Revenue (1897) Department.

PRESS SERIES.

G.O., Nos 38-39-40

DATED 15th May, 1897

CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

[Despatch Abstract.]

Boundary between His Highness the Nizam's Dominions and the Godavari &c.

Covering to the Board of Rev. and to Secret. Simultaneous letters from the Govt. of India fixing the left bank of the deep Stream of the Godavari from the Pakhal and the left side of the bridge on the Warangal and Dornapalli Road as the boundary in regard to mineral rights and as Dornapalli Gogi as the meaning of the expression "Godavari Bridge" with the demarcation of the forbidding Boundary.

BACK PAPERS.

G O.	No.	Department.	Date.	G O.	No.	Department.

FURTHER PAPERS.

G O.	No.	Department.	Date.	G O.	No.	Department
	2961 Rev		11-6-97			
	2e 4635)		4-5-5)			

Revenue (1897) Department.

CURRENT No.

Order

From
The Government of India
Foreign Deparmt

No. 1119 9/13.

Dated 22nd *March* 1897

Received 30th

Registered 30th

Enclosures —

Spare copies

SUBJECT.

Regarding the boundary between British India and His Highness the Nizams territories on the Godaveri river.

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31-3-97

7/30371

BACK PAPERS.

G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date

No. 233 of 1896.

FROM

TREVOR CHICHELE-PLOWDEN, Esq., C.S.I.,

RESIDENT AT HYDERABAD,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

FOREIGN DEPARTMENT.

Dated Hyderabad Residency, the 21th August 1896.

SIR,

I informed His Highness' Government of the purport of your No. 461-I. of the 1st February 1896 on the subject of the disputed boundary on the river Godavari, and I now submit copy of the letter from His Highness' Minister cited in the margin,* with its enclosures, which comprise a memorandum by Mr. Hormusji Vakil and opinions of Messrs. Pugh, Woodruffe, and Sir Griffith Evans, the counsel whom His Highness' Government have consulted. You will observe that what the Minister asks is that having regard to the purport of these opinions and to the statement of the Hyderabad case as given in the memorandum, "the Government of India may be respectfully requested to be good enough to reconsider the whole question of the disputed boundary."

* From His Highness' Minister, No. 770, dated 21st July 1896.

2. Sufficient opportunity has been given me in the earlier stages of this correspondence of placing my views before the Government of India, and I do not wish to repeat arguments which have already been considered. It is enough to say here that I respectfully adhere to the views expressed in my letters Nos. 153 of 30th May and 255 of 4th September 1894 that the territory acquired by the British Government under the treaty of the 26th December 1860 extends up to the left margin of the deep stream of the rivers Godavari and Wainganga, and no further; that it does not include the deep stream itself or any part of the bed over which it flows.

3. At the same time I beg permission to point out that the argument in my letter of the 4th September 1894, whatever it may be worth, has not been correctly reproduced in paragraph 3 of your No. 468-I. of the 7th February 1895. I have not maintained that "the treaty of 1860 gave the British Government land on the left bank, but does not make the river itself the boundary." My argument was that although by article 9 of that treaty the Godavari and its tributaries may have become the boundary, it does not follow from that circumstance that the Nizam has also ceded his rights in those waters. I wrote† :—

† Paragraph 2 of No. 255, dated 4th September 1894.

"I quite agree that it may be inferred from article 9 that in consequence of the treaty the Godavari and its tributaries have become the boundary between British and Hyderabad territory for a portion of their course. But a mere agreement that certain rivers shall form a boundary between two States does not, I conceive, involve that the State to which the rivers admittedly belong has thereby parted with its property in them. The rivers may form the boundary without prejudice to the question of ownership."

And the intention of paragraph 3 of the same letter was to draw attention to the fact that the correspondence and the accompanying maps which preceded the treaty of 1860 confirm the view that there was no cession of any part of the river, for they show not only that the territory to be ceded was confined to the land on the left bank, but that the left bank of these rivers, and not the rivers themselves, was to be the frontier. Later on in paragraph 6 I discussed the meaning of which the expression "possessions *on* the left bank" might be considered susceptible, and I said that I held to the opinion in my letter of the 30th May that the left bank extends up to the edge of the deep stream when the river is at its lowest, but does not include the deep stream itself or any part of the bed over which it flows. Messrs. Woodruffe and Evans have expressed a similar opinion, for they hold that the words "on the left bank" of the river mean on the left side as opposed to the right side, and do not mean the high bank on the left side. Your letter also holds that the "practice of the locality putting aside some special settlements (all of which, it may be observed, are inconsistent with the present decision) has generally been to treat the lands *up to the left edge* of the deep stream as British territory." That is, local practice shows that British territory extends up to, but not beyond, the left margin of the deep stream.

4. The Minister attaches, of course, great importance to the opinions of the eminent counsel whose advice His Highness' Government have sought. It will be noticed, however, that these opinions do not refer to the correspondence of 1881 (paragraph 23 of Mr. Hormusji's memorandum and exhibit L), to which the Government of India invited the particular attention of His Highness' Government. I have dealt with this matter in my No. 236 of 17th August 1892 and in paragraph 6 of my letter of 30th May 1894, and I do not propose to discuss it further. Nor will it perhaps be expected that I should offer any observations upon the legal opinions enclosed, which accord generally with the views which I have ventured to urge upon the Government of India, but which, I regret to say, have not found acceptance. No doubt the Government of India will give those opinions the further consideration which His Highness' Government has asked that they should receive.

I have the honor to be,

Sir,

Your most obedient servant,

TREVOR CHICHELE-PLOWDEN,

Resident.

No. 770, dated Hyderabad, the 21st July 1896.

From—The Nawab Sir Vikar-ul-Umra Bahadur, K.C.I.E., His Highness the Nizam's Minister,

To—The Resident at Hyderabad.

Kindly refer to my letter No. 58, dated the 16th January 1896, regarding the Godavari boundary dispute, in paragraph 2 whereof I had intimated to you that the papers on this subject were under circulation amongst the members of the Cabinet Council, and as the case affected an important treaty question, I was unable to dispose of it under my own authority or to give you any definite reply until the matter was disposed of by the Council. Since then the matter was considered by my Honorable Colleagues and myself in Council, and they came unanimously to a decision that the Legal Adviser to His Highness' Government should be directed to prepare a complete case touching all the points and questions involved, and that at the same time he should not only record his own opinion, but should also obtain the opinions of some counsel of eminence thereon. This the Legal Adviser did, and the Honorable Members of the Cabinet Council at its meeting held on the 20th day of July instant having fully considered the case and opinions have unanimously come to the conclusion that to them the opinions expressed by Messrs. Woodruffe, Evans, and Pugh appear to be quite clear and sound, and on perusing which it will be seen that these eminent counsel, who were furnished with the report of Moulvi Abdul Kadir also and a map of the locality, have all given their opinions in accordance with the contention urged on behalf of His Highness' Government.

Messrs. Woodruffe and Evans, two of the said counsel, in their joint opinion distinctly say (1) that the limit of the cession is the left edge of the flowing stream as it may exist from time to time; (2) that there is nothing in article 9 of the treaty inconsistent with this view, as a physical object which is mentioned as a boundary may belong to either of the parties or may be held in common; (3) that they are not satisfied that any practice of the locality generally treating the lands up to the left edge of the deep stream as British territory with the knowledge or acquiescence of His Highness' Government is proved except in the sense that land is taken possession of and cultivated by the raiats to whom access is easiest; and (4) that such practice, if proved, would not affect the sovereign rights of His Highness. In discussing these questions, they have clearly expressed it as their opinion that "the Government of His Highness the Nizam retained the bed of the rivers mentioned in the treaty granting the taluks, and that the limit of the territories ceded to the Government of India is the left water edge on the left side of the flowing stream." Mr. Pugh has recorded a separate opinion, but virtually to the same effect. All these views are apparently inconsistent with the grounds of the decision of the Government of India referred to in Mr. Tucker's letter No. 284, dated the 18th February 1895.

Under these circumstances I hope you will agree with His Highness' Government in thinking that the Government of India may be respectfully requested to be good enough to reconsider the whole question about the disputed boundary.

Ten printed copies of the case and opinions above referred to are herewith sent.

(Copy)

No. 1118 E/15.

5[illegible]

FROM

THE Under SECRETARY TO THE
GOVERNMENT OF INDIA,

TO

The Resident at Hyderabad.

Dated, Fort William, the 22nd March 1897.

FOREIGN DEPT. } SIR,

I am directed to reply to your letter No 233, dated the 2nd August 1896 regarding the boundary between British India and His Highness the Nizam's territories on the Godavari river.

2 With a view to a final settlement of the matter the Government of India will not insist on retaining the mid line of the streams and agree that the left margin of the deep streams shall be fixed as the political boundary while the left

This may be shown as a most serious effect on the Godavari Coal Co.'s operation. The more valuable Coal seam is, I believe, supposed to lie under the mid-stream. The Govt. of India has been wrong without allowing Hyderabad any opportunity of a reply to the contrary!!!

D/30/97

edge of the water, as shown in the last survey map, shall as suggested by the Counsel whom His Highness's Government consulted, be fixed as the boundary with regard to rights to minerals.

3. I am to request you to arrange in direct communication with the Government of Madras for the necessary demarcation during the approaching hot season.

I have the honour to be
Sir,
Your most obedient servant

Sd. O. V. Bosanquet
Offg. Under Secretary to the
Government of India

No.

No 1119 F/B.

A copy of the foregoing together with a copy of the letter to which it is a reply is forwarded to the Government of Fort St. George for information and guidance with reference to their letter No. 566 Revenue dated the 26th October 1896.

GOVERNMENT OF MADRAS
30 MAR 97
RECEIVED

By order &c,

CHIEF SECRETARY
27 MAR 1897
GOVERNMENT OF MADRAS

Offg: Under Secretary to the Government of India

Foreign Dept.
Fort William;
the 22nd March 1897

Revenue (1897) Department.

CURRENT No.

From
The Resident
at Hyderabad.

Order

No. *1877.*

Dated 30th *March* 1897.
Received 1st *April* "
Registered / 2nd "
Enclosures
Spare copies

SUBJECT.

Regarding the boundary to be adopted between British India and the territories of His Highness the Nizam on the Godavari.

a.t.b. 1.4.97

BACK PAPERS.

G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Political Office.

GOVERNMENT OF MADRAS
1 APR 97
HOME DEPARTMENT

No. 1877 OF 1897.

From T. Hitchcock-Clowden Esquire, C.S.I.

RESIDENT AT HYDERABAD,

To The Secretary to the
Government of Madras,
Revenue Department.

Dated Hyderabad Residency, the 30th *March* 1897.

SIR,

I have received a letter from the Government of India conveying their decision as to the boundary to be adopted between British India and the territories of His Highness the Nizam on the Godaveri, and I have been instructed to arrange for the necessary demarcation during the approaching hot season in direct communication with

Foreign Office; 10th April 1895.

Simla, the 4th April 1895.

With reference to the Hon'ble Mr. Hotson's telegram of the 14th instant, I enclose a copy each of Mr. Hormuji Vakil's memorandum and the opinions of Counsel, which formed enclosures to the Resident's at

OPINION OF COUNSEL

IN THE MATTER OF

The Godavery boundary dispute.

There is no question but that up to the time of the cession the territory ceded-the territory on the opposite side of the river and also the whole of the river were included in His Highness the Nizam's Dominions.

The Agreement for the cession is formulated by Mr. Young Secretary to the Government of India in his letter of the 5th September 1860 as follows:—(so far as is material) "The unqualified control of all the possessions of His Highness on the left banks of the Godavery and Wyne Gungah shall be delivered to the British Government by His Highness" and "no obstruction will be caused in crossing the Godavery and no sair-tax shall be collected in cases where the said river is crossed." It is I think clear that the territory then contemplated as the subject of the cession was territory on the left bank of the river only and that provision was intended to be made against the obstructing or taxing of the river primarily against His Highness the Nizam and in favor of the British Government in the view that the river was to continue part of His Highness the Nizam's Dominions. Of course that agreement might have been altered but there seems nothing to show or to suggest it, and coming to the Treaty itself which is dated the 31st December 1860 we find the subject of the cession described in the self same words as "all the possessions of His Highness on the left bank of the river Godavery and" of the river "Wyne Gungah." Then after some words describing their position in relation to the confluence of the rivers which, whether correct or not, are immaterial there follows a "videlicet" which prefaces an enumeration of Taluks. Had these Taluks up to this time included some lands on the right bank it would in my opinion have been impossible to maintain that those lands on the right bank had passed to the British Government and in my opinion, it would have been the same with any islands in the middle of the river. I do not think that the enumeration of the Taluks could operate to pass anything beyond what was on the left bank. If this is the true construction of Article 8 standing alone, does Article 9 provide for anything inconsistent with that construction? I can see nothing of the kind. The navigation of the Godavery and its tributaries it is provided shall be free so far as they form the boundary between the two States that is as I think it means so far as one bank belongs to one State and the other bank to the other State. The word boundary is shown in the First Assistant's letter of the 18th February 1895 Exhibit P. to be used in a variety of senses; and it is sometimes used to denote the exact line of division, which does not generally appear upon the ground at all, and sometimes to denote a physical boundary natural or artificial appearing upon the ground, it may be a river or a ditch a fence or a wall or a row of boundary pillars. In the case of a physical boundary the exact line of division may fall just on one side or just on the other or along the middle of the physical boundary. In any case the physical boundary is correctly described as the boundary. And which party it belongs to or whether it belongs half to one and half to the other is purely question of title. The rule that the exact line of division is to be taken along middle of the physical boundary has in my opinion no application, where one shows title to the physical boundary.

of Hyderabad's letter No. 233 dated
the 24th August 1896 regarding the
Godaveri river boundary dispute.

Yours truly
W. Sandys

H. Francis, Esquire,
Acting Under Secretary to the
Government of Madras.
Revenue Department.

1142

OPINION OF COUNSEL

IN THE MATTER OF

The Godavery boundary dispute.

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Here the title of His Highness the Nizam to the part of the river Godavery in question was clear up to the cession the agreement formulated in September 1860 shows no intention to cede any portion of it, and in my opinion the Treaty itself had no such effect. By Article 9 the British Government as well as His Highness the Nizam are prohibited from levying customs or other cesses on goods and this would seem to have been intended to meet the case of the British Government claiming to levy such duties or cesses on the left bank.

I am of opinion however that Mr. Clegg's contention in his letter of August 6th 1890 Exhibit V is substantially correct and that any accretion to or extension of the left bank is British territory.

This brings me to the question of local practice and I have carefully read and considered all the papers bearing upon this point as well as the other point and in particular I have read all the evidence taken by Mr. Skinner. The evidence has very little bearing upon the question of the Sovereign rights of the two Governments, if any at all, and in so far as it may touch that question I do not see how it could affect the rights of either Government. It does not appear that His Highness' Government had any knowledge of still less that it acquiesced in any dealing into the bed of the river inconsistent with its Sovereign rights. In fact the evidence shows what one might expect, that it was the practice for the ryots most handy to the place to lay hold on and cultivate any addition to the land that might appear and that unless they were disturbed, as they seldom were, they continued to cultivate it and in due time it was settled as part of the village. This evidence may I think be used as to some slight extent supporting Mr. Clegg's view in so far that the occupation of such lands was consistent with it but in my opinion it in no way proves that the British Government had any title or that the Taluks enumerated at any time extended to the edge of the deep channel still less to the middle of it.

I therefore answer the questions put to me as follows —

QUESTIONS.	*ANSWERS.*
1. What is the fair construction, meaning and interpretation of Article 8 of the Supplemental Treaty of the 26th December, 1860, above referred to? Does Counsel agree with His Highness' Government that this article only ceded the possessions of that Government on the left bank of the river and nothing in the river or the bed of the river?	1. I am of opinion that according to the true construction of Article 8 of the Treaty the possessions on the left bank only of the river were ceded, and nothing in the river or bed of the river, but that the land on the left bank might be increased or diminished by the action of the river.
2. Does Article 9 of the said Treaty in any way affect, modify or alter the meaning of Article 8, and if so, in what respect? If it does not, does Counsel concur in the view taken by His Highness' Government that this article of the Treaty referred to the Godavery and its tributaries as the boundary between the territories of the two Governments only incidentally and by way of description, and not so as to alter or affect the territorial rights of either Government?	2. I am of opinion that Article 9 in no way affects modifies or alters the meaning of Article 8. I am clearly of opinion as above explained that the reference to the Godavery and its tributaries in no way altered, or affected or was intended to alter or affect the territorial rights of either Government.
3. Has any practice of the locality generally treating the lands up to the left edge of the deep-stream as British territory with the knowledge and acquiescence of His Highness' Government been proved? In answering this query, Counsel will bear in mind that the practice in the Taluks now included in the Madras Presidency has been, as reported by the officers of the said Government and as recognized by that Government, the very reverse.	3. I am of opinion that no practice of the locality generally treating the lands up to the left edge of the deep-stream as British territory with the knowledge and acquiescence of His Highness the Nizam's Government has in any way been proved and it does not seem to me that there is any reliable evidence to that effect.
4. Supposing the existence of such practice has been proved, could it affect or supersede the soverign rights of His Highness under and prior to the Treaty?	4. I do not think any practice of the kind set up in the evidence could affect or supersede His Highness the Nizam's sovereign rights under and prior to the Treaty.
5. And on all other points generally which may occur to Counsel on the facts and circumstances of the case as above set out and disclosed in the annexures to the case?	5. No other point occurs to me on the facts and circumstances of the case as disclosed in the annexures.

April 7th, 1896.

(Sd.) L. P. PUGH.

Here the title of His Highness the Nizam to the part of the river Godavery in question was clear up to the cession the agreement formulated in September 1860 shows no intention to cede any portion of it, and in my opinion the Treaty itself had no such effect. By Article 9 the British Government as well as His Highness the Nizam are prohibited from levying customs or other cesses on goods and this would seem to have been intended to meet the case of the British Government claiming to levy such duties or cesses on the left bank.

I am of opinion however that Mr. Clegg's contention in his letter of August 6th 1890 Exhibit V is substantially correct and that any accretion to or extension of the left bank is British territory.

This brings me to the question of local practice and I have carefully read and considered all the papers bearing upon this point as well as the other point and in particular I have read all the evidence taken by Mr. Skinner. The evidence has very little bearing upon the question of the Sovereign rights of the two Governments, if any at all, and in so far as it may touch that question I do not see how it could affect the rights of either Government. It does not appear that His Highness' Government had any knowledge of still less that it acquiesced in any dealing into the bed of the river inconsistent with its Sovereign rights. In fact the evidence shows what one might expect, that it was the practice for the ryots most handy to the place to lay hold on and cultivate any addition to the land that might appear and that unless they were disturbed, as they seldom were, they continued to cultivate it and in due time it was settled as part of the village. This evidence may I think be used as to some slight extent supporting Mr. Clegg's view in so far that the occupation of such lands was consistent with it but in my opinion it in no way proves that the British Government had any title or that the Taluks enumerated at any time extended to the edge of the deep channel still less to the middle of it.

I therefore answer the questions put to me as follows —

QUESTIONS.	*ANSWERS.*
1. What is the fair construction, meaning and interpretation of Article 8 of the Supplemental Treaty of the 26th December, 1860, above referred to? Does Counsel agree with His Highness' Government that this article only ceded the possessions of that Government on the left bank of the river and nothing in the river or the bed of the river?	1. I am of opinion that according to the true construction of Article 8 of the Treaty the possessions on the left bank only of the river were ceded, and nothing in the river or bed of the river, but that the land on the left bank might be increased or diminished by the action of the river.
2. Does Article 9 of the said Treaty in any way affect, modify or alter the meaning of Article 8, and if so, in what respect? If it does not, does Counsel concur in the view taken by His Highness' Government that this article of the Treaty referred to the Godavery and its tributaries as the boundary between the territories of the two Govern-	2. I am of opinion that Article 9 in no way affects modifies or alters the meaning of Article 8. I am clearly of opinion as above explained that the reference to the Godavery and its tributaries in no way altered, or affected or was intended to alter or affect the territorial rights of either Government.

12

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3. Has any practice of the locality generally treating the lands up to the left edge of the deep-stream as British territory with the knowledge and acquiescence of His Highness' Government been proved? In answering this query, Counsel will bear in mind that the practice in the Taluks now included in the Madras Presidency has been, as reported by the officers of the said Government and as recognized by that Government, the very reverse.	3. I am of opinion that no practice of the locality generally treating the lands up to the left edge of the deep-stream as British territory with the knowledge and acquiescence of His Highness the Nizam's Government has in any way been proved and it does not seem to me that there is any reliable evidence to that effect.
4. Supposing the existence of such practice has been proved, could it affect or supersede the soverign rights of His Highness under and prior to the Treaty?	4. I do not think any practice of the kind set up in the evidence could affect or supersede His Highness the Nizam's sovereign rights under and prior to the Treaty.
5. And on all other points generally which may occur to Counsel on the facts and circumstances of the case as above set out and disclosed in the annexures to the case?	5. No other point occurs to me on the facts and circumstances of the case as disclosed in the annexures.

April 7th, 1896.

(Sd.) L. P. PUGH.

Revenue (189) Department.

D. O.

CURRENT No. 66

From The Govt. of India. Foreign office Simla

No.

Dated 17th April 1897

Received 24th "

Registered 26th "

Enclosures 3

Spare copies

Order

SUBJECT.

Forwarding Mr. Hamnett Kakitt's Memorandum and the opinions of Counsel re: Godavari river boundary dispute.

BACK PAPERS.

G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

13-B/L

OPINION OF COUNSEL

IN THE MATTER OF

The Godavery boundary dispute.

By Article 8 of the Supplemental Treaty dated the 26th December 1860 His Highness the then Nizam of Hyderabad ceded to the British Government "in full sovereignty all possessions of His Highness on the left bank of the river Godavery and of the river Wyne Ganga above the confluence of the two rivers *viz.*, the Taluks Rakapilly, Buddrachellam, Cherla, Albaka, Noogoor and Seroncha," and by Article 9 provided that "the navigation of the river Godavery and its tributaries so far as they formed boundary between the two States shall be free and no Custom duties or other cesses shall be levied by either of the two contracting parties, or by the subject of either on goods passing up or down the aforesaid rivers."

The main question in dispute between the Government of India and His Highness the Nizam's Government is the construction of Article 8 and the limit ... cession made by this Treaty read in the light if any thrown on the construction of ...icle 8 by Article 9.

Arguments as to the possible meaning of words standing by themselves lead to little result in the construction of documents, all documents whether they be treaties between States or instruments executed by private parties are subject to the same general rule, that the question of intention is to be collected from the language in the document with reference to surrounding circumstances owing however to the peculiar character of the contracting parties and the subject matter of treaties relating to cession of territory as compared with grants by a State to a subject of that State or instruments between subjects the presumptions applicable to such grants and instruments are not always applicable to treaties between States see *Vattoll's Law of Nations Book I Chapter XXII.*

The general rule as to river boundaries between States is thus laid down by Wheaton "when a river is the boundary between States the middle of the channel is generally treated as the line of separation between the two States, but this presumption is capable of being rebutted," see *Wheaton's International Law 3rd Edition page 247.*

This presumption is for instance rebutted by the fact of one State having ...shed itself on one bank whilst the other bank was not the subject of settled sovereignty see *Vattoll's Law of Nations supra*, when one State is at one time in possession of sovereign rights on both banks and grants territory on one bank the general rule above stated does not prevail, see *Augell on Tide water page 7*, quoted in argument by Mr. Roundell Palmer Q. C., (afterwards Lord Selborne) in *Lord vs. The Commissioners of Sidney* 12 Moores P. C. Cases page 487 where the special rule in such a case is thus laid down "The well settled rule of the law of nations is that when an arm of the sea or a river is the boundary between two nations or States if the original jurisdiction is in either in the absence of a convention respecting it, each holds to the middle of the stream. But when one State is the original proprietor and grants the territory on one side only it retains the river within its own domain and the newly established State extends to the river only and the low water-mark is the boundary."

The limitation of the general rule thus laid down was stated in the case above referred to by Mr. Palmer to have been recognised and acted upon by the Supreme Court of the United States in reference to the Ohio river of which the State of Verginia was the original proprietor and had ceded the land on one side only to the State of Kentucky.

The principle so laid down appears to us equally applicable, whether the river be tidal or not.

These are the only direct authorities one can find on the subject and applying the principle therein enunciated to the facts of the present case, we are of opinion that the Government of His Highness the Nizam retained the bed of the rivers mentioned in the Treaty fronting the Taluks Rakapilly etc. and that the limit of the territories ceded to the Government of India is the left water edge on the left side of the flowing stream. The words on the left bank of the river mean in our opinion on the left side of the river as opposed to the right side, and do not mean the high bank on that left side.

A river though to some extent a fluctuating boundary, is not an inappropriate one for political purposes and for Civil and Criminal jurisdictions and is in many respects preferable to an imaginary line boundary, as it is always visible, nor does any difficulty arise as to surface rights or the collection of revenue by the State although it may happen that an individual may by an alteration of the course find his lands under a different jurisdiction.

These rivers apparently fluctuate within narrow limits as compared with Deltaic rivers.

If any difficulty were found in the enjoyment of mineral rights by the two contracting States owing to fluctuation of the stream, it would be easy for them to agree to give such rights for ever (if so desired) by agreeing to take the line of the left edge of the water in the last survey map for this purpose only, leaving the water edge on the left side of the flowing stream as it may exist from time to time to be the boundary for other purposes.

In this view the British Government would have no claim to islands unless and until by the alteration of the stream they cease to be islands and become annexed to the left bank.

The reparian proprietors would be entitled to any innocent use water which did not injure the Hyderabad State.

The navigation of the stream free of tolls is provided for by article 9.

We would answer the question as follows:—

QUESTIONS.

1. What is the fair construction, meaning and interpretation of Article 8 of the Supplemental Treaty of the 25th December, 1860, above referred to? Does Counsel agree with His Highness' Government that this article only ceded the possessions of that Government on the left bank of the river and nothing in the river or the bed of the river.

ANSWERS.

1. We are of opinion that the limit of the cession is the left edge of the flowing stream as it may exist from time to time.

1 & 2

2. Does Article 9 of the said Treaty in any way affect, modify or alter the meaning of Article 8, and if so in what respect? If it does not, does Counsel concur in the view taken by His Highness' Government that this article of the Treaty referred to the Godavery and its tributaries as the boundary between the territories of the two Governments only incidentally and by way of description, and not so as to alter or effect the territorial rights of either Government.

2. There is nothing in Article 9 inconsistent with this view as a physical object which is mentioned as a boundary may belong to either of the parties or may be held in common.

3. Has any practice of the locality of treating the lands up to the left edge of the deep-stream as British territory with the knowledge and acquiescence of His Highness' Government been proved? In answering this query, Counsel will bear in mind that the practice in the Taluks now included in the Madras Presidency has been, as reported by the officers of the said Government and as recognized by that Government, the very reverse.

3. We are not satisfied that any such practice of the locality is proved except in the sense that land is taken possession of and cultivated by the ryots to whom access is easiest.

4. Supposing the existence of such practice has been proved, could it affect or supersede the sovereign rights of His Highness under and prior to the Treaty?

4. Such practice would not affect the sovereign rights of His Highness.

And on all other points generally which may occur to Counsel on the facts, and circumstances of the case as above set out and disclosed in the annexures to the case.

(Sd). J. P. WOODROFFE,

29th April, 1898.

(Sd). G. H. P. EVANS.

MEMORANDUM

BY

MR. HORMASJEE NOSHERWANJEE VAKEEL,

Legal Adviser to His Highness the Nizam's Government,

IN THE MATTER OF THE

GODAVERY BOUNDARY DISPUTE.

HYDERABAD DECCAN,
27th February, 1896.
25th Farwardi, 1305 F.

Hyderabad:
PRINTED BY H. H. THE NIZAM'S PRINTERS.

1896.

"certain Taluks lying on the *left bank of* "*the river*. This of course cannot be held "to include any island in the mid-stream."

3. In 1880, Mr. Foster, the Collector of Godavery, in his letter to the Madras Board of Revenue, stated that this order of the Government necessitated a revision of the settlement, "as some of the land in "the bed of the river was cultivated, and "some patches of ground there were used for "making bricks, on all which the proprie- "tors received rent," that the said order was opposed to the village Wazib-ul-urz which declared in favor of the proprietors, who had a right to everything which grew on the sandy land below the river-bank, meaning apparently the river-margin, and that, if that order stood, "they could not collect any fees on the ferries."

The Board of Revenue, in forwarding this report to the Government of Madras, supported the views of the Collector and contended that they did not think that "it was intended that "the ryots of the villages in the ceded "Taluks should be deprived of their vest- "ed rights in the bed of the river." They added that, "should the Govern- "ment however consider otherwise, the Col- "lector would be requested to report the "revenue realised from these lands on which "peishcush had then been calculated, in view "to the necessary deduction being made "from the amount of the peishcush propos- "ed." The Madras Government did think otherwise, and in their order (No. 122,* dated 29th June, 1885,) declared that the order No. 671 was final, and approved of the Board's suggestion as regards the reduction of the peishcush.

No. 187, dated 4th February, 1881. Exhibit No. C.

* Exhibit No. D.

4. Early in 1889, another dispute arose in connection with the collection of rents in an alluvial tract in the bed of the river between the villages of Edchankapalli in the Noogoor Taluk of the Chanda District and Nagarum in His Highness' territory, and on a reference from the Chief Commissioner of the Central Provinces to the Resi-

dent, Mr. Crawford, the First Assistant Resident, in his letter No. 2364,† dated the 15th December, 1891, wrote to His Highness' Government to ask what was "the boundary claimed by His Highness' Government," and "whether His Highness' "Government would be prepared to agree "that the boundary should be fixed either "in accordance with the deep-stream, or "by a line drawn midway between bank "and bank, and also which of these two "methods His Highness' Government "would prefer." In referring to the report of the facts of the case forwarded to the Resident, Mr. Crawford mentioned in his said letter that the said alluvial tract "was tilled by cultivators from both sides of "the river," and that "as the bed of the river "had always been regarded as British ter- "ritory, the right bank of the river being "taken as the boundary line, the Naib- "Tahsildar of Sironcha was deputed to col- "lect rents from the persons cultivating "in the river-bed. A peon was accord- "ingly stationed there for the purpose. "While however a punchayet of cultivators "was being held regarding the division of "the produce, His Highness' police ap- "peared and arrested the persons who "composed the panchayet, together with "the Tahsil peon."

† Exhibit No. E.

5. Enquiries were made by the Revenue authorities here, and the result was embodied in a memorandum * which was forwarded to Mr. Irwin, the 1st Assistant Resident, with letter No. 288, † dated 26th April, 1892.

* Exhibit No. F.

† Exhibit No. G.

This memorandum pointed out that the quarrel referred to in Mr. Crawford's letter originated not with the cultivators of the land situated between the two villages mentioned in Mr. Crawford's letter, but between the ryots living in the vicinity of a village called Mallikut in the Pakhal Taluka and those inhabiting the village of Pargapur in the Sironcha Taluk in British territory; and the disputed territory consisted of 21 patches measuring 65 bighas, 8¾ bâms, "which when the river is in or-

"dinary flood are suited for cultivation;" that the rent of those patches was collected by the officials of this Government, and credited in the Treasury during the years 1286 and 1287 Fasli; that during succeeding years, up to 1294 Fasli, the land was submerged owing to unusually high floods, but in 1295 Fasli, 23 bighas and 10 bâms were resumed and cultivated and Rs. 26-8-0 were realised as rent, and that in 1296 Fasli 32 bighas were cultivated and the rent was duly collected by the Tahsildar of Pakhal. It further pointed out that "there was never "any interference or dispute about the cul- "tivation of this particular land between "the villages of Mallikut and Pargapur "in the bed of the river until after the date "above given, when a cultivator named "Abdul Khader from Pargapur took forcible "possession of the produce and carried it off "across the frontier. He was, however, "brought to book by the Tahsildar of "Pakhal, and was made to refund the value "of the crop to the rightful possessors in "His Highness the Nizam's territory."

The memorandum [illegible] the treaty of it was clearly laid down in the treaty of December, 1860, "that the bed of the river Godavery belonged exclusively to His Highness the Nizam."

6. On the 23rd September, 1892, the First Assistant Resident wrote a letter No. 6277, dated 23rd September, 1892, to His Highness' Government, in which he stated that the Chief Commissioner, Central Provinces, proposed "to depute a "member of his Head-quarters' staff to "make the necessary local enquiry "in the matter," and that if His Highness' Government wished to be represented at the enquiry the name and rank of the officer intended to be deputed should be communicated, and later on he wrote* to His Highness' Government to inform that the Chief Commissioner of the Central Provinces had directed the Deputy Commissioner of Chanda to make a local enquiry and that the Chief Commissioner hoped that His Highness' Government would "depute some responsible represen- "tative to watch the proceedings on His "Highness' behalf, and to secure the pro- "duction of all the evidence and informa- "tion that might be available to support "the view which His Highness' Govern- "ment had taken of the case."

*Resident's letter No. 8190, dated 10th December, 1892. Exhibit No. H.

Mr. Sorabjee Jamshedjee Chenai, Officiating 1st Talukdar at Warangal, was accordingly deputed to represent His Highness' Government at the inquiry, and the appointment was communicated to the First Assistant Resident.*

*No. 343, dated 24th January, 1893.

7. Mr. Skinner, the Deputy Commissioner deputed, commenced his enquiry on the 27th February, and Mr. Sorabjee Jemshedjee, in submitting a lengthy report thereon, which is more fully referred to hereafter, stated that he had cross-questioned the witnesses on the first day, but seeing no use in doing so he ceased to continue his cross-examination on the second and the third days. This was unfortunate, because it appears that the few questions put to the two witnesses cross-examined had already elicited answers which went clearly to show the utter worthlessness of the evidence. In the face of that it is difficult to understand why the cross-examination of the other witnesses was considered useless. Nor does his report explain why he did not adduce any evidence on behalf of and to support the claims of His Highness' Government. Mr. Skinner, on the other hand, not only completed the enquiry ordered by the Chief Commissioner, but without any specific orders extended it to Sironcha Taluka also, which he made after Mr. Sorabjee Jamshedjee had left the spot, and submitted a report of the enquiry, a copy* of which and its enclosures has since been received by His Highness' Government with the First Assistant Resident's letter No. 1304, dated the 30th August, 1893.

Exhibit No. J.

*No. 1414, dated 1st April, 1893. Exhibit No. K.

13. The First Assistant Resident wrote, in reply, that the Government of India had been "pleased to decide that "the Godavery and its tri-"butaries should form the boundary between "His Highness' territory and the ceded Ta-"luks, and that the present line of the middle "of the deep-stream of these rivers should "be finally regarded as the political bound-"ary, irrespective" of future fluctuations of the streams, and that His Highness' Government should take early steps to depute an officer to co-operate with the British official for the purpose of laying down the boundary in accordance with the decision of the Government of India, and that the decision of the two officers, or if they disagree of an umpire to be nominated by them, should be final and be accepted by both Governments. The First Assistant Resident added that this decision was arrived at on the ground that "the evidence of the maps "and papers to which the Governor-General "in Council was referred is not sufficient to "outweigh the language of the Treaty, "which expressly mentioned the river Go-"davery and its tributaries as forming the "boundaries between the two States," and still less the practice of the locality which, putting aside some special settlements, had generally been to treat the lands up to the left edge of the deep-stream as British territory.

Exhibit No. P. Letter No. 284, dated 18th February, 1895.

14. In January, 1896, the First Assistant Resident wrote that "Mr. Chichele Plowden "(the Resident) appre-"hended that the Govern-"ment of India might proceed to settle the "boundary without waiting for the appoint-"ment of an Hyderabad officer, unless one "was selected forthwith." On this, Moulvi Abdul Khader, 1st Talukdar, was nominated by His Highness' Government and intimation of the same was given to the Resident by a letter dated the 16th January, 1896. At the same time the Resident was informed that the papers connected with the case were being circulated amongst the members of the Cabinet Council and that the Minister himself could not agree to the proposal about the arbitration, and that the most he was at liberty to do was to say "that the officer appointed "by His Highness' Government might, in "association with the British officer, fully "examine the boundary in dispute and "submit a report giving details of this case," and "when this report is received His "Highness' Government would be able to "say whether they could agree to the pro-"posal made by the British Officer, or "whether, on the other hand, there are any "points in the proposal which appeared to "be contrary to the Treaty and which it "might be necessary to represent to the "Government of India."

Exhibit No. Q. Mr. Williams' letter No. 23, dated 7th January, 1896.

Exhibit No. R. To Mr. Plowden, No. 58.

15. The First Assistant Resident, in his reply dated 8th February, 1896, stated 'that the Government of India were not "unwilling to receive any further repre-"sentations which His Highness' Govern-"ment might wish to make regarding the "constitution of the Godavery boundary." But that "a general local inquiry could "not serve any useful purpose, and His "Highness' Government should therefore "instruct their delegate to confine his atten-"tion to ascertaining and fixing the midway "line of the deep-stream of the river." No reply has yet been sent to this letter.

Exhibit No. S. Mr. Williams' letter No. 264.

16. In the meantime the Cabinet Council met to consider the case on 7th Furwardi, 1305 Fasli, and at this meeting it was unanimously resolved that the Legal Adviser to His Highness' Government should be instructed to submit a precis of the whole case, together with his opinion as to the construction and meaning of Article 8 of the Treaty, and that he should in doing so obtain the opinion of one or two Barristers-at-Law in this matter; clear opinion should also be given on the question whether, if the officials of His Highness' Government have not kept up their *Bhogatta* on the disputed ground, whether (the loss of) such *Bhogatta* or dispossession

is tantamount to avoid the obligations of the treaty.

17. The question now for consideration is as to what is the boundary between the territories of His Highness' Government and of the British Government, whether it is the left bank of the river as maintained by His Highness' Government, or the middle of the deep-stream as held by the Government of India. In support of both the views, reliance is had primarily on the language of the Treaty of 1860; but while on the one hand His Highness' Government relies on Article 8 of the Treaty providing for the cession of specific Taluks on the left bank of the river Godavery and of the river Wyne Gungah, the Government of India on the other refer to Article 9 of the Treaty in which are used the words "the river "Godavery and its tributaries, so far as they "form the boundary between the States." It appears, however, that the reference in the latter article is merely an incidental one, and made only for identifying the rivers of which the navigation was declared free. Such incidental mention cannot, apparently, affect the territorial rights of the parties in any way, cannot extend or add to the territory ceded by His Highness' Government to the British Government, and cannot curtail the rights possessed by His Highness' Government prior to the said cession. This view appears to be borne out by the correspondence passed between the two Governments immediately preceding the Treaty in which the cession of the Taluks ceded by the Treaty was expressly agreed to, but the circumstance of the Godavery or the Wyne Gungah being constituted or considered a boundary was never mentioned or even referred to (*vide* 2nd paragraph of letter from Mr. Young, Secretary to Government of India, to the Resident, dated 5th September, 1860).

Exhibit No. T.

18. As regards the lands in dispute at present, it cannot be denied that His Highness' Government possessed them in full sovereignty prior to and at the time of the cession made to the British Government by

the Treaty of 1860. Article 8 of the Treaty alone describes the territory ceded, and all that was not ceded continued to belong and must still belong to His Highness' Government. The territory ceded is described as being the possessions of His Highness on the left bank of the river Godavery and of the river Wyne Gungah, namely the Taluks Buddrachellum, Rakapilly, Cherla, Albaka, Noogoor and Sironcha, Mr. Skinner understands the Treaty to mean "that His "Highness ceded all that was at that time "regarded as forming part of the aforesaid "Taluks up to the full extent of their bound-"aries as at that time recognized." This might have been correct if the entire Taluks as such had been ceded without any description of a restrictive character. This however was not the case. It is not the entire Taluks that were ceded, but the Taluks so far as they could be held to fall within "the possessions of His Highness "on the left bank" of the rivers. Evidently what is in the bed of the river cannot be deemed to be on the bank of the river, and therefore, on a proper construction of Article 8 of the Treaty, it appears to be clear that the cession was restricted to what was on the left bank of the rivers and did not embrace anything in the rivers themselves, and that every tract or plot of ground in the river Godavery itself continued to belong and does belong to His Highness' Government. Mr Skinner in support of his views says that a claim to the whole river-bed has not been made in regard to the territories on the left bank of the river Wurdah, ceded under Article 8 of the Treaty of 1822 to the Rajah of Nagpur. By Article 7 of the same Treaty, the Nizam ceded to the East India Company the whole of his rights and possessions on the right bank of the river Seena, but it does not appear that in either case His Highness' Government has relinquished its claim to the entire bed of the river. Mr. Skinner's proposed construction of the Treaty need not be further discussed however, as not only he himself has abandoned it, but as the Government of India also do not appear

Exhibit No. U.

to have adopted or approved of it, because in that case the Government of India would not have decided that the present line of the middle of the deep-stream should be regarded as the boundary between His Highness' territory and the ceded Taluks. If Mr. Skinner's construction were correct, the Government of India would have tried to determine the extent and the boundaries of the Taluks named in Article 8 of the Treaty, and decided that the said boundaries of the Taluks would be the boundary between the British territory and the territory of His Highness the Nizam.

19. The decision of the Supreme Government appears to proceed entirely on the ground that the Godavary and the Wyne Gungah are as such the boundary between the territories of the two Governments. It has been, however, already pointed out that the incidental manner in which they are referred to as the boundary, and the correspondence preceding the Treaty, do not bear out this view. But even if the Godavery and Wyne Gungah were really made the boundary between the two Governments it would not necessarily follow that the middle of the deep-stream of these rivers should be deemed the boundary. The middle-stream is taken as such boundary only when two Governments hold territories on the opposite banks of the river, and have held them from a time when the entire bed of the river was not within the territorial possessions of any Government. In such a case there can be no presumption as regards sovereignty of any portion of the bed of the river in favor of either Government, and therefore as a general rule equality is deemed equity. Where however a river is so situated inside the dominions of any Government that the entire bed must belong to that Government, and the territories on one bank of the river are acquired in any way by another Government, the right of sovereignty in the bed is not necessarily transferred, and there can be no occasion for the application of the mid-stream rule.

20. The Government of India, naturally aware of the view taken of the sovereignty in rivers in such cases, have thought it necessary to supplement the ground of the contention advanced by them (First Assistant Resident's letter No. 284, dated 18th February, 1895) "to the "practice of the locality, "which, putting aside some "special settlements, has generally been to "treat the lands up to the left edge of "the deep-stream as British territory." There appears to be nothing on the records connected with the matter to show the existence of any such practice. The Madras Government, as explained in paragraphs 2 and 3 hereof, have distinctly held that the islands in the bed of the river belonged to His Highness' Government, and gave effect to this recognition of the title of His Highness' Government in several ways.

Vide Exhibit No. P.

21. It was pointed out, in the First Assistant Resident's letter, dated the 8th November, 1893, "that the instructions by "the Madras Government in 1885, direct- "ing the exclusion of river-bed lands from "the settlement of the Taluks of Buddra- "chellum and Rakapilly, were subsequently "modified, and the inclusion of these lands "ordered, on its being represented by the "Collector of Godavery that the previous "orders of the Madras Government were "based on a misconception; that not only "were river-bed-lands being customarily "cultivated by the villagers on the British "side, but that areas of river-bed adjoining "the British bank were registered in the "*missals* of certain river side villages at "the settlement of 1867; that, in particular, "the village Wazib-ul-urz had a clause "which declared the right of the pro- "prietors to everything which grew on the "sandy land below the river bank, and that "no question had till then arisen regarding "these lands."

Vide Exhibit No. N.

22. Now even this last order of the Madras Government did not negative the view taken by them in the year 1878 of the effect of the Treaty of 1860, nor cancel

to have adopted or approved of it, because in that case the Government of India would not have decided that the present line of the middle of the deep-stream should be regarded as the boundary between His Highness' territory and the ceded Taluks. If Mr. Skinner's construction were correct, the Government of India would have tried to determine the extent and the boundaries of the Taluks named in Article 8 of the Treaty, and decided that the said boundaries of the Taluks would be the boundary between the British territory and the territory of His Highness the Nizam.

19. The decision of the Supreme Government appears to proceed entirely on the ground that the Godavary and the Wyne Gungah are as such the boundary between the territories of the two Governments. It has been, however, already pointed out that the incidental manner in which they are referred to as the boundary, and the corr... preceding the Treaty, do not bear... God... ma... me... th... ri... n... c... ... Exhibit No. X. G. O. No. 469, dated 17th June, 1890, Rev. ...ention, if the orders in 1890, only said that there was no valid argument for the exclusion from the settlement of those lands on the "bank of the river" from British territory. These orders of the Madras Government, and even the reports on which they were based, do not go to support the practice of the locality of the lands up to the left edge of the deep-stream being treated as British territory, which has been relied upon as one of the two grounds in favor of the decision of the Government of India. On the other hand, the orders of the Madras Government are clearly in support of the contention of His Highness' Government that nothing on the right hand side of the edge of the water on the left bank was ceded to, or in any other way belonged to the British Government.

23. As against this, it is stated in Mr. Skinner's report that the claim of His

20. The Government of India, naturally aware of the view taken of the sovereignty in rivers in such cases, have thought it necessary to supplement the ground of the contention advanced by them (First Assistant Resident's letter No. 284, dated 18th February, 1895) "to the "practice of the locality, "which, putting aside some "special settlements, has generally been to "treat the lands up to the left edge of "the deep-stream as British territory." There appears to be nothing on the records connected with the matter to show the existence of any such practice. The Madras Government, as explained in paragraphs 2 and 3 hereof, have distinctly held that the islands in the bed of the river belonged to His Highness' Government, and gave effect to this recognition of the title of His Highness' Government in several ways.

Vide Exhibit No. P.

21. It was pointed out, in the First Assistant Resident's letter, dated the 8th November, 1893, "that the instructions by "the Madras Government in 1885, directing the exclusion of river-bed lands from "the settlement of the Taluks of Ruddur... the mid-stream of the river, as universally recognised in the case of boundary rivers. The Minister's reply was only as to the particular matter of complaint which was referred to as "an unlawful interference on the part of the Tahsildar in exercising authority on both banks of the river," and forwarded a report from the Talukdar from which it was to be seen that the interference complained of had arisen from misunderstanding. The Minister did not consider it necessary, as it was not necessary, to controvert the grounds incidentally mentioned in the Resident's Rukka, especially as the reference to the free passage also was altogether irrelevant to the real matter complained of. An admission of the correctness of the complaint as to the Tahsildar's improper declaration of the invalidity of the contract made by the Madras Government does not appear to have involved a disavowal of the right of His Highness' Government to the islands in the bed of

Vide Exhibit No. N.

the orders passed in accordance with that view in that year. It certainly does not support the present decision of the Government of India in any way, but to a great extent corroborates and supports the view of His Highness' Government. The order of 1890 has reference, to quote from Mr. Clegg's own report, only to "the river-bed "lands under cultivation (which) are mainly "the slopes of the bank and any cultivable "lands at the foot of the bank between it and "the water's edge." It is only with regard to these lands Mr. Clegg points out that the Treaty never intended them to belong to His Highness the Nizam, and

No. 109, dated 6th August, 1889. Exhibit No. V.

which he states were registered in the missals of certain villages, and regarding which no question had arisen. The Board's remarks on that letter were also restricted to "river-bank cultivation," and all that the Board pointed out was that the villages ceded by His Highness the Nizam included not only the land on the bank but all cultivation down to the water's edge. The Madras Government in their final argument for the exclusion from the settlement of those "lands on the "bank of the river" from British territory. These orders of the Madras Government, and even the reports on which they were based, do not go to support the practice of the locality of the lands up to the left edge of the deep-stream being treated as British territory, which has been relied upon as one of the two grounds in favor of the decision of the Government of India. On the other hand, the orders of the Madras Government are clearly in support of the contention of His Highness' Government that nothing on the right hand side of the edge of the water on the left bank was ceded to, or in any other way belonged to the British Government.

Exhibit No. W. Resolution No. 160, dated 19th March, 1890.

23. As against this, it is stated in Mr. Skinner's report that the claim of His

Highness' Government to the entire bed of the river was disavowed by His Highness' Government in 1881, as evidenced from a Rukka of the Minister, to the Resident, dated the 15th February, 1881; and Mr. Bosanquet, in his letter of the 7th August, 1893, wrote, that Mr. Plowden would be glad to consider any comments which His Highness' Government might have to offer upon the practical admission contained in it. It appears, from the translation of this Rukka which has been received from Mr. Bosanquet with his letter, that it did not contain any disavowal of the claim now urged on behalf of His Highness' Government. The Rukka purports to be in reply to a Rukka from the Resident which complained of a Tahsildar of His Highness' Government having declared the ferry contract given by the Madras Government for the passage of the river to be null and void; and pointed out that, under the Treaty of 1860, the passage of the river was free and that His Highness' Government had no claim or right of any sort beyond the mid-stream of the river, as universally recognised in the case of boundary rivers. The Minister's reply was only as to the particular matter of complaint which was referred to as "an unlawful interference on the part of the Tahsildar in exercising authority on both banks of the river," and forwarded a report from the Talukdar from which it was to be seen that the interference complained of had arisen from misunderstanding. The Minister did not consider it necessary, as it was not necessary, to controvert the grounds incidentally mentioned in the Resident's Rukka, especially as the reference to the free passage also was altogether irrelevant to the real matter complained of. An admission of the correctness of the complaint as to the Tahsildar's improper declaration of the invalidity of the contract made by the Madras Government does not appear to have involved a disavowal of the right of His Highness' Government to the islands in the bed of

See Exhibit No. L.

Vide enclosure to Exhibit No. L.

the river or even to any portion of the bed of the river. The Talukdar's report forwarded with the Rukka explained that the Tahsildar's action was on account of his opinion that the jurisdiction of His Highness' Government extended over the other bank also.

Vide Exhibit No. L.

24. It does not appear on what grounds the Government of India have assumed the existence of the practice which forms one of the two grounds on which the decision of the Government of India is based. Mr. Skinner's report in support of the alleged right of the British Government refers to the following circumstances:—

(*i*) That cultivation has been carried on in the river-bed on the British side of the deep-stream by British ryots ever since the cession of the Taluks, without any objection being raised or claim put forward by His Highness' Government or subjects.

(*ii*) That in the case of the islands opposite Albaka, a division of disputed territory has been agreed to by His Highness' officials and acted upon for several years.

(*iii*) That the island Murigudiem contained three regularly settled villages which were in existence at the time of the cession, and have always been regarded as belonging to the Noogoor Taluk.

(*iv*) That the whole river-bed was allowed to be surveyed and a portion of it entered in the settlement missals or maps of the British villages without notice being taken of the facts and a protest entered.

These settlement missals and maps are not before us, but generally speaking the statements in Mr. Skinner's report do not appear to be supported by the evidence recorded by that officer, and do not appear to justify the inferences he has drawn from them. Mr. Sorabjee Jamsetjee, who had

been deputed by His Highness' Government to attend the inquiry, takes quite a different view of the evidence adduced before Mr. Skinner. He virtually says in his report that the statements of the witnesses examined appeared to be either false on the face of them or mere expressions of opinion based on insufficient and unreliable data; that some of the islands on the left side of the deep channel had been in the possession of the British ryots, but only illegally, and that some such islands were even now in the possession of the ryots of the Nizam's Government, and that no intimation of General Glasfurd's survey of the bed of the river had been given to the Nizam's Government so that any objection could be taken against it.

25. Mr. Skinner admits that his inquiry is in some important respects defective, and in some ways not as satisfactory as it might have been; and whatever the cause of this defective and unsatisfactory character of the inquiry, there appears to be no doubt that final decision in an important matter ought not to be allowed to rest on it, specially when it can be easily completed, and His Highness' Government have already deputed an officer with a view that it may be so completed. Besides, it is to be borne in mind that that inquiry was conducted solely by Mr. Skinner, who had expressed strong views about the matter even before the inquiry, and who in his report of the inquiry considered it his duty to protest against the admission of the claim of His Highness' Government as an act of grace, on the ground that "our people would feel that we were sacrificing "their interests, and had failed to give them "the support they have a right to expect." Mr. Sorabjee Jamsetjee was not associated with him in the manner in which the Government of India now suggests that an officer of His Highness' Government may be deputed to determine the exact boundary in association with the British officer. If a joint commission of this character had been appointed at the time when Mr. Skinner alone was deputed to make a local inquiry, there is every probability that the

inquiry would have been complete and satisfactory and witnesses on both sides of the river had been examined.

26. However, even taking the inquiry so far as it went, Mr. Skinner is compelled to admit in his report that the statements of the witnesses called and examined by him as to the entire bed of the river belonging to them and their village fellows was not reliable, from which it is clear that the witnesses were not only interested but untruthful. A perusal of their evidence goes to show that the statements made by them were in most cases hearsay, other expressions of mere conjectures or echoes of what they had heard from their ancestors or other people. The evidence as recorded does not appear to be such as can in any way support Mr. Skinner's conclusions. There appears, for instance, to be nothing in the statements of the witnesses to show that His Highness' officials had agreed to any division of any disputed territory in islands opposite Albaka.

27. The statements of witnesses are chiefly as to cultivation by them or almost as to the exercise by them of their proprietory rights in certain patches of ground in the river-bed, but some of them admit that the ryots of His Highness' Government have been doing the same in the whole bed of the river. The circumstance of the ryots of one Government or of another cultivating any patches of land in the bed of the river cannot be taken as affecting or showing the existence or non-existence of the sovereign rights of the British Government or the Nizam's Government. Questions of proprietory rights in cases of alluvial lands are dependent on law and custom, on local and other circumstances, which are not in all cases the same as those which govern the sovereign rights of different powers. A river often alters its course and affects proprietory rights of individuals and sovereign rights of powers in a different manner, and evidence of the exercise of any proprietory rights cannot help to show the existence of the sovereign

rights of one power or of another power. A river may be merely a natural or a political boundary between two States, and in changing its course it will often happen that some of the lands of a ryot of one Government will be transferred to the territorial jurisdiction of another Government. This appears to be distinctly recognised in the First Assistant Resident's (*) *Vide* Exhibit No. P. letter of 18th February, 1895,* in which he explains the term political boundary, and says that "such a boundary will not determine "questions of proprietory right in regard "either to private property held by subjects "of the two States, or to proprietory rights "derived by either State from their subjects "as by purchase."

28. As to the exercise of sovereign rights in the bed of the river, there is hardly any evidence. Even Mr. Skinner's record of evidence appears to contain quite as many statements in support of the payment of revenue for lands in the river-bed to His Highness' Government as those in favor of such payment to the British authorities. These latter statements cannot therefore be deemed sufficient to prove the existence of any such practice as can form a ground for the decision of the Government of India, and there appears to be no other evidence whatever of such practice.

29. Even if the said practice were considered proved, it could not affect the rights of His Highness' Government, unless it was known to and acquiesced in by the Government, so as to indicate the contemporaneous exposition of the Treaty or constitute a waiver or abandonment of any rights of the Government. If any newly formed patch of ground in the river-bed was without the knowledge of His Highness' Government cultivated by any person whether resident in or outside His Highness' Dominions, and the cultivation was left unassessed by the negligence of the officials of His Highness' Government, and no revenue was paid to that Government on account of that cultivation, the person cultivating may or may not be to

inquiry would have been complete and satisfactory and witnesses on both sides of the river had been examined.

26. However, even taking the inquiry so far as it went, Mr. Skinner is compelled to admit in his report that the statements of the witnesses called and examined by him as to the entire bed of the river belonging to them and their village fellows was not reliable, from which it is clear that the witnesses were not only interested but untruthful. A perusal of their evidence goes to show that the statements made by them were in most cases hearsay, other expressions of mere conjectures or echoes of what they had heard from their ancestors or other people. The evidence as recorded does not appear to be such as can in any way support Mr. Skinner's conclusions. There appears, for instance, to be nothing in the statements of the witnesses to show that His Highness' officials had agreed to any division of any disputed territory in circumstances, choose to waive or abandon his right. In this case, there is clearly no evidence to show any such knowledge and waiver or abandonment.

30. In the circumstances His Highness' Government wish to be advised by Counsel on the following points:—

1 What is the fair construction, meaning and interpretation of Article 8 of the Supplemental Treaty of the 26th December, 1860, above referred to? Does Counsel agree with His Highness' Government that this article only ceded the possessions of that Government on the left bank of the river and nothing in the river or the bed of the river?

2 Does Article 9 of the said Treaty in any way affect, modify or alter the meaning of Article 8, and if so in what respect? If it does not, does Counsel concur in the view taken by His Highness' Government that this arti-

rights of one power or of another power. A river may be merely a natural or a political boundary between two States, and in changing its course it will often happen that some of the lands of a ryot of one Government will be transferred to the territorial jurisdiction of another Government. This appears to be distinctly recognised in the First Assistant Resident's letter of 18th February, 1895,* in which he explains the term political boundary, and says that "such a boundary will not determine "questions of proprietory right in regard "either to private property held by subjects "of the two States, or to proprietory rights "derived by either State from their subjects "as by purchase."

(*) *Vide* Exhibit No. P.

28. As to the exercise of sovereign rights in the bed of the river, there is hardly any evidence. Even Mr. Skinner's record of evidence appears to contain quite as many statements in support of the payment of revenue for lands in the river-bed to His Highness' Government as those in favor of such payment to the British au-

Treaty;

And on all other points generally which may occur to Counsel on the facts and circumstances of the case as above set out and disclosed in the annexures to the case.

Counsel is also requested that, in giving his opinion on every question hereinbefore set, he will be good enough to give his reasons for arriving at such opinion.

HORMASJEE N. VAKEEL.

HYDERABAD-DECCAN,
27th February, 1896.
25th Farwardi, 1305 F.

blame for non-payment of the revenue to the Government, but the non-assessment and non-payment of the revenue cannot interfere with the Sovereign rights of the Government, with the right of the Government to assess and recover the revenue when the patch of ground and its cultivation should come or be brought to the knowledge of the Government. If it were not so, every land omitted from assessment on account of negligence or dishonesty of the lowest revenue official of the Government would become a permanent revenue free grant. Nor can it make any difference that the non-payment of the revenue was due to a mistake of the person who cultivated the ground, and who by mistake paid the revenue to some person or authority who had no right, or valid right, to it. And it would be the same even if this non-existent right was, on account of some general mistake, believed to exist by all. Any such relief or recognition can certainly not affect the rights of the legitimate owner or sovereign, unless of course the said owner or sovereign, with full knowledge of the [illegible] evidence to show any such knowledge and waiver or abandonment.

30. In the circumstances His Highness' Government wish to be advised by Counsel on the following points:—

1 What is the fair construction, meaning and interpretation of Article 8 of the Supplemental Treaty of the 26th December, 1860, above referred to? Does Counsel agree with His Highness' Government that this article only ceded the possessions of that Government on the left bank of the river and nothing in the river or the bed of the river?

2 Does Article 9 of the said Treaty in any way affect, modify or alter the meaning of Article 8, and if so in what respect? If it does not, does Counsel concur in the view taken by His Highness' Government that this article of the Treaty referred to the Godavery and its tributaries as the boundary between the territories of the two Governments only incidentally and by way of description, and not so as to alter or affect the territorial rights of either Government?

3 Has any practice of the locality generally treating the lands up to the left edge of the deep-stream as British territory with the knowledge and acquiescence of His Highness' Government been proved? In answering this query, Counsel will bear in mind that the practice in the Taluks now included in the Madras Presidency has been, as reported by the officers of the said Government and as recognized by that Government, the very reverse.

4 Supposing the existence of such practice has been proved, could it affect or supersede the sovereign rights of His Highness under and prior to the Treaty;

And on all other points generally which may occur to Counsel on the facts and circumstances of the case as above set out and disclosed in the annexures to the case.

Counsel is also requested that, in giving his opinion on every question hereinbefore set, he will be good enough to give his reasons for arriving at such opinion.

HORMASJEE N. VAKEEL.

HYDERABAD-DECCAN,
27th February, 1896.
25th Farwardi, 1305 F.

Exhibit No. A.

EXTRACT FROM THE SUPPLEMENTAL TREATY, ENTERED INTO BETWEEN HIS HIGHNESS THE NIZAM AND THE BRITISH GOVERNMENT ON 31ST DECEMBER, 1860, (VOL. VIII., AITCHISON'S TREATIES, PAGE 362).

* * * * *

ARTICLE 8.

His Highness the Nizam cedes to the British Government in full sovereignty all the possessions of His Highness on the left bank of the river Godavery and of the river Wyne Gungah above the confluence of the two rivers, *viz.*, the Taluks of Rakapilly, Buddrachellum, Cherla, Albaka, Noogoor, and Sironcha.

ARTICLE 9.

The navigation of the river Godavery and its tributaries, so far as they form the boundary between the two States, shall be free, and no customs duties or other cesses shall be levied by either of the two contracting parties, or by the subjects of either, on goods passing up or down the aforesaid rivers.

Exhibit No. B.

MADRAS GOVERNMENT ORDER, No. 671, DATED 30TH DECEMBER, 1878.

Order, 30th December, 1878, No. 671.

No. 45.

This question is not, like the other referred to by the Collector, a *boundary* dispute. It must however be determined, in view to obviate further contention, whether the island belongs to the Nizam, or is portion of the territory ceded by His Highness' predecessor to the British Government by Article 8 of the Treaty of December 1860. On a reference to that Treaty (Aitchison, Vol. V., Page 116)*, it appears that the Nizam ceded only certain Taluks lying on *the left bank of the river*. This of course cannot be held to include any island in the mid-stream. The Collector will therefore withdraw his claim to Motegedda. This order will be communicated to the Resident, Hyderabad.

* New edition, Page 223.

(True Extract).

C. G. MASTER,

Acting Chief Secretary.

Exhibit No. C.

EXTRACTS FROM THE LETTER OF W. S. FOSTER, ESQ., COLLECTOR OF GODAVERY, ADDRESSED TO THE SECRETARY OF THE BOARD OF REVENUE, MADRAS GOVERNMENT, DATED 19TH SEPTEMBER, 1880, No. 338, (PARA. 58, CLAUSES (1) AND (16).

* * * * *

58. To each village along the bank of the Godavery a certain amount of land in the bed of the river is attached. This the villagers are allowed to cultivate when the river subsided. Now in their orders of 30th December, 1878, No. 671, Government say that only the land up to the left bank of the river belongs to us. We must therefore revise this settlement. But this is a matter that cannot be done without a survey; some of the land in the bed of the river is cultivated, and some places of ground there are used for making bricks, on all which the proprietors receive rent. There is no hurry about revising this part of the settlement, and I have not made any proposals about it. If a survey were made, I should propose to arrange to give up to each village an extent of waste land equal to that in the bed of the river, or if there is no Government waste adjacent to the village to reduce the peshkash on it.

* * * * *

(Clause 16) * * In this case the boat returns to our side empty unless the Contractor who has taken the right of ferrying people, &c., to our side from the Nizam amicably arranges with him to the contrary. The village Wajab-ool-urz declares in favor of the proprietors that—"we have a right to everything which grows on the sandy land below the river bank," meaning apparently the river margin. If this is so, it is opposed to the Government Order of the 30th December 1878, No, 671, wherein it was observed, in deciding as to whether an island in the bed of the river called Motegedda belonged to the Government or Nizam, that all that was ceded by the Treaty of 1860.

> "was only certain Taluks lying on *the left bank of the river*. This of course cannot be held to include any island in the mid-stream. The Collector will therefore withdraw his claim to Motegedda."

If this order should stand, we cannot collect any fees on the ferries.

EXTRACT FROM THE RESOLUTION OF THE BOARD OF REVENUE, PARA. 14, CLAUSE (13), DATED 4TH FEBRUARY, 1881, No. 187.

* * * *

(13) Proprietors have the right to grow crops on the sandy land below the river bank. The Collector observes that this condition is opposed to Government Order, dated 30th December, 1878, No. 671, Political Department, in which it was observed that, under the Treaty, the Nizam ceded only certain Taluks lying on the left bank of the river,

Article IV., Enclosure 2.

which cannot include any lands in the bed of the river. The Board do not think that it was intended that the ryots of the villages in the ceded Taluks should be deprived of the vested rights in the bed of the river. Should the Government, however, consider otherwise, the Collector will be requested to report the revenue realized from these lands, on which peshkash has now been calculated, in view to the necessary deduction being made from the peshkash proposed.

* * * *

Exhibit No. D.

EXTRACT FROM THE MADRAS GOVERNMENT ORDER, DATED 29TH JANUARY, 1885, No. 122, (REVENUE).

Order.

* * * * *

9. In paragraph 14, the Board deal with a series of minor questions, and their recommendations have the approval of Government, subject to the modifications already indicated, and subject also to the following remarks :—

(Clause 13). The order quoted is final and the Board's suggestion as regards the reduction of peshkash is approved.

27

Exhibit No. E.

COPY OF LETTER FROM THE FIRST ASSISTANT RESIDENT TO THE MINISTER OF HYDERABAD.

THE RESIDENCY, HYDERABAD,

15th December, 1897.

No. 2364.

MY DEAR NAWAB,

The Chief Commissioner of the Central Provinces has submitted a question as to the exact boundary line between the Chanda District and Hyderabad State.

The reference has been made in consequence of a dispute having arisen in connection with the collection of the rents from fields in the bed of the river Godavery.

The facts of the case reported are as follows:—

In February, 1889, an alluvial tract in the bed of the river Godavery between the villages of Edchankapalli in the Noogoor Taluka of the Chanda District and Nagarum in His Highness' territory was tilled by cultivators from both sides of the river, and as the bed of the river has always been regarded as British territory, the right bank of the river being taken as the boundary line, the Naib-Tahsildar of Sironcha was deputed to collect rents from the persons cultivating in the river-bed. A peon was accordingly stationed there for the purpose. While however a punchayet of cultivators was being held regarding the division of the produce, His Highness' police appeared and arrested the persons who composed the punchayet, together with the Tahsil peon. These persons are stated to have been subsequently released by the Local Court.

As it would thus appear that there is some doubt as to the exact line of boundary, I am to request that you will be good enough to state what is the boundary claimed by His Highness' Government, whether His Highness' Government would be prepared to agree that the boundary should be fixed either in accordance with the deep-stream or by a line drawn midway between bank and bank, and also which of these two methods His Highness' Government would prefer.

Yours sincerely,

(Sd.) J. A. CRAWFORD.

THE NAWAB

SIR ASMAN JAH BAHADUR, K.C.I.E.

Exhibit No. F.

COPY OF A MEMORANDUM FORWARDED TO THE FIRST ASSISTANT RESIDENT, HYDERABAD, WITH HIS EXCELLENCY THE MINISTER'S LETTER No. 288, DATED 26TH APRIL, 1892.

It appears that the village bearing the name of Nagarum in the Pakhal Taluk is situated on the bank of the river Godavery. There does not appear to have been any standing dispute about land between the ryots and those of the neighbouring village of Edchankapalli on British territory. The quarrel which was reported by the Chief Commissioner, Central Provinces, and to which the Resident makes reference in his letter No. 2364, dated the 15th December last, is found on enquiry to have originated not with the cultivators of the land situated between the two villages above mentioned, but between the ryots living in the vicinity of a village called Mallikut in the Pakhal Taluk, and those inhabiting the village of Pargapur in the Sironcha Taluk in British territory.

The river Godavery runs between the villages of Mallikut and Pargapur, and it appears from a report of the Tahsildar of Pakhal that the disputed area consists of certain elevated patches (21 in number), measuring altogether 65 bigahs, $8\frac{3}{4}$ baums, which, when the river is in ordinary flood, are suited for cultivation. Such ground is called Lingah by the natives of the country. The rent of these patches was collected by the Nizam's officials and credited in the Treasury during the years 1286 Fasli and 1287 Fasli.

During the succeeding years, from 1288 Fasli to 1294 Fasli, owing to unusually high floods, the land was submerged; but in 1295 Fasli, cultivation to the extent of 23 bigahs, 10 baums was resumed, and a sum of Rs. 26-8-0 was realized as rent. In the following year 32 bigahs were brought under cultivation and the rent duly collected by the Tahsildar of Pakhal. There was never any interference or dispute about the cultivation of this particular land between the villages of Mallikut and Pargapur in the bed of the river until after the date above given, when a cultivator named Abdul Khader from Pargapur took forcible possession of the produce and carried it off across the frontier. He was however brought to book by the Tahsildar of Pakhal, and was made to refund the value of the crop to the rightful possessors in His Highness the Nizam's territory. It appears from correspondence which took place between the Tahsildars of Pakhal and Sironcha on the occasion just alluded to that, when the last mentioned Tahsildar was called on to send Abdul Khader to Pakhal for the purpose of establishing his claim to the produce, he stated that there was no cultivator of that name within his jurisdiction paying, or who had ever paid, rents for the cultivated patches of land in the bed of the river. From the above report it would appear that the land in question is not, and never has been, a matter of dispute between the ryots of the villages on opposite banks of the river.

It also appears to be clearly laid down in the Treaty of 31st of December, 1860, that the bed of the river Godavery belongs exclusively to His Highness the Nizam; whilst the whole of the territory on the left banks of the Godavery, and of the river Wyne Gungah above the confluence of the two rivers in question, comprising the Taluks of Rakapilly, Buddrachellum, Cherla, Albaka, Noogoor and Sironcha, is ceded in full sovereignty to the British Government.

29

Exhibit No. G.

COPY OF A LETTER FROM THE REVENUE MINISTER, HIS HIGHNESS THE NIZAM'S GOVERNMENT, TO THE FIRST ASSISTANT RESIDENT, HYDERABAD.

OFFICE OF SECRETARY TO GOVERNMENT,

MISCELLANEOUS DEPARTMENTS, &c.,

26th April, 1892.

No. 288.

MY DEAR MR. IRWIN,

Referring to Mr. Crawford's letter No. 2,364, dated the 15th December last, regarding an alleged dispute about certain land in the bed of the river Godavery between the villages of Nagarum in His Highness' Dominions and Edchankapalli in British territory, I now beg to enclose a memo. showing the result of enquiries made into the matter by the Revenue authorities, which will I hope be considered sufficient to dispose of the subject. But if the Resident considers that any further information is called for, I shall, on hearing from you to that effect, be happy to issue orders for necessary enquiry.

Believe me,

Yours very sincerely,

(Signed) VIKAR-UL-UMRA.

30

Exhibit No. H.

COPY OF LETTER FROM THE FIRST ASSISTANT RESIDENT, TO THE MINISTER OF HYDERABAD.

THE RESIDENCY, HYDERABAD,

Dated 13th December, 1892.

No. 1890.

MY DEAR NAWAB,

In continuation of my letter No. 6277 of the 23rd September and subsequent reminders, regarding the disputed boundary between the Chanda District and His Highness' territory, I am desired to inform you that the Chief Commissioner of the Central Provinces has directed the Deputy Commissioner of Chanda to make a local enquiry.

2. This officer will begin work on about the 20th February, and the Chief Commissioner hopes His Highness' Government will depute some responsible representative to watch the proceedings on His Highness' behalf, and to secure the production of all the evidence and information that may be available to support the view which His Highness' Government have taken of the case.

3. The Resident understands that the Deputy Commissioner's other duties render it necessary that he should conclude his inquiry in as short a time as possible, and I am accordingly to request that you will be good enough to instruct the officer selected to arrange his arrival on the scene of the investigation a few days before the 20th February.

Will you kindly let the Resident know, for the Chief Commissioner's information, as soon as you can, the name of the Officer whom it is proposed to depute?

Yours sincerely,

(Signed) G. R. IRWIN.

To

THE NAWAB

SIR ASMAN JAH BAHADUR, K.C.I.E.

31

Exhibit No. J.

COPY OF REPORT FROM SOHRABJI JAMSHEDJI,
OFFICIATING FIRST TALUKDAR, WARANGAL DISTRICT,
TO NAWAB MUKTADER JUNG BAHADUR,
REVENUE SECRETARY, HIS HIGHNESS THE NIZAM'S GOVERNMENT.

SIR,

In compliance with your Rubkar No. 2357, dated 28th Isfundar, 1302 Fasli, appointing me as a representative of His Highness' Government to defend the rights at the time of enquiry made by the Deputy Commissioner of Chanda following to the boundary of the Godavery river, I have the honour to submit the report on the subject.

1. On the 21st February, 1893, I reached Etore Nagarum in the Pakhal Taluka on the Godavery river, and intimated my arrival by a note to the Deputy Commissioner of Chanda. The Deputy Commissioner informed me, in reply, that on the 27th of February his camp will be at Venkatapur situated on the Godavery river, opposite to Mangapett, in the Paluncha Taluka, where he will see me on the appointed date. As I had an opportunity of staying some more days at Nagarum, I therefore visited myself and commenced to make an enquiry regarding the land in the bed of the Godavery river, for which there was a dispute with the ryots of Edchankapalli of the British Government. After this, I enquired into a dispute between the ryots of Mallikonda in His Highness' Dominions and Padkapur of the British Government and completed it. On the morning of the 27th February, I reached the village of Mangapett, opposite to Venkatapur, and reported the same to the Deputy Commissioner. The time appointed was 2 p.m., and while crossing the river Godavery visited him in his camp at the time so fixed.

2. The representatives of the Chief Commissioner of Central Provinces and the Madras Government were Mr. Skinner, Deputy Commissioner of Chanda, and Mr. Gilman, Special Assistant Collector of Godavery, respectively. Mr. Skinner was to commence enquiry, and I enquired of him the nature of the enquiry he was to make. He replied that he was going to ascertain how far the boundary of the British Government is in the bed of the Godavery river. I said that on His Highness' Government ceding the Talukas of Sironcha, Noogoor, Albaka, Cherla, and Buddrachellum to the British Government, it has been clearly written in the Treaty 1860 to the effect that the Talukas on the left bank of the Godavery river have been ceded. This obviously proves that the whole of the Godavery river is considered to be in the possession of His Highness' Government. I showed a copy of Articles 8 and 9 of the said Treaty in English, which I had with me, to the Deputy Commissioner. The Deputy Commissioner gave me a reply that—"you will perhaps claim Eregoda and two other villages which are islands in the Godavery river," to which I replied that they might have been surrounded by one of the streams of the Godavery river. The Deputy Commissioner again questioned me whether I would disclaim the said villages? I answered that no power has been granted to me to claim or disclaim anything, and as I was only ordered to join him in the enquiry I can therefore give him no sufficient reply in this matter. The Deputy Commissioner having recorded what I said commenced the enquiry.

3. The Deputy Commissioner made an enquiry into the following points:—

1 Whether the village is situated on the river Godavery?

2 To what direction does the great stream of the river flow?

3 How many streams are there in the bed of the river?

4 Whether cultivation is carried out in the bed of the river or not? In the former case, on what side of the great stream it is, or is it between the two streams?

5 On the other side of the great stream whether the ryots of the British Government are cultivating the land of His Highness' Government or not? and if so, whether the ryots of His Highness' Government are obstructing to do so or not?

6 Towards Godavery how far the boundary of the British Government lies?

35 Patails and Patwaries of the Cherla, Albaka, and Noogoor Talukas, and the Agents of the Zamidars were called upon as witnesses.

4. On the 1st day of enquiry I cross-questioned the witnesses, but seeing no use I did not do so on the 2nd and 3rd days, and I had if necessary put question through the Deputy Commissioner. Many of the Patails whose depositions were taken were of the Ghond and Bhoi caste, and the rest were cultivators. Had any one stated any land to have been cultivated in the bed of the river, he would have pointed it out. If they were questioned how far they do consider the boundary of the Godavery river, many of them replied that it is as far as the boundary line of the Nizam's Government, or in other words they said that the whole bed and even the river lies within their boundary. When the reasons were asked they replied that about 25 years ago, when General Glasfurd began to survey these Talukas for settlement he used to keep one flag on this side of the bank and another on the other side belonging to the Nizam's Government, and when they enquired of the reason for doing so from the measurers, they were given to understand that their boundary is as far as the other bank of the river, hence they consider the other bank within their boundary. These are the statements given by the witnesses, but the depositions of the Patails are given in the following paras. with their numbers.

5. *Witness No. 5*, Sitaram, son of Rangiah; states, that he is well aware that the whole river Godavery is within their boundary, to prove his deposition stated that the river-isles Ircherlapulli, Padkapur, Iywarpett, and Albaka situated on the other side of the great stream or the side of His Highness' Government are cultivated by the ryots of the British Government. In the jurisdiction of the Albaka village there are three lankas or river-isles. Out of these, one is revenue paying lanka, second is zamidari, and the third belongs to the Nizam's Government. The ryots of the Nizam's Government are paying to them the revenue of the lanka which they cultivate. When the Talukas on both banks belonged to the Nizam's Government, the influential and well-to-do ryots of that Government were cultivating the land and lanka on both sides of the great stream in the Godavery river and in its bed. After the Talukas being ceded to the British Government, the ryots of the Nizam's Government began to cultivate the land on the other side of the great stream. Some Patels have corroborated this witness, and state that owing to their Zemidars being powerful they have fought several times and kept the whole river in their possession. The witnesses who stated so are Nos.———

6. *Witness No. 23*, Ramrow Watandar Patel of the Noogoor Taluka, states, that from the beginning he considers the whole Godavery river to be his boundary. At the time of settlement no boundary was pointed out him, nor the men of the Settlement Department showed him any authority that half of the bed of the river belonged to them, and the other half to the Nizam's Government. Their ryots are also cultivating the land in the bed on the other side of the great stream, even now the ryots of Ircherlapulli are cultivating land accordingly. The lanka for which dispute had arisen is not now present, it has been washed away. The lankas that are cultivated are situated between the two streams. At present the large stream is flowing through their side. The land of this nature and the lankas of the villages of Markalla, Iyawarpett, Padkapur, Bonam and Yerrapuram are in the bed. In these villages there are two streams between which cultivation is carried on. Sometime the stream on their side becomes deeper and broader and sometime the stream on the other side. Their men are not cultivating land on the other side of the stream because it is not now in existence; and if any land on the other side of the stream become in existence, and be fit for cultivation, then their people cross the river and cultivate the land. They have generally cultivated land without dispute in this way. If the ryots of Nizam have ever cultivated land then they paid the tax to them. Since four or five years the ryots of the Nizam have raised a dispute for the land on the other side of the larger stream. Prior to the Talukas being ceded to the British Government, their boundary was up to the other bank, but there is not any sannad or document granted by the Nizam or any other Government for this. The Patels of the Noogoor Taluka have also stated in the same way. They state also that they have heard from their forefathers that the boundary of this illaka is as far as the right bank of the river.

I am sure, and say positively, that the above witness Ramrow, might have taught the Patels to say so, and accordingly these men have stated in their depositions. Their Nos. are———

7. When the turn of taking depositions of the Patels of Marigoda, Maddigoda and Narsareddigoda, the river-isles, came up, the Deputy Commissioner, who having preconcerted that the Nizam's Government will lay a claim for these isles owing to their being on the left bank of the river Godavery, put some question to me as I said in para. 2, began to give more force, and enquired the particular of their population, and from what time they are included in the Noogoor Taluka, and to whom their revenue is paid. From the map it can be seen that the three villages are quite apart from the Godavery river. They are in the river and not on the other bank, and are altogether surrounded by the river. I am surprised to see that when the Noogoor Taluka was handed over to the British Government, the officers of the Nizam's Government considering these river-isles to have been entered in the said Taluka handed them over also to the British authority; even the British Government did not presume to exclude them, although they have no right of being in possession, because it has been already proved that the Talukas situated on the left bank of the Godavery river, were to be ceded to the British Government, and not the three isles which are not on the left bank but are in the bed of the river. When according to the Treaty the whole river Godavery belonged to the Nizam's Government, then the islands situated in the bed also undoubtedly belong to the Nizam's Government. If such be the case, the British

Government has no right to the above isles. As the British Government is a just and equitable one, and when the fact of the case is brought to their notice, it is hoped that it will take the matter into consideration and grant the right to the proper party.

8. Now I shall proceed to state the result of my enquiry made in the matter. First of all there is no proof from the evidences adduced to show how far the boundary of the Talukas on the left bank extend in the Godavery river. Some witnesses have stated to the effect that, when General Glasfurd commenced the survey, a flag was fixed on the bank belonging to the Nizam's Government, and when the witnesses asked the reason for doing so the measurers informed them that the boundary of the British Government extends as far as the bank on which the flag had been fixed. The measurers had no right at all to say so, and confound the old ideas of the ryots of that vicinity. The point to be looked at is that when the British Government started the survey of the above Talukas, it ought to have informed the Nizam's Government, and obtained its opinion with regard to the survey of the river Godavery, so that it could have been decided at the time that, as the river Godavery is within the jurisdiction of the Nizam's Government, a survey of it is not necessary. As General Glasfurd was an experienced and competent officer he foresaw the turn things would take and gave no information to the Nizam's Government, and, having surveyed the land as he liked, fixed the boundary of the river, which was quite illegal.

9. I do not consider the statements of the witnesses reliable who stated that they heard their forefathers saying that the boundary of the Godavery river extends as far as the other bank. As they had only heard this from their forefathers, no confidence could be placed on their evidences. This is the result of the instigation of witness No. 22, Ramrow, an old Watandar Patwari of all the villages in the Noogoor Taluka. I need not say here the confidence held by the ryots of the villages on the Patwaries, as it is well known to all. It is likely that Ramrow might have taught his Patels to state that their boundary extends as far as the other bank. But neither their forefathers might have told them so, nor they or Ramrow, or witness No. 5 Setaramiah, the Agent, possess any sannad, document or dowl papers. Now possession is obtained, and wherever it is shown a dispute is going on by the Nizam's ryots. The ryots of the Nizam's Government are also occupying the islands in the bed of the Godavery river, and the culturable lands between the two streams. Their possession is also recorded in our village papers. If such be the case, I am at loss to understand on what grounds they are claiming the bed of the Godavery river. I do not consider they have a right to the bed.

10. I have said in para. 1, that having some leisure I had an opportunity of visiting and instituting an enquiry into the lanka situated in the bed of the Godavery (a dispute between the village Nagarum Nizam's Government, and Ircherlapulli of the British Government, and Mallikut of the Nizam's Government and Pedkapur the British Government). The Patels and some of the ryots of Nagarum stated, that from time immemorial the river is flowing by the border of Ircherlapulli, and the lanka beyond it, was from ages past cultivated by them. But since four or five years the ryots of Ircherlapulli having taken a portion of the lanka (batur) are cultivating it, and also finding them helpless are depriving them of their produce by force, the result of which has led to a dispute and an enquiry is going on. Pulliah, Patel of Ircherlapulli, witness No.——stated, that from long time

a large and deep-stream was flowing by the border of Nagarum, and all the lankas which are now in the bed of the Godavery were in possession of the ryots of Ircherlapulli, but since five or six years it having been turned from its former course is flowing by the border of Ircherlapulli, consequently the Nizam's ryots wish to take in possession all the lankas occupied by the men of Ircherlapulli, but they neither have taken them as yet in possession, nor have they cultivated the land thereof. Not only am I astonished at their misrepresentation, but regret very much on their thought being turned in this way, because accompanied by the ryots I visited the lanka and assured myself by getting measurement through Girdawar, Patail and Patwari, of the lands cultivated by each ryot. It was proved that our ryots had cultivated 29 bigahs, while the ryots of the British Government had ploughed 33 bigahs. The statements taken by me of our ryots, Patail and Patwari prove that from ancient time the large and deep-stream of the river used to flow by the border of that village. I can myself certify this, because in 1291-2 Fasli, while I was making my Jamabandi circuit as a 2nd Talukdar, I had camped in that village and saw the river flowing through that course. This clearly shows that the Patel of Ircherlapulli has stated in his deposition nothing but falsehood from beginning to the end. I have also recorded the depositions of the old ryots of the village of Mallikut who would not be less than 60 or 70 years old. They also state that the river was from ancient time flowing through the border of that village, and that the lanka was occupied by their ryots; six years ago the ryots of the village of Padkapur of the British Government had raised a dispute, and subsequently when that lanka became filled with sand and unfit for cultivation they ceased their claim.

11. With regard to some villages of the Albaka Taluka it was stated that the men of those villages are in possession of the lankas, and that the ryots of the Nizam's Government are paying revenue to the British Government, it became necessary for me to make an enquiry into the matter. I called upon certain Patails of Mallore, Mungapett in the Paluncha Taluka, and made an enquiry from them. It was proved that the lankas shown to be in the possession of the ryots of British Government are occupied by our ryots. From the statements of the Patails of Wadagara, Rangapett, Chunchipulli and Golagara, it is proved that they were in possession of the lankas which are now on the other side of the large stream of the river or near the British villages. About 10 or 12 years ago, the ryots of the British Government had illegally taken possession of them, but on the Zamidar of Chanda making a complaint, the Tahsildar of Sironcha, according to order received from the Deputy Commissioner of Chanda, visited the spot and decided the case. He, with a view of settling the dispute, gave them also a portion of the lanka with the consent of the Nizam's ryots. The memorandum of the Tahsildar of Sironcha, No.——dated——————shows that ryots of the Nizam's Government are in possession up to the present time of land on the other side of the larger stream, which proves that the whole bed of the Godavery river belongs to the Nizam's Government.

12. The agent of the Zamidar of Mallore, Mungapett, in the Paluncha Taluka, states that the villages of zamidari illakha are situated opposite to the Buddrachellum Taluka in the Madras Presidency. The whole bed and the river on their side are in their possession. The Madras Government has issued a clear and distinct order to the effect that the Government has no right on the bed of the Godavery river nor is it in possession, *vide* Order No. 122, dated 29th January 1885.

If such be the case, what reason can the Chief Commissioner of the Central Provinces have in insisting upon the subject, while the Madras Government have no claim at all to the bed of the Godavery river? Further, the Treaty apparently shows that the Nizam's Government had ceded the Talukas of Sironcha, Noogoor Albaka, Cherla and Buddrachellum on the left bank of the Godavery river to the British Government, then the Chief Commissioner can best understand that the Nizam's Government has kept the Godavery river in its possession. However, to move the point already admitted by the Madras Government and to lay claim for the right is appearing against the Treaty. It is likely that the British Government might have considered that the Nizam's Government will make some reduction in the Land Revenue fixed under the Settlement rules on their ryots cultivating in the bed of the Godavery river. We need not, however, reduce anything in the rates of the proposed settlement, but if the Government thinks advisable it may be assured that no interference should be made in the proposed rates of the Government. It is my strong opinion that the Government possesses full right on the whole river, even the river together with its bed is within the Nizam's Dominions, and the Government should not take any proceeding against the said Treaty and its right. As no right of the British Government has been proved by this enquiry, nor the loss of its ryots is considered, there is, therefore, no reason to fix a new boundary for the Godavery river; however the Government may do as it likes.

I have, &c.,

(Sd.) SOHRABJI JAMSHEDJI,

OFFICIATING FIRST TALUKDAR,

Warangal District.

Mr S. A.

Boundary dispute.

In continuation of papers sent yesterday.

and

Exhibit No. K.

COPY OF REPORT, DATED CHANDA, 1ST APRIL, 1893.

No. 1414.

FROM

J. A. C. SKINNER, ESQ., I. C. S.,

OFFICIATING DEPUTY COMMISSIONER,

Chanda.

To

THE COMMISSIONER,

Nagpur Division.

SIR,

With reference to the orders conveyed under your endorsement No. 10433, dated the 5th December last, I have the honor to submit—

(*i*) the record of an enquiry as to whether the claim of His Highness the Nizam's Government to the whole of the bed of the Godavery during a certain portion of its course is borne out by the local practice in the three Taluks of Cherla, Albaka and Noogoor;

(*ii*) the record of a similar enquiry with regard to the local practice in the Sironcha Taluk;

(*iii*) a translation of the clause with regard to alluvion and diluvion which was included in the Wajib-ul-urz of river-side villages of the Sironcha Tahsil at the settlement of 1867; and

(*iv*) a copy of my predecessor Colonel Thomas' demi-official letter, dated the 12th April 1892, to the Revenue Secretary, to the Chief Commissioner.

2. The first mentioned enquiry was that prescribed by the Government of India, and was conducted by me in the presence of Mr. Sorabjee Jamsetjee Chenai, 1st Talukdar of Warangal, representing His Highness the Nizam's Government, and of Mr. Gillman, I. C. S., who had been deputed by the Madras Government to watch the proceedings. The enquiry with regard to the Sironcha Taluk I subsequently made on my own account. I did so because that Taluk was ceded to the British Government at the same time that the other three were; and as I was informed that, in regard to that Taluk, there was not any dispute as to boundary, and never had been any, it was, I thought, particularly desirable to place on record the practice as to boundary on the river-side which obtains there. The other two Taluks which were ceded at the same sime as Sironcha, Noogoor, Albaka and Cherla, *viz.*, Rakapilly and Buddrachellum, have since been transferred to the control of the Madras Government, and I understand that Mr. Gillman intends making with regard to them a similar enquiry to that which I have made with regard to the four Taluks which are now the Sironcha Tahsil.

disputed territory has been agreed to by His Highness' officials, and acted upon for several years; and (strongest case of all) that the island or islands of Murigudiem (all these islands in the Godavery are divided by subordinate water-courses, and may therefore be regarded as one or more at pleasure), contain three regularly settled villages which were in existence at the time of the cession, have always been regarded as belonging to the Noogoor Taluk, and came under British jurisdiction with the rest of the Taluk at the time of the cession; whereas if the contention now advanced by His Highness' Government were correct, these villages, which though on our side of the deep-stream, are separated by a well defined channel from the main land, should have remained in His Highness' possession (see with regard to these villages the evidence of witnesses Nos. 44, 45 and 46 at the joint enquiry). So strong a point indeed is this last one that after stating it, I hardly think it necessary to submit any other argument on the question. If, however His Highness' Government had had any idea at the time of the cession, of placing on Article 8 of the Treaty the interpretation now sought to be placed on it, we should hardly I think have been allowed to survey the whole river-bed, and enter a portion of it in the settlement misls and maps of our villages, without notice being taken of the fact, and a protest entered.

Thirdly, I would submit that the words of Article 8 of the Treaty of 1860 do not, if strictly and literally construed by any means necessarily bear the signification now sought to be placed on them by His Highness' Government. The Article states that His Highness "cedes in full sovereignty all his possessions on the left bank of the river Godavery and of the river Wyne Gungah above the confluence of the two rivers, *viz.*, the Taluks of Rakapilli, Baddrachellam, Cherla, Albaka, Noogoor and Sironcha." And this, I would suggest, meant that His Highness ceded all that was at that time regarded as forming part of the aforesaid Taluks up to the full extent of their boundaries as at that time recognized, and that if it had been intended to make any reservation with regard to land in the river-bed, such reservation would have been expressed in the Treaty. The same expression.—'On the left bank'—was used, I may observe, in Article 8 of the Treaty of 1822, whereby His Highness the Nizam ceded certain territories on the left bank of the river Wurdah to the Raja of Nagpur (see Aitchison's Treaties, Vol. V., Page 206), and no claim to the whole river-bed has, I believe, ever been made by His Highness' Government in that case.

8. In paragraph 3 of letter No. 29529, dated the 23rd July 1892, from the Deputy Secretary to the Government of India in the Foreign Department, to the Chief Commissioner of the Central Provinces, it is suggested that even though His Highness' claim be not considered well-grounded, it might be admitted as an act of grace, the interests involved being unimportant. I would beg, however, respectfully to protest against this course being adopted. Not only should we lose mineral rights which may prove of considerable value, a seam of coal having been discovered in the bed of the river to our side both of the deep-stream and of a central line, that is, a loss of which Government merely has to count the cost—but our people would feel that we were sacrificing their interests, and had failed to give them the support they have a right to expect from the Government to which they are subject. The patches of rich cultivable land which appear in the river-bed, are highly prized, and any attempt by the Nizam's subjects to cross over and cultivate such land, when clearly on our side of the stream, would I am sure, lead to similar friction to that which has been caused by the attempts of some of our people to claim the whole river-bed. On the other hand, our people even in

Noogoor would, I think, recognize in their heart of hearts the substantial justice of a decision, which, taking a middle course between their extreme claim on the one hand and that of His Highness' Government on the other, imposed in regard to the lower Taluks the rule which has worked so well in the case of the Sironcha Taluk.

9. The reasons which lead me to suggest the deep-stream rather than a line bisecting the bed as the boundary which should be prescribed for the future are—

(*i*) that although in the settlement misls one-half of the river-bed area adjoining them appears to have been entered as belonging to our river-side villages, the provisions of their Wajab-ool-urz with regard to diluvion and alluvion appear to me more consonant with the deep-stream rule, (see translation of the clause in question appended);

(*ii*) that the deep-stream rule has been in force, and has worked well in the case of the Sironcha Taluk (see evidence of almost all the Sironcha Taluk witnesses); and,

(*iii*) that in the case of other Taluks it is, I think, the rule which will be the most easily understood and worked by the people. It would be by no means easy for ignorant people to ascertain exactly, where the middle of the bed falls; whereas the deep-stream is, as I have said, almost always clearly recognizable, and where it is not, *i.e.*, where there is an island in mid-stream, special arrangements could be made, (see in this connection the evidence of witness No. 18 of the Sironcha Taluk).

10. What I would propose therefore is—

(*i*) that, as regards ordinary alluvial land in the river-bed not forming well-marked and permanent islands, the deep-stream should be regarded as the boundary, and that in accordance with practice in the Sironcha Taluka, the people of the respective banks should take their chance of getting more or less land if the deep-stream changes its course;

(*ii*) that, in regard to well-defined islands now existing, present arrangements should continue so long as the islands subsists;

(*iii*) that, any future island which may be formed in the bed of the river should belong to the Government on whose side of the deep-stream it lies;

(*iv*) that, a future island as to which it cannot be predicted that it lies on either side of the deep-stream, *i.e.*, which is mid-stream, should be divided between the two Governments.

11. The last of these proposals goes beyond the decision of the Madras Government in the case of Motegedda (Madras Government Order No. 671, dated the 30th December 1878,) which was to the effect that, as the Nizam had ceded only certain Taluks lying on the left bank of the river, this could not be held to include an island in mid-stream. It is in accordance, however, with the arrangement which has been arrived at, and for many years acquiesced in, in the case of the islands off Albaka. And with regard to the case of Motegedda, I would venture

3. I regret that the enquiry at which Mr. Sorabjee was present was not in some ways as satisfactory as it might have been, since that officer did not consider himself authorised to make any claim or admission on behalf of His Highness' Government, except to reiterate that the wording of Article 8 of the Treaty of 1860 entitles His Highness to the whole river-bed. Moreover, although he considered himself authorised to adduce evidence before me, Mr. Sorabjee finally decided not to do so. He cross-examined, however, and from the nature and extent of his cross-examination, and his very decision not to adduce evidence, (the result of which was that no witnesses from His Highness' side of the river were examined), it may, I think not unfairly, be inferred that Mr. Sorabjee accepted the statements of the witnesses called by me as substantially correct.

4. These witnesses were the Agents of the superior proprietor of the Sironcha Tahsil, and of the inferior proprietress of the Noogoor Taluk (witnesses Nos. 5 and 23 at the joint enquiry), and the patels (Mukaddam-Gomashtas) of all the river side villages in the Talukas in question. With the exception perhaps of the Agent of the inferior proprietress of the Noogoor Taluk and his patels, who were somewhat too anxious to make out a claim to the whole river-bed, they have, I think, spoken the truth to the best of their ability. And even from Noogoor evidence correct inferences can, I think, be deduced by reading a little between the lines.

5. The inferences which, I think, may be drawn from the evidence are as follows:—

(*i*) That where there is a single stream the residents on the respective sides of the river have always cultivated any cultivable land that appeared in the bed of the river on their side of the stream, without their right to do so being disputed by the people on the other side of the river.

(*ii*) That where there are more streams than one, the original customary rule was—certainly in the Sironcha Taluk, and probably in the other Talukas also,—that the deep-stream shall be regarded as the boundary.

(*iii*) That in the Sironcha Taluk this rule has been adhered to, with the result that there have been no disputes in that Taluk; but in the lower Talukas, and more particularly in the Noogoor Taluk, a claim to the whole bed of the river has been put forward by our people, with the result that disputes have ensued.

(*iv*) That the claim to the whole bed made by our people has been met by the counter-claim to the whole bed preferred by His Highness' Government.

(*v*) That the claim of our people to the whole bed of the river is inadmissible.

(*vi*) That the claim of His Highness' Government to the whole bed is equally inadmissible.

(*vii*) That there is almost every where if not every where (so far as the Talukas in question are concerned) an easily recognizable deep-stream; since where there is more than one stream, one usually dries up in the hot weather, whilst the other does not.

(*viii*) That the deep-stream does not always keep to the same course, but that the frequency with which it changes its course varies in different parts of the river, and that on the whole such changes are infrequent.

(*ix*) That the deep-stream would be the best line of boundary to adopt for the future, subject to special arrangements in regard to any island in mid-stream, such as have been made at Albaka (see evidence of witnesses Nos. 5 and 50 at the joint enquiry).

6. I proceed to offer a few observations in justification of some of the above inferences. And first with regard to the claim to the whole river-bed put forward by our people, I am inclined to think there is some truth in the allegation that in former days the Zemindars on our side of the river established by force majeure a sort of claim to the whole bed. I also think that the fact of the whole river-bed having been surveyed by our Surveyors at settlement, and flags planted for the purpose of that survey on the further bank, may have been, in good faith taken by the villagers on our side of the river as a confirmation of their traditional claim to the whole bed; and that they may, in some cases at any rate, have regarded the survey-flags as having been set up to indicate their boundary (see particularly the evidence of witness No. 15 at the joint enquiry) on the other hand, having regard to the facts—

(*i*) that no documentary evidence is forthcoming in support of the claim;

(*ii*) that attempts to exercise it have evidently been constantly resisted by His Highness' subjects; and

(*iii*) that at settlement half only of the area of the river-bed as ascertained by survey was included in our villages (see the reasons for believing this to have been the case, stated by my predecessor in his demi-official of the 12th April last, a copy of which is appended for facility of reference, and see also the evidence of witness No. 7 at the joint enquiry), the claim of our people to the whole river-bed is, I think, one which Government cannot possibly support.

7. Equally strong, I think, however, is the case against His Highness' claim to the whole river-bed. In the first place, it is I think clearly a counter-claim, having never been put forward and indeed by clear implification disavowed in the correspondence which ensued on a boundary dispute with the Madras Government in 1881, (see particularly the ruka from His Highness' Minister to the Resident, Hyderabad, dated the 15th February 1881), and having, I believe, been put forward for the first time when the Noogoor people's claim to the whole river-bed was supported in connection with the dispute at Yerjerlapilli by the Tahsildar of Sironcha, and brought to notice by my predecessor Mr. McMinn, (see his letter to your address, No. 2872, dated the 14th July 1890, with which the discussion that has led to the present enquiry seems to have commenced).

Secondly, His Highness' claim is, I think contradicted by the facts (which His Highness' Government will not, I think seriously dispute) that cultivation has been carried on in the river-bed on our side of the deep-stream by our people, ever since the cession of the Taluks in question to the British Government, without any objection being raised or claim put forward by His Highness' Government or subjects; that in the case of the island or islands opposite Albaka, a division of

disputed territory has been agreed to by His Highness' officials, and acted upon for several years; and (strongest case of all) that the island or islands of Murigudiem (all these islands in the Godavery are divided by subordinate water-courses, and may therefore be regarded as one or more at pleasure), contain three regularly settled villages which were in existence at the time of the cession, have always been regarded as belonging to the Noogoor Taluk, and came under British jurisdiction with the rest of the Taluk at the time of the cession; whereas if the contention now advanced by His Highness' Government were correct, these villages, which though on our side of the deep-stream, are separated by a well defined channel from the main land, should have remained in His Highness' possession (see with regard to these villages the evidence of witnesses Nos. 44, 45 and 46 at the joint enquiry). So strong a point indeed is this last one that after stating it, I hardly think it necessary to submit any other argument on the question. If, however His Highness' Government had had any idea at the time of the cession, of placing on Article 8 of the Treaty the interpretation now sought to be placed on it, we should hardly I think have been allowed to survey the whole river-bed, and enter a portion of it in the settlement misls and maps of our villages, without notice being taken of the fact, and a protest entered.

Thirdly, I would submit that the words of Article 8 of the Treaty of 1860 do not, if strictly and literally construed by any means necessarily bear the signification now sought to be placed on them by His Highness' Government. The Article states that His Highness "cedes in full sovereignty all his possessions on the left bank of the river Godavery and of the river Wyne Gungah above the confluence of the two rivers, *viz.*, the Taluks of Rakapilli, Buddrachellum, Cherla, Albaka, Noogoor and Sironcha." And this, I would suggest, meant that His Highness ceded all that was at that time regarded as forming part of the aforesaid Taluks up to the full extent of their boundaries as at that time recognized, and that if it had been intended to make any reservation with regard to land in the river-bed, such reservation would have been expressed in the Treaty. The same expression.—'On the left bank'—was used, I may observe, in Article 8 of the Treaty of 1822, whereby His Highness the Nizam ceded certain territories on the left bank of the river Wurdah to the Raja of Nagpur (see Aitchison's Treaties, Vol. V., Page 206), and no claim to the whole river-bed has, I believe, ever been made by His Highness' Government in that case.

8. In paragraph 3 of letter No. 29529, dated the 23rd July 1892, from the Deputy Secretary to the Government of India in the Foreign Department, to the Chief Commissioner of the Central Provinces, it is suggested that even though His Highness' claim be not considered well-grounded, it might be admitted as an act of grace, the interests involved being unimportant. I would beg, however, respectfully to protest against this course being adopted. Not only should we lose mineral rights which may prove of considerable value, a seam of coal having been discovered in the bed of the river to our side both of the deep-stream and of a central line, that is, a loss of which Government merely has to count the cost—but our people would feel that we were sacrificing their interests, and had failed to give them the support they have a right to expect from the Government to which they are subject. The patches of rich cultivable land which appear in the river-bed, are highly prized, and any attempt by the Nizam's subjects to cross over and cultivate such land, when clearly on our side of the stream, would I am sure, lead to similar friction to that which has been caused by the attempts of some of our people to claim the whole river-bed. On the other hand, our people even in

Noogoor would, I think, recognize in their heart of hearts the substantial justice of a decision, which, taking a middle course between their extreme claim on the one hand and that of His Highness' Government on the other, imposed in regard to the lower Taluks the rule which has worked so well in the case of the Sironcha Taluk.

9. The reasons which lead me to suggest the deep-stream rather than a line bisecting the bed as the boundary which should be prescribed for the future are—

(*i*) that although in the settlement misls one-half of the river-bed area adjoining them appears to have been entered as belonging to our river-side villages, the provisions of their Wajab-ool-urz with regard to diluvion and alluvion appear to me more consonant with the deep-stream rule, (see translation of the clause in question appended);

(*ii*) that the deep-stream rule has been in force, and has worked well in the case of the Sironcha Taluk (see evidence of almost all the Sironcha Taluk witnesses); and,

(*iii*) that in the case of other Taluks it is, I think, the rule which will be the most easily understood and worked by the people. It would be by no means easy for ignorant people to ascertain exactly, where the middle of the bed falls; whereas the deep-stream is, as I have said, almost always clearly recognizable, and where it is not, *i.e.*, where there is an island in mid-stream, special arrangements could be made, (see in this connection the evidence of witness No. 18 of the Sironcha Taluk).

10. What I would propose therefore is—

(*i*) that, as regards ordinary alluvial land in the river-bed not forming well-marked and permanent islands, the deep-stream should be regarded as the boundary, and that in accordance with practice in the Sironcha Taluka, the people of the respective banks should take their chance of getting more or less land if the deep-stream changes its course;

(*ii*) that, in regard to well-defined islands now existing, present arrangements should continue so long as the islands subsists;

(*iii*) that, any future island which may be formed in the bed of the river should belong to the Government on whose side of the deep-stream it lies;

(*iv*) that, a future island as to which it cannot be predicted that it lies on either side of the deep-stream, *i.e.*, which is mid-stream, should be divided between the two Governments.

11. The last of these proposals goes beyond the decision of the Madras Government, [illegible] case of Motegedda (Madras Government Order No. 671, dated the 30th Dec[illegible]78,) which was to the effect that, as the Nizam had ceded only certain Ta[illegible] on the left bank of the river, this could not be held to include an island i[illegible]-stream. It is in accordance, however, with the arrangement which has been arrived at, and for many years acquiesced in, in the case of the islands off Albaka. And with regard to the case of Motegedda, I would venture

to suggest that, as that island appears from the correspondence to have been an inhabited one containing a village and a temple, the questions that should have be definitely propounded and decided in regard to it were (on the view of the meaning of Article 8 of the Treaty of 1860, suggested in paragraph 7 of this letter)—

(*i*) whether the island and village of Motegedda were in existence at the time of the cession of the Buddrachellum Taluk to the British Government ; and

(*ii*) if so, were the said island and village at that time regarded as forming a part of that Taluk, and were they handed over along with it to British jurisdiction ?

12. I am conscious, as already stated, that the enquiry I have made is in some important respects defective. In view, however, of the line taken by His Highness' representative, I did not see my way to making it more complete by examining witnesses from His Highness' side of the river, and I trust that it will be found to afford sufficient materials for a decision of the question at issue.

I have, &c.,

(Sd.) J. A. C. SKINNER,

Officiating Deputy Commissioner.

TRANSLATION OF WAJAB-OOL-URZ OF MAUZAH SOORINDOO, TALUKA CHERLA, TAHSIL SIRONCHA, BETWEEN THE SUPERIOR AND INFERIOR PROPRIETORS ON ONE SIDE, AND THE GOVERNMENT ON THE OTHER, CHAPTER 4.

We shall allow a set-off of rent to the tenants whose fields (situate on the banks of the Godavary) are washed away by flood. If there is any alluvial soil caused by the flood we shall demand more rent for it ; we shall have a right over the cultivation made close to the river bank in the bed within the village boundary. If more than ¼ of the village area is swallowed by the water, we shall be allowed compensation for that, and if there be any alluvial soil more than the ¼ of the village area, the Government will have a right over it.

DEMI-OFFICIAL FROM COLONEL THOMAS, DEPUTY COMMISSIONER, CHANDA, TO THE SECRETARY TO THE CHIEF COMMISSIONER, REVENUE DEPARTMENT, CENTRAL PROVINCES, DATED THE 12TH APRIL 1892.

In reply to your letter, dated the 6th instant, I would say that I have now gone through and consulted the following books and papers :—

(1) Settlement Report of the Chanda District.

(2) Do. of the Upper Godavery District (Sironcha).

(3) Volume V, Page 116, Aitchison's Treaties, which relate to the cession of six Taluks by the Nizam to the British Government.

(4) Settlement misls of the villages in the Sironcha Tahsil, referred to in my letter No. 3058 of 24th July 1891.

(5) Settlement misls of two villages in the Handi Pargana, situated on the bank of the river Wurdah.

(6) Correspondence which has passed regarding the question of boundaries.

(7) Translations of specimen forms of Wajab-ool-urz adopted at the settlement of 1863 to 1876.

So far as I can ascertain the question of the boundary between the Nizam's Dominions and the British territories has no where been finally specified, the mere fact being mentioned that the line of the river separates this District from the Nizam's territories. In Aitchison's Treaties you will find, in Volume V., page 116, that by Article 8 of the Supplementary Treaty, dated 26th December 1860, His Highness the Nizam ceded six Taluks (of the Upper Godavery District) to the British Government, and you will also observe that in Article 9 the Godavery and its tributaries are said to form the boundary between the two States, and for this reason their navigation was left free to both. The reasons which induce me to think that the proper boundary would be a line drawn midway between the right and left banks of the river, are as follows :—

(1) I find from a report by Kutumb Rao, Revenue Inspector of Sironcha, dated the 8th August 1889, and addressed to the Tahsildar of Sironcha, in respect to the alluvial tract of land in the Godavery bed between the villages of Edcharlapilli in the Noogoor Taluk of this District, and Nagarum in the Nizam's territories (see also Secretary to the Chief Commissioner's letter No. 7364-582, dated the 21st November 1890, to the Secretary to the Government of India, Foreign Department, on this very subject) that the area of the Godavery between the two villages was 1,400 acres ; whereas in the settlement misl of Edcharlapilli only 700 acres have been shown as belonging to the village. I presume therefore that the other villages on the banks of the Godavery have been treated in the same way, though of course this could be only ascertained by a survey of the river-bed everywhere.

(2) In the Khasra of the settlement misls of Mauzahs Mauda and Wadha are notes in the remark columns to the effect that the river being the boundary, half the area has been entered as appertaining to the villages. The conclusion therefore seems to be that at the settlement it was understood that the boundary should be a line midway between the two banks. There are two of the villages of the Haveli Pargana to which I have already alluded, and which I have now mentioned simply to show what course appears to have been adopted in the Chanda District in respect to river boundaries. There are other similar cases.

(3) This same plan appears to have been followed at the settlement of the Wurdah District, *vide* Deputy Commissioner, Wurdah's letter No. 5174, dated the 28th September 1891, to the Commissioner, Nagpur Division, and submitted to the Chief Commissioner under Commissioner's endorsement No. 6921, dated the 1st October 1891.

(4) In the Secretary to the Chief Commissioner's letter No. 7364-582 of the 21st November 1890, to the Secretary to the Government of India

Foreign Department, you will see that, in paragraph 5, the Chief Commissioner's views on the subject of boundaries have been clearly expressed. These were, that he did not think it advisable to claim the whole river-bed and he suggested that the boundary line should be taken to be either the deep-stream or a line drawn midway between bank and bank of the river. He pointed out that the latter line had been adopted by the Government of India in two other cases, and he considered it to be the best, owing to the deep-stream being a changing boundary and not always easy to identify.

In my letter No. 3058 of the 24th July 1891, I wrote that the settlement misl indicated that half the river-bed had been granted to each malguzari village, and the other half to the Nizam. I think I should here state that I cannot find that there is any difinite entry to that effect in the misls of the villages I then referred to.

I was led to suppose that this was the case by a report of Luxman Aba, Superintendent of Settlement, dated the 21st July 1891, addressed to the Assistant Settlement Officer here, and sent by that officer to me on the same date.

In that report it is clearly stated that "it appears from the settlement misls that half the river (Godavery) bed has been given for each malguzari village and half for the Nizam." You have now asked me to verify what I then wrote, and I have accordingly examimed the misls, but have not been able to discover any entries to the above effect. The Settlement Superintendent, Luxman Aba, is not now in this District, while the Revenue Inspector, Kutumb Rao, who had brought up the papers to me in July 1891, is away in the Sironcha Tahsil; so I am unable to refer to them.

The case of the Edcharlapilli of the Noogoor Taluk would, however, appear to indicate that in every probability half the river-bed has been taken as the boundary line.

The old Upper Godavery District was settled by one officer only (Captain Glasfurd), and it can only be concluded that he would have treated each of the villages on the banks of the Godavery in one and the same way in respect to the line of boundary adopted between the Nizam's and the British territories.

In the matter of a boundary dispute between the Central Provinces Government and that of His Highness the Nizam.

The Mukaddams or Mukaddam-gomashtas of riverine villages of the Cherla Taluk who have been directed to attend before me here will be bound over in Rs. 10 each to attend at Vyunkatapur, where I hope to meet His Highness representative and commence the enquiry, on the 27th instant.

DATED CAMP CHERLA, (Sd.) J. A. C. SKINNER,

The 24th February, 1893. *Officiating Deputy Commissioner.*

Four of the Mukaddams, *viz.*, Karam Rannapa, Mattrapa Venkat Narsia, Ruramin Singudu and Trapa Luchmon, are absent. They will be summoned to attend at Vyunkatapur on the 27th instant.

(Sd.) J. A. C. SKINNER,

The 24th February, 1893. *Officiating Deputy Commissioner.*

The Mukaddams of the Albaka Taluk riverine villages will be bound over in Rs. 10 each to appear at Vyunkatapur on the 1st March next. Rundle Bajuroo, who is absent, will be summoned for that date.

DATED CAMP ALBAKA, (Sd.) J. A. C. SKINNER,

The 26th February, 1893. *Officiating Deputy Commissioner.*

Mr. Sorabjee Jamsetjee Chenai, Talukadar of Warangal, appears as representative of His Highness the Nizam, Mr. Gillman, I. C. S., Special Assistant Agent, Godavery, deputed to represent the Madras Government, is also present. Mr. Sorabjee states, that he relies on the construction of Article 8 of the Treaty of 1860 as proving that the whole bed of the Gadavery belongs to his Government. He also states, that he is prepared to offer evidence that in certain cases cultivators of His Highness' Dominions cultivate land on the British side of the deep-stream. He states (in reply to a question from me) that he has no authority to state whether his Government claims the island of Muriguddiem or not. He has only been instructed to attend the local enquiry to be held by me. He is, however, willing to produce evidence.

I now proceed to open the enquiry, I have been ordered to make, as to the existing practice in the Taluks of Cherla, Albaka, and Noogoor, by examining the patels of villages marching with the river, commencing from the point of the Cherla Taluk nearest to the Madras frontier.

The patels of the Noogoor Taluk will be bound over in Rs. 10 each to attend here on the 1st March.

DATED CAMP VYUNKATAPUR, (Sd.) J. A. C. SKINNER,

The 27th February, 1893. *Officiating Deputy Commissioner.*

Raghunath Govind, Telugu Moharir, of my office, is affirmed to interpret truly the evidence of the witnesses.

(Sd.) J. A. C. SKINNER,

The 27th February, 1893. *Officiating Deputy Commissioner.*

Four witnesses examined and enquiry adjourned till to-morrow morning.

(Sd.) J. A. C. SKINNER,

The 27th February, 1893. *Officiating Deputy Commissioner.*

Present as before. Enquiry proceeded with, and eighteen witnesses examined.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Present as before. Enquiry proceeded with, and thirty witnesses examined.

This closes the evidence which I have called, and Mr. Sorabjee now states that he does not wish to produce evidence. The enquiry is therefore closed.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 1, on solemn affirmation says, my name is Bukkulu, son of Bukkulu; caste Gond; age unknown;* of Rallaguram in the Cherla Taluk; cultivator and patel. My village is in the Cherla Taluk on the Godavery. We have no cultivation in the bed of the river. There is a pool in front of our village, but the deep-stream is on the further side of the river-bed. The deep-stream does not shift its course. I don't know what is the boundary of my village towards the river-side. There has never been any dispute on the subject. I was not in the village at the time of settlement. I have been in Rallaguram 12 years.

* Between 40 and 50.

Cross-examined by Mr. Sorabjee.

(Sd.) J. A. C. SKINNER,

The 27th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 2, on solemn affirmation says, my name is Karam Kannaja, son of Ramaja; Gond; age I don't know; of Gagabaka in the Cherla Taluk; cultivator and patel. I have been in Gagabaka 12 years. Our village has no cultivation in the bed of the Godavery. There is a single deep-stream at our village, and it is in the centre of the bed. If does not shift, neither does the high bank. I have only lately come to the village, but I understand the deep-stream to be its boundary on the river-side.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 27th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 3, on solemn affirmation says, my name is Tillam Bajji, son of Poechu; age 30;* Gond, of Mamidigudem, Cherla Taluk; cultivator and patel. We have no cultivation in the bed of the Godavery. The deep-stream is a single one, and is on the further side of the river. It does not shift. I understand the whole bed from one bank to the other to be ours, and the further bank to be our boundary. The banks do not shift. I have been in the village 20 years, and before that lived in Dewarpilli, also in the Cherla Taluk. I have not known any dispute as to the boundary.

* By appearance 60.

(Cross-examined) I know nothing of the stream being our boundary. Our people understand that it extends to the further bank. None of us have ever crossed the stream, and cultivated, or in any way claimed the land on the other side.

(Sd.) J. A. C. SKINNER,

The 27th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 4, on solemn affirmation says, my name is Tellum Moteevirn, son of Batappa; age I don't know;* Gond, of Dewarpilli, in Cherla Taluk; cultivator and patel. Our village is on the Godavery, where there is alluvial earth in the bed of the river, we cultivate it. There is a single deep-stream, which is over on the further side. It does not shift, neither do the high banks. There is no island. I don't know what is the boundary of my village towards the river. I think it extends about a kos in the bed. I don't know the total breadth of the river-bed. The land which we have cultivated has been on our side of the deep-stream. There has never been any to cultivate on the other side. I have been in the village from my youth up. I was present at the time of settlement, but was then a boy. I don't know if any boundary on the river side was then pointed out.

* 40 to 50.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 27th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 5, on solemn affirmation says, my name is Setaram, son of Ranjaya; age 40; Baljewar of Sironcha, Agent of the superior proprietor of the Taluks of Sironcha, Albaka, Cherla and Noogoor. I have been Agent of the superior proprietor for a little over two years, and before that was Kanungo of the Sironcha Tahsil for ten years. My father was Manager for the superior proprietor, and I, as a boy, attended Colonel Glasfurd at the time of the settlement operations. I can't say, however, what boundary was pointed out at settlement on the side of the Godavery. What I understand from patels of villages to have been the prevailing custom is that, previous to the cession of the Taluks on this side by His Highness the Nizam, the people on this side being stronger (jorawar) cultivated the whole river-bed on both sides of the deap-stream; but that since the cession His Highness' ryots have begun to cultivate the land on their side of the deep-stream. The deep-stream sometimes shifts. If the deep-stream shifts to this side of the land, which on the settlement maps is shown as ours, our people cultivate it, though it is on the further side of the deep-stream. No dispute ensues. It is true that at Yerjarlapilli a dispute ensued. I cannot mention any place where our people have cultivated on the further side of the deep-stream, and there has not been a dispute. At Pergapur they cultivate an island in mid-stream. At Aiyarpett also, an island in mid-stream is cultivated partly by our cultivators from our side, and partly by cultivators from the other side, but they all pay their rent to my master.

Off Albaka there are three islands. Two of these are regarded as British, (one of them as malguzari and the other as "chaksirkari)", and one as His Highness'. The situation of the deep stream as regards these islands shifts from year to year. The high bank does not shift, though it may be slightly cut away from or added to by the action of the river.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 6, on solemn affirmation says, my name is Mantu Malliah, son of Iraya; age I don't know;* Perki, of Kantapilli, Cherla Taluk; cultivator and patel. There is no cultivation in the bed of the Godavery where it adjoins our village. I can't say what the boundary of our village is in that direction. I have been 10 to 15 years in the village. There is a single deep-stream opposite our village. It is on the further side of the bed and never shifts.

* About 30.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 7, on solemn affirmation says, my name is Ala Pulu, son of Sanasi; age I don't know*; Naik, of Rotuguddem, in the Cherla Taluk; cultivator and patel. Rotuguddem is on the Godavery. We have no cultivation, however in the bed of the river. I have been in the village from my youth up. I understand our boundary to extend a 'kos bhar' in the river-bed. There is a single deep-stream opposite our village. It is on the further side of the bed. It has once shifted in my knowledge and flown on our side. I was then a young man. I remember the settlement. The whole river-bed was measured, and we were told that half was ours.

* From 60 to 70.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 8, on solemn affirmation says, my name is Wanaparthi Venkanna, son of Narsiya; age I don't know;* Perki, of Juttiguram in the Cherla Taluk; cultivator and patel. Juttiguram is on the Godavery. We sometimes cultivate in the bed of the river when there is alluvial earth. There is a single deep-stream. It flows on the further side of the bed and never shifts its course. We cultivate on this side of the deep-stream only, not on the other side. At settlement a flag was planted on the further bank of the river, but no boundary was pointed out to us.

* About 50.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 9, on solemn affirmation says, my name is Nalupu Rania, son of Chintina; age 35; Perki, of Radnur, in the Cherla Taluk; cultivator and patel. I have been in the Rudnur from my youth up. It is on the Godavery.

Twenty years ago our people had some cultivation in the bed of the river, but since then we have not had any as there has been no earth suitable for the purpose in the bed opposite our river. There is a single deep-stream which flows on the further side of the bed and does not shift. When we had cultivation in the bed it was on our side of the deep-stream. I remember the settlement. I don't know the boundary of my village towards the river. We were told at settlement that we might cultivate the 'lanka' which then existed, and has since been washed away; but were not shown any definite boundary.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 10, on solemn affirmation says, my name is Mantu Ramaia, son of Muttaiya; age 45; Perki, of Umardarumy in the Cherla Taluk; cultivator and patel. I have been in the village from my youth up. It is on the Godavery. We have no cultivation in the river-bed. There is a single deep-stream which flows on the further side of the bed, and shifts once in 10 or 20 years not more, I twice remember it flowing on our side. At settlement a flag was planted on the further bank of the river, and we were given to understand by the Settlement officials that our boundary extended to that flag. Before that there was no fixed boundary that I ever heard of, but no one from the other side came to our side through fear of our zemindar; whilst we cultivated even on the other side of the deep-stream.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 11, on solemn affirmation says, my name is Venkat Narsaya, son of Jogia; age 30;* Aiyewar, of Mauzah Singula in the Cherla Taluk; cultivator and patel. I have been in Singula from my youth up. It is on the Godavery. We have no cultivation at present in the bed of the river, but had ten years ago. Before that we had had it since I can remember. It was stopped by there ceasing to be any alluvial deposit. There is a single deep-stream which flows on our side of the bed, and which I have never known to shift when there was cultivation, I believe there were two streams, and the cultivation was on an island between them. I was young then, and do not remember well. The cultivation ceased when I was young.

* 40 to 45.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 77, on solemn affirmation says, my name is Pupal Sectia, son of Padmia; age 60; caste Telinga, of Goman Pullaboinagralli of the Cherla Taluk; cultivator and patel. I have been in the village from my youth up. It is on the Godavery. We have cultivation in the river-bed. There is only one stream opposite our village; it is over on the Nizam's side. We cultivate at present land in the middle of the river-bed but when there is suitable land near the stream, we cultivate that also we never cultivate on the further side of the stream, so far as I have seen, the stream has never changed its course. There has never been any dispute as regards our river-bed cultivation. There was one at Singapur a long time ago.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 78, on solemn affirmation says, my name is Trappa Guchmaden, son of Bakkaia; age I don't know;* Gond, of Mouzah Golaguram; cultivator and patel. I have been in the village from my youth up. It is on the Godavery. We have no cultivation in the bed of the river, as it is all sand opposite our village. There is a single stream. I have never known it change its course. I don't know what our boundary is on the river-side.

* 30 to 35.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 79, on solemn affirmation says, my name is Yeka Pasom, son of Pentaru; age I don't know;* Gond, of Mouzah Wontichintagurum, in the Cherla Taluka; cultivator and patel. I have been in the village from my youth up. It is on the Godavery. We have no cultivation in the river-bed. There is a single stream, which is on our side of the bed. I have never known it change its course. I don't know what is our boundary on the river-side.

* About 30.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 20, on solemn affirmation says, my name is Perisuka, son of Buchanna; age 30;* Gond, of Mouzah Edria; cultivator and patel. I have lived in Edria 20 years. Before that I was in the Nizam's dominions. Edria is on the Godavery. We have some cultivation on the slope of the bank, but not in the river-bed. There is a single stream opposite our village and it flows on our side of the bed. It never shifts its course. I don't know what is our boundary on the river-side.

* About 50.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 27, on solemn affirmation says, my name is Olli Mutialu, son of Munappa; age 28;* Bhoi, of Mouzah Guravirdu; cultivator and patel. I have lived in Guravirdu from my youth up. It is on the Godavery. We have no cultivation in the bed of the river. There is a single stream opposite our village and its course is in the centre of the bed. I have never known it change. I don't know what is our boundary on the river-side.

* By appearance 50.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 22,* on solemn affirmation says, my name is Gunnum Samenu, son of Bhimru Gond; age I don't know;† of Mouzah Dandupett in the Cherla Taluk; cultivator and patel. I have been in the village six years only, having come from the Nizam's Dominions. It is on the Godavery, but we have no cultivation in the river-bed. There is a single stream opposite our village. It flows in the centre of the bed and does not change its course. I don't know what is our boundary on the river side.

* In order of villages this witness should have come between witnesses 13 and 14 but was absent at the time.

† Above 55.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 28th February, 1893. *Officiating Deputy Commissioner.*

Witness No. 23, on solemn affirmation says, my name is Rama Row, son of Narsiah; age 55; Brahmin, of Vyankatapur; and I am Watandari Patwari of the Noogoor Taluk and am also acting as Agent of the inferior proprietress of the Taluk. I have not been formally appointed as such by a power of attorney, but have been in the habit of looking after her affairs for the last 40 years. I have always understood that the whole bed of the river Godavery opposite the Noogoor Taluk belongs to it. No boundary was pointed out to us at settlement. The bed of the river was measured. We were not, however, told that half was ours and half belonged to the Nizam's Government. Cultivators of our Taluk cultivate even beyond the deep-stream. The cultivators of Yargalarpalli do so. The place where they now cultivate is not the one about which there was a quarrel. That has nearly all been washed away. There are two streams at Yergarlapalli, and the land I say that now cultivate is between the two streams. Sometimes one of the streams is deeper, sometimes the other. At present the one on our side is deeper. There is a similar state of things at Marekalá, Aiyarpett, Pergapur and Punam Virapuram. At all these places there are two streams, and the cultivation carried on by our men is between the streams. Sometimes, the stream on one side is the deeper sometimes that on the other, at all these places. There is no place where there are two streams and our people cultivate beyond the further stream. There is no place at present where there is a single stream, and our people cultivate on the other side; but if any cultivate land appears even on the other side of the stream our people cross and cultivate it. They have often done so without their right

being disputed, and even if men from the other side of the river cultivated in the bed they paid rent to us. It is only since the last four or five years that our right to cultivate even beyond the deep-stream has been disputed. Previous to the cession of the Noogoor Taluk to the British Government, our boundary extended to the further bank of the river. We have no sanad from the Nizam's Government to that effect, not from any Government.

No cross-examination.

(Sd.) J A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 24, on solemn affirmation says, my name is Vasum Kenhia, son of Gunguloo; age I don't know; * Gond, of Takulagudiem in the Noogoor Taluk; cultivator and patel. I have been in the same village from my youth up. It is on the Godavery. We have no cultivation in the bed of the river at present. We had at one time, but the earth washed away again. There is a single stream opposite our village, which flows on our side of the bed. I have never known it change its course. It was five or six years ago that he had cultivation in the river-bed. We only had it one year. It was on the further side of the deep-stream. We paid rent for it to the Zemandarin of Noogoor. No objection was raised by the people on the other side. I understand from the old men of our village that the whole bed of the river is ours. The reason they give for this is that the Zemindars of this side established their possession over it in old days.

* About 30.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 25, on solemn affirmation says, my name is Dhamnoor Jamma, son of Sammiah; age 60; Gond, of Mouzah Gungaram, in the Noogoor Taluk; cultivator and patel. I have been in the Mouzah Gungaram 20 years. It is on the Godavery. We have no cultivation in the bed of the river at present. We had three years ago. It only lasted one year, and the earth was then washed away. There is a single stream opposite our village, which flows on our side of the bed. I have never known it change its course. The land on the bed that we cultivated was on our side of the stream. I understand the whole bed of the river to be ours, as the old people of the village tell us so. I cannot say why this should be so.

Note.—The Albaka men not being present I have begun with the Noogoor men at the top of the Taluk so as to work down towards Albaka.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 26, on solemn affirmation says, my name is Guth Ramiah, son of Papiah; age 20 to 25;* Perki, of Mouzah Gandla Patla in the Noogoor Taluk; cultivator and patel. I have lived in that village from my youth up. It is on the Godavery. We have cultivation in the river-bed. The river stretches right across its bed opposite our village and no land is left exposed. We cultivate on the slope of the bank only. No land appears in the bed even in the hot weather. At settlement a flag was planted on the further bank, and the Surveyors told us that the whole bed of the river was ours.

* By appearance 40.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 7st March, 7893. *Officiating Deputy Commissioner.*

Witness No. 27, on solemn affirmation says, my name is Mannoor Sayanna, son of Gouraja; age 20; Bhoi, of Ghatkrapur in Noogoor Taluk; cultivator and patel. I have lived in that village from my youth up. It is on the Godavery. We have no cultivation in the river-bed. The deep-stream stretches right across the bed opposite our village, and if any land appears it is right on the further side. I understand from old people in the village that our boundary extends to the further bank of the river. They give no reason for this.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 7st March, 7893. *Officiating Deputy Commissioner.*

Witness No. 28, on solemn affirmation says, my name is Ratta Nulliah, son of Kishnamma; age 15 or 16;* Naik, of Mouzah Chinna Golaguram, in the Noogoor Taluk; cultivator and patel. I have lived in that village 30 years. It is on the Godavery and we have cultivation in the bed of the river. There is a single deep-stream, which flows on our side of the bed. I have never known it change its course. Our cultivation is on this side of the stream, but in the river-bed. We have never had cultivation beyond the stream. I don't know what our boundary is on the river side but I understand from old people that the whole bed is ours. We don't cultivate on the other side of the stream, as there is no culturable land there.

* By appearance 40.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 29, on solemn affirmation, my name is Kaleshwaram Raguna, son of Bachaia; age 30; Telinga, of Mouzah Aiyarpett, in the Noogoor Taluk; cultivator and patel. I have lived in that village from my youth up. It is on the Godavery. We have cultivation in the river-bed. There is a single stream. It is on

our side. It formerly flowed on the other side of the bed, but for the last 20 years has flowed in its present course. Our cultivation is on our side of the stream. Six years ago, we cultivated some land on the further side of the stream. We only cultivated it one year and then it was washed away. No objection was raised to our cultivating it. I understand that our boundary extends to the further side of the bed as the old people say that at settlement a flag was planted on the further bank, and they were told that the whole bed of the river was theirs.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 30, on solemn affirmation says, my name is Mansala Pulliah, son of Somiah; age 20; Berki, of Mouzah Korekalloo in Noogoor Taluk, cultivator and patel. I have been in the village from my youth up. It is on the Godavery. We have no cultivation in the river-bed. There is a single stream which fills the whole bed opposite our village. I understand that our boundary extends to the further bank of the river. My grandfather told me so.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 31, on solemn affirmation says, my name is Bholla Chinni, son of Muttiah; age 50; Bhoi, of Mouzah Dharmasum; in Noogoor Taluk; cultivator and patel. I have lived in the village 10 years. It is on the Godavery. We have no cultivation in the bed of the river. There is a single stream which flows on the further side of the bed. I have never known it change its course. I understand the further bank of the river to be our boundary. I have been told so by the old people of the village. I have never heard why this is so.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 32, on solemn affirmation says, my name is Chinta Gummiah, son of Papiah; age 20;* Gond, of Mouzah Lengapeth in Noogoor Taluk; cultivator and patel. I have lived in that village from my youth up. The lands of our village extend to the Godavery, and we have cultivation in the river-bed. There is a single stream. It flows on the further side of the bed, and I have never known it change its course. Our cultivation is on this side of the stream. We have had it as long as I can remem-

* By appearance 30.

ber. We have never had any on the further side of the stream. I understand from my father that our boundary extends to the further side of the stream. He did not tell me why that was so. We don't cultivate beyond the stream, as there is no cultivable land there.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 33, on solemn affirmation says, my name is Saggam Naggalu, son of Sachalu; age about 30; Naik, of Mouzah Chintoor, Noogoor Taluk; cultivator and patel. I have lived in that village from my youth up. It is on the Godavery, and we have some cultivation in the river bed. There is a single stream which flows on the further side of the bed. I have never known it change its course. Our cultivation is on this side of the stream. We have never cultivated on the other side. I understand from old people of the village that our boundary extends to the further bank. I have never heard why this should be so. We don't cultivate on the other side of the stream, as it is the Nizam's Sirkar's 'ilaka,' and there is no cultivable land there. We should not cultivate there even if there was cultivable land.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 34, on solemn affirmation says, my name is Ruppa Kapiah, son of Luchmiah; age 20; Bhoi, of Pergapur (Padigapuram) in Noogoor Taluk; patel and cultivator. I have lived in the village from my youth up. It is on the Gadavery and we have cultivation in the river-bed. There are two streams opposite our village. Formerly the deeper-stream was further one from our side, but now it is the nearer one. The change occurred 5 years ago. Our present cultivation is between the two streams, but last year we cultivated some land beyond the further stream also. The cultivation between the two streams has gone on as long as I can remember, and no one has ever objected to it. But when we cultivated beyond the further stream Muttalingum of Mallikut, the village on the further bank opposite ours, objected. We have therefore not been across to see if there is caltivable land beyond the further stream this year. We are afraid to do so. I understand that the whole bed of the river is ours, as my father told me so. He did not say why.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 35, on solemn affirmation says, my name is Gondi Lingaya, son of Munnana; age 40; Gond, of Padda Golagurum in Noogoor Taluk; cultivator and patel. I have lived in that village from my youth up. It is on the Godavery, and we have cultivation in the river-bed. There are two streams opposite our village. The one on our side is the deeper. I have never known them change their courses, nor have I known the further stream ever to be the deeper one. Our cultivation is between the two streams. It has gone on for ten years. No one has ever objected to it. We once cultivated beyond the further stream. That was four years ago, and our right to do so was disputed by the people on the other side of the river. I understand that the whole bed of the river belongs to us as the old people of the village have told me so. At settlement a flag was planted on the further bank by the Surveyors, but no particular boundary was pointed out to us.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 36, on solemn affirmation says, my name is Mara Muthalu, son of Bhimen; age 30;* Gond, of Mouzah Nagarum, in Noogoor Taluk; cultivator and patel. I have lived in that village from my youth up. It is on the Godavery, but we have no cultivation in the river-bed. Four years ago we had some, but the earth only remained one year, and then was washed away. There are two streams opposite our village. The further one used to be the deeper, but now the one nearer to our side is the deeper. The lesser stream dries up in the hot weather. The land we cultivated was between the two streams, but beyond the deeper-stream. The situation of the deeper-stream has only changed once. I have mentioned within my knowledge. That was ten years ago.

* About 40.

I understand the whole of the river-bed to be ours, because a flag was stuck upon the further bank at settlement, and because we have always paid rent on this side for cultivation in the river-bed.

No cross-examination.

(Sd.) J. A. C. SKINNER.

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 37, on solemn affirmation says, my name is Punnam Somiah, son of Nagiah; age 20;* Gond, of Mouzah Wagor, in Noogoor Taluk; cultivator and patel. I have lived in that village from my youth up. It is on the Godavery. We have no cultivation in the river-bed, and have never had any. There are two streams opposite our village. That on our side is the larger, but eight or nine years ago the further one was the larger. I understand the further bank is our boundary, as our old people tell us so. They give no reason for this being so.

* 40.

No cross-examination.

(Sd.) J. A. C. SKINNER,

Officiating Deputy Commissioner.

Witness No. 38, on solemn affirmation says, my name is Bodiebonie Singaiah, son of Narsiah; age 60; Gond, of Mouzah Pasur, in the Noogoor Taluk; cultivator and patel. I have lived in that village from my youth up. It is on the Godavery, and we have cultivation in the river-bed. There are two streams opposite our village. The one on our side is the deep-stream. Many years ago the deep-stream flowed on the other side. Our cultivation is on our side of the deep-stream. It is on the slope of the bank. We have none in the river-bed. We had some five years ago. It was between the two streams, but beyond the deep-stream. It had gone on for a long time, and was stopped by the earth being washed away. It was disputed six years ago by the people of Nagarum on the opposite bank.

I understand that our boundary extends to the further bank. No boundary was pointed out to us on the river-side at settlement.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 39, on solemn affirmation says, my name is Murian Kanhia, son of Narasingloo; age 40;* Gond, of Mouzah Bomanpalli; cultivator and patel. I have lived in that village from my youth up. It is on the Godavery. We have no cultivation in the river-bed and have never had any. There are two streams opposite our village. The deep-stream is the further one, and has always been so, as long as I can remember. I understand that the whole river-bed is ours, as my father and grandfather have told me so. A flag was planted on the further bank at settlement, but was not pointed out to us as our boundary.

* From 50 to 60.

No cross-examination.

(Sd.) J. A. C. SKINNER.

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 40, on solemn affirmation says, my name is Bodiebonie Pulliah, son of Kantiah age 45;* Gond, of Mouzah Zirjirlapilli in Noogoor Taluk; cultivator and patel. I have lived in that village from my youth up. It is on the Godavery. We have cultivation on the bed of the river. There are two streams at present opposite our village. The deep-stream is on our side. Formerly it flowed on the further side of the bed. The change occurred 4 or 5 years ago. Our cultivation is between the two streams, *i.e.*, beyond the present deep-stream. It has gone on as long as I can remember. Five years ago our cultivation was disputed by the people on the Nizam's side. They did not dispute our cultivation of the ground we now cultivate, but of other ground. The ground they disputed was a small patch which appeared in the centre of the future stream, at that time the further stream was the deep-stream. The land, our cultivation of which was disputed, no longer exists.

* 50 to 60.

I consider that our boundary extends to the further bank of the river our old people tell us so, but give no reason for it being so.

(Cross-examined). No part of the land between the two streams is cultivated by the subjects of the Nizam this year. Their Patwari measured the land, but they did not cultivate it. The land their Patwari measured is the same that we cultivated. We have not yet paid our rent for this year.

(Re-examined). We always pay rent to the zemindar of Noogoor for land cultivated by us in the river-bed. Rent has never been demanded from us by the Moghlai authorities.

The 1st March, 1893.

(Sd) J. A. C. SKINNER,

Officiating Deputy Commissioner.

Witness No. 41, on solemn affirmation says my name is Gul. Mahomed, son of Nazir Ahmed; about 40; Mussulman, of Mouzah Marikala, in Noogoor Taluk; cultivator and patel. I have lived in the village from my youth up. It is on the Godavery, and we have cultivation in the river-bed. There are two streams opposite our village. The deep-stream is on the further side of the bed. That on our side has dried up. In my youth the deep-stream was on the further side. Twenty years ago it came to our side, and four years ago went back again to the further side. Our cultivation is between the two streams. It has gone on as long as I can remember, *i.e.*, we have cultivated the ground between the two streams, but the situation of the ground has shifted. Our cultivation has never been disputed. We have never cultivated beyond the further stream, as it is immediately under the bank. My parents told me that the whole of the river-bed belonged to us. At settlement no boundary was pointed out to us on the river-side, nor did we enquire on the subject. We had our boundaries pointed out to us on the land-side but not on the river-side.

No cross-examination.

The 1st March, 1893.

(Sd.) J. A. C. SKINNER,

Officiating Deputy Commissioner.

Witness No. 42, on solemn affirmation says, my name is Rumah Eria, son of Gamia; age 40; Bhoi, of Mouzah Odagudiem in the Noogoor Taluk; patel and cultivator. I have lived in that village 20 years. It is on the Godavery, and marches with the Moglai. We have no cultivation this year in the bed of the river. Sometimes we have if there is cultivable land. There are two streams opposite our village. The deep-stream is on the further side of the bed. I have never known it flow on our side. When we cultivate, it is between the two streams that we do so. No one has ever taken objection to our doing so. We pay rent for such cultivation to the Zamindarian of Noogoor. I understand that the deep-stream is our boundary. My parents have told me so.

No cross-examination.

The 1st March, 1893.

(Sd.) J. A. C. SKINNER,

Officiating Deputy Commissioner.

Witness No. 43, on solemn affirmation says, my name is Chittah Malliah, son of Narsiah; age 25; Perki, of Venkatapur in the Noogoor Taluk; cultivator and

patel. I have lived in the village from my youth up. The boundary of our village does not march with the Moglai, Murigudiem is in between.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 44, on solemn affirmation says, my name is Pani Muttaih, son of Bakhula; age 50; Bhoi, of Mouzah Murigudiem in Noogoor Taluk; patel and cultivator. I have lived in that village from my youth up. It is on an island in the Godavery. In the rains the water flows all round it, but at present the channel on this side is dry. Our tradition is that our village has existed for three generations. I remember the cession of the Noogoor Taluk by the Nizam's Government to the British. Previous to the cession Murigudiem belonged to the Noogoor Taluk, and it came under the British Government with the rest of the Taluk. A flag was planted on the further bank of the Godavery at the time of settlement, and the river-bed surveyed, but no boundary was pointed out to us. Murigudiem contains some 80 houses, and was treated as a village at settlement.

We cultivate in the bed of the big channel of the Godavery, but on our side of the stream. No objection has ever been taken to our doing so. We pay rent for such cultivation to the zamindarian of Noogoor.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 45, on solemn affirmation says, my name is Ruppita Muttiah, son of Mullaya; age 20; Bhoi, of Mouzah Buddugudiem in Noogoor Taluk; cultivator and patel. I have lived in the village from my youth up. It is on the island of Murigudiem, and contains 50 houses. The island is surrounded by the Godavery, but the stream on this [illegible]es in the hot weather, I remember the cession of the Noogoor Taluk to th[illegible]n Government. Our village was handed over with the rest of the Taluk of which it had always formed part. We have some cultivation in the main channel of the Godavery on this side of the stream. No one has ever taken objection to it. We pay rent for it to the zamindarian of Noogoor. We have had it as long as I can remember. I understand that our boundary extends to the further bank of the main stream, as my parents have told me so.

* About 40 years.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 46, on solemn affirmation says, my name is Bhuttu Mutialu, s[illegible] of Monde; age 30;* Bhoi, of Narsaredigudiem in Noogoor Taluk; cultivator and patel. I have been in

* About 40.

Witness No. 52, on solemn affirmation says, my name is Ankat Sanasi, son of Pullia; aged 40; Bhoi, of Tanparthi in Albaka Taluk; cultivator and patel. I have lived in the village from my youth up. It is on the Godavery. We have never had any cultivation in the river-bed. There is a single stream opposite our village, which flows in the centre of the bed, and to my knowledge has never shifted its course. I understand that our boundary extends to the further bank of the river. I understand this as my father has told me that at settlement they planted a flag on the opposite bank and told him that was the boundary.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 7st March, 1893. *Officiating Deputy Commissioner.*

RECORD OF AN ENQUIRY WITH REGARD TO THE BOUNDARY POPULARLY RECOGNISED ON THE RIVER-SIDE (TOWARDS HIS HIGHNESS THE NIZAM'S DOMINIONS) IN THE SIRONCHA TALUK.

Witness No. 1, on solemn affirmation says, my name is Battoola Ellaya, son of Sivaya; age 50; Rapewar, of Mouzah Nagarum in the Sironcha Taluk; cultivator and patel. My village is on the Godavery. I have lived in it from my youth up. We have cultivation on the slope of the bank, but not in the river. There is a single stream opposite our village, and it flows on our side of the bed. I have never known it change its course. We never cross the stream and cultivate beyond it. Neither do the Nizam's people cultivate there as there is no cultivable land there. I have always understood the deep-stream to be our boundary on the river-side, and this is what we were told at settlement too.

DATED, CAMP SIRONCHA, } (Sd.) J. A. C. SKINNER,
The 7th March, 1893. }

Officiating Deputy Commissioner.

Witness No. 2, on solemn affirmation says, my name is Sannaya, son of Papaya; age 40; Rapewar, of Medikunta in Sironcha Taluk; cultivator and patel. Our village borders on the Godavery. I have lived in it from my youth up. We have no cultivation in the river-bed. There is a single stream opposite our village which flows on the further side of the bed, and which I have never known change its course. I understand our boundary to extend a 'kos bhar' in the river-bed. Cannot say why I think so.

(Sd.) J. A. C. SKINNER,

The 7th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 3, on solemn affirmation says, my name is Ramaya, son of Bakaya; age 50; Rapewar, of Mouzah Janckapetta in Sironcha Taluk; patel and cultivator. Our village borders on the Godavery. I have lived in the village from my youth up. We have cultivation in the river-bed. There is a single stream which flows on our side of the bed. I once remember it flowing on the other side of the bed, but that was a long time ago. Our cultivation is on this side of the stream. There is no cultivable land across the stream. We have had cultivation in the bed on our side of the stream ever since I can remember, and the Nizam's

people have never disputed our right to have it. We were not shown any boundary on the river side at settlement. I consider the Moglai begins on the other side of the stream.

(Sd.) J. A. C. SKINNER,

The 7th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 4, on solemn affirmation says, my name is Guntum Venkadu, son of Mellia; age 30; Ore, of Rentipaka in Sironcha Taluk; patel and cultivator. I have lived in Rentipaka 10 or 12 years. It is on the Godavery. We have no cultivation in the bed of the river. There is a single stream which flows on our side. The Nizam's people cultivate in the bed on the other side of the stream. I don't know what is our boundary on the river-side, but we never cross the stream to cultivate land lying beyond it.

(Sd.) J. A. C. SKINNER,

The 7th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 5, on solemn affirmation says, my name is Ramaya, son of Mallia; age I don't know;* Rapewar of Mouzah; Raijapeth in Sironcha Taluk, patel and cultivator. I have lived in Raijapeth 20 years. It is on the Godavery, but we have no cultivation in the river-bed. There is a single stream which flows on our side and has always done so. The Nizam's people have no cultivation either in the river-bed opposite our village. I don't know what our boundary is on the river-side or where the Nizam's jurisdiction begins.

* About 40 years (Intd.) J. A. C. S.

(Sd.) J. A. C. SKINNER,

The 7th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 6, on solemn affirmation says, my name is Ramaya, son of Ankulu; age 30;* Rapewar, of Mouzah Gurkepetta in the Sironcha Taluk. I have been in the village 4 years. It is on the Wyne Gungah. We have no cultivation in the river-bed. I don't know what our boundary is on the river-side or where the Nizam's authority begins.

* 40 to 45.

(Sd.) J. A. C. SKINNER,

The 11th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 7, on solemn affirmation says, my name is Netam Sachaloo, son of Pocha; age 30; Gond, of Rotta in Sironcha Taluk; patel and cultivator. I have lived in the village from my youth up. It is on the Wyne Gungah. We have no cultivation in the river-bed nor have the Nizam's people. There is a single stream which flows in the middle of the bed. I consider the stream to be the boundary between our village and the Moglai.

(Sd.) J. A. C. SKINNER,

The 7th March, 1893. *Officiating Deputy Commissioner.*

the village 30 years. I was born in the Moglai and was 8 or 9 years old when I came across. Our village is on the island of Murigudiem, which is surrounded by water in the rains, though not at present. We call the stream on this side (cutting us off from the main land) Palepagoo, but it joins the Godavery at both ends. I don't remember the cession of Noogoor to the British Government. I remember the founding of the Narsaredigudiem. It was founded 30 years ago by Dakshina Murti, Agent to the zamindarian of Noogoor, and has always belonged to the British Government. It is a village of 20 houses.

NOTE—The patels of Uppedu, Uppedu Viranuram and Trabadhowaram are not examined as it appears that their borders do not march with His Highness' Dominions, owing to the island of Marigudiem intervening.

We have no cultivation down in the bed of the main channel, but on the slope of our island's bank only. I understand our boundary to extend to our bank only.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 47, on solemn affirmation says, my name is Pandla Bagur, son of Muttiah; age 20*; Gond, of Palem, in Albaka Taluka; cultivator and patel. I have lived in that village from my youth up. It borders on Narsaredigudiem of the Noogoor Taluk but does not march with the Moglai.

* At least 30.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 48, on solemn affirmation says, my name is Sandu Gonda, son of Botia; age 50; Bhoi, of Mouzah Ippagudiem in the Albaka Taluk; cultivator and patel. I have lived in that village from my youth up. It is on the Godavery. We have no cultivation in the river-bed. There is a single stream opposite our village. It is across on the further side of the bed. We have sometimes had cultivation in the bed of the river, and cultivate any lands that appears there. Our right to do so has never been disputed. We pay rent to the zamindar of Albaka for such cultivation.

I consider the whole bed of the river as ours. My parents have told me that the Settlement Superintendent told them so.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 49, on solemn affirmation says, my name is Kanti Mutialu, son of Naugappah; age 30: Gond, of Mouzah Poojarigudiem, in Albaka Taluk; patel and cultivator. I have lived in that village from my youth up. It is on the Godavery, we have cultivation in the river-bed. There are two streams, the deeper on the further side. The lesser dries up in the hot weather. I have never known

them change places. Our cultivation is on our side of the small stream, and is on the slope of the bank, not down in the bed. We have sometimes cultivated in the bed when there has been land. We have never cultivated beyond the deep-stream, but we have cultivated between the streams. No objection has ever been taken to our doing so. We have paid rent to our Zamindar's Agent for doing so.

I consider the further bank of the river as our boundary, as my forebears have told me so.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 50, on solemn affirmation says, my name is Chenne Gondabai, son of Tripati; age 40; Bhoi, of Albaka in the Taluk of that name; patel and cultivator. I have lived in the Albaka from my youth up. It is on the Godavery. There is a single island in the river off Albaka, which is cultivated partly by the people of Albaka and partly by the people of Sunsapalli in the Nizam's Dominions. The deep-stream is on the further side of the island. The island has existed as long as I can remember, and also as long as I can remember part of it has been cultivated by our people, and part by the Nizam's. I have heard from my forebears also that this arrangement has existed from of old. Once in my youth the deep-stream flowed on our side of the island. Since that it has flowed on the other side. We pay rent on our side of the river for the part of the island we cultivate, and the Nizam's people on their side. There was once a dispute in Jagannath Tehsildar's time owing to one Ram Sastri of our side claiming the whole island. The Tehsildar came down and settled the dispute by partitioning the island as before.

One cultivator pays his rent to Government for the land he cultivates. All the others of our side pay to the Malguzar.

The island is never cut through by streams but it is a single island.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 51, on solemn affirmation says, my name is Muram Buchanna, son of Vistari; Gond; age 40, of Kondapur in Albaka Taluk; cultivator and patel. I have lived in the village from my youth up. It is on the Godavery. We have never had any cultivation in the river-bed. There is a single stream opposite our village, which flows on the further side of the bed. It generally keeps the same course, but this year shifted a little towards our side. I understand that our boundary extends to the further bank of the river as my forebears have told me so.

No cross-examination.

(Sd). J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

Witness No. 52, on solemn affirmation says, my name is Ankat Sanasi, son of Pullia; aged 40; Bhoi, of Tanparthi in Albaka Taluk; cultivator and patel. I have lived in the village from my youth up. It is on the Godavery. We have never had any cultivation in the river-bed. There is a single stream opposite our village, which flows in the centre of the bed, and to my knowledge has never shifted its course. I understand that our boundary extends to the further bank of the river. I understand this as my father has told me that at settlement they planted a flag on the opposite bank and told him that was the boundary.

No cross-examination.

(Sd.) J. A. C. SKINNER,

The 1st March, 1893. *Officiating Deputy Commissioner.*

RECORD OF AN ENQUIRY WITH REGARD TO THE BOUNDARY POPULARLY RECOGNISED ON THE RIVER-SIDE (TOWARDS HIS HIGHNESS THE NIZAM'S DOMINIONS) IN THE SIRONCHA TALUK.

Witness No. 1, on solemn affirmation says, my name is Battoola Ellaya, son of Sivaya; age 50; Rapewar, of Mouzah Nagarum in the Sironcha Taluk; cultivator and patel. My village is on the Godavery. I have lived in it from my youth up. We have cultivation on the slope of the bank, but not in the river. There is a single stream opposite our village, and it flows on our side of the bed. I have never known it change its course. We never cross the stream and cultivate beyond it. Neither do the Nizam's people cultivate there as there is no cultivable land there. I have always understood the deep-stream to be our boundary on the river-side, and this is what we were told at settlement too.

DATED, CAMP SIRONCHA, *The 7th March, 1893.*

(Sd.) J. A. C. SKINNER,

Officiating Deputy Commissioner.

Witness No. 2, on solemn affirmation says, my name is Sannaya, son of Papaya; age 40; Rapewar, of Medikunta in Sironcha Taluk; cultivator and patel. Our village borders on the Godavery. I have lived in it from my youth up. We have no cultivation in the river-bed. There is a single stream opposite our village which flows on the further side of the bed, and which I have never known change its course. I understand our boundary to extend a 'kos bhar' in the river-bed. Cannot say why I think so.

(Sd.) J. A. C. SKINNER,

The 7th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 3, on solemn affirmation says, my name is Ramaya, son of Bakaya; age 50; Rapewar, of Mouzah Janckapetta in Sironcha Taluk; patel and cultivator. Our village borders on the Godavery. I have lived in the village from my youth up. We have cultivation in the river-bed. There is a single stream which flows on our side of the bed. I once remember it flowing on the other side of the bed, but that was a long time ago. Our cultivation is on this side of the stream. There is no cultivable land across the stream. We have had cultivation in the bed on our side of the stream ever since I can remember, and the Nizam's

people have never disputed our right to have it. We were not shown any boundary on the river side at settlement. I consider the Moglai begins on the other side of the stream.

(Sd.) J. A. C. SKINNER,

The 7th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 4, on solemn affirmation says, my name is Guntum Venkadu, son of Mellia; age 30; Ore, of Rentipaka in Sironcha Taluk; patel and cultivator. I have lived in Rentipaka 10 or 12 years. It is on the Godavery. We have no cultivation in the bed of the river. There is a single stream which flows on our side. The Nizam's people cultivate in the bed on the other side of the stream. I don't know what is our boundary on the river-side, but we never cross the stream to cultivate land lying beyond it.

(Sd.) J. A. C. SKINNER,

The 7th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 5, on solemn affirmation says, my name is Ramaya, son of Mallia; age I don't know; * Rapewar of Mouzah; Raijapeth in Sironcha Taluk, patel and cultivator. I have lived in Raijapeth 20 years. It is on the Godavery, but we have no cultivation in the river-bed. There is a single stream which flows on our side and has always done so. The Nizam's people have no cultivation either in the river-bed opposite our village. I don't know what our boundary is on the river-side or where the Nizam's jurisdiction begins.

* About 40 years (Intd.) J. A. C. S.

(Sd.) J. A. C. SKINNER,

The 7th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 6, on solemn affirmation says, my name is Ramaya, son of Ankulu; age 30; * Rapewar, of Mouzah Gurkepetta in the Sironcha Taluk. I have been in the village 4 years. It is on the Wyne Gungah. We have no cultivation in the river-bed. I don't know what our boundary is on the river-side or where the Nizam's authority begins.

* 40 to 45.

(Sd.) J. A. C. SKINNER,

The 11th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 7, on solemn affirmation says, my name is Netam Sachaloo, son of Pocha; age 30; Gond, of Rotta in Sironcha Taluk; patel and cultivator. I have lived in the village from my youth up. It is on the Wyne Gungah. We have no cultivation in the river-bed nor have the Nizam's people. There is a single stream which flows in the middle of the bed. I consider the stream to be the boundary between our village and the Moglai.

(Sd.) J. A. C. SKINNER,

The 7th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 8, on solemn affirmation says, my name is Surchu Baba, son of Bhusur Baba; age 20; Gond, of Mouzah Darsuwara in Sironcha Taluk; patel and cultivator. I have lived in the village from my youth up. It is on the Wyne Gungah. We have no cultivation in the river-bed. There is a single stream opposite our village. It flows on the further side of the bed, and I have never known it change its course. I don't know what our boundary is on the river-side or where the Nizam's authority begins.

(Sd.) J. A. C. SKINNER,

The 17th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 9, on solemn affirmation says, my name is Alam Suchi Baba, son of Pichi Baba; age I don't know;* Gond, of Mouzah Bindra in the Sironcha Taluk; patel and cultivator. I have lived in Mouzah Bindra more than 30 years. It is on the Pranhita. We have no cultivation in the river-bed. There is a single stream which flows in the centre of the bed, but somewhat to our side. The Nizam's people have no cultivation either as there is no cultivable land. The stream never changes its course. I consider it to be our boundary on the river-side. We have always thought so.

* About 48.

(Intd.) J. A. C. S.

(Sd.) J. A. C. SKINNER,

The 17th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 10, on solemn affirmation says, my name is Peddi Vyankayah, son of Lachmaiya; age 45; Rapewar, of Mouzah Vehra in Sironcha Taluk; patel and cultivator. I have lived in the village from my youth up. It is on the Wyne Gungah. We have no cultivation in the river-bed neither have the Nizam's people opposite our village. There is a single stream opposite our village which flows in the centre of the bed and never changes its course. I consider that the Moglai begins when you cross the deep-stream.

(Sd.) J. A. C. SKINNER,

The 17th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 11, on solemn affirmation says, my name is Giddimi, son of Domra; age I don't know;* patel and cultivator of Mouzah Jafirabad in Sironcha Tahsil. I have lived in the village 10 or 12 years. It is on the Wyne Gungah. We have no cultivation nor have the Nizam's people opposite our village. There is a single stream which flows on the further side of the bed and never changes its course. I understand our territory to extend to the stream, and that on the other side to be Moglai.

* About 50.

(Intd.) J. A. C. S.

(Sd.) J. A. C. SKINNER,

The 17th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 12, on solemn affirmation says, my name is Sanjusi, son of Bhikaji; age 40; Bhanara, of Mouzah Chikala, in Sironcha Taluk; patel and cultivator. I have lived in Chikala from my youth up. It is on the Wyne Gungah. We have no cultivation in the river-bed nor have the Nizam's people. There is a

single stream which flows on the further side of the bed, and which I have never known change its course. I consider that on crossing the stream one enters the Moglai.

(Sd.) J. A. C. SKINNER,

The 17th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 13, on solemn affirmation says, my name is Vyankulu, son of Yerraya; age 30; Gond, of Glasfurdpeth in Sironcha Taluk; patel and cultivator. I have lived in the village 20 years. It is on the Wyne Gungah. We have no cultivation in the river-bed nor have the Nizam's people. There is a single stream opposite our village which flows on one side of the bed and never changes its course. I consider the river to be our boundary. The sand on this side of the stream I consider ours, and that across the stream I consider Moglai.

(Sd.) J. A. C. SKINNER,

The 17th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 14, on solemn affirmation says, my name is Bhangum, son of Phullu; age 30; Rapewar, of Mouzah Muyaboinpetha Coimpetha in Sironcha Taluk; patel and cultivator. I have lived in the village from my youth up. It is on the Wyne Gungah. We have no cultivation in the river-bed opposite our village neither have the Nizam's people. There is a single stream which flows on the further side of the bed and does not change its course. I consider that the Moglai begins when one has entered the stream. We have always thought so.

(Sd.) J. A. C. SKINNER,

The 17th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 15, on solemn affirmation says, my name is Amam Ali, son of Ali Sahib; age 40; Mussalman, of Mouzah Sironcha; cultivator and patel. I have lived here from my youth up, but was only appointed patel the other day. We have cultivation on the bank of the river Wyna Gungah, but not in the river-bed. There is no cultivable land. There is some on the other side of the stream which is cultivated by the Nizam's people. There is a single stream opposite Sironcha. It flows in the centre of the bed and never changes its course. I consider the stream our boundary. That has always been the custom here and there has never been a dispute of any kind.

(Sd.) J. A. C. SKINNER,

The 17th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 16, on solemn affirmation says, my name is Perram Mallaya, son of Lachaya; age 25, of Regunta in Sironcha Taluk; patel and cultivator. Regunta is on the Wyne Gungah. I have lived in it from my youth up. We have no cultivation in the bed of the river. The Nizam's people have some. There are two streams opposite our village. The farther one, however dries up in the hot

weather. The Nizam's people's cultivation is beyond the further stream not between the two. I consider that half the river-bed is ours and half theirs. I think so as my father and grandfather have told me so.

(Sd.) J. A. C. SKINNER,

The 17th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 17, on solemn affirmation says, my name is Maraia, son of Juggaia; age I don't know;* Rapewar of Mouzah Yellu in Sironcha Taluk; cultivator and patel. I have lived in that village from my youth up. It is on the Wyne Gungah. We have cultivation on the river-bed. There is a single stream and it flows on the further side of the bed and never changes its course. Our cultivation is on our side of the stream. We have had it for a long time past, whenever there has been cultivable land. Lately we have held it for three years. No one has ever disputed our right to it. I consider the stream to be the boundary between us and the Moglai. I have heard from my parents that it was pointed out to them as their boundary at settlement.

* 40 to 45. J. A. C. S.

(Sd.) J. A. C. SKINNER,

The 12th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 18, on solemn affirmation says, my name is Raita Muttya, son of Narsaya; age 40; Rapewar, of Mouzah Arda in the Sironcha Taluk; patel and cultivator. I have lived in that village from my youth up. It is on the Godavery. We have cultivation in the river-bed. There are two streams opposite our village. The deeper-stream is on our side this year. Before this year it had been the further one since Glasfurd Sahib's time. Our cultivation is on our side of the nearer stream. The Bhois of Mouzah Kaleshwaram in the Nizam's Dominions have cultivation between the two streams. At the time of settlement a rock in the centre of the bed was pointed out to us as our boundary. The Nizam's people's cultivation is on our side of this rock but we do not object to it. The custom has always been that any land on our side of the deep-stream is cultivated by us, and any on their side by the Nizam's people, and if the deep-stream shifts the land changes hands accordingly. The Nizam's people pay rent to their authorities not to our Malguzar, for the land cultivated by them.

(Sd.) J. A. C. SKINNER,

The 12th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 19, on solemn affirmation says, my name is Narsaya, son of Vyankaja; age I don't know;* Ore, of Madu Krishnapurum in Sironcha Taluk; patel and cultivator. I have lived in the village from my youth up. It is on the Godavery. We have no cultivation in the bed of the river. There is a single stream opposite our village which flows on our side of the bed, and has never changed its course. I consider the Moglai begins on crossing the stream. We have always thought so.

* About 35. (Intd.) J. A. C. S.

(Sd.) J. A. C. SKINNER,

The 12th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 20, on solemn affirmation says, my name is Rajauna, son of Singadu; age 40; Ore, of Mouzah Magapuram in Sironcha Taluk; patel and cultivator. I have lived in that village 20 years. It is on the Godavery. We have no cultivation in the river-bed. There are two streams opposite our village. The one on our side is the deep-stream and has always been so. I have always understood the stream to be our boundary on the river-side.

(Sd.) J. A. C. SKINNER,

The 12th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 21, on solemn affirmation says, my name is Vyunkaya, son of Ashannah; age 25; of Mouzah Thumnur, in Sironcha Taluk; patel and cultivator. I have lived in that village from my youth up. It is on the Godavery. We have no cultivation in the river-bed. There are two streams. That on our side is the deep-stream and has always been so as long as I can remember. I consider the deep-stream our boundary. I can't say how I know this but I have always thought so.

(Sd.) J. A. C. SKINNER,

The 12th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 22, on solemn affirmation says, my name is Goorwaia, son of Suttannah; age 60; Balji, of Nadikuda in Sironcha Taluk; patel and cultivator. I have lived in Nadikuda 40 years. It is on the Godavery. We have no cultivation in the river-bed. There is a single stream opposite our village. It flows on our side of the bed, and never alters its course. I consider half the river-bed to be ours and half to belong to the Moglai. We were informed so at settlement by Appaswamy, Agent of the Malguzar.

(Sd.) J. A. C. SKINNER,

The 12th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 23, on solemn affirmation says, my name is Patri Mutialu, son of Surwaia; age I don't know;* Rapewar of Mouzah Tekra in the Sironcha Taluk; patel and cultivator. I have lived in Tekra from my youth up. It is on the Godavery. We have no cultivation in the river-bed. There are two streams. The larger is on the further side of the bed. But sometimes the relative position of the two streams changes. This occurs every few years. I consider the deep-stream to be our boundary wherever it may happen to flow. We have always thought so. We weren ot told anything on the subject at settlement.

* About 60. (Intd.) J. A. C. S.

(Sd.) J. A. C. SKINNER,

The 12th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 24, on solemn affirmation says, my name is Gaori Pochulu, son of Krishnamina; age I don't know;* Gond, of Mouzah Mekidigutta in the Sironcha Taluk; patel ...ator. My village is on the Godavery, and I have lived there 10 or 12 ...e have no cultivation in the river-bed. There are two streams opposite

* ...35. (Intd.) J. A. C. S.

our village. The deep-stream is on the further side of the bed at present but sometimes flows on our side. I have always understood the deep-stream to be our boundary wherever it may happen to flow. We have always thought so and were told so at settlement by the Surveyors.

The 12th March, 1893.

(Sd.) J. A. C. SKINNER,

Officiating Deputy Commissioner.

Witness No. 25, on solemn affirmation says, my name is Pochialu, son of Eru Krishamma; age 40; Gond, of Mouzah Somnur in Sironcha Taluk; patel and cultivator. I have lived in Somnur from my youth up. It is on the Godavery. We have no cultivation in the river-bed. There is a single stream opposite our village, and it flows on our side of the bed and never changes its course. I consider the stream to be the boundary between us and the Moglai, and that it would still be the boundary if it happened to change its course. I consider it to be our boundary because the Zemindar of Bhopal Patnam said so in regard to the Indrawati which also flows past our village,* and because if any cultivable land appears on our side of the stream we cultivate it without any one disputing our right to do so.

* Somnur is at the point of junction of the Indrawati and Godavery.

(Intd.) J. A. C. S.

The 12th March, 1893.

(Sd.) J. A. C. SKINNER,

Officiating Deputy Commissioner.

Witness No. 26, on solemn affirmation says, my name is Peddipochu, son of Lachmi, age, I don't know;* Naik of Goomalkonda [illegible]; patel and cultivator. I have lived in Goomalkonda from my youth up. It is on the Godavery. We have no cultivation in the river-bed. There are two streams in the river. The deep-stream is on our side of the bed and has always been so. The Nizam's people have no cultivation opposite our village. I consider the deep-stream to be our boundary and that it would be even if it change its course. The Surveyors told us so at the time of settlement.

* About 40.

(Intd.) J. A. C. S.

The 12th March, 1893.

(Sd.) J. A. C. SKINNER,

Officiating Deputy Commissioner.

Witness No. 27, on solemn affirmation says, my name is Dharmaji, son of Luchia; age, I don't know;* Rapewar, of Mouzah Chintelpulli, in Sironcha Taluk; patel and cultivator. I have lived in that village from my youth up. It is on the Godavery. We have no cultivation in the river. There is a single stream opposite our village. It is on the further side of the bed and I have never known it change its course. The Nizam's people have no cultivation in the bed opposite our village. I consider half the river-bed to be ours and half to be Moglai. I consider that half being ours means up to the stream being ours, *i.e.*, that the stream is our boundary. My father has told me that he was told so at settlement.

* About 40.

The 13th March, 1893.

(Sd.) J. A. C. SKINNER,

Officiating Deputy Commissioner.

Witness No. 28, on solemn affirmation says, my name is Singuya, a son of Narsaya; age 32; Ore, Kunbi, of Mouzah Karchapalli in Sironcha Taluk; patel and cultivator. My village is on the Wyne Gungah. I have lived in the village from my youth up. We have no cultivation in the river-bed. There is a single stream opposite our village on the further side of the bed. The Nizam's people have no cultivation in the bed. The position of the stream never shifts. I consider the stream to be our boundary. I have been told so by my father.

(Sd.) J. A. C. SKINNER,

The 13th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 29, on solemn affirmation says, my name is Ankalu, son of Bukkalu, age 40; Rapewar, of Mouzah Waddur in Sironcha Taluk; patel and cultivator. My village is on the Godavery. I have lived in it since Glasfurd Sahib's time. We have no cultivation in the river-bed. There is a single stream which flows on our side of the bed. It sometimes changes its course. I have only known it do so once. The Nizam's people have cultivation in the bed of the river opposite our village but on the further side of the stream. I consider the stream our boundary, and that it would still be so if it changed its course. I think so as my father and many others have told me so.

(Sd.) J. A. C. SKINNER,

Officiating Deputy Commissioner.

The 13th March, 1893.

Witness No. 30, on solemn affirmation says, my name is Luchia, son of Rajamalu; age 40;* Kharai Kunbi, of Mouzah Ankissu, in Sironcha Taluk; patel and cultivator. My village is on the Godavery. I have lived in the village from my youth up. We have cultivation in the river-bed. There is a single stream opposite our village. It flows in the middle of the bed and has always done so. Our cultivation is on our side of the stream. The Nizam's people have cultivation in the bed on their side of it. I consider the stream our boundary. I think so as we have always cultivated on our respective sides, and have never had my dispute on the subject. I can't say what our boundary would be if the stream did change its course and flow near one or the other bank.

* About 50.

(Intd). J. A. C. S.

(Sd.) J. A. C. SKINNER,

The 13th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 31, on solemn affirmation says, my name is Rajaya, son of Buchaya; age 25; Jangum of Mouzah Chintal Raoul in Sironcha Taluk; patel and cultivator. My village is on the Godavery. I have lived in the village 10 years. We have cultivation in the river-bed. There is a single stream. It flows on that side of the bed. Two or three years ago it flowed on our side. Our cultivation is on our side of the stream. When the stream flowed on our side of the bed, we had no cultivation in the bed. I understand the stream to be our boundary wherever it may happen to flow. I say so as the old men of the village have told me so, and we have always acted on this principle, and had no dispute with the Nizam's people.

(Sd.) J. A. C. SKINNER,

The 13th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 32, on solemn affirmation says, my name is Papuraju, son of Narsina, age 38 ; Kshatri, of Asuralli in the Sironcha Taluk; and I am a cultivator agent of the superior proprietor and Mukaddam-gomashta. I have only just been appointed to the latter office but have lived in the village 20 years. It is on the Godavery and we have cultivation in the river-bed. There are two streams in the river opposite our village. The deep-stream is the further one. Every few years, however the position of the deep-stream changes. Our cultivation is between the two streams. Beyond the further stream the Nizam's people have cultivation. We consider the deep-stream our boundary and gain or lose land according as it changes its course. We have always observed this custom and have had no dispute on the subject with the Nizam's people.

(Sd.) J. A. C. SKINNER,

The 13th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 33, on solemn affirmation says, my name is Gunti, son of Shivaya ; age 30 ; Khaira Kunbi, of Mouzah Sankuli in Sironcha Taluk ; patel and cultivator. My village is on the Godavery. I have lived in it from my youth up. We have no cultivation in the river-bed. There is a single stream and it flows by the further bank. I have never known it change its course. I consider the stream our boundary. I don't know how I come to think so but I have always understood it was so.

(Sd.) J. A. C. SKINNER,

The 13th March, 1893. *Officiating Deputy Commissioner.*

Witness No. 34, on solemn affirmation says, my name is Kondaia, son of Bakkulu ; age 50 ; Ore of Mouzah Motila in Sironcha Taluk ; patel and cultivator. My village is on the Godavery. I have lived in it 20 years. We have no cultivation in the river-bed. There is a single stream opposite our village and it flows along the further bank. I have never known it change its course. I consider it to be our boundary. I think so because it has always been the custom that if any cultivable land appears on the further side of the deep-stream the Nizam's subjects cultivate it but if on our side, we cultivate it.

(Sd.) J. A. C. SKINNER,

The 13th March, 1893. *Officiating Deputy Commissioner.*

Exhibit No. L.

COPY OF LETTER FROM THE SECOND ASSISTANT RESIDENT, TO THE MINISTER OF HYDERABAD.

No. 1166.

HYDERABAD RESIDENCY,

7th August 1893.

MY DEAR NAWAB,

I am directed to refer to the correspondence ending with your letter dated the 8th February last, regarding the demarcation of the boundary between His Highness' territory and the Chanda District of the Central Provinces.

2. This correspondence began, you will recollect, with Mr. Crawford's letter No. 2364, dated the 15th December 1891, in which owing to a dispute between the villagers of Edchankapalli and Nagarum regarding some alluvial land you were asked whether His Highness' Government would agree that the boundary should be fixed either in accordance with the deep-stream of the Godavery or by a line drawn midway between bank and bank. To this you replied in your letter No. 288, dated the 26th April 1892, from the enclosure to which it appeared that His Highness' Government claimed the whole river-bed as His Highness' territory. Accordingly the Chief Commissioner of the Central Provinces decided that a local enquiry should be held, and in Mr. Irwin's No. 6277, dated the 23rd September 1892, you were invited to depute a representative of His Highness' Government to be present at it. In a subsequent letter of the 10th December you were informed that the commission would begin work on or about the 20th February of this year. On the 24th January you replied that Mr. Sorabji Jamshedji Chenai had been deputed to represent His Highness' Government, and in your letter of the 8th February you added that the necessary orders had been issued to him.

3. The Resident has now been informed that the enquiry was duly carried out, beginning on the 27th February, date on which Mr. Sorabji met the British Officer Mr. Skinner and ending on the 30th March. Altogether 34 witnesses were examined by Mr. Skinner, and some of them were cross-examined by Mr. Sorabji. After this elaborate enquiry and now that sufficient time has elapsed for an opinion to be formed upon it, I am to enquire what the views of His Highness' Government are on the question of the boundary between the two provinces. The Resident also desires me to refer you to the correspondence cited in the margin* (translation inclosed for convenience of reference), and to draw your particular attention to the practical admission by Sir Salar Jung that the Hyderabad Government have no claim or right of any sort beyond the mid-stream of the Godavery river. Mr. Plowden would be glad to consider any comments which His Highness' Government may have to offer upon this correspondence.

*To Minister, No. 46, dated 7th January, 1881.

From Minister, No. 413, dated 15th February, 1881.

4. I am also to take this opportunity to invite your very earnest attention to the correspondence ending with my letter No. 1081, dated the 23th July, regarding the boundary between His Highness' territory and the Buddrachellum and Rakapilly Taluks of the Madras Presidency. The first reference on the subject, was made to you in Mr. Irwin's letter No. 327, dated the 23rd February

1893, in which you were asked whether His Highness' Government would accept as the boundary line between the territories above named, the deep-stream of the Godavery river or a line drawn midway between its two banks. Up to the present, however, the only communication received from you is your letter No. 336, dated the 17th May, in which it is stated that the Subadar of the Eastern Division had been telegraphed to. The matter is really a very urgent one as shown by the telegrams and other reminders from the Government of Madras, which have been communicated to you, and I am therefore to say that the Resident will be glad to receive a very early reply,

Yours Sincerely,

(Sd.) O. V. BOSANQUET.

THE NAWAB

SIR ASMAN JAH BAHADUR, K. C. I. E.

TRANSLATION OF RUBKAR FROM THE RESIDENT AT HYDERABAD TO HIS HIGHNESS THE NIZAM'S MINISTER, No. 46, DATED 7TH JANUARY, 1881.

I have received intimation from the Madras Government that the Tahsildar of Paluncha Taluk, apparently with the view of asserting the absolute sovereignty of His Highness the Nizam's Government over the river Godavery* from bank to bank between Hyderabad and Madras territories, has recently ventured to declare the ferry contract given by the Madras Government for the passage of the river from the British to the opposite bank to be null and void. I request the favor of Your Excellency's explaining the grounds for this step, and beg to bring to your notice that, under Article 9 of the Treaty of 1860, the passage of the river is free, and that His Highness' Government has no claim or right of any sort beyond the mid-stream of the river, as universally recognised in the case of boundary rivers.

* *N. B.*—The original has not got "from bank to bank," and the translation will be in accordance with the original if the words "both the banks of" were inserted between 'over' and 'the river' and the words "which is the boundary" between "Godavery" and "between."

I have further the honor to request that this matter may receive Your Excellency's early attention, and that I may be favored with a reply with as little delay as may be compatible with its due consideration.

(True Translation),

(Sd.) J. WADE,

Extra Assistant Resident.

TRANSLATION OF A RUKKA TO THE RESIDENT, HYDERABAD, FROM HIS HIGHNESS THE NIZAM'S MINISTER, No. 413, DATED 15TH FEBRUARY, 1881.

With reference to your letter No. 229 of the 31st January 1881, asking for information in regard to the unlawful interference on the part of the Tahsildar of Paluncha in exercising authority on both banks of the river Godavery, I beg to enclose a report on the subject from Govindrao, Talukdar, from a perusal of which it will be seen that the interference complained of arose from a misunderstanding on the part of the said Tahsildar who has been removed from office for such irregular conduct.

Purport of enclosure to the same effect, and it is further explained the misunderstanding arose from the fact that on a former occasion during a fair that was being held at the village of Motegedda, an island in the river Godavery, and two kos from Nagumpul, a dispute arose between the Police of His Highness' and the British Governments in regard to the Abkari of Motegedda. It was finally settled that the right to control the Abkary arrangements of the island of Motegedda belongs to His Highness' Government. The Tahsildar of Paluncha on this account was of opinion that the whole river belonged to His Highness' Government whose jurisdiction extended over the other bank also, and that this impression led to the dispute under notice.

(True Translation)

(Sd.) J. WADE,

Extra Assistant Resident.

76

Exhibit No. M.

COPY OF LETTER FROM THE FIRST ASSISTANT RESIDENT, TO THE MINISTER OF HYDERABAD.

(*Urgent*).

No. 327.

THE RESIDENCY, HYDERABAD,

The 23rd February, 1899.

MY DEAR NAWAB,

The Government of Madras have expressed a desire for an early settlement of the question of the boundary between His Highness the Nizam's territory and the Buddrachellum and Rakapilly Taluks of the Godavery District of the Madras Presidency.

2. If His Highness' Government agree to adopt as the boundary line either the deep-stream or, in view of the changeableness of such a boundary, the middle line between bank and bank the Madras Government will be prepared to accept such a settlement.

3. If, however, His Highness' Government consider it necessary that an enquiry should be held similar to that now proceeding with reference to the boundary of the Chanda District, the Madras Government will be willing to assent to the adoption of this course. But in this case they request that His Highness' Government may take up the matter promptly so that the local investigation may be made soon after completion of the Chanda enquiry.

4. The Resident will therefore be glad to be favoured with a reply in this matter with as little delay as possible for communication to the Government of Madras.

Yours Sincerely,

(Sd.) G. R. IRWIN,

THE NAWAB

SIR ASMAN JAH BAHADUR, K. C. I. E.

Exhibit No. N.

COPY OF LETTER FROM THE FIRST ASSISTANT RESIDENT, TO THE MINISTER OF HYDERABAD.

THE RESIDENCY, HYDERABAD,

No. 1762. *The 8th November, 1893.*

MY DEAR NAWAB,

With reference to your letters Nos. 581 and 763, dated respectively the 2nd August and 27th September last, I am desired to forward herewith printed copies of the papers noted in the margin * received from the Government of Madras.

* Government Order, dated 30th December 1878. No. 671, Political. Government Order, dated 29th January 1885, No. 122, Revenue.

2. In regard to your request to be furnished with a copy of Mr. Gillman's report, I am to say that the Government of Madras state that on further consideration, that Government has arrived at the opinion that a local enquiry in respect of the Buddrachellum and Rakapilly Taluks is unnecessary for the settlement of the boundary question, and has addressed the Government of India accordingly. A reply to your requisition will be therefore deferred until the further orders of the Government of India have been received.

3. With reference to the second of the papers furnished above, (viz., Government Order No. 122 of the 29th June 1885), I am to invite your attention to the order of the Madras Government, No. 460, dated 17th June 1890, (copy enclosed) from paragraph 5 (1) of which it will be seen that the instruction issued in the earlier order of 1885, directing the exclusion of river-bed lands from the settlement of the Taluks of Buddrachellum and Rakapilly, was subsequently modified and the inclusion of those lands ordered, on its being represented by the Collector of Godavery,* that the previous orders of the Madras Government were based on a misconception that not only were river-bed lands being customarily cultivated by the villagers on the British side, but that areas of river-bed adjoining the British bank were registered in the 'missls' of certain river-side villages at the settlement of 1867; that in particular the village of Wazib-ul-urz had a clause which declared the right of the proprietors to everything which grows on the sandy land below the river bank, and that no question had till then arisen regarding those lands.

* Paragraph 5 of his letter at page 2, of the Madras Government Order No. 460 of 1890.

Yours Sincerely,

(Sd.) A. TUCKER.

THE NAWAB

SIR ASMAN JAH BAHADUR, K. C. I. E.

Exhibit No. O.

COPY OF A LETTER FROM THE MINISTER OF HYDERABAD, TO THE FIRST ASSISTANT RESIDENT.

26th April, 1894.

Despatched 30th April, 1894.

No. 385.

MY DEAR MR. TUCKER,

Kindly refer to correspondence ending with your No. 477 of the 15th March, last, regarding the demarcation of the boundary between His Highness' territory and the Chanda District of the Central Provinces.

2. In reply I beg to inform you that His Highness' Government have considered the matter very carefully, in connection with the terms of the Treaty of 1860, and are of opinion that under the terms of Article 8 of that Treaty, the matter is perfeclty clear, *viz*, that the Talukas of Buddrachellum, etc., as far as the left banks of the rivers Godavery and PainGunga (and not mid-stream) were ceded to the British Government, and fixed as the boundary between His Highness' Dominions and British territory.

3. It also seems clear from the proceedings of the Government of Madras in the Revenue Department, dated the 17th June 1890, that a similar view of the question has been taken by that Government. Moreover, it appears that this question was raised as far back as 1877, and the Madras Government, in Order No. 671, dated 30th December, 1878, ruled, that all that was ceded by the Treaty of 1860, "was only certain Taluks lying on the left bank of the river. This "of course cannot be held to include any island in mid-stream."

4. Thus the boundary claimed by His Highness' Government is that defined in Article 8, of the Treaty of 1860, *viz.*, the left bank of the rivers Godavery and PainGunga. This I hope, will facilitate a settlement of the questions raised by the Chief Commissioner, Central Provinces, and which are referred to in the Resident's letter No. 2364, dated 15th December, 1891.

Yours Sincerely,

(Sd.) VIKAR-UL-UMRA.

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Exhibit No. P.

COPY OF A LETTER FROM THE FIRST ASSISTANT RESIDENT, TO THE MINISTER OF HYDERABAD.

THE RESIDENCY, HYDERABAD,

18th February 1895,

No. 284.

MY DEAR NAWAB,

Will you be kind enough, to refer to correspondence ending with your telegram to the Resident dated May 14th, 1894, regarding the disputed boundary between the Chanda (Central Provinces), and Godavery (Madras) Districts and His Highness the Nizam's territories.

2. The Resident, as requested in your telegram referred to, pointed out, to the Government of India the view entertained by His Highness' Government.

3. The Governor-General in Council has carefully considered the argument that the Treaty of 1860, gave the British Government land on the left bank, but did not make the river itself the boundary. In the Governor-General in Council's opinion the evidence of the maps and papers to which he was referred is not sufficient to outweigh the language of the Treaty, which expressly mentions the river Godavery and its tributaries as forming the boundaries between the two States; still less does that evidence outweigh the practice of the locality which, putting aside some special settlements, has generally been to treat the lands up to the left edge of the deep-stream as British territory.

4. On these grounds therefore the Governor-General in Council has been pleased to decide that, subject to settlements already made, the Godavery, and any of its tributaries which it may be necessary to name, form the boundary between His Highness' territory, and the ceded taluks, and that the present line of the middle of the deep-stream of those rivers shall be finally regarded as the political boundary, irrespective of any fluctuations to which the streams may hereafter be subject.

5. To lay down authoritatively the line now taken by the middle of the deep-stream of the Godavery and its tributaries, it will be necessary to have recourse to arbitration. And very early action in this connection will be necessary with reference to Buddrachellum Taluk where four miles of boundary will require demarcation before a lease given by the Madras Government to Messrs. Binny and Company can be settled.

6. The Madras Government have proposed that for purposes of arbitration a Court shall be formed of two officers of whom the British Government and the Hyderabad Durbar will each nominate one, and that the decision of the two officers, or, if they disagree, of an umpire to be nominated by them shall be final and be accepted by both Governments. This proposal has been approved by the Government of India, and the Resident now directs me to request you to be good enough to take early steps to depute an officer to co-operate with a British official who will be nominated by the Madras Government for the purpose of laying down the boundary in accordance with the principles enunciated in my fourth paragraph (supra).

7. The Resident will be obliged by the favour of a reply at your early convenience, because, as already stated, the demarcation of the boundary in the Buddrachellum Taluk is a matter of urgency.

8. I am to explain that by 'political' boundary in my fourth paragraph *supra* is meant a boundary for the purpose of jurisdiction and sovereignty. Such a boundary will not determine questions of proprietary right in regard either to private property held by subjects of the two States, or to proprietary rights derived by either State from their subjects, as by purchase. But rights to minerals, such as exist in the present case, are claimed by a State *as such*, and they should follow the boundary as laid down for the purpose of defining jurisdiction.

Yours Sincerely,

(Sd.) A. TUCKER.

THE NAWAB,

VIKAR-UL-UMRAH BAHADUR,

Hyderabad.

Exhibit No. Q.

COPY OF A LETTER FROM THE FIRST ASSISTANT RESIDENT, TO THE MINISTER OF HYDERABAD.

THE RESIDENCY, HYDERABAD,

No. 23,

DATED, *7th January, 1896.*

MY DEAR NAWAB,

In inviting your urgent attention again to the correspondence ending with my letter No. 2295, dated the 19th December, 1895, regarding the disputed boundary on the Godavery river between the Chanda (Central Provinces) and Godavery (Madras) Districts and His Highness' territory, I am desired to remind you of your promise made to the Resident to appoint an officer at once to co-operate with a British officer to be nominated by the Madras Government in laying down the boundary.

2. Mr. Chichele Plowden apprehends that the Government of India may proceed to settle the boundary without waiting for the appointment of a Hyderabad officer unless one is selected forthwith.

Yours Sincerely,

(Sd.) A. WILLIAMS.

THE NAWAB

SIR VIKAR-UL-UMRA BAHADUR, K. C. I. E.

Hyderabad.

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Exhibit No. R.

COPY OF A LETTER FROM THE MINISTER TO THE RESIDENT, AT HYDERABAD.

PRIVATE SECRETARY'S OFFICE.

No. 58.

DATED, *16th January, 1896.*

MY DEAR MR. CHICHELE PLOWDEN,

Will you kindly refer to correspondence ending with Mr. William's letter No. 23, dated 7th January, 1896, and your telegram of the same date, regarding the disputed boundary on the Godavery river between the Chanda (Central Provinces) and Godavery (Madras) Districts, and His Highness' territory.

2. In reply I beg to state that the papers on this subject are in circulation amongst the Members of the Cabinet Council, and as this case affects an important Treaty question, I am unable to dispose of it on my own authority, or to give you any definite reply until the matter is disposed of by the Cabinet Council. I shall, however, take steps that the matter is brought up before that body at a very early date.

3. Meanwhile as the Government of India are pressing for the deputation of an officer to co-operate with the British official who will be nominated by the Madras Government for the purpose of laying down the boundary, I have this day issued instructions for the deputation of Moulvi Abdul Kadir, first Talukdar of the Warangal District, who will meet any officer who may be appointed by the Madras Government, on any date that may be fixed, of which a fortnight's previous notice should be given. At the same time, I should wish it to be understood that until the Cabinet Council and His Highness arrive at a decision on the point, it is not in my power to agree to the proposal made in paragraph 6 of Mr. Tucker's letter No. 284, dated 18th February, 1895, to the effect, "that the decision of the two officers, or "if they disagree, of an umpire to be nominated by them shall be final, and be accept-"ed by both Governments."

The most I am personally at liberty to do is to say that the officer appointed by His Highness' Government may, in association with the British officer, fully examine the boundary in dispute, and submit a report giving details of the case, so that hereafter there may be absolutely no doubt as to the local facts of the case, *i. e.*, the position of the mid-stream, etc. When this report is received, His Highness' Government will be enabled to say whether they can agree to the proposal made by the British officer, or whether on the other hand there are any points in the proposal which appear to be contrary to the Treaty, and which it may be necessary to represent to the Government of India.

4. I may add that this course is practically what I contemplated when I promised you to depute an officer, and about which reference is made in Mr William's letter No. 23 of the 7th instant.

5. In conclusion I feel sure you will see the justice of what I have urged, and that my arguments will receive your support in any representation that you may have to make to the Government of India on the subject.

Yours very Sincerely,

(Sd.) VIKAR-UL-UMRA.

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Exihibit No. S.

COPY OF A LETTER FORM THE FIRST ASSISTANT RESIDENT, TO THE MINISTER OF HYDERABAD.

HYDERABAD RESIDENCY,

DATED, *8th February, 1896.*

No. 264.

MY DEAR NAWAB,

I am desired to acknowledge the receipt of your letter No. 58, dated the 16th January 1896, regarding the disputed boundary on the Godavery river between the Chanda (Central Provinces) and Godavery (Madras) Districts and His Highness the Nizam's territory.

2. In reply I am to state that the Government of India are not unwilling to receive any further representations which His Highness' Government may wish to make regarding the constitution of the Godavery boundary, but as it was only after full and careful consideration of all the aspects of the case that the mid-line of the deep-stream was selected as the boundary, the Government of India are not likely to depart from the view they have adopted.

Since the Government of India's orders were passed, a year has elapsed during which time it was open to His Highness' Government to make any representations they desired and the further progress of the case, which consists in ascertaining and fixing the boundary as above defined, cannot, I am to say, be longer delayed on this account.

3. A General local enquiry such as you appear to suggest in paragraph 3 of your letter under reply, cannot, the Government of India consider, serve any useful purpose, and His Highness' Government should therefore instruct their delegate to confine his attention to ascertaining and fixing the mid-line of the deep stream of the river. The task should present no difficulties, but if the two deputies disagree, their difference can, if His Highness' Government so desire, be submitted for the decision of the Government of India, though the appointment of an arbitrator, as suggested by the Madras Goverument, appears to the Government of India to be the preferable course for adoption.

4. I am to request therefore that if His Highness' Government desire to submit any further representation on the merits of the case, such representation may be forwarded to the Resident at your early convenience, next, that you will instruct Moulvi Abdul Kadir in the sense desired by the Government of India and inform this office that this has been done, and finally that you will intimate to the Resident whether for the purpose of settling any dispute about the allocation of the mid-line of deep-stream, His Highness' Government desire a reference to the Government of India or whether they will agree to the Madras Government that an umpire should be appointed.

Yours Sincerely,

(Sd.) A. WILLIAMS.

THE NAWAB

SIR VIKAR UMRA BAHADUR K. C. I. E.,

Hyderabad.

Exhibit No. T.

EXTRACT, PARAGRAPH 2, FROM A LETTER, DATED 5TH SEPTEMBER, 1866, FROM MR. YOUNG, SECRETARY TO THE GOVERNMENT OF INDIA, TO THE RESIDENT AT HYDERABAD.

Now the points on which both the Governments are agreed are the following:—

(*i*) The unqualified possession of Samasthan Shorapur shall be delivered to His Highness by the British Government.

(*ii*) The unqualified control of all the possessions of His Highness on the left banks of the Godavery and Wyne Gungah shall be delivered to the British Government by His Highness.

(*iii*) No obstruction will be caused in crossing the Godavery or in journeying through such territories of the tributary princes as lie between the frontiers of both the Governments; and no *sair-tax* shall be collected in cases where the said river is crossed.

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Exhibit No. U.

EXTRACT FROM THE TREATY ENTERED INTO BETWEEN HIS HIGHNESS THE NIZAM AND THE BRITISH GOVERNMENT, ON THE 31ST DECEMBER, 1822, (VOL. VIII, AITCHISON'S TREATIES, PAGE 342.)

* * * * *

ARTICLE 7.

His Highness the Nizam on his part hereby cedes to the Honourable Company in perpetual sovereignty the whole of his rights and possessions situated on the west or right bank of the river Seena, according to the Schedule C, hereunto annexed, and also the whole of his rights and possessions situated within the District of Ahmednuggur as detailed in the said Schedule, the whole being estimated at the annual sum of Rs. 4,31,785-3-6.

ARTICLE 8.

His Highness the Nizam also cedes, for the purpose of their being transferred in perpetual sovereignty to the Raja of Nagpore, the whole of his participated rights and possessions situated on the east or left bank of the river Wurdah according to Schedule D, annexed to the present Treaty, and estimated to produce an annual revenue of Rs. 75,000.

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Exhibit No. V.

EXTRACT FROM (PARAGRAPH 5,) THE LETTER OF R. B. CLEGG, ESQ., ACTING SPECIAL ASSISTANT AGENT, GODAVERY DISTRICT, TO THE GOVERNMENT AGENT, GODAVERY DISTRICT, DATED RAJAMUNDRY, 6TH AUGUST, 1889, No. 109 (17TH JUNE, 1890, No. 460, REVENUE.)

* * * * *

5. In Mr. Foster's report, embodied in Government Order No. 914-Revenue, dated 21st October, 1886, he states that,—"Government have ordered that the extent of the land in the bed of the river and the average revenue realized on it should be excluded from the present settlement." I can find no such Government order as supposed by Mr. Foster. The only occasion when the question of river-bed lands was raised was in 1877, when His Highness the Nizam's officials questioned the jurisdiction of our Courts over the island of Motegedda above Buddrachellum. Government in their order, dated 30th December, 1878, No. 671, ruled that all that was ceded by the Treaty of 1860, "was only certain Taluks lying on the left bank of the river. This of course cannot be held to include any island in mid-stream. The Collector will therefore withdraw his claim to Motegedda." It was apparently in consequence of this ruling that Mr. Foster excluded the river-bed lands from his accounts. The river-bed lands under cultivation are mainly the slopes of the bank and any cultivable land at the foot of the bank between it and the water's edge. The Treaty never intended that such lands should belong to His Highness the Nizam. Areas of river-bed adjoining our bank were registered in the missals of certain river-side villages at the settlement of 1867, and the village Wazib-ul-urz has a clause which declares the right of the proprietors to everything which grows on the sandy land below the river-bank. No question has ever yet arisen regarding these lands and there is no reason why we should relinquish them.

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Exhibit No. W.

EXTRACT FROM PARAGRAPH 11, OF THE RESOLUTION OF THE BOARD OF REVENUE, DATED 19TH MARCH, 1890, No. 160.

* * * * *

* * * * *

(*b*) In the next paragraph Mr. Clegg urges that there is no reason for excluding from the assets the reveune derived from river-bed lands. They are mainly the slopes of the bank between it and the water's edge. Mr. Clegg says, that areas of river-bed adjoining our bank were registered in the missals of certain river-side villages at the settlement of 1867, and that the village Wajib-ul-urz has a clause declaring the right of the proprietors to everything growing on the sandy land below the river-bank. There appears to be no reason why the river-bank cultivation should be excluded. The Nizam, it is true, only ceded villages in certain Taluks lying on the left bank of the river, but that surely included not only the land on the bank, but all cultivation down to the water's edge. As, however, the Government has distinctly stated that these lands are to be excluded, the Board has excluded them. If the Government reconsiders that order it will be easy to include them as has been done by Mr. Clegg. The matter appears to have been misunderstood by the Board in their proceedings read in Government Order, dated 25th January, 1885, No. 122-Revenue.

Exhibit No. X.

EXTRACT FROM THE 5TH PARAGRAPH OF (MADRAS) GOVERNMENT ORDER, DATED 17TH JUNE, 1890, No. 460-REVENUE.

(i) River-bed lands. In Government Order No. 122, dated 29th January 1885, it was stated that these lands should be excluded from the settlement, but this order was passed under a misapprehension of the facts. Mr. Clegg argues rightly that the Treaty of 1860 with the Nizam, under which these taluks were ceded to the British Government, did not in any way exclude lands on the bank of the river from British territory, and the accounts now furnished show that assessment has in recent years been levied on such lands. The Government agrees in considering that there is no valid argument for the exclusion of these lands from the settlement, and, accordingly directs that they be included. The necessary corrections have been made in the statements embodied in this order.

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FROM

MOULVIE M. ABDUL KADIR, ESQ.,

FIRST TALUKDAR,

Warangal.

To

MOULVIE GHULAM RASUL, ESQ.,

SECRETARY TO THE BOARD OF REVENUE,

H. H. the Nizam's Government,

Hyderabad.

DATED, HANAMKUNDA, *6th April, 1836.*

SIR,

I have the honor to acknowledge receipt of the orders of the Board of Revenue conveyed in your rubakar No. 2265, dated 21st Furwardi, 1305 Fasli, directing me to meet on 9th March at Kunnawaram, on behalf of His Highness' Government, a British delegate, in the person of Mr. C. G. Spencer, C. S. from the Madras Government, in connection with the disputed boundary of the bed of the Godavery between the British Territory and that of the Nizam's State.

2. With that object I left Warangal by rail on the 1st. ultimo arriving next morning at Yellandu. From here I travelled by road and reached Rudrankota on the right bank of the Godavery—opposite to Kunnawaram lying across the river—on the 8th idem; and by appointment met, next day, Mr. Spencer, Special Assistant Agent, Godavery.

3. *Preliminary conversation.*—We conversed touching the river boundary, in the course of which Mr. Spenc[illegible] gave me to understand that instructions to him from his Government were in[illegible]ing with the decision of the Government of India, namely, to [illegible] down the "[illegible] of the deep-stream of the river," as the bou[illegible]ritories, and with this view asked me to co-operat w[illegible]repared to do so, and later confirmed my not[illegible]to me by my own Go[illegible]

We would first go several miles down the river by boat and then return to camp on horseback. In this way we reconnoitered the course of the stream from every camp or halt that was made on the bank. There were seven such halts made (as per margin) altogether, commencing from Rudramkotà (right bank). Pamisalà and Kindapàlli form the two extreme limits of the boundary of the Madras Government, both being situated on the left bank. There is a *lunkha* situated about quarter mile down stream from Katkúr. From the second stage we reconnoitered the stream down in the direction of the village of Parentàpàlli to see if any *lunkhas* existed thereabouts, but discovered none, except the one near Katkúr. Pamisàla marks the commencement of the boundary of the Central Provinces, while Parentapalli and Raiguda form the extreme limits of the boundary line on the Nizam's side of the Madras Government (See Plan). The distance between these points is about 70 miles. The plan, which accompanies this report, is prepared to the scale of one inch=one mile. The plan shows the deep water of the stream in deep blue and the shallow portions in lighter hue of same color. The places where the deep-stream divides itself into two arms, each flowing along a bank, and further down re-uniting and running as one stream, are all indicated. Out of these two arms the deeper one has been taken as the deep-stream proper, just to serve practical purposes. The bed so enclosed by the two arms is known as *lunkhas* or guddus (islands). The villages where these now exist are (1) Katkur; (2) Kewak; (3) Chirchi; (4) Mothi; (5) Gangunámápur; (6) Amardha and (7) Amagarpalli.

Right bank. *Nizam's side.*	*Left bank.* *British side.*
Camp.	Camp.
1 Rudramkotà.	Kunniwéram.
2 Katkúr.	Jidigoppa.
3 Kindapali.	Polipàk.
4 Amaráwaram.	Gogiebàka.
5 Búrgàmpáhàd.	Bad achalam.
6 Mothi.	Chintalgúdà.
7 Chinteràl.	Marikur.

5. *Bhogota or established practice.*—Save Mothi all the other villages, from time immemorial, cultivate only up to edge of the deep-stream, provided cultivable soil is available. In proof of this documentary evidence has been obtained from the village registers, extracts from which are given in the accompanying two appendices. The fact has also been ascertained personally from the village officers belonging to all the river side villages connected with the disputed area. On every occasion that I went out reconnoitering the course of the deep-stream, I questioned each man separately. 68 villages are spread along the left bank of the disputed area. Of this number only 15 are shown as carrying on cultivation annually in the bed of the river with an area of 70 acres, 2 roods and [illegible] (See Appendix). The revenue of these villages is collected by [illegible] British Treasury. The remaining [illegible] cultivable [illegible]

ment shewing the ... of t

as carrying on cultivation annually in the bed of the river, the acreage for 1304 Fasli, being 77 acres (See Appendix B). The revenue of these villages is collected by and credited into, the Nizam's Treasury. The remaining villages, namely 34 cultivate in the bed, only when cultivable soil is found. It seems necessary to note here that some of the villages on left bank or British side are a group of say 6 or 8 huts which, during floods, are generally bodily swept away, and new ones spring up in their room after the subsidence, under new names and in different localities. In the case of the exception or Mothigudda too, which lies beyond the deep-stream proper and in the possession of His Highness the Nizam's Government, there is strong documentary evidence. There is no cultivation on this island because the soil is so sandy, but (1) customs duty has been regularly collected by the Nizam's authorities from trades people coming from the British side bringing goods for sale at the Jatra held annually (see extract on margin).* (2) The holding of sale of Abkari Contract by the Nizam's Government for selling liquor at the Jatra dates from 1294 Fasli, (See extract on margin).† Prior to 1295 Fasli, Mothigudda was included in the Palwancha Taluka. (3) The Madras Government, in their G. O. No. 914 Revenue, dated 21st October 1836, ruled in connection with a murder committed at Mothigudda in 1877 in respect of jurisdiction as follows: * * * "When the question of river-bed lands was raised wis in 1877 when "His Highness the Nizam's Officials questioned the jurisdiction of our Courts over the "island of Mothigudda above Bhadrachellam, Government in their order, dated 30th "December 1878, No. 671, ruled that all that was ceded by the Treaty of 1860 was "only certain Taluks lying on the left bank of the river. This of course cannot be "held to include, any island in mid-stream. The Collector will therefore withdraw "his claim to Mothigudda." Besides, the gudda goes by the name of Mothigudda, though the village itself is situated on the Nizam's side. The substitution by me of documentary for oral evidence calls for no explanation, since the Law of Evidence recognises the superiority of the former over the latter. From the documentary evidence, excepting that of Mothigudda, it is very plain that the natural reason which led the people on both sides of the river to cultivate only up to the margin of the [illegible] side was, that they found it quite unfordable at time of cult[illegible] the [illegible] side of it. Mr. *Warangal.* Assistant

* *Customs duty.*

Year. Fasli.	Amount. Rs. a. p.
1289	7 9 0
1290	7 0 9
1291	7 1 3
1292	5 0 6
1293	7 11 6
1294	7 15 10
1295	8 1 6
1296	2 13 6
1297	23 2 6
1298	7 9 3
1299	7 10 6
1300	30 14 0
1301	19 7 3
1302	15 9 0
1303	19 1 3
1304	22 1 9
1305	10 11 3
Rs. ...	209 8 7

† *Abkari.*

Year. Fasli.	Amount. Rs. a. p.
1294	25 0 0
1295	15 0 0
1296	17 0 0
1297	17 8 0
1298	22 0 0
1299	22 0 0
1300	22 0 0
1301	43 0 0
1302	2[illegible] 0 0
1303	18 0 0
1304	19 0 0
1305	14 0 0
Rs.	259 8 0

6. *Article VIII of Treaty of December 1860.*—As this is a matter of paramount importance I do not wish to offer any opinion, but leave it for the consideration and decision of the Nizam's Government.

7. *Mid line of the deep-stream.*—The decision of the Government of India, as communicated by the Resident in his letter No. 2-4, dated 18th February 1895, to the address of His Excellency the Minister, is: "that the present line of "the middle of the deep-stream shall be finally regarded as the political boundary "irrespective of any fluctuations to which the stream may hereafter be subject." This, to my mind, admits of two constructions. One is, as might ordinarily be supposed, the centre line demarcated between margin and margin of the deep-stream. The other, an abstruse one, is that the deepest parts of it only are to be ascertained by soundings taken as cross sections to the floor at one furlong's length. To mark out this line of boundary it may be necessary to anchor or otherwise fix a buoy at each point of the cross section so taken. When the river is in full flood it is computed that the depth of water then reaches about 70 feet. The deep-stream has a devious course. This will necessarily give the buoys so fixed an irregular or crooked alignment. The experimental cross sections of the deep-stream proper, taken by me at various points showed, without exception, the greatest depth to be close up to the bank. Both these modes of marking out the boundary line seem to me to be impracticable. To have fixed such buoys, or even masonry columns, or iron posts, considering the depth of water in the river during high floods, and the depth to be reached under the sandy bed to secure a firm foundation for them and that too at the length of every furlong to a distance of 70 miles, means an enormous initial expenditure, besides the great labor and difficulty involved in erecting those fixtures; and afterwards the cost of maintenance the cost being borne by both Governments in equal proportions. Another objection is that these columns, posts or buoys, if fixed, would impede navigation. In fact, the steam Launches that ply in these waters during the monsoons would run the risk of coming into collision with the said boundary fixtures. It is a patent fact that the deep-stream changes its course, though infrequently, yet at least once in every decade. In this case then cultivators belonging to the river-side, where the deep-stream has taken up its new position, must find it impracticable to visit their lands on the river-bed on the other side of the deep-stream. The water is too deep to allow of wading; nor do they care to swim across a broad sheet of water; nor is it in their means to maintain a boat. All these facts, I think, go to show only too clearly the impracticability of the demarcation of the boundary line, as proposed by the Supreme Government, which the Madras Government is willing to carry out, is utterly unfeasible.

But if Article VIII of the Treaty of December 1860 is now to be construed, for all, as conceding to the Nizam's Government the entire bed of the river, is from the right bank up to and including the [illegible] of the [illegible] need of [illegible] offer [illegible] of the [illegible] low-

Statement showing ... of the

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ignment, would be great. The *modus operandi* of the s follows—Fix a central line between bank and bank, the Madras Government *vide* Resident's letter No. 223, y 1893. On both banks, which are high and precipitous, s, at intervals of one furlong, should be fixed. Such a pillar, on the right bank must be directly opposite to the one on the of the breadth of the river to be shown both in figures and in ould be distinctly and indelibly written on every pillar, so con- the length of 70 miles. Should any dispute as to boundary ever o the central line can be easily ascertained by a reference to the rangement it is obvious that the construction of masonry h posts or anchoring buoys would be dispensed with, and the nd expenditure saved.

Mines.—I was glad of having the opportunity of visiting, in Spencer, the Coal pits situated at Gouridevipet, &c., on the lie opposite to the village of Chireli, on the right bank. This m Camp Amrawaram. The pits are worked by Messrs. Binny had a conversation with the Manager, who was very oblig- *operandi* of the workings of these pits. I understood ne seam discovered up to now in the bed of the river in thickness, and of a very high quality, while that nk in the plains was only two feet thick and inferior. Mr. Spencer to say that at Rudramkota coal was prospected ears ago by a Government geologist, but I was not able what result. Possibly if some geologist be sent now to the spot mately some twelve miles from the site of the aforesaid prospecting, ent in that region, no doubt the cost of preliminary prospecting repaid by the discovery of extensive coal-fields. Here I may be ress. The aforesaid coal-pits are situated in lunkha opposite the li, which village lies on the Nizam's side. Now if the Supreme bent on having the middle line of the deep-stream proper adopted, I must consequently go over to the British.

nclusion I have the honor to add that all the data embodied in this red personally, and I can only hope that the report will be found prehensive and satisfactory.

seven misls received from your office for reference are herewith

I have the honor to be, &c.,

(Signed) M. ABDUL KADIR,

FIRST TALUKDAR,

Warangal.

Appendix A.

ment shewing the villages lying on the left bank of the Goda of the river-bed under each village as taken from the villag

	Name of village.	Extent of cultivation in the bed of the Godavery during 1304 Fasli.		
		A.	R.	P.
1	Parnasala	...		
2	Surawaram	...		
3	Kothaguram	...		
4	Pragallapalli	...		
5	Kesvapatnam	...		
6	Gangalu	...		
7	Burvavemala	...		
8	Dumugudem	...		
9	Nankur	...		
10	Regpalli	...		
11	Dantanam	...		
12	Nursapur	...		
13	Turbaka	...		
14	Sitampet	...		
15	Chintalguram	...		
16	Yatpaka	...		
17	Bhadrachalam	...	1	0 17
18	Sitarampur	...	3	0 30
19	Gundala	...	...	
20	Penapulli	...	...	
21	Raimpet	...	...	
22	Chowdawaram	...	...	
23	Nallipak	...	0	1 8
24	Davarpalli	...	...	
25	Gogubaka	...	...	
26	Kapatam	...	...	
27	Goniguram	...	...	
28	Gudugudem	...	...	
29	Tripurapentavidu	...	1	3 0
	Carried over ...	...	...	
			6	1 15

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Appendix A.—(*Continued*).

...ne villages lying on the left bank of the Godavery and the e... bed under each village as taken from the village Registers.

	Name of village.		Extent of cultivation in the bed of the Godavery during 1304 Fasli.		
			R.	A.	P.
	Brought over	..	6	1	15
	... ...		...		
	...palli		0	2	3
	...palli		...		
	...iwaram		...		
	...vipet		...		
	...ama		...		
	...nuru		...		
	...apolipàk		4	0	0
	...apolipàk		...		
	...aram		0	3	0
	...aram		...		
	...ubaka		...		
	...lavaya		...		
	...mayavarigudem		...		
	...omarasawmigudem		...		
	...maguram		...		
	...anguram		0	0	10
	Chinchirevulu		2	0	0
	Lachmipuram		...		
	Bhimawaram		...		
	Lallavai		29	3	30
	Kunavaram		...		
	Woddagudem		...		
	Rajapet		...		
	Sitampet		...		
	Kothagudem		...		
	Sriramgir		...		
	Sokenpalli				
	Carried over	...	43	2	18

Appendix A.—(*Concluded*).

Statement shewing the villages lying on the left bank of the Godav... of the river-bed under each village as taken from the village

	Name of village.		Extent of cultivation in the bed of the Godavery during 1304 Fasli.		
			A.	R.	P.
	Brought over	...	43	2	18
58	Kotharu		...		
59	Kalthur		...		
60	Jirigoppa		...		
61	Visnur		...		
62	Malgapalli		...		
63	Kotaragoma		1	2	0
64	Venkatanarsimapuram		9	0	0
65	Ipparu		10	0	0
66	Pocharam		0	1	32
67	Timmilern		6	0	0
68	Kollaru		...		
	Total acreage	...	70	2	10

HANAMKONDA,
DATED *6th April, 1896.*

(Sd.) RAMA ROW
TAHSILD
Bhadr

(True Extract)
(Sd.) M. ABDUL KADIR,
FIRST TALUKDAR,
Warang

Memo.

The village of Kondapalli, it will be seen, does not appear in this ... though it is shown in the tracing. This difference is reconciled by the fact ... Kondapalli had to be given in the tracing simply as indicating one of the extre... limits of the Godavery boundary of the Madras Presidency.

(Signed) M. ABDUL KADIR,
FIRST TALUKDAR,
Warangal

DATED *6th April, 1896.*

Appendix B.

Statement shewing the villages lying on the right bank of the Godavery and the extent of the river-bed under each village as taken from the village Registers.

	Name of village.	Extent of cultivation in the bed of the Godavery during 1304 Fasli.		
		A.	R.	P.
1	Raigúdú	...		
2	Pemalpalli	...		
3	Thopguram	...		
4	Muthaguram	...		
5	Koiguram	...		
6	Amagarpalli	...		
7	Amardha	0·024	0	0
8	Kesupalampur	...		
9	Gangúnamapúr	...		
10	Chinteral	2·08	0	0
11	Gólagurum	...		
12	Nellipak	0·084	0	0
13	Erendi	...		
14	Mothi	...		
15	Tarlaguram	...		
16	Sarapak	...		
17	Nayanpol	...		
18	Burgampad	...		
19	Yaler	...		
20	Byguram	...		
21	Gomanapalli	...		
22	Ganparam	...		
23	Erempeta	...		
24	Tondipakha	4·28	0	0
25	Amavaram	0·084	0	0
26	Uper	3·02	0	0
27	Damercherla	5·02	0	0
28	Chireli	3·00	0	0

Appendix B.—(*Concluded.*)

	Name of village.	Extent of cultivation in the bed of the Godavery during 1304 Fasli.		
		Rs.	a.	p.
29	Ingaram ...	14·06	0	0
30	Kondapalli ...	15·06	0	0
31	Kiwak ...	0·12	0	0
32	Kukunur ...	2·52	0	0
33	Dasaram ...	5·08	0	0
34	Gomagudem ...	...		
35	Rudramkota ...	...		
36	Ramchandrapuram ...	...		
37	Rapakargudam ...	16·00	0	0
38	Elaguram ...	...		
39	Talagoma ...	...		
40	Tatkur ...	...		
41	Tirlapuram ...	...		
42	Nowlaram ...	...		
43	Madawaram ...	4·08	0	0
44	Sigurmamri ...	...		
45	Burur ...	...		
46	Ratkur ...	1·06	0	0
47	Konida ...	...		
48	Togapalli ...	...		
49	Visnur ...	...		
50	Parentapalli ...	...		
	Total acreage ...	77·30	0	0

HANAMKONDA,
DATED *6th April, 1896.*

(Sd.) M. ABDUL KADIR,
FIRST TALUKDAR,
Warangal.

MADRAS, *18th April, 1896.*

FROM

MOULVIE MOHAMED ABDUL KADIR,
FIRST TALUKDAR,
Warangal District on leave at Madras.

TO

MOULVIE GULAM RASUL SAHEB,
SECRETARY, REVENUE BOARD,
Hyderabad.

SIR,

With reference to your letter No. 242 of the 15th instant, I beg to report that both the banks of the Godavery River are high throughout its entire course; they are not sixty feet in all places as understood by Mr. Hormasjee.

(2) The fact is that both the banks are fifty and sixty feet high only where the bed of the river is narrow. The general and the minimum heights are 30, 25, 20 feet only where the bed of the river is broad.

(3) Where the banks are rocky and hard they are precipitous and there are no slopes on them, and in places where they are soiled and soft there are slopes at the *ratio* of not more than 1 to 1.

I beg to remain,
Sir,
Your most obedient servant,
(Sd.) M. ABDUL KADIR,
First Talukdar.