to have been at that time considered in dispute, that is, the difference, though it had been the subject of a careful inquiry by Commissioners appointed by the Government of Madras and Cochin, had not then, 1819, been authoritatively decided. The same spot precisely was in dispute before the Commissioners for the settlement of this boundary appointed in 1815, and the bearings of the matter, the evidence, &c., were all examined and inquired into at great length. The result was as remarked by Mr. Commissioner Vaughan of the Achen's case "the examination of all parties, which is herewith forwarded, will clearly not only show the weakness of the evidence, but decided contradiction and that one another or the Achen himself. The latter scarcely two of the witnesses agree either with one another or the Achen himself. The latter seemed, and was so ill-informed on the subject as well as his followers, that they could not say on what side of the hill the wood was cut, and on this chiefly rested the matter in dispute. The overpowering evidence and documents on the Cochin side was again equally strong in this instance, and I am therefore induced to propose a total relinquishment on our part to these hills. After having heard everything advanced by both parties I was clearly of opinion that we had no claims on the hills in question, and on hearing Captain Watson's reports on the forests of this part of the country, I am confirmed in my opinion of the justice of the claims of the Cochin Government. I need hardly add that Captain Watson is the gentleman first appointed Conservator of the Forests on the assumption of them by the Honorable Company and who had turned the undivided attention of a fertile mind combined with the most active exertions in ascertaining the extent, nature situation, and resources of the Malabar forests." The authoritative confirmation by the Government of this view was recommended in the Commissioners' report, but no definite instructions resulting from this commission appears ever to have been issued.

Extract from report of Mr. Commissioner Vaughan appointed on the part of Malabar, dated 26th April 1816.

4. In 1819 we find the surveyors ordered to trace with peculiar care the boundary between the Cochin territory and South Malabar acquiescing, as the result of their inquiry, in the probability of the Cochin claim being the better one—vide extract from the Field book shown below:

	Course.	Distance.		
		Miles.	Furlongs.	Yards.
	S. 70 E	4	4	110
	S. 23 E	4	3	110
	S. 2 W	4	4	110
	S. 54 W	2	1	110
	S. 53 E	2	7	110
	S. 45 E	1	1	110
	S. 70 E	1	1	110
	S. 34 E	1	1	110
	S. 82 W	1	1	110

"On descending which (the Velalypara hill) it runs through forests to the junction of Olipara and Mootan Polay rivers. Here the boundary is disputed, but we follow the more probable course, i.e., the winding course of the Olipara river to Vellathamoodu on the high mountains."

5. Under these circumstances I can see no reason for supporting the Achen's advanced claim which was then deliberately deemed so weak. To strengthen it nothing new has since transpired. Matters of this description lying over unadjusted lead to all sorts of difficulties and contentions and only tempt aggression and retaliation. I regret to find that much wood that was in 1848 and only tempt aggression and retaliation. I regret to find that much wood that was in 1848 and only tempt aggression and retaliation. The logs lay, it is true, to the west of the nullah and were probably chiefly cut in wholly undisputed land, but it is impossible to look effectually after wood so situated nor have the Government any interest at the stake.

6. I would propose to let Itty Komby Achen know that no sort of support will be given or countenance lent to his claim and that similar advances across the Olipara tode will be admitted by us to be aggressions on his part. The Cochin Sircar might be advised of this view and warned to defend their own property and take such steps as they may consider requisite in the matter.

RESOLUTION—dated 19th December 1892, No. 728.

Submitted to Government with reference to its Order, dated 4th September 1890, No. 5448.

2. Mr. Dumergue furnishes the report called for by Government on the petition of Nellikal Kunju Achen of Watacanberry amson requesting Government to alter the decision in cases 71 (a), (b), (c) of the Commissioners Messrs. Dance and Kohloff, appointed by the Madras and Cochin Governments to demarcate the disputed boundary between the Palghat taluk of Malabar and the Cochin State. The tract of

country now under consideration is known as the Kallianikara hills. Its possession has long been contested, the Cochin Government claiming it as forming part of its territory and the Nellikal Achens (British subjects) maintaining, on the other hand, that the forests belong of right to them and are included in British limits. The Commissioners' decision was favorable to Cochin, and hence the present appeal.

3. The petitioner's main contention is that by the transfer of his forest estate to Cochin in accordance with the finding of the Commissioners, his janmam rights therein will be forfeited inasmuch as the proprietorship in all the forest lands in Cochin vests in the Rajah. Mr. Dumergue, who has discussed the subject at considerable length, accepts the petitioner's case, arriving at the conclusion that the area involved lies within the British frontier. As regards dispute 71 (c) he observes (paragraph 25, *et seq.*) that the line of boundary adopted by Messrs. Dance and Kohlhoff in 1889 was purely arbitrary and at the same time so indefinite that their decision is by no means a final settlement of the controversy. As far back as 1815 a stream called the Olipara tode was claimed by Cochin as the boundary, and the claim was admitted, but, as remarked by Government (paragraph 7 of Government Order, dated 1st July 1890, No. 510, Revenue), it appears that there are two streams of this name in the locality, and it was afterwards found impossible to decide which stream was meant. The present Commissioners have adopted Ward and Connor's line "from the Olipara rock" at the junction of the two streams, but as pointed out by Mr. Dumergue, they have failed to demarcate the subsequent course of the line, and he affirms that Cochin has taken advantage of this want of precision in the following manner. Whereas prior to the notification of the Commissioners' finding that Government tacitly acquiesced in an alignment which takes the eastern of the two streams as the border line, it has since "rendered that decision nugatory by virtually rejecting it and introducing a new element of contention." Mr. Dumergue here alludes to the letter of the Dewan of Cochin to the British Resident, dated 18th November 1890, No. 2771, from which it will be

* Enclosure 6 to Mr. Dumergue's letter.

seen that the western stream is maintained to be the dividing line. "This action on the part of Cochin proves," says Mr. Dumergue, "that the State refuses to abide by the decision of the Commissioners," and he would, therefore, in view of the erroneous conclusions arrived at by Messrs. Dance and Kohlhoff in all three cases [71 (a), (b), (c)], "strongly recommend that the Cochin Government should not be disappointed in the wish which it has expressed by its action for a new settlement of the dispute." For reasons which will be given later on (paragraph 11), the Board considers that Mr. Dumergue has taken a mistaken view of the matter.

4. The Government has already stated; in its order referring this matter for report, that the decisions in question having been duly ratified cannot now be revised, but it added that in the event of good cause being shown to suppose that petitioner's land should properly have been included in British territory, it would be prepared to address the Cochin Sirkar with a view to the petitioner's janmam rights to the said lands being duly recognised. Apart from the fact that the rescission of the agreement arrived at is out of the question; the contention of the Collector that the Cochin Government has repudiated the decisions, and practically wishes them revised, because there is still some doubt about the precise line of the boundary in case 71 (c) need hardly, the Board thinks, be taken seriously. The Board has accordingly examined the records with a view to determining whether there are sufficient grounds for recommending to Government (1) that the Cochin Sirkar be addressed, as contemplated, in behalf of the petitioner, and (2) that the boundary line demarcated by the British surveyor and objected to by Cochin should be revised.

5. (1) The basis on which petitioner's case rests is best stated at paragraphs 15 and 16 of Mr. Dumergue's letter. The report of Mr. Sheffield, the Principal Collector of Malabar, to the Board in 1831, is there relied upon as proving the incorrectness of the conclusions, favorable to Cochin, formed in 1815 by Mr. Vaughan, the Head Assistant to the Collector of Malabar, who had been appointed in conjunction with the Commissioner of the Cochin Sirkar to define the Malabar-Cochin boundary. The opinion, equally adverse to the Commissioners of 1815, which was recorded by

Mr. (afterwards Sir William) Robinson in 1848, when Head Assistant Collector of Malabar, is also quoted in support of the petitioner's claim. Mr. Dumergue holds that there is "very strong proof" that Messrs. Sheffield and Robinson were right. The proof, he states, will be found, first, in the pymash accounts of 1799 and 1806, wherein Kallianikara *nilam* is shown as part of British territory, and in the pymash accounts of 1840, wherein the Kallianikara forests are entered as the janmam of the Nellikal Edom. The diary of this Government's Forest Conservator for 1822 is next referred to. Allusion is therein made to the Olipara forest as the janmam property of the Nellikal Edatil Achen. Similarly, in the boundary roll prepared in 1828, and recorded in the Collector's office, the tract is shown as British territory, and the private janmam of the Nellikal Edom. Importance is finally attached by Mr. Dumergue to the circumstance that when in 1853 Government formally ratified the decision of the Commissioners of 1815,

* E.M.C., dated 26th February 1853, No. 233. "the pymash accounts of 1809, the Government Forest account of 1822

and the boundary roll of 1828 which proved that the Kallianikara hills belonged to the Nellikal Edom, were not brought to the notice of the Board and Government, and the admission made to the same effect by Cochin and recorded by Mr. Sheffield in 1831 was lost sight of."

6. The Board finds itself unable to concur with Mr. Dumergue in his valuation of the documentary evidence in the case. In the first place, as regards Mr. Sheffield, his letter to the Board, dated 7th February 1831, which Mr. Dumergue quotes, contains material misstatements of fact, and clearly indicates that his inquiry into the matter was far from thorough. At paragraph 13 of Proceedings, dated 18th July 1831, No. 1357, which deal with this letter, the Board "regret to observe that the bad state of Mr. Sheffield's health prevented him from entering so fully into the subject as might have been wished." Mr. Sheffield was of opinion that the Commissioners of 1815 had been misled by incorrect information regarding localities, and he reported that "in disposing of this claim, Captain Blacker (the Assistant Resident at Travancore) assigns to the Nellikal Edatil Achen the Pootandy mullah, a mountainous tract which that Chieftain never laid claim to, and which is now, and always was, in possession of the Cochin Sirkar, whilst Mr. Vaughan assigns to the said Achen another hilly tract, but situated to the westward of Pootandy, and known by the name of Kallianikara mullah, which the Cochin Sirkar affirms was never claimed nor taken possession of by them, since it belongs, as they acknowledged, exclusively to the aforesaid Nellikal Edatil Achen." The Board, however, pointed out (paragraphs 16 to 19 of the above Proceedings) that the Kallianikara hill mentioned by Mr. Vaughan was stated by him to belong to Cochin, not as Mr. Sheffield represented to Malabar. Hence the tract referred to by Mr. Sheffield could not be identical with that alluded to by Mr. Vaughan. Again, the Board remarked that there was no mention of Pootandy in Captain Blacker's report, and that there appeared to be some confusion in Mr. Sheffield's description of the places so denominated. As to Mr. Sheffield's assertion that the Commissioners of 1815 "never, as far as he could learn, visited the spots in question," and his recommendation that the boundary should be defined anew, the Board considered that Mr. Sheffield had overlooked that part of Mr. Vaughan's report, wherein it is stated that he "traced step by step" the whole line of boundary. The Board added that "great pains appear to have been taken to ascertain the true limits of the two States," and that in its opinion "it would not be proper to set aside the decision formerly passed without fuller inquiry and more conclusive evidence of its incorrectness." These views were concurred in by the Government (*vide* Extract Minutes of Consultation, dated 9th August 1831, No. 759). The patent defects in Mr. Sheffield's report have not been removed by subsequent investigation, and under these circumstances it is impossible to attach weight to the arguments which he advanced. It may be finally noted in connection with this officer that though he wrote in 1831, he made no mention of the pymash accounts of 1799 and 1806, the Forest Conservator's diary of 1822, or the Boundary Roll of 1828, as supporting his contentions. These documents will next be commented on.

7. With reference to a similar boundary dispute between the poligars of Coimbatore and the Cochin Government, also discussed by the Board in its Proceedings, dated

18th July 1831, No. 1357, the pymash accounts had been quoted as favoring the claim of the poligars. The Board thereupon observed (paragraph 10) that the decision of the Commissioners was passed with a full knowledge of the accounts alluded to, and added that "when it is considered that the pymash accounts produced by the poligars were made without any concurrence on the part of the Cochin Government, it will be evident that they cannot be admitted as a correct record of the state of the limits of the two countries." There is no reason to assign greater value to such accounts so far as the Kallianikara hills are concerned. Obviously the pymash accounts of 1799 and 1806 were before Mr. Vaughan's Commission, and there is no foundation for the belief that the statements contained in them were then overlooked. Indeed, it appears from the record of inquiry appended to Mr. Vaughan's report, that when the Achen was asked why he failed in the first instance to mention a hill afterwards laid claim to, he replied that the omission was due to the fact that the hill in question was not "entered in the pymash account." The Forest accounts of 1822 are at best but one-sided, and the Boundary Roll of 1828, which bears the signature of the then Achen, was clearly prepared from information given by him and the British subjects. As evidence it is worthless. The decision of 1815, as already mentioned, was not ratified by Government until 1853, and it is not a matter for surprise if those interested in the dispute took the opportunity afforded by this delay to create, during the interval, evidence to support their claims.

8. The remaining document on which Mr. Dumergue relies is Mr. Robinson's letter of the 3rd October 1848 to the Magistrate of Malabar.* Mr. Dumergue

* Enclosure No. 2 to Mr. Dumergue's letter. points out that Mr. Robinson has therein given a description of the boundary in the neighbourhood of Kallianikara, which "supports the account given by Mr. Sheffield." At paragraph 19 of this letter, Mr. Robinson asserted that "the neighbouring hills are the janmi property of the Nellikal Edom family and these outlines are coincident with the boundaries they have ever contended for. The surveys of the Government forests when under amani correspondence." Less than two years later, however, Mr. Robinson abandoned these views, and in his letter, dated 2nd July 1850, to the Magistrate of Malabar, † submitted "the result of his further examination and fuller experience." After recognizing that the same spot precisely was in dispute before himself and the Commissioners of 1815, Mr. Robinson held that there was no ground for allowing the Achen's claim, "which was then deliberately deemed so weak," adding that, "to strengthen it nothing new has since transpired." Hence he recommended that no countenance should be lent to the Achen, but that on the contrary the Cochin Government should be warned to defend its own property against advances of the Achen across the Olipara tode. This proposal was approved by the Board and Government (*vide* Board's Proceedings, dated 25th July 1850, No. 1524, and Extract Minutes of Consultation, dated 11th September 1850, No. 862), and no valid argument has now been urged by Mr. Dumergue for giving preference to Mr. Robinson's earlier and less considered opinion.

9. Mr. Dumergue repeatedly alludes (*vide* paragraphs 11, 13, 14, 16 and 24 of his letter) to an admission by Cochin that the Kallianikara hills belong to the Nellikal Edom. The admission referred to is thus stated at paragraph 9 of Mr. Sheffield's letter to the Board of the 7th February 1831. "Now from the statement of the Cochin people it is clear that the country on the left bank of the Olipara tode belongs to the Nellikal Edatil Achen, and it has, moreover, been admitted by Cochin that the Valia and Cherria Vellathy mullahs, two mountains in which this stream takes its rise, are within the Company's territory." No authority is given by Mr. Sheffield for this statement and the letter in which it is recorded was before the Board when it passed its Proceedings, dated 18th July 1831, No. 1357. It does not appear that, prior to the date of Mr. Dumergue's letter, any weight has been attached to this portion of Mr. Sheffield's report, and the so-called admission, in the shape in which it exists, is manifestly not binding on the Cochin Government, and cannot be regarded as possessing any importance whatever.

10. To sum up—against the petitioner there are the recorded judgments of three generations of Commissioners. The decision of the Commissioners of 1889 was avowedly a compromise, and did not go as far in favour of Cochin as the decisions of 1815 and 1850, but the inherent weakness and vagueness of the Achen's claims were amply demonstrated in 1815. As Mr. Vaughan remarked in his report, "scarcely two of the witnesses agree with one another, or the Achen himself, . . . and the latter was so ill-informed on the subject as well as his followers that they could not say on which side of the hill the wood was cut, and on this chiefly rests the matter in dispute." From the observations in the foregoing paragraphs it follows that the Board considers that Mr. Dumergue has failed to show that the Kallianikara hills ought to have been included in British territory; hence in the Board's opinion there is no substantial ground for making any representation to Government on behalf of the petitioner. The Achen's motive in getting as much as possible of his property included within British limits is to avoid paying janmabhogam to Cochin, but although his claim to property may extend beyond the British frontier as now laid down, that is no reason why the boundary claimed by Government should be pushed forward. In his letter to the Board, dated 9th October 1816 (in Consultation, dated 21st October 1816, No. 1484), Mr. Warden, the Collector of Malabar, explains that certain desams in this frontier were ceded centuries ago by the Rajah of Palghat to the Rajah of Cochin in return for military aid rendered by the latter against the Zamorin of Calicut, and hence he argues that the property in land possessed by individuals "is no criterion for defining the boundary limits of such States." In the present case there is certainly no reason to suppose that the interests of Government are identical with those of the Achen claimant.

11. The Board has now discussed the main question arising out of the Government order referring the petition for report. The further point raised by Mr. Dumergue and by the Cochin Sirkar, viz., the necessity for defining precisely the boundary line in case 71 (c) has still to be considered. As already stated in paragraph 3 *supra*, Messrs. Dance and Kohlhoff failed to demarcate the line they agreed upon and remarked: "The matter now is purely of a professional nature, and if the Cochin surveyor comes to a different conclusion from that arrived at by our surveyor, the matter will have to be settled by sending an Assistant Superintendent of Survey to finally decide the matter" (paragraph 9 of Report by Mr. Dance in Government Order, dated 1st July 1890, No. 510, Revenue). The area now involved appears to be between 1 and 2 square miles. A comparison of the sketch which accompanies

Mr. Robinson's letter of the 2nd July 1850 with that prepared by Head Surveyor Davenport* and placed before the recent Commission (*vide* paragraph 26 of Mr. Dumergue's letter), and with that prepared by Mr. Hudson and forwarded by the Dewan of Cochin shows that the disputed tract has receded from the junction of the Olipara tode and Mutath tode to the south-east, to where two streams unite near the rock. Which of these two streams retains the name of Olipara tode is uncertain. The three maps are in agreement here on only one point, namely that the boundary line follows the course of one of the streams to a point on the mountain ridge half a mile east-north-east of the peak Vellati-moody. Surveyor Davenport's map adopted by Mr. Dance makes this stream the easterly one, Mr. Robinson's and Mr. Hudson's maps make it the westerly. Mr. Hudson's map places the junction of the two streams and the Olipara rock about a mile too far to the south-east, but it agrees with Davenport's in the position of Ward and Connor's line which is accepted as the boundary. The Cochin Sirkar asserts that the British surveyor instead of following Ward and Connor's line has included between one and two square miles to the eastward of it; the chainage is said to be double that of Ward and Connor's line and it is worthy of note that this area as shown in Mr. Hudson's map corresponds roughly with the area indicated by Mr. Dance by a note and a red pencil line on Davenport's map, as claimed by the petitioner, but rejected by the Commissioners.

12. The contingency contemplated by Mr. Dance of a divergence between the two surveyors has thus occurred and an Assistant Superintendent of Survey should

now be deputed to go over the boundary line with an officer deputed by the Cochin Sirkar, and finally demarcate it, obliterating any marks which are found to be wrong. If these officers follow the measurements and angles of Ward and Connor's line shown below beginning from the junction of the Olipara tode with the Muttath tode, no serious difficulty should be experienced—

	Course.	Distance.		
		Miles.	Furlongs.	Yards.
The winding course of the Olipara river to Vellattimoodu on the high mountains (paragraph 4 of Mr. Robinson's letter, dated 2nd July 1850, No. 175.)	S. 45 E.	2	7	..
	S. 70 E.	..	1	..
	S. 34 E.	1	1	..
	S. 62 W.	..	4	..

(True Copies and Extract.)

Henry
for Acting Secretary.

To the Secretary to Government Revenue Department,
with enclosures received with Government Order,
dated 4th September 1890, No. 5448,
returned and with enclosures and maps received with
Collector's letters to be returned. ✓

Copy to the Collector of Malabar.

293
REVENUE DEPARTMENT.

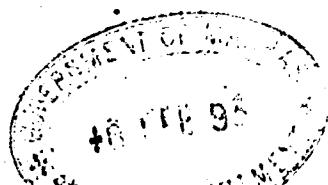
1892.

Board of Revenue

(Land Revenue),

MADRAS.

Current Number 1022.



Printed February 1892.

Read to File

Enos.

Proceedings, 19th December 1892, No. 728.

Submitting to Government, with the Board's remarks, letter from the Collector of Malabar reporting on the petition to Government of Nellikal Edom Kunju Achen, Watacanberry Amsom, Palghat taluk, appealing against the decision of the Commissioners appointed for demarcating the boundary between Cochin and Malabar.

Quit Record papers. 20
* 13/3/92

Rev. Dept.

From. Board of Revenue. &c.

C. No 1022/93. H

For orders

With its current Progs
the Board submits the report
called for L.O 5448 of
4th Sept. 1890 on a petition
from Nellikal Edom Kunju
Achen appealing against
the decision of the Cochin
Palghat boundary Commission
in Cases No 71 (a) (b) & (c)
The grounds of appeal have
already been discussed at
some length in L.O No
5448 above mentioned to
which attention is invited
but which L.O declared
that it was not competent
to reopen the question of
Boundary, but that in
the result of good cause
being shown that the
petitioner's land should
properly have been included

in British territory the Govt
would be prepared to ask
the British Sarkar to recognize his
(the Petitioner's) former rights
to the said lands

2. But the Collector & the
Board have dealt very
fully with the Petitioner's
claim

The Collector relying

(1) On a report of Mr. Sheffield
Collector of Malabar written
in 1831

(2) a letter of Mr. (afterwards
Sir William) Robinson's
written in 1848

(3) On certain Entries in

(a) the Pymach accounts
of 1789, 1806, & 1840

(b) a diary of the Govt's
Fort Caservat in 1822

(c) a boundary roll
prepared by the Malabar
Revenue Authorities in
1828

is in favour of admitting
the Petitioner's entire claim
The Kalliankara Hills &
would resolve the whole boundary
dispute & have it settled
presumably
"de novo" by a new Commission

The Collector's arguments
briefly are:-

that Mr. Vaughan's decision
of 1815 has been shown
by Mr. Sheffield & Mr.
Robinson's letters, above
referred to, to be unreliable,
& that when that decision
was ratified by the Govt.

in 1833 the documentary evidence
in favour of the Govt. &
the entries in the Pymach
accounts, Caservat's diary
& Boundary Roll, were
not considered.

3. The Board, it will
be seen, entirely differs
from Mr. Damergue. It
points out that the Board
of Revenue in passing orders
on Mr. Sheffield's report of
1831, condemned it as
inaccurate & unreliable,
that Mr. Robinson's report
of 1848 was written when
his acquaintance with the
locality & the facts connected
with the boundary dispute was
as yet imperfect, & that

two years subsequently he
recorded a mature & deliberate
opinion in favour of Mr.
Vaughan's settlement which
was accepted & that what
he might have given to
his first opinion which he
afterwards reconsidered.

As regards the documentary
evidence the Board points
out that the Pymah accounts
are not reliable evidence &
judges from its own progo
of 18th July 1831, to show
that in a boundary dispute settled likewise by Mr. Vaughan in
1875

between the Combalon Poyars
& the Lochin Loch, entries
in the Pymah accounts were
held to be inadmissible as
a correct record of the state
of the land of the two countries.

The Conservator's diary is,
the Board points out, at
best, one-sided evidence,
while the Boundary roll
of 1828 which bears the
signature of the three Achee
was obviously prepared from
evidence given by him & the

REVENUE DEPARTMENT.

No.

From

Dated

189.

FOR ORDERS.

Having perused Mr. Vaughan's
report I agree with the view in
the report that there is no case for
having the Lochin Loch to
improve the Achee's position
23rd to the hills J.H.G.
31/3/93

I am glad to see
Vaughan's report of his
boundary settlement among
the papers. J.H.G. who to
be it is for disposing of the
Achee's claims for better.
J.H.G.

5/3/93

I await my Hon. Member's
final disposal of the case.

Wm
Comar

Mr. Vaughan's report
has been obtained from
the Board & is submitted to
the Hon. Member

Recd

14. 3. 93

British subject is worthless
as evidence. This is clear
from the concluding paragraph
of the Boundary Roll, a transfer
of which will be found among
the enclosures to Mr. Collector's
letter.

Mr. Vaughan's settlement
distinctly rejects the petitioner's
claim to the Kalleankara
hills. The Board has shown
that the documentary evidence
on which the Petitioner relies
is not of much value & that
in any case the evidence is
prejudicial must have been before
Mr. Vaughan when he was
settling the boundary, as
similar evidence was adduced
before the same officers by
the Combalon Poyars,
regarded as unreliable. A

map illustration of Mr. Vaughan's
settlement will be found among
the records, as also a copy of
Ward & Cournot's Trigonometrical
Survey map of 1840. The
first of Cournot, does not help
the petitioner's case, and the
second does not help him
either as it merely shows
the tract claimed by him as
"disputed."

4. Mr. Vaughan's decision
was confirmed by the Court
in 1843. After full enquiry,
~~the Court has decided in favour of~~
~~Kohlhoff's claim~~
it is submitted as
ruled against for putting
its conclusion. Mr. Dames
Kohlhoff's agent does
not wish follow Vaughan's
settlement, but where it
differs, it is in favour
of the petitioner. This
submitted therefore that the
Pet. has not made out
a good case that he need
not move the Cochin Surkar
to recognize his former right.

x Pet. seeks for a map
by Ward & Cournot dated
previously to 1820, but
the map of 1840 is the
only one of Ward & Cournot's
that is in existence

Paul

in the Kalliankann Hills

5. Owing to a want of
precision in the concluding
portion of Mr. Dames' & H.
Kohlhoff's decision, there
still remains a dispute
as to the exact boundary
in case No 71. (c). The
Commissioner's order that
Ward & Cournot's line
should be adopted as the
boundary from the Olepore
Rock. The line has been
surveyed by surveyors
representing both Governments
into the result that they
disagree as to what Ward
& Cournot's line is. The
dispute is purely a professional
one & case, as the Collector
& Board recommend, be
settled by a deputation of
Asst Supt of Survey to go
on & demarcate the line
in company with an officer
representing the Cochin Surkar.

6. The Collector represents

at para 21 of his letter
that pending a final settlement
all acts of possession over the
tract in dispute should
be prohibited on the part
of British as well as
Cochin Subjects. The Survey
may take some time to
complete & in order to prevent
disturbances between the rival
parties, the Collector's suggestion
may ~~it is~~ submitted, be
adopted. The Cochin Durbar will,
in that case, have to be addressed on
this point in the Political
Dept. the Collector of
Malabar can give the
necessary warning to the
Petitioners & his people. Orders
are requested on this point.

Order

27. 2. 93

I agree - The Petitioners Prop. are by
the Government & they will be -

27. 2. 93.

will be a subject I need not
pursue further

W. J. P.
W. J. P.

FOR ORDERS.

9.6 293
10-4-93

C No 1022/53

Re petition from
Kallikhal Edom Kunju
Acheen appealing
against the decision
of the Commissioners
appointed for demarcating
the Malabar - Cochin
Boundary.

Hon. Secy. Govt. C.S. 2
Hon. Secy. Henry Stokes K.C.S.D.

C 1/3 2 Rev. 15/4/2
D. 1/4

C. No. 1022/93.

49

Order of 10 April 1893 No. 293

misc

The Govt agrees with
the Board of Revenue
in ^{its opinion} ~~concluding~~ that there
are no grounds for moving
the Cochin Durbar to recognize
the former rights of
Kallikhal Edom Kunju
Acheen to the Kallianikara
Hills. The Acheen clearly
has no claim to these hills
and will accordingly be
informed that the Govt
cannot interfere on his
behalf.

2. With reference to para
11 & 12 of the Board's Prop.
read above, the Supt. & Survey
will be requested to depute
a Survey officer ~~from~~ ^{from} the
grade of Asst. Supt. to go
on & demarcate the bound-
ary. It is desirable that
Cochin should be represented at
this demarcation, and the Cochin

therefor
 Sirkar will ~~be~~ be
 addressed in the Political
 Dept with a view to the
 reputation of ~~the~~ a representative
 & accompanying the deprecating
 offices ~~of~~ ^{which} Cochin
 interests.

Drift No. 0

3. Mr. Collector W. Demerage
 represents, in para 21 of his
 letter to Mr. Board read above,
 that the demarcation will
 take some time to complete,
 & that meanwhile it
 is desirable to prohibit all
 acts of possession on the part
 of British as well as Cochin
 subjects, on the tract in dispute -
 as stated in the letter from
 the Govt. to the Secy. Missions
 dated the 2nd claimants.

on petition from Kellekal
 Edom Kunji Acheem
 appealing against certain
 decisions of the Cochin
 Malabar Boundary
 Commissioners

Secy
 G. O. 10 April 1893 No 293

(from order.)

The Govt. agrees with the Collector
 & desires him to warn
 the Acheem & his people against committing
 any acts of interference pending
 the final demarcation of
 the boundary. The Cochin
 Sirkar will be asked in the
 Political Dept to prevent similar
 interference on the part of its
 own subjects during the same period.

C. I. for retention of title?
 1/4. 1/4.

6. 4. 93
 8/14/93
 14 6/4

To the Bd of Rev. (L.R.) with 6 Encls.
 " Superintendent Rev. Survey
 " Political Dept.
 " Secy (para 11)
 with encs. 5