CONCERNS BOTH BRITISH INDIA
AND INDIAN ST.

Revenue (1888) Department.

PRESS SERIES.

G.O., No. 260

Dated 6th May

[Despatch Abstract.]

Boundary

Approving, with remarks, the proposal of
Collr. of Madura for a fresh arbitration
regard to certain disputes about the ——
Kakurichi in the Pudukkottai territory and
me of the villages in the Sivaganga zamin

## BACK PAPERS.

| G.O. | No. | Impressed. | Date. | G.O. | No. | Despatched. |
|---|---|---|---|---|---|---|
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## FURTHER PAPERS.

| G.O. | No. | Impressed. | Date. | G.O. | No. | Despatched. | Date. |
|---|---|---|---|---|---|---|---|
| Cus | 4.630 for. | | | | | | |
| Ep. 77 | Revenue | 18-1-98 | | | | | |

Pol. Dept

Note for Revenue Dept

It is observed that G.O. No. 280 Rev. Dt. 6th May 1898 issued from the Revenue Dept. without the concurrence of Political Attention is invited to G.O. No. 520 Pol. Dt. 5th August 1884

Cus 2.6.98

Ad 4.6.98

Note.

The paper was sent to the Political as

(1) because the ord proposed to be issued trial and

(2) because there is point connected with mediate order on which Dept had to express a opinion

Sec 14.6.98

Seen

Please see note attached. The above reasons with hardly do real reason is that difference the proce the other secti

...ate is under the
...olitical control of the
...t. (when Pol. should be
...consulted) & where
... is not (when Pol.
... need not be consulted)
...as overlooked in
...is case. Care will
...taken in future to
...avoid a recurrence
...this mistake.

Kelly
28.6.98

Sole Standard
Copy

S[illegible]
29/6/98

U.S's note

Note N.C.

This was not my reason
I should call such question
had as a matter of fact been
dealt with by Revs. I remember
lots of cases in which orders
issued in Revs. without reference
to Political — vide disputes
between Godavari and Hyderabad
Mysore. Anantapur &c.

Collect precedents and see
whether the G.O. quoted has
been invariably observed

Meantime I hope Pol has
communicated the order x x x

Init. N.C.M.
14.6.98

Refer
14.6.98 Asked to put up papers
which were received on the
27th June 1898

Note for the Under Secy.

A Collection of
almost all the orders issued
in the R.D. relating to
boundary disputes since 1870
is submitted. It will be
seen

seen therefrom that except intermediate orders and those relating to disputes with states other than those under the political control of the local Govt, it has been the practice to send all papers to the Political Dept for concurrence. Prior to June 1895 however it had also been the practice to send all communications addressed to the Political Agents of Native States (outside the Madras Presy) to the Political Dept for communications but that was because the letter prepared in the R.D. had to issue in the Political Dept this practice was given up in accordance with G.O. no 408 Pol. dt 26. VI. 95.

# Revenue (1898) Department.

CURRENT No. 2/54.

From

The Board of Revenue, Land Revenue, Madras

Order

No. 281 Reference.

Dated 14th March 1898

Received 16

Registered 17

Enclosures 16

Spare copies

## SUBJECT.

Submitting for the orders of Government papers relating to an appeal preferred by the Pudukota State against Mr. Pope's decisions of certain disputes about the boundary between Palakurichi in the Pudukota Territory and some of the villages in the Sivaganga Zemindari, Madura District.

The Rev G.O. now under consideration was forwarded (communicated) to the Political Asst Pattukottai by the Pol Dept on the 4th June.

20. VI. 98

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

# Revenue (1897) Department.

**CURRENT No. 8627.**

Secy.

I Abstract

**From** The Political Department

Endorsement No: 5291 Mis.
~~Order~~

No. 2057.

Referred to the Board of Revenue for early remarks.
(Signed) N. E. Marjoribanks.
ag: Assistant Secretary to Govt.

Dated the 24th September 1897.
Received 6th } October 1897.
Registered 7th }
Enclosures
Spare copies

Cotacamund,
9th October 1897.

## SUBJECT.

Transferring letter from the Political Agent for Pudukkottai re: an appeal preferred by the Pudukkottai Durbar against Mr. Pope's decision of a dispute about the boundary between certain villages of that State and the Sivaganga Zemindari

To

The Board of Revenue,
Land Revenue, with enclosures in original to be returned.

Ltd. 13-10-97

BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| Cur | 2157/97 | | |

# Political (1897) Department.

8627

CURRENT No.

RECEIVED IN THE SURVEY OFFICE ON 97 MADRAS

364

*From* Bannatyne Macleod Esqr. M.A Barrister-at-Law. Political Agent for Pudukkottai

Order
Govt- No. 2157 75 dated 1897.

Transferred to Revenue Department

Ref on corr. No. 252-0. Pol of 1897.

A Mackenzie
Offg. Under Secretary.

Dated 24 September 97

Received 27-9-97.

Registered 28-9-97.

Enclosures 10

Spare copies

Govt 5/10/97.

To Revenue Dept (7 with 5 plans)

Mm. 3-9-97

SUBJECT

Palakkurichi (Pudukkottai) and Nedumangalam (Sivaganga Zemindari) villages.

Submitting report on the boundary dispute between ——.

Note Boundary disputes are dealt with in Rev (e.g. Cochin case)

Govt

Endorsement

Referred to the Board Revenue

Mm 7/10

## BACK PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| Mis | 65 | Rev | 8-2-98. C |

## FURTHER PAPERS.

| G.O. | No. | Department. | Date. |
|---|---|---|---|
| | | | |

*Reference on* *No.* *of* 1898.

In replying the above should be quoted.

(LAND REVENUE.)

REVENUE BOARD OFFICE. MADRAS.

Read endorsement of Government, Revenue Department, Misc.No.~~252~~ 5291, dated 9th October 1897, on that of Political Department, No.2057, dated ~~24th September 1897~~ 5th October 1897; and the following reference thereon dated 19th October 1897:-

Referred to the Collector of Madura for early re---marks.

Read also letter from the Collector of Madura, Dis. No.4419, dated 26th November 1897; and the following reference thereon dated 17th December 1897:-

Adverting to paras 3 & 5 of the letter from the --- Political Agent of Pudukottai dated 24th September 1897 No.252, the Superintendent, Madras Survey, is requested to forward for the Board's reference a copy of his letter dated 15th December 1884 to the Sivaganga Receiver, relating to the boundary disputes between Pudukottai State and the surrounding British territory. The Superintendent is - further requested to specify the orders of Government under which - Messrs. Gompertz (senior) and Pope were appointed as Arbitrators for the settlement of the disputes in question and to state whether they succeeded Mr. Tomlinson who was appointed in G.O.No.609 Political, dated 21st August 1885 as Arbitrator in all boundary disputes between British Territory and the State of Pudukota.

Read also letter from H.O'C.Cardozo Esq., Superintendent, Madras Survey, No.7/B, dated 20th January 1898.

Reference

Reference No 281 dated 14th March 1898.

The papers read above relate to an appeal preferred by the Dewan of Pudukota against three decisions dated 18", 19"& 20th September 1884, passed by Mr. Pope as Arbitrator in certain disputes about the — boundary between Palakurichi in the Pudukota Territory and some of the villages in the Sivaganga Zemindari, Madura District. The boundary --- claimed by each party and that fixed by Mr. Pope are shown in the three sketch maps which accompany Mr. Pope's decisions. (Ex. 1,2&5). These -- sketch maps have been consolidated into one (exhibit 5) by the Pudukota Surveyors.

2 The grounds of appeal preferred by the Dewan of Pudukota against Mr. Pope's decisions are, (1) that Mr. Pope was not formally -- appointed Arbitrator by Government and that the consent of the Pudukota State was not obtained for his appointment; (2) that Mr. Pope put himself too much in the hands of the partisans of the Sivaganga Zemindari, making his boundary line more or less midway between what he was told were the limits claimed by the contending parties, but giving the major portion to Sivaganga. It is alleged that an extent of Nanja and Punja — cultivated Lands, assessed at Rs 60-14-0, besides over 700 acres of waste lands and hills, capable of yielding a prospective revenue of Rs 700 per annum, has been lost to Pudukota. The Dewan accordingly requests that the dispute may be enquired into again in the presence of the representatives on both sides and settled de novo by an Arbitrator specially --- appointed for the purpose.

3. The first ground of appeal referred to above is invalid, because Mr. Pope was duly appointed, in succession to Mr. Tomlinson, as Arbitrator for the settlement of disputes between British Territory and the Native State of Pudukota (vide Survey Superintendent's letter No 7/ 20th January 1898 and Government telegram dated 9th August 1884 enclosed). The disputes in question were settled by Mr. Pope under G.O. 609 dated 21st August 1885 (Political) and under the same G.O. there is a right— of appeal to Government. As regards the second point, the Political --- Agent, Mr. Macleod, is of opinion that Mr. Pope's inspection of the disputed boundary was of a cursory nature and that the result was unduly favourable to Sivaganga. Mr. Twigg, the Collector of Madura and Mr. -- Thornton, the Head Assistant Collector, Madura, who was with the Political Agent during his inspection of the disputed spot, are also of the same opinion. It appears that much land outside Mr. Pope's -- line is still occupied by the ryots of Palakurichi (Pudukota State) who cling to what they consider to be their just ancestral rights, and that Court Amins have been assaulted and -- several riots have taken place. Mr. Macleod remarks that for the last ten years much of the valuable time of the Political Agent as well as of the Collector and the Head Assistant Collector of Madura, besides District Munsiffs, Tahsildars, and Sub-Magistrates, has been vainly taken up in trying to enforce the results of Mr Pope's-decisions.

4. The question for consideration is how the obvious defects of Mr.Pope's awards are to be set right. Mr.Macleod, who has very carefully inspected the whole of the disputed area has drawn up what he considers to be a fair boundary line and submits it for the consideration of Government. He points out that in a case like this, where rival Paimash ~~survey~~ overlap, there is little to be gained by a fresh enquiry and that the chief object should be to arrive at a more equitable compulsory division than Mr.Pope's. On the other hand, Mr.Twigg is of opinion that there should be a fresh arbitration, as Mr.Macleod held no commission authorizing him to settle the boundary.

5 In the case disposed of in G.O.No.661, dated 3-10-05 Rev: there was similar dissatisfaction on the part of the Pudukota State with Mr.Pope's award and advantage was then taken of the proviso, allowing an appeal to Government to grant relief to Pudukota. In the case now under consideration, however, Mr.Pope's decisions seem to have been altogether wrong and the Board considers that it will not be expedient to adopt the result of Mr.Macleod's independent investigation and issue the same as an order in appeal under G.O.609, dated 21-8-1885. The Board accordingly recommends that Mr.Twigg's proposal for a fresh arbitration may be adopted.

~~(True Extract)~~

Secretary

To the Secretary to Government R.D, with three Letters and enclosures in original

I. G.O. 5291 Mis
d. 9th October 1897.

II. Proceedings of the Board of Revenue, Land Revenue
d. 14-3-1898. Ref. No.
281. C. No: 2154/98.

—

Note.

The above papers relate to an appeal preferred by the Dewan of Pudukkotai against three decisions, dated 18th, 19th and 20th September 1884, passed by Mr T. Archdale Spe. of the Madras Survey Departmen as arbitrator in certain cases o boundary dispute between the village of Palakurichi belongi to the Pudukkottai State on the one side, and the villages of Puthupatti, Kunnathur, Neduvayi and Kilavayal in the Sivaganga Zamindari, Madura district, on t other. In September last the Politica Agent for Pudukkottai forwarde the appeal from the Dewan in which he, after setting forth the grounds of the same, requested that the dis referred to might be enquire in

into again in the presence of representatives on both sides, and settled de novo by an arbitrator specially appointed for the purpose. The papers were referred for the remarks of the Board of Revenue with endt. No. 5291 dated 9th October 1897 and the Board now submits its reply to the above reference in consultation with the Collector of Madura.

Before going into the facts of the case, it is submitted that a preliminary issue raised by the managers of the Sivaganga estate as to whether Pudukkottai is not barred by lapse of time from preferring an appeal may be considered. G.O. No. 609 Political dated 21st August 1893 reserved to the Durbar a right of appeal to the Madras Government in special cases. The time within which appeals should be preferred was not fixed in that G.O. The Dewan now states that the Pudukkottai authorities have been protesting against Mr. Pope's decisions from the very outset. that this fact by itself is enough to show that they have never acquiesced in Mr. Pope's settlement of the boundary and never intended to do so, and that the delay that in preferring an appeal has been due to unavoidable causes. He further urges that in the Kurungalur dispute which was finally settled in 1895, length of time in making the appeal was not considered by Government to be a valid bar to its entertainment. Mr. Macleod the Political agent endorses the Dewan's view of the matter, stating that the correspondence on the subject all along shows that the Pudukkottai authorities always intended to appeal and points out that, over and above the considerations urged by the Dewan there are strong public grounds why the matter should be allowed to be re-opened and enquired into afresh (Vide paras 6 and 7 of the Political agent's letter dated 24-6-97 and paragraph 6 of the present note, below).

It is submitted in these circumstances

that the right of the Pudukkotai authorities to prefer an appeal now must apparently be allowed.

3. Turning to the facts of the case it will be seen that the grounds of the appeal preferred by the Dewan against Mr. Pope's decisions in the disputes in question, are as follows:— viz

(i) that Mr. Pope was not formally appointed arbitrator by Government, and the consent of the Pudukkotai State was not obtained for his appointment;

(ii) that his inspection of the boundary was of a very cursory nature and

(iii) that he put himself too much in the hands of the partisans of the Sivaganga Zamindari.

4. As regards the first ground, it is submitted that it is no doubt a fact that the formal permission of the Pudukkottai state for Mr. Pope's appointment was not obtained. Mr. Gomlinson, was the officer who was at first appointed (in 1883) with the consent the Durbar as arbitrator for the settlement

Lo. 626 Pol dy 30. VIII. 84 E

Lo. 609 Pol dy 21. VIII. 83 E

settlement of these and other boundary disputes between the British territory and Pudukkottai. He had however to be transferred to another district and Mr. Pope was appointed by Government as his successor in 1884. That this appointment was tacitly accepted by the Durbar will be evident from the following facts. Mr. Macleod states that the Pudukkottai authorities at that time intended to meet Mr. Pope but that, as his visit was rather sudden, no responsible officer of the State could appear before him, though the village officers and ryots of Palakurichi represented their claims as well as they could. Again the present Dewan himself would appear to unconsciously admit that Mr. Pope was a duly accredited arbitrator when he says "Mr. Pope had himself "agreed in conversation with the late "Dewan Regent to reopen the dispute "for re-settlement at a later date "when they both could meet." It is submitted in the above circumstances

that the first ground of appeal (~~which is made on a wrong notion of the position of the Pudukkottai state~~) must be dismissed as invalid.

5. The second ground of appeal is that Mr. Pope's inspection of the boundary was of a very cursory nature. ~~That~~ The Pudukkottai people say that Mr. Pope was at the spot for only two days where as the Sivaganga people maintain that he was there for eight days.

From the shortness of Mr. Pope's decisions and the fact that the responsible authorities of Pudukkottai were absent, Mr. Macleod is inclined to believe that the visit lasted only for two days and that Mr. Pope, ~~mainly~~ in passing his decisions must, instead of going into the paimash accounts in detail, have relied on the report of the preliminary inspection made by the Deputy Surveyor, Mr. Macleod who states that he has since gone over the whole boundary in dispute, and has found several evidences of the cursory nature of Mr. Pope's inspection, to which ~~he~~ the Tahsildar refers. (Vide paragraphs 15 and 19 of the

the Political Agent's letter).

6. The third ground of appeal is that Mr. Pope put himself too much in the hands of the partisans of the Sivaganga Zamindar and by laying his boundary lines more or less midway between what he was told were the limits claimed by the contending parties, gave the major portion to Sivaganga. It is alleged that an extent of ~~nanja~~ and punja cultivated lands assessed at Rs 60-14-- per annum besides about 700 acres of waste-land and hills, capable of yielding a prospective annual revenue of nearly Rs 700, has thus been lost to Pudukkottai. Mr. Macleod admits that the decisions passed by Mr. Pope in the three disputes are very short and contain only a passing reference to the paimash accounts. He states that, as a matter of fact, it was impossible for Mr. Pope to have properly settled the dispute in detail from his own observations and enquiries in two days, especially as the boundary extends in an irregular form for 8 or 10 miles, much of

ing rough country) and requiring
ference to a large mass of pairnash
ccounts on both sides. He also
xpresses his opinion that the
esults of Mr. Pope's decisions were
nduly favourable to Sivagunga.
Mr. Twigg, the Collector of Madura
and Mr. Thornton, the Head Assistant
Collector, Madura, the latter of whom
has since gone over the disputed
boundary with the Political Agent,
are also of the same opinion.) It is
eported that much land outside
Mr. Pope's line is still occupied
by the ryots of Palakurichi (in
the Pudukkottai state) who strongly
cling to what they consider to be
their just ancestral rights. It would also
appear that for the last decade
or so several riots and assaults
have taken place and that a considerable portion
of the valuable time of the
Political Agent, the Collector of
Madura and the Head Assistant
Collector, not to speak of District
Munsiffs, Tahsildars, and Sub-
Magistrates has been vainly taken up
trying to enforce the results
Mr. Pope's decisions, much of which

Any declaration of the boundary cannot affect the rights of the ryots

maeleod

in Mr. ~~Macleod~~'s opinion, it is
practically impossible to enforce
Mr. Macleod, in these circumstances
considers it very necessary to pay
attention to the serious state of
affairs, and by giving some
concessions to Pudukkottai to put
an end to the likelihood of future
disturbances. He also adds that
the attitude of the Sivaganga people
seems to point to their wish for
peace, and that they would probably
welcome a modified arrangement
of the boundary.

7. With a view to ascertain
as accurately as possible whether
there is any reason for Pudukkottai
to doubt the justice of Mr. Pope's
decisions, Mr. Macleod has
carefully gone over the whole
disputed boundary in the company
of Mr. Thornton, the acting Head
assistant Collector of Madura,
M. R. Ry. R. Vedanta Charlu, the
Dewan of Pudukkottai, Mr. C. C.
King, Assistant Manager of the
Sivaganga Lessees, and other
representatives on either side. The results
of his inspection are set forth

paragraphs 9 to 22 of his letter dated 24th September 1897. It has already been mentioned, that Mr. Macleod considers Mr. Dopie's award to have been unduly favourable to Sivaganga in many respects. As one result of his inspection he has since drawn up what he considers to be a fair boundary line, and submits it for the orders of Government. He states that the Head Assistant Collector of Madura perfectly agrees with him as to the line he has proposed for the consideration of Government, but that the Dewan of Pudukkottai and Mr. E. O. King, the Assistant manager of the Sivaganga Lessees, naturally support as far as possible their respective claims. He however thinks that in a case like the present, where rival paimashes overlap, there is little to be gained by a fresh enquiry, and that the chief object being to arrive at an equitable compulsory division the end in view could be attained by adopting the line now proposed by him. On the other hand, Mr. Twigg the Collector of Madura, considers that as Messrs. Macleod and Thornton held no commission authorising them to conduct a formal enquiry and settle the boundary, the proposed line cannot be adopted finally unless both the Pudukkottai and Sivaganga authorities consent. He suggests that that line may be adopted by Government as a basis and that an arbitrator be appointed to hear such objections as may be urged on the side of Pudukkottai or Sivaganga, and to finally decide the line on the spot.

8. The Board of Revenue is of opinion that, as in the case now under consideration Mr. Dopie's decisions seem to have been altogether wrong, it will not be expedient to adopt the result of Mr. Macleod's independent investigation, and to treat the same as an order in appeal. It accordingly recommends that Mr. Twigg's proposal for fresh arbitration may be adopted.

9. Orders are solicited as to whether in the special circumstances of the case, the Board's recommendation

may not be accepted. If it is done. two questions have to be considered, viz;

1). ~~Who~~ whether should be appointed arbitrators

2). ~~Whether~~ whether a moiety at least of the charges incurred in connection with the arbitration should not be recovered from the Pudukkottai Durbar.

As regards the first question it is submitted that in 1884 when the superintendent Madras Survey proposed the appointment of a covenanted Civilian for settling these disputes, the Government declared that the work should be done by the Survey Department. Further there is a dearth of covenanted officers now even for Divisional charges. It is submitted therefore that Mr. Cardozo may be asked to nominate an Officer for the purpose.

As regards the cost, hitherto Pudukottai has not been paying anything. If a fresh arbitration is to be appointed and that in the interests of the Durbar now, it is submitted that it should be asked to contribute not less than half and if possible the whole of the charges likely to be incurred in connection with such arbitration.

Dy No 25.10.08

Sec

The above note sets out the history & present state of the case. I have not the merits of the case have not been touched upon I have attempted to form the Dewan's contentions on the map but find it impossible to come to any conclusion about them.

The Officer who has been over the spot seems all agree that the boundary has been wrongly marked out. It seems admitted that the arbitrator Mr T. A. Pope had not the Pudukottai representatives before him at his enquiry. The best plan therefore seems to be that which the Board recommend

below

Resolution viz. that a new arbitrator should be appointed (with the concurrence of Pudukottai) to go into & decide this question. It would be best to have a Survey officer if one of standing could be made available.

I submit also that Pudukottai may be asked to bear half the cost of the arbitration & of durably demarcating the boundary as ultimately settled.

27/4/98. Hon.

28/4/98

Yes, a Survey officer if possible. Chief Commissioner should be asked by

Yes
2.5.98

Proposed

Boards Resn A

Print ms. first

P.S.

Secy (from orders)

Read again Govt. Misc No. 5291 Rev: dy 9th Oct 1897 ... also B.P. Ld. Regn No. 281 dy 14.3.98 (Cuo. 2152)

Order No. 260 of 6th May 1898

In the circumstances now reported, the proposal of the Collr of Madura, which is supported by the Board of Revenue, for a fresh arbitration in regard to the disputed question is accepted / on the condition that the Pudukottai Durbar will bear half the cost of the arbitration and of demarcating the boundary as ultimately settled. The Political Agent for Pudukottai will be requested to ascertain whether the Durbar is prepared to accept this condition

2. The Supt., Madura is requested to report as above Survey Select a date the name of a competent Survey officer for deputation as at the Settlement of the dispute in the Lemnos

being agreed referred to

H.S.V.

allotted 8/5

at an early date and intimate his name for the approval of Govt and for communication to the Durbar.

To

The Board of Rev: &R.
" Political Agent, Pudukkottai thro' the Pol. Dept.
" Supt., Madras Survey.

Mds. Despatches 10.5.98.

60/5

Dpm 3.v.98. Dept. 26.5.98.

# Government {1898} of Madras.

## REVENUE.

Recd. } 1898. Enclosures
Regd. } Spare copies

**G.O., No. 260, 6th May 1898.**

**MAY.**

### Boundary.

Approving, with remarks, the proposal of the Collector of Madura for a fresh arbitration in regard to certain disputes about the — between Palakurichi in the Pudukkóttai territory and some of the villages in the Sivaganga Zamindari.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

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Read—again the following endorsement Mis. No. 5291, Revenue, dated 9th October 1897:—

*Read*—the following letter from B. MACLEOD, Esq., Political Agent for Pudukkóttai, to the Chief Secretary to Government, dated Camp Pudukkóttai, 24th September 1897, Ref. on Cur. No. 252-O.—Pol.:—

I have the honour to forward letter No. 304–O., dated 16th November 1896, from the Diwan of Pudukkóttai, with ten enclosures, containing a memorandum of appeal against Mr. T. A. Pope's award of 1884 in a boundary dispute between Palakurichi of Pudukkóttai State on the one side and the Karisapatti, Neduvayal and Varapur villages of Sivaganga Zamindari on the other.

2. The village of Palakurichi is an isolated piece surrounded by Madura territory. It is said that about 227 years ago the village was granted to certain mahajanams or Brahmins of Varapat by Rengakrishna Muthuvijaya Naicker of Madura, who ruled over the south-eastern portion of India. About 150 years ago these mahajanams elected to place themselves under the protection of the Pudukkóttai Raja for reasons of safety and convenience. They gave up half of their free tenure for this protection. The Tondiman, however, as a charity, returns them annually Rs. 172–8–0.

3. Thirteen years ago, in September 1884, Mr. T. A. Pope proceeded to settle this boundary dispute. From a letter, dated 13th December 1884, from Mr. Cardozo to the Sivaganga Receiver, it appears that Mr. Pope had been appointed by Government to succeed Mr. Gompertz, senior, as arbitrator for the settlement of all disputes between Pudukkóttai and surrounding British territory. The Pudukkóttai authorities now contend that it was Mr. Gompertz and not Mr. Pope who was agreed to by His Highness the late Raja of Pudukkóttai as arbitrator, and that therefore Mr. Pope's award was not binding. This argument must be received with hesitation. Mr. Pope was duly appointed by the Madras Government. The Pudukkóttai authorities at that time intended to meet Mr. Pope, but, as his visit was rather sudden, no responsible officer of Pudukkóttai State appeared, though the Palakurichi village officers and the ryots represented their claims as well as they could. The Pudukkóttai people say that Mr. Pope was only at the spot for two days, whereas the Sivaganga people say he was there for eight days. From the shortness of his decisions, and the fact that the responsible authorities of Pudukkóttai were absent, I am inclined to think that it was only a two days' visit. At any rate I believe that Mr. Pope was a duly accredited arbitrator.

4. The Pudukkóttai authorities then contend that even if Mr. Pope was a duly accredited arbitrator his personal inquiry was one sided and hasty. Before Mr. Pope's arrival a preliminary inspection had been made by Deputy Surveyor Muttusawmi Pillai, on whose report I consider that Mr. Pope mainly relied. Mr. Pope made



three sketch-maps, exhibits 1, 2 and 3, and did not go into the paimash accounts in detail. After Mr. Pope's departure, Head Surveyor Balakristna Iyer planted boundary stones along the line indicated. A modern Madura district Sivaganga sketch-map gives the boundary as settled by Mr. Pope; but it is against this boundary that Pudukkóttai appeals. It is alleged that Mr. Pope put himself too much in the hands of the partizans of the Sivaganga Zamindari and, by making his boundary line more or less midway between what he was told were the limits claimed by the contending parties, gave the major portion to Sivaganga. His award was passed in three portions, each with a corresponding eye sketch (exhibits 1, 2 and 3) which have been consolidated into one (exhibit 4) by the Pudukkóttai surveyors. These decisions are very short, and contain only a passing reference to the paimash accounts. As a matter of fact it was impossible for Mr. Pope to have properly settled the dispute in detail from his own observations and inquiries in two days, as the present boundary extends in an oval form for 8 or 10 miles, much of it being rough country, and requiring reference to a large mass of paimash accounts on both sides. His award No. 1 relates to the western portion of the dispute. A copy of it, dated 19th September 1884, camp Karisipatti, and signed by Mr. Pope himself, shown to me by Mr. E. O. King, an assistant manager of Sivaganga lessees, while coming to the same conclusions as those given in the copy granted to the Pudukkóttai authorities from the Survey office, Madras, on the 19th December 1890 by Mr. J. A. Cook, contains less details. This tends to show that when Mr. Pope got back to head-quarters he was not satisfied with the fullness of his decision and proceeded to amplify it. This is borne out also by letter No. 400, dated 20th July 1886, from M.R.Ry. A. Seshiah Sastri Avargal, the late Diwan of Pudukkóttai, to Mr. Farmer, Political Agent, stating that Mr. Pope had agreed in conversation with him to re-open the dispute for a better settlement at a later date.

5. The Sivaganga authorities rely on Mr. Cardozo's letter of 13th December 1884, that there is no appeal from Mr. Pope's arbitration. It appears, however, from paragraph 6 of the Revenue Board's Resolution as to a similar dispute at Kurungalúr, quoted in G.O., No. 661, Revenue, dated 3rd October 1895, that as Pudukkóttai is a Native State there is no fixed period of limitation. The Sivaganga authorities, however, say with some show of justice that it is inexpedient to re-open a matter which was settled thirteen years ago. They are now quite satisfied with Mr. Pope's decision. It is suggested that this is so because Sivaganga has got the lion's share; but I am prepared to admit that the Sivaganga lessees are behaving in this matter in a quiet and considerate spirit, and therefore do not appeal on their side. It is the Pudukkóttai authorities who have complained persistently that the circle of their village is lessened, and that an extent of nanja and punja cultivated lands assessed at Rs. 60–14–0, besides over 700 acres of waste lands and hills capable of yielding a prospective revenue of Rs. 700, has been lost to them.

6. The late Raja of Pudukkóttai died in 1886, and the Diwan-Regent being inclined to stoutness, and requiring to think twice before rashly venturing into the utmost limits of his jurisdiction over rough tracks, and further having his hands fully occupied at home with numerous needful reforms, was unable, before his resignation in 1894, when the young Raja came of age, to visit the spot with a view to put in an appeal. The correspondence all along, however, shows that the Pudukkóttai authorities always intended to appeal. On 31st January 1897, the day before he handed over charge to me, Mr. J. K. Batten left a note as to the necessity of the Political Agent inspecting the spot before reporting on the merits of the appeal. Owing to jamabandi and other work I could not arrange a meeting with the Madura authorities before September, as the spot is difficult to get at, and requires time for inspection.

7. One reason, however, for Government entertaining the appeal is that for the last ten years much of the valuable time of the Political Agent of Pudukkóttai and the Collector and the Head Assistant Collector of Madura, not to speak of District Munsifs, Tahsildars and Sub-Magistrates, has been vainly taken up in trying to enforce the results of Mr. Pope's decision. Much land outside Mr. Pope's line is still occupied by the ryots of Palakurichi, who stoutly cling to what they consider to be their just ancestral rights. The present Pudukkóttai Diwan, M.R.Ry. Vedanta Charlu Avargal, contends with pride, which may or may not be justifiable, that

Pudukkóttai has never given up the *status quo ante*. Court amins have been deforced and several riots have taken place. It is quite clear that the Pudukkóttai ryots think very strongly that they have been unjustly treated. Mr. E. Labouchere Thornton, Acting Head Assistant Collector, Madura, and I both think that it is very necessary to pay attention to this serious state of affairs, and by giving some concessions to Pudukkóttai to put an end to the likelihood of future disturbances. The attitude of the Sivaganga trustees seems also to point to their wish for peace. They are not actuated by sentimental considerations like the Pudukkóttai Darbar, and would probably welcome a modified arrangement of the boundary. It is at present almost practically impossible to enforce much of Mr. Pope's award. This condition of things leads to difficulties in the way of civil and criminal jurisdictions, as the award and actual occupation do not coincide.

8. If a new arbitrator is appointed to patiently hear the representations of both sides the Pudukkóttai authorities are confident of the strength of their case, and would like to see it settled on its merits. For the sake of peace the Sivaganga authorities also seem likely to raise no serious objections.

9. With a view to ascertain as accurately as might be whether there is any reason for Pudukkóttai to doubt the justice of Mr. Pope's decision, I camped at the village of Palakurichi for 5 or 6 days along with Messrs. E. Labouchere Thornton, I.C.S., Acting Head Assistant Collector, Madura, E. O. King, Assistant Manager of the Sivaganga Lessees, P. Appa Rao, Zamin Tahsildar of Tiruppattúr, Sivaganga, Muthusundramier, Government Deputy Tahsildar, Tiruppattúr, R. Vedanta Charlu, F.M.U., Diwan of Pudukkóttai, A. Venkata Rao, Diwan Peishkar of Pudukkóttai, Rao Bahadur Balakrishna Aiyar, State Tahsildar of Tirumayam, Pudukkóttai, R. MacMahon, Pudukkóttai State Survey Superintendent and their subordinates.

After studying the correspondence we perambulated the disputed boundary. This was much facilitated by the large map, exhibit 5, showing clearly the present claims of Pudukkóttai. It shows the lands outside Mr. Pope's line claimed by Pudukkóttai with reference to their paimash accounts and boundary marks. Mr. King states that the measurements for this map were made with a pole of 10 standard feet, whereas the paimash referred to poles of human feet. We had no similar Sivaganga map before us. Although we could not therefore with equal facility ascertain exactly how far the numbers given in Sivaganga accounts extended inside Mr. Pope's boundary line, we came to the general conclusion from the fact of present occupation that Mr. Pope's award was unduly favourable in many places to Sivaganga.

10. I now proceed to give in detail the results of our inspection of the boundary line following the order given in the appeal petition.

11. To the north of Palakurichi there is about 600 yards of Mr. Pope's line undisputed, D to A in exhibit 5. Most of this consists of wet lands irrigated by two tanks, one belonging to each party, situated at right-angles to each other, and there is no difficulty about the extent watered by each of these tanks. South-west of that, Tachan urani and Muthukaruppan endal are landmarks on which the Pudukkóttai paimash rests. Measurements lead the Pudukkóttai boundary to the middle of Mottukuttu hill. This hill, however, is included in paimash number 120 of Pudupatti Sivaganga. There is also the position of a loose sulakal in favour of the Sivaganga claim. However six arable waste lands mentioned in Pudukkóttai paimash lie at the foot of the eastern slope of the hill. The best solution of the difficulty here would be to draw a straight line from the point A for about three-quarters of a mile through the southern toe of Mottukuttu hill, westward to the southern end of the same hill.

12. Between Mottukuttu hill and Kanjurankuttu hill on the south there is about three-quarters of a mile of scrub jungle called Palaikuttu. Mr. Pope gives the whole of this to Sivaganga. On the north end of Kanjurankuttu there is a Junta medu, or ancient boundary cairn. Mr. Pope takes Pambanparai to the east of this, as a boundary mark instead of taking it as a standard of measurement. Six waste lands of Pudukkóttai are thus excluded. In this neighbourhood the following landmarks are relied on as mentioned in the rival paimashes, viz., Pámbanparai already mentioned, a mass of rock over 100 yards long, the elephant rock lying on the plain north of the Junta medu, and the remains of the roots of a tamarind tree lying south-west of the



southern extremity of the Mottukuttu hill. The whole of Kanjurankuttu hill is mentioned in Sivaganga paimash as No. 347 and in the Pudukkóttai paimash as No. 847.

13. Mr. Pope has given the whole of Kanjurankuttu hill to Pudukkóttai, whereas it might equitably be divided by line running south to north through the Junta medu. The boundary might then run in a straight line north-east to the southern extremity of the Mottukuttu hill.

14. Proceeding south-east from Kanjurankuttu hill Mr. Pope's boundary runs in a zigzag line to the fields below Samudram tank. It gives the greatest possible dissatisfaction to Pudukkóttai, as it excludes valuable lands shown in their accounts. Here the principal landholder named Palni has since Mr. Pope's decision paid kist to Sivaganga as well as continuing his former payments to Pudukkóttai. The Maniagaran urani now given to Sivaganga is mentioned in both paimashes, which here undoubtedly overlap each other. As, however, the present possession is with Sivaganga, I think it would be unwise to disturb the present arrangement.

15. Then southward comes Samudram tank, to the west of which Pudukkóttai says the line ought to have been demarcated. Mr. Pope's line however goes straight south through the western half of the tank-bund. On the strength of this the zamin ryots obtained a decree from the Sivaganga Munsif's Court to level up the western end of the bund. The execution of this decree has been prevented several times by show of force by the Palakurichi ryots. The Sivaganga authorities say that the western end of the bund is new, as the earth is of a different colour. The line of trees however along the bund is well grown and continuous, and it looks to me as if the western extremity of the bund has only been repaired. The waterspread of the tank lies almost entirely above the western half of the bund. The land above the eastern half of the bund is occupied by Pudukkóttai crops. The irrigated lands, which admittedly belong to Pudukkóttai, lie entirely under the eastern end of the bund, the land to the west being higher and uncultivated. The tank is thus useful only to the Pudukkóttai ryots, and it is but fair that they should have the control of its waterspread. Curiously enough in his decision No. I, Mr. Pope says nothing at all about this tank or its waterspread or its bund. This is an instance tending to show that Mr. Pope did not demarcate on the spot. I would therefore propose that, from the point where Mr. Pope's line crosses, the Periyakulam vari it should run westward for a furlong along the vari and then southward to the present western end of the Samudram tank.

16. From the Samudram tank southwards Mr. Pope has gone south-east to the middle of Nedum Saralai hill, whereas Pudukkóttai claims that it should go south-west to the middle of Parayankuttu hill. It is with regard to these hills, the south-west corner of the dispute that I consider most especially that Mr. Pope's award is faulty. No doubt both paimashes mention the various hills. Looking at exhibit 4, it will be seen that Mr. Pope makes the rival claims meet in the middle of Nedum Saralai hill, whereas, as a matter of fact, the rival claims meet at the Junta medu on the northern slope of Periyamalai hill which is a good half mile to the westward of Mr. Pope's point. By Mr. Pope's decision only the northern slope of Karadikuttu hill and half the northern slope of Nedum Saralai hill is given to Pudukkóttai, which claims the whole of these two hills as well as the hills to the south, as marked within the yellow line in exhibit 5. These hills are covered with good jungle. They run to an elevation of 500 feet. In the southern part there are a few isolated clearings for dry cultivation said to have been formerly worked by the Pudukkóttai ryots. Their occupation has now ceased however. Mr. Pope makes out, as stated already, that the rival claims meet at a point in the centre of Nedum Saralai hill. Below this and about 100 yards to the north another boundary mark is cut on a projecting mass of split rock. The Pudukkóttai authorities suggest on good grounds that in their absence this mass of rock was represented to Mr. Pope as being the Polavakal which is really situated more than half a mile to the west on the northern slope of Periyamalai. This latter, Polavakal, is also a projecting mass of split rock. One remarkable fissure in it was pointed out to us as the opening through which the traditional

inspired boundary maker went, as referred to by the Diwan. About 100 yards higher up than Polavakal is a junta medu, a rocky platform with a big tree, which, according to Pudukkóttai authorities, is the corner where the rival claims meet. From this and from the under-mentioned fixed points, measurements are given in the Pudukkóttai paimash. In such a rugged country, however, these old measurements are of little value. They show, however, the Pudukkóttai have just claim to a fair portion of Periyamalai hill. One of these points, the most southernly one, is the Chekkadiparai just beyond the south-west summit. It is an artificial hole in the rock, said to have been used for an oil mill by Pudukkóttai ryots. Near it on the western side of the summit of Periyamalai is the Teranichonai, a perpetual spring coming out of a hole in a rock. Similarly northward on Parayankuttu hill, there are the fixed points of Sheniyanpottal and Kuruvichonai, well established land marks.

17. I would, therefore, suggest that Mr. Pope's boundary as regards these hills be modified as follows. From the present western extremity of the Samudram tank, the boundary should go to the south of Parian kuttu hill. Hence south-east to Kuruvichonai and Sheniyanpottal on that hill. Then south to Polavakal and junta medu and onwards through Teranichonai and Chekkadiparai on Periyamalai. From Chekkadiparai the line might run east to Mr. Pope's tri-junction mark on the Nedum Saralai hill, and then eastward for three-quarters of a mile along the summits of Nedum Saralai and Karadikuttu hills as laid down by Mr. Pope. This would give to Pudukkóttai the control of all the northern slope of the hills, and enable them to efficiently conserve the watershed or catchment basin of Samudram tank. It appears doubtful whether Mr. Pope undertook the troublesome duty of travelling over the whole of these rugged hills as we did.

18. From the eastern end of Karadikuttu hill, Mr. Pope's southern boundary goes in almost a straight line eastward to the southern end of Periyakalluttankuttu hill. Pudukkóttai claims that the boundary should here run about a quarter of a mile on the south. Both paimashes seem to include the disputed portion, as to which Balasubramania Aiyar, a descendant of the original Varaput Mahajanams, is especially loud in his complaints. The land is however unprofitable scrub jungle, and it is not worth while altering Mr. Pope's decision here. The two branches of the Madukkalvoi channel convey water to Neduvayal, and it is better to leave them under the control of the Sivaganga authorities. The eastern boundary from the south-east corner of the dispute nearly up to the bed of Ponnadappan tank is also, I consider, fairly settled by Mr. Pope and needs no revision.

19. Near the southern corner of the bed of Ponnadappan tank, there is a sulakkal or old boundary stone relied on by Pudukkóttai. From here northwards for half a mile up to Pudukkóttai field No. 280, Mr. Pope's boundary seems to require revision. There is actual Pudukkóttai occupation outside Mr. Pope's line, which gives the eastern portion of the old earth salt works to Sivaganga. We found here several mounds of refuse salt-earth. By one of them we dug up the surface of the ground, and found traces of fairly modern brick-work indicating a salt pan with dividing plaster ridges. There were also the remains of a brick cistern. The manufacture of earth salt was not abolished in Pudukkóttai until 1888, whereas in Madura district it had been declared illegal long previously. In Mr. Pope's time, the salt pans, from their modern appearance, were probably working. In his decisions 2 and 3, Mr. Pope says nothing about the obvious salt pans—a feature which would certainly have struck him if he had inspected this part of the eastern boundary.

20. From Pudukkóttai field No. 280 a point about 300 yards south-west of Periyakosavan Endal, some lands Nos. 403 and 443 of the Pudukkóttai paimash lying outside Mr. Pope's boundary are now cultivated by Sivaganga ryots. I consider it inadvisable to disturb their enjoyment, as the accounts of both sides include these lands.

21. Mr. Pope's boundary then runs for about half a mile along the western foot of the Kilavayal hill, to which both sides lay claim. Pudukkóttai relies on another junta medu, or ancient cairn, on the highest point of the hill. The boundary might well run from the southern toe of the hill up to the junta medu and then northward



along the summit of the hill. If from there it runs another half a mile to Keerakatti hill along the eastern side of the Pudukkóttai occupation as shown in Exhibit 5, in favour of which there is a land mark the Kambadiparai rock and the paimash accounts, it would put a stop to the violent protests that serious injustice has been done here to Pudukkóttai.

22. From the northern point of Keerakutti hill, a line might be run for about a furlong northward to the point D, the commencement of the undisputed portion. This line would deprive Pudukkóttai of two or three small pieces in their No. 443, occupied by their ryots outside Mr. Pope's boundary, but as the paimashes appear to overlap each other, it would be an equitable solution of the difficulty.

23. Each day after my inspections I made notes of my observations of the boundary. To these were added in the margin the comments of Messrs. E. Labouchre Thornton, R. Vedanta Charlu and E. O. King, and they have been embodied in the foregoing remarks. Mr. Thornton agrees with me perfectly as to the line I have proposed, but the other two naturally support as far as possible their respective claims. The Diwan of Pudukkóttai asks for a fresh arbitrator, and Mr. Thornton partly supports his request. My own opinion is that it would be sufficient if the line which Mr. Thornton and I propose were considered by Government. In a case like this where rival paimashes overlap, there is little to be gained by a fresh enquiry by a professional Survey officer. The chief object is to arrive at a more equitable compulsory division than Mr. Pope's. Mr. Thornton and I consider that this result would be attained by following the line indicated in the foregoing paragraphs. If Government approve of some such line, Survey officers from Madura and Pudukkóttai might be ordered to meet and re-demarcate accordingly.

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Enclosure.

From M.R.Ry. R. VEDANTA CHARLU, Diwan, Pudukkóttai, to the Political Agent for Pudukkóttai, dated 16th November 1896, No. 304 O.

I have the honour to acknowledge receipt of your office letter No. 138 O, dated 27th February 1896 (despatched 4th March) *anent* Palakurichi boundary dispute dealt with by Mr. Pope.

2. As desired in paragraphs 5 and 6 of the letter, I beg to submit herewith a memorandum of appeal against Mr. Pope's decision in the dispute drawn up on the lines of the memorandum, dated 29th October 1889, embodied in G.O., No. 65, Political, dated 8th February 1890, *anent* Manyavayal dispute. I have also submitted herewith a consolidated sketch of all the three disputes (which really form but one).

3. With reference to paragraph 2 of your office letter, you will observe from the plan and the cultivation list appended that the major portion of the cultivated lands within the line claimed were in the possession of the ryots of this State, the rest having been either waste or hill or a small portion encroached upon by the zemin ryots. The waste lands and hills were, of course, not in the occupation of any one in particular.

4. The remarks made in paragraph 3 of the letter, viz., that Mr. Pope was not agreed to by His Highness the late Raja as Arbitrator and that Mr. Pope's award is therefore not binding on this State, are quite correct.

5. The observation made in paragraph 4, that the late Diwan protested at or about the time against Mr. Pope's decision on the ground that he made his enquiries and planted stones before the Pudukkóttai representatives were able to appear in support of the Pudukkóttai claims, is also correct.

6. In paragraph 7 Mr. Andrew observes that the Sivaganga Zamindar may contend that, as this State did not appeal for ten years or more, its silence must be taken as a tacit consent to the award. He further adds that the Zamindar may also contend that more or less informal protests addressed to the Political Agent by the late Diwan are not equivalent to an appeal and that an intention to appeal is not the same as an appeal. With reference to the above, I beg respectfully to submit that this State has been taking objection to the decision almost from the very commencement—first requesting Mr. Pope not to give effect to his decision pending re-settlement, then addressing your office for plans, &c., which were not supplied by Mr. Pope, then addressing your office to arrange for the *status quo ante* being preserved pending personal inspection of the spot by the late Diwan and appeal to Government thereafter (which

appears to have accordingly been arranged, *vide* this office letter No. 400, dated 20th July 1886), the frequent representations from this office that this State does not accept the boundary laid down by him, &c. It will be observed from the records in your office that the delay in appeal was due to unavoidable circumstances, such as the inability of the late Diwan-Regent to camp out and inspect the spot which he was promising to do, the non-receipt of Mr. Pope's decisions and plans (which had to be specially got from Madras Survey Office later on in 1890) and the desire of the Political Agent that the arguments should be set forth in the form of an appeal, etc., etc., etc. I beg to submit that from the very fact of our having been persistently protesting against the decisions from the very commencement, it will be plain we have never acquiesced in Mr. Pope's settlement or ever intended to do. I inspected the spot personally in 1887 while I was Assistant Diwan, and am come to the conclusion that there has been a manifest failure of justice to this State. In the Kurungalur dispute which has been recently settled by Government such length of time in making an appeal was not considered a valid bar in such important interstatal boundary disputes (*vide* Mr. Turner's objection disallowed).

*Vide* G.O., No. 661, Revenue, dated 3rd October 1895.

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Memorandum of appeal against the decision of Mr. Pope in the boundary between Palakurichi of the Pudukkóttai State and the villages of the Sivaganga Zamindari.

| Details of the dispute. | Sivaganga Zamindari (British) contention. | Decision by Mr. Pope. | Objections against the decision. |
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| The disputed lands in these cases consist of about 800 acres of cultivated waste and hill land. The lines pointed out by us were according to Mr. Pope along the red lines marked in the enclosed sketches 1 to 3 got down in 1890 from the Survey Office, Madras (for convenience of reference the three sketches are also shown together in one sketch marked 4) but in reality are along the line marked yellow in the consolidated survey plan prepared here marked 5. | The villagers of Sivaganga Zamindari claimed the line marked green in the sketches 1 to 3. | Mr. Pope decided the boundary lines as marked yellow in the sketches 1 to 3 and blue in the consolidated survey plan No. 5 for the following reasons:—<br>(*a*) *Puthupatti and Kunnathur* versus *Palakurichi*—1. Both parties produce Paimash accounts in which the land is measured, and the villagers on the Sivaganga side produce also boundary accounts prepared in the year 1834.<br>2. The cultivated tracts A and B are in the possession of the ryots of Puduvayal and that marked C is cultivated by those of Kunnathur, and they will therefore be included in these villages.<br>3. The waste lands regarding which there is no direct evidence as to possession will be divided into two portions in the manner indicated by the yellow line in the sketch which is, as nearly as it can be traced, the boundary laid down in the accounts produced by the Agent for the Sivaganga Zamindari.<br>(*b*) *Neduvayal* versus *Palakurichi*.—A is in the possession of Palakurichi and will be included in that village.<br>4. B and C which are cultivated by the ryots of Neduvayal will be included in that village.<br>5. The remainder of the land is waste regarding which there is no direct evidence as to possession, and it will be divided as shown by the yellow line in the sketch.<br>(*c*) *Kilavayal* versus *Palakurichi*.—6. The hill called "Kilavayal Malai" is shown to belong to Kilavayal and will be included in that village.<br>7. The remainder of the land in dispute will be divided in accordance with present possession and enjoyment (the portion marked A in the sketch being accordingly included in Palakurichi and that marked B being included in Kilavayal). | *In limine*, I beg to observe that Mr. Pope's plans being eye-sketches and not accurate either, they do not seem to tally with the actual consolidated survey plan No. 5 now prepared and submitted. The boundary line as claimed by this State is marked yellow in the consolidated plan. That it correctly represents our boundary will be evident from the several measurements and permanent land marks, &c., as detailed below. I have followed the line from the westernmost point in the undisputed line in the north along the western, southern and eastern sides detailing the land marks at the several spots and the course the measurements, &c., go.<br>D to A undisputed boundary both side wet, A bordering very near Pachakolam Yendal.<br>South-west of that, Thatchan Oorni and Muthukaruppan Yendal, permanent land marks on which the old paimash rested, our paimash measurement leading the boundary |



Memorandum of appeal against the decision of Mr. Pope in the boundary between Palakurichi of the Pudukkóttai State and the villages of the Sivaganga Zamindari—*cont.*

| Details of the dispute. | Sivaganga Zamindari (British) contention. | Decision by Mr. Pope. | Objection against the decision. |
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| ..... | ..... | ..... | to the line as marked in yellow; but Mr. Pope has demarcated much to the south relying on the soolakkal which the Pudukkóttai ryots allege as having been removed there by the British ryots from a point beyond the yellow line on the outside of the Mottukkuttu hill pointing out as evidence the fact of the stone lying horizontal and not uprightly fixed. Western boundary Palaikkuttu Munmedu or earth mound elevated portion of Palai trees is clearly included in the Pudukkóttai limits as per paimash, but Mr. Pope resting on the land mark of Pámbanparai instead of taking it as standard of measurement has mistaken it as boundary and taken the line south excluding the elevated portion already referred to and the Kanjirankkuttu hill on the west, on which the Trigonometrical station is fixed. Proceeding south Maniagaren Oorni is another land mark specified in the paimash, but the Pudukkóttai line is spoken as bordering on the east of it although the old boundary stone lies on the west bank near the inlet. Mr. Pope, however, has taken the line much to the east instead of at the least to the east bank of that Oorni although the Pudukkóttai ryots claim up to the west bank. The cultivation east of the tank is all under the State enjoyment, but to enable the British ryots of Kunnathur Ammakolavayal on the west to include the eastern portion also in their cultivation, Mr. Pope has taken the line much to the east. The cultivator of the Pudukkóttai field, who is also a British ryot, has clearly deposed before the Tahsildar that he has been paying kist to the State for over 25 years for that portion and after Mr. Pope's demarcation has been paying something to the zemin as per settlement.<br>Then comes south the Samudram tank, to the west of which the Pudukkóttai line ought to have been demarcated. In the State paimash the zemin dry lands to the west of the yellow line are mentioned as western boundary of the tank. Mr. Pope's line falls in the middle of the tank on the strength of which the zemin ryots have obtained a decree from the Sivaganga Munsif's Court to level up the bund of the tank up to the stone, the execution of which has been ever since attempted and held back after much fear of affray at each time.<br>Then to the south is the soolakkal which is clearly lying horizontal having been displaced from its original place in the west.<br>Then comes the Yellai puliamaram or Boundary tamarind or Ammakuttu Puli which, though clear land mark, has been completely ignored in spite of the large extensive grounds between the soolakkal and the tamarind having been measured clearly in the State paimash.<br>Then comes the big hill Pariankuttu, in the middle of which the clear land marks, Shenian Pottal and Kuruvichonai, the former a regular heap of small boulders and the latter a spring, are so very prominent that it will be impossible for any impartial arbiter to ignore. Shenian Pottal is weaver's camp during small-pox in the villages adjoining the tamarind. The line actually marked is so very distant to the east that a lot of the portion of the hill has been excluded from State possession.<br>Then comes to the south the big Polavakal or Split Rock which has a tradition about it in its having split spontaneously when the Vettyan with the intestines of a sheep round his neck was made to run about the boundary as a solemn marking of the line in the good old days. There is Trigonometrical station also. The Trigonometrical stations, Chekkadi Parai and Theranichonai or spring, are clear land marks specified in our paimash from which the big hill or Periamalai of considerable height has been measured on all directions. But Mr. Pope has, to avoid evidently his travel over those rugged portions, smoothly run over the level ground and marked the boundary much to the east to the great loss of property to this State.<br>Next east, to which direction the boundary turns, the State paimash points to Naduvikkuttu and measures its slope to the north including the Perumarakadu or the thick big tree jungle underneath. Then to the east the Madukalvai channel points out to the Pudukkóttai boundary as lying at such a distance to the north as marked in yellow. Ignoring all these plain, clear and obvious land marks, Mr. Pope has taken the line much to the north running it straight south and east from B to the Periakalluttan hill to the great detriment of the State interests and much loss of territory. The cultivation and the apportionment of enjoyment are clearly measured in our paimash.<br>Then comes the eastern boundary, where Tirumalai Naickan Oorni west bank is the State line as per paimash where there is also a soolakkal mark. There is slight comparative difference from that Oorni to Chutti Alagan Pallam or Reghunathapati Oorni, only a bridle-path belonging to the State having been erased by inclusion in the British limits. Then |

Memorandum of appeal against the decision of Mr. Pope in the boundary between Palakurichi of the Pudukkóttai State and the villages of the Sivaganga Zamindari—*cont.*

| Details of the dispute. | Sivaganga Zamindari (British) contention. | Decision by Mr. Pope. | Objections against the decision. |
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northwards up to salt mounds the State paimash is very clear and salt mounds are undoubted land marks. Even these have been ignominiously ignored by Mr. Pope and the line taken much to the west including salt mounds strangely enough in the British limits. Near C a little south and near a well to the north of Vadavakolam surplus or east of bridle-path, there are two clear Soolakkal marks in erect positions unlike those on the western boundary. The Ponnadappan tank is a clear land mark, the south-western extremity having been clearly specified in the paimash as Pudukkóttai boundary. Northward the line, as per paimash traverses portions, including those specified by two wells as clear land marks as deposed before British Surveyor Muthusawmi Pillai by Thena Vellaikonan,* the State ryot, the father of Vellasami Konan, the British ryot, who figured prominently in thwarting Mr. Pope in the correct demarcation.

* And by three other ryots of this State, viz. :—
(1) Subramanian, Servaigaran.
(2) Barber Muthuveeran.
(3) Washerman Palani.

Then upwards to the north, the Periakosavan Yendal marks the eastern boundary of the State village at its south-west corner and all the fields northwards have been clearly measured in the State paimash. Next to the north lies the Kilavayal hill on which lies the trigonometrical station. Then to the north Kambadiparai is a clear mark leading to Keerakutti hill up to the undisputed point D.

I append also lists showing cultivation in the disputed portion in the enjoyment of both sides, from which it will be seen that the actual and probable loss of revenue to the State by the lands having been included in the zemin is very great.

The lands are thus all measured in our paimash accounts (*vide* paimash numbers marked in the consolidated survey plan which are more than 40 years' old).

The permanent land marks mentioned in our paimash and run over as above are corroborated by the deed of gift (some 226 years' old) of the villages of Warputt and Palakurichi by the Marungapuri Zamindar.

Mr. Pope's reasons for deciding the boundary lines as he did were but very meagre. They are briefly stated as below :—

(*a*) The villagers on the Sivaganga side produced also boundary accounts prepared in the year 1834.

(*b*) The tracts A, B and C in (*a*) and B and C in (*b*) were being cultivated by the zemin ryots.

and (*c*) The hill called "Kilavayalmalai" is shown to belong to Kilavayal and will be included in that village.

With reference to (*a*), it will be observed from the consolidated plan that there are equally unmistakeable land marks to mark the boundary as claimed by this State and that in one or two cases the stones have been displaced from their original position and removed to their present places by the British villagers.

With reference to (*b*) it will also be observed that, if in the disputed portion, there are some lands in the possession of the British ryots, there were also other lands larger in extent in the enjoyment of the ryots of this State which Mr. Pope has chosen to ignore.

With reference to (*c*) there is nothing to show how "Kilavayalmalai" was shown to belong to Kilavayal.

The line was marked by Mr. Pope in the absence of the representatives of this State (contrary to the terms of the muchilika of 1884) and before they could reach the spot to represent the claims on behalf of this State. The settlement was thus *exparte* and therefore null and void.

It is plain from the copies of the decision that no notice has been taken of the objections raised on behalf of this State.

It is marked in the sketches of Mr. Pope that the Pudukkóttai side claimed a certain line. Mr. Pope appears simply to have entered it to fill up his sketches, as no such line appears to have been pointed out by Pudukkóttai State.

One of the ryots inimical to the interests of this State was prevailed upon to show a false boundary which has been adhered.

Two of the zemin ryots themselves have deposed that the lands now included in the zamindari by Mr. Pope's decision belong to Pudukkóttai.



Memorandum of appeal against the decision of Mr. Pope in the boundary between Palakurichi of the Pudukkóttai State and the villages of the Sivaganga Zamindari—*cont.*

| Details of the dispute. | Sivaganga Zamindari (British) contention. | Decision by Mr. Pope. | Objections against the decision. |
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The interests involved are considerable, nunjai and punjai lands assessed at Rs. 60–14–0 per annum besides over 700 acres of arable, waste lands and hills of considerable prospective revenue of Rs. 700 nearly having been lost to this State by Mr. Pope's decision.

The Asiamals (permanent boundary marks) as per our paimash have not been respected and followed.

There were three old boundary stones on the ground as the best testimony to guide the boundary as claimed by this State. This fact had very little weight with Mr. Pope.

The boundary line and its rugged and irregular nature with continuous boulders and ups and downs extending over 8 miles in circumference would never permit of even an astute officer to demarcate in such hot haste of three days (18th, 19th and 20th September 1884) and even this was done in the absence of proper representation on the side of the State apparently on the lines just pointed out by one or two interested parties on the British side.

The decision is contrary to the muchilika executed by the ryots on both sides in the presence of the British surveyor and the Deputy Karbar of this State. It had been arranged by the above muchilika that an old man named Muthusami Pillai, karnam of Pudupatti village, and Muthirulandi Pillai, karnam of Kunnathur village, on the British side, and Sundaram Pillai, karnam of Palakurichi village, on the side of this State, should, on solemn oath, walk out the boundary between the villages concerned, and that where they differed, the space between the lines should be given equally to both; at first the boundary was so walked over. The British surveyor, however, refused to confirm the boundary thus decided between Pudupattai (Sivaganga Zamindari) and Palakurichi of this State. When the Deputy Superintendent Mr. Pope was referred to, he replied that he would not be bound by the muchilika as it was not executed in his presence and that his surveyor had reported that both sides did not agree thereto.

Mr. Pope was not formally appointed Arbitrator by Government nor assented to by this State.

Mr. Pope had himself agreed in conversation with the late Diwan-Regent (*vide* this office letter, No. 400, dated 20th July 1886,) to re-open the dispute for resettlement at a later date when they both could meet.

It is, therefore, requested that the line having been decided by Mr. Pope without correctly acquainting himself with our contention and in the absence and without the cognizance of our representatives, the Government may be addressed in view to the dispute being gone over again in the presence of the officers on both sides and settled *de novo* by an Arbitrator specially appointed for the purpose.

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*Decision*

Passed in accordance with his award as Arbitrator by Mr. T. Archdale Pope, Assistant Superintendent, Madras Survey and Settlement officer, in the matter of the boundary dispute between Pudupatti and Kannatur, Sivaganga Zamindari, and Palakurichi, Pudukkóttai estate.

*Plaintiffs.*

1. Chinnasamy Pillai, Karnam of Pudupatti and Kannatur.
2. Muttusawmy Pillai.
3. Varadarajulu Naidu, Agent for the Sivaganga Zamindari.

*Versus.*

1. Sundrum Pillai, Karnam of Palakurichi.
2. Appaturai Iyen.
3. Vadagu Pillay, Monegar.
4. Subba Row, Agent for the Pudukkóttai estate.

The land in dispute consists of about 80 acres, of which 30 acres are under cultivation and the remainder waste.

*Decision.*

Both parties produce paimash accounts in which this land is measured, and the villagers on the Sivaganga side produce also boundary accounts prepared in the year 1834. The cultivated tracts marked A and B in the sketch accompanying this decision are in the possession of ryots of Pudupatti and that marked C is cultivated by those of Kannatur and they will therefore be included in those villages. The waste lands regarding which there is no direct evidence as to possession will be divided into two portions in the manner indicated by the yellow line in the sketch, which is as nearly as it can now be traced, the boundary laid down in the accounts produced by the Agent for the Sivaganga Zamindari.

Survey Office, Camp Karasapatti, 18th September 1884. (Signed) T. ARCHDALE POPE, Asst. Supdt., Madras Survey.

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*Decision*

Passed in accordance with his award as Arbitrator by Mr. Archdale Pope, Assistant Superintendent, Madras Survey and Settlement-officer, in the matter of the boundary dispute between Kilavayal, Sivaganga Zamindari, and Palakurichi, Pudukkóttai estate.

*Plaintiffs.*

1. Chokalingam Pillai, Karnam of Kilavayal.
2. Chinna Servai, Mirasidar.
3. Varadarajulu Naidu, Agent for the Sivaganga Zamindari.

*Versus.*

1. Sundrum Pillai, Karnam of Palakurichi.
2. Vadagu Pillai, Monegar.
3. Subba Row, Agent for the Pudukkóttai estate.

The land in dispute comprises about 150 acres. With the exception of the hill known as "Kilavayalmalai", it is entirely under dry cultivation.

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*Decision.*

The hill called "Kilavayalmalai" is shown to belong to Kilavayal and will be included in that village.

The remainder of the land in dispute will be divided in accordance with present possession and enjoyment, the portion marked A in the sketch accompanying the decision being included n Palakurichi and that marked B in Kilavayal.

Survey Office, Camp Karasapatti, 19th September 1884. (Signed) T. ARCHDALE POPE, Asst. Supdt., Madras Survey.

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*Decision*

Passed in accordance with his award as Arbitrator by Mr. Archdale Pope, Assistant Superintendent, Madras Survey and Settlement-officer, in the matter of the boundary dispute between Naduvayal, Sivaganga Zamindari, and Palakurichi, Pudukkóttai estate.

*Plaintiffs.*

1. Muthuswami Pillai, Karnam of Kattugudipatti, hamlet of Naduvayal Palyapatti.
2. Varadarajulu Naidu, Agent for the Sivaganga Zamindari.

*Versus.*

1. Sundaram Pillai, Karnam of Palakurichi.
2. Vadugu Pillai, Monegar.
3. Subba Row, Agent for the Pudukkóttai estate.

The land in dispute is about 90 acres in extent, of which 35 acres is under cultivation and the remainder waste.

*Decision.*

The cultivated land marked A in the sketch accompanying this decision is in the possession of Palakurichi and will be included in that village; B and C which are cultivated by ryots of Naduvayal will be included therewith. The remainder of the land is waste regarding which there is no direct evidence as to possession and it will be divided as shown by the yellow line in the sketch.

Survey office, Camp Karasapatti, 20th September 1884. (Signed) T. ARCHDALE POPE, Asst. Supdt., Madras Survey.



Endorsement No. 2057, Political.

Transferred to the Revenue Department.

5th October 1897. (Signed) A. R. KNAPP, Ag. Under Secretary.

To the Revenue Department (with five plans).

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Endorsement of the Revenue Department, Mis. No. 5291, dated 9th October 1897.

Referred to the Board of Revenue for early remarks.

(Signed) N. E. MARJORIBANKS, Ag. Assistant Secretary.

To the Board of Revenue (Land Revenue) with enclosures in original to be returned.

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Read—also the following Proceedings of the Board of Revenue (Land Revenue), Reference No. 281, dated 14th March 1898:—

*Read*—Endorsement of Government, Revenue Department, Mis. No. 5291, dated 9th October 1897, on that of Political Department, No. 2057, dated 5th October 1897.

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*Read*—also the following reference of the Board of Revenue thereon, No. 2002, dated 19th October 1897:—

Referred to the Collector of Madura for early remarks.

(Signed) R. C. C. CARR, Secretary.

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*Read*—the following letter from J. TWIGG, Esq., Collector of Madura, to the Secretary to the Commissioners of Land Revenue, dated 26th November 1897, Dis. No. 4419:—

Adverting to Board's Reference on Government No. 2002 of 1897, dated 19th October 1897, referring for remarks the letter of the Political Agent for Pudukkóttai touching the question of the boundary between Palakurichi in Pudukkóttai territory and some of the villages in the Sivaganga Zamindari. I have the honour to report as follows.

2. The Head Assistant Collector, who went over the ground with the Political Agent and representatives of either side, writes (copy of his letter, Dis. No. 1481, dated 18th November 1897, enclosed) that he is satisfied that the boundary laid down by Mr. Pope after a too cursory inspection is unduly in favour of Sivaganga. As a measure of justice therefore, and as the only means of satisfactorily putting a stop to the disputes that are now of frequent occurrence, I consider that the matter should be allowed to be re-opened.

3. The next point is what the procedure should be. Mr. Thornton is of opinion that Mr. Macleod's proposed boundary is fair and should be accepted by Government, but these gentlemen had no commissions to hold a formal inquiry and settle the boundary, and I do not think the line can be adopted finally unless both Sivaganga and Pudukkóttai consent. What I would suggest is that the proposed line may be adopted by Government as a basis, and an arbitration appointed to hear such objections as may be urged on the side of Pudukkóttai or Sivaganga and finally decide the line on the spot.

4. The enclosures to the Board's reference are herewith returned.

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Enclosure.

Copy of communication, Dis. No. 1481, dated 18th November 1897, from the Head Assistant Collector, Ramnad, to the Collector of Madura.

In reply to your Reference on Current No. 705 (Board of 1897), dated 11th November 1897, I have the honour to answer your questions categorically as follows:—

(*a*) As already reported in paragraph 3 of my letter, Dis. No. 1270 of 1897, dated 5th October 1897, I am of opinion that the line drawn by Mr. Pope is unduly in favour of Sivaganga. I fully endorse all Mr. Macleod says on the point. There can be no doubt that Mr. Pope's inspection was very cursory and incomplete. It is therefore both in accordance with equity and justice that there should be a new settlement, and there can be no expectation that dispute will cease unless some such settlement is made; for the Pudukkóttai people feel with considerable reason that they have been unfairly dealt with.

(*b*) As to whether the Political Agent's line should be accepted or whether a fresh arbitrator should be appointed, I write with great diffidence. This appears to me to take mainly on whether the Pudukkóttai people are willing to accept Mr. Macleod's line. If they are, I do not think Sivaganga need be considered. The matter affects them but little, and they have so obviously the lion's share now that I do not think they will have any reason to complain of Mr. Macleod's proposals. If Government accept the line, I do not see how any objection can be raised by Sivaganga, and I would suggest that they should not be consulted in the matter. As representing Government, I am quite satisfied the proposed line is very equitable.

2. If the Pudukkóttai people are willing to accept the Political Agent's proposals, or if Government consider the objection of Sivaganga should be taken into account—for there can be no doubt they will object if they are asked, indeed they claim that the question cannot be re-opened at all—there will have to be a fresh arbitration. This will both entail time and expense and will result in very little gain, for as the paimash account produced by both parties show overlapping boundaries even if a new arbitration is appointed, they will be obliged to do what Mr. Macleod has done and make an equitable division of the disputed territory. The delay involved is the most serious objection to this case, for disputes are constantly occurring between the ryots on both sides and owing to the difficulty of jurisdiction it is difficult to stop them.

3. In case Mr. Macleod's line is adopted in which Pudupalayamkuttu (in paragraph 17) appears to be a misprint for Purayankuttu, or if a fresh arbitration is made, I request that some definite orders may be given as to the court in which infringement of the boundaries can be disposed of. The Mánámadurai District Munsif has no authority in Pudukkóttai, and when a Pudukkóttai ryot trespasses upon British territory, there is at present a difficulty in bringing him to account. I think that the Pudukkóttai Diwan may be relied on to do his best to prevent infringement over the boundary, when it is once settled, but as some disputes are almost certain to occur at first, it is advisable that the procedure to be adopted to prevent them should be very clearly laid down. If trespassers are sentenced to short terms of imprisonment on both sides for a month or two, the disputes will probably very soon be checked.

4. The enclosures of your letter are returned herewith.

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Reference of the Board of Revenue thereon, dated 17th December 1897.

Adverting to paragraphs 3 and 5 of the letter from the Political Agent of Pudukkóttai, dated 24th September 1897, No. 252, the Superintendent, Madras Survey, is requested to forward, for the Board's reference, a copy of his letter, dated 13th December 1884, to the Sivaganga Receiver, relating to the boundary disputes between Pudukkóttai State and the surrounding British territory. The Superintendent is further requested to specify the orders of Government under which Messrs. Gompertz (senior) and Pope were appointed as arbitrators for the settlement of the disputes in question, and to state whether they succeeded Mr. Tomlinson who was appointed in G.O., No. 609, Political, dated 21st August 1883, as arbitrator in all boundary disputes between British territory and the State of Pudukkóttai.

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*Read*—also the following letter from H. O'C. CARDOZO, Esq., C.I.E., Superintendent, Madras Survey, to the Secretary to the Commissioners of Land Revenue, Madras, dated 20th January 1898, No. 7-B.:—

[*Reference.*—Board's Proceedings, dated 17th December 1897, on General Register Nos. 2002 and 5812 of 1897, calling for information regarding the settlement of disputes on the boundary between Pudukkóttai State and the surrounding British territory.]

I have the honour to forward as requested copy of letter from the Deputy Superintendent, Madras Survey, No. III Party, to the Receiver of Sivaganga, No. 3077—1338, dated 13th December 1884.



2. Messrs. Pope and Gompertz succeeded Mr. Tomlinson as arbitrators for the settlement of the disputes in question. The only order on record in this office regarding the appointment of Mr. Pope as arbitrator is a telegram from Government, dated 9th August 1884 (copy enclosed). Mr. Gompertz was appointed arbitrator in G.O., No. 640, Political, dated 24th September 1888, communicated with G.O., No. 5692, Revenue, dated 24th September 1888.

3. The enclosures to the proceedings under reference are returned.

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Enclosure.

From H. O'C. CARDOZO, Esq., Deputy Superintendent, No. III Party, Madras Survey, to the Receiver, Sivaganga, dated 13th December 1884, No. 3077—1338.

[*Reference.*—Your No. 103, dated 3rd December 1884, regarding disputed boundary of Sivaganga.]

I have the honour to observe that you do not seem to be aware that I have no authority to interfere with Mr. Pope's decisions as arbitrator. He, not I, was appointed by Government to succeed Mr. Gompertz as arbitrator for settlement of all disputes between British territory and the Native state of Pudukkóttai. All disputes on the Pudukkóttai boundary have been settled by Mr. Pope and from his arbitration there is no appeal.

2. Regarding disputes between Sivaganga and Ramnad or between Sivaganga and the Tanjore district, Mr. Pope has settled three of them, not as arbitrator but as a Survey officer, and from his decision in these cases, confirmed by myself, there is an appeal to a civil court, (please see the Boundary Act No. XXVIII of 1860).

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Telegram from the Secretary to Government, Revenue Department, to the Superintendent, Madras Survey, dated 9th August 1884.

Your telegram 30th ultimo. Pope appointed arbitrator *vice* Tomlinson, Pudukkóttai-Madura boundary.

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Reference, dated 14th March 1898, No. 281.

The papers read above relate to an appeal preferred by the Diwan of Pudukkóttai against three decisions, dated 18th, 19th and 20th September 1884, passed by Mr. Pope as arbitrator in certain disputes about the boundary between Palakurichi in the Pudukkóttai territory and some of the villages in the Sivaganga Zamindari, Madura district. The boundary claimed by each party and that fixed by Mr. Pope are shown in the three sketch-maps which accompany Mr. Pope's decisions (Exhibits 1, 2 and 3). These sketch-maps have been consolidated into one (Exhibit 5) by the Pudukkóttai surveyors.

2. The grounds of appeal preferred by the Diwan of Pudukkóttai against Mr. Pope's decisions are (1) that Mr. Pope was not formally appointed arbitrator by Government and that the consent of the Pudukkóttai State was not obtained for his appointment; (2) that Mr. Pope put himself too much in the hands of the partisans of the Sivaganga Zamindari, making his boundary line more or less midway between what he was told were the limits claimed by the contending parties, but giving the major portion to Sivaganga. It is alleged that an extent of nanja and punja cultivated lands, assessed at Rs. 60-14-0, besides over 700 acres of waste lands and hills, capable of yielding a prospective revenue of Rs. 700 *per annum*, has been lost to Pudukkóttai. The Diwan accordingly requests that the dispute may be enquired into again in the presence of the representatives on both sides and settled *de novo* by an arbitrator specially appointed for the purpose.

3. The first ground of appeal referred to above is invalid, because Mr. Pope was duly appointed, in succession to Mr. Tomlinson, as arbitrator for the settlement of disputes between British territory and the Native State of Pudukkóttai (*vide* Survey Superintendent's letter, No. 7, dated 20th January 1898, and Government telegram, dated 9th August 1884, enclosed). The disputes in question were settled by Mr. Pope under G.O., No. 609, Political, dated 21st August 1883, and under the same Government Order there is a right of appeal to Government. As regards the second point, the Political Agent Mr. Macleod is of opinion that Mr. Pope's inspection of

the disputed boundary was of a cursory nature, and that the result was unduly favourable to Sivaganga. Mr. Twigg, the Collector of Madura and Mr. Thornton, the Head Assistant Collector, Madura, who was with the Political Agent during his inspection of the disputed spot, are also of the same opinion. It appears that much land outside Mr. Pope's line is still occupied by the ryots of Palakurichi (Pudukkóttai State) who cling to what they consider to be their just ancestral rights, and that court amins have been assaulted and several riots have taken place. Mr. Macleod remarks that for the last ten years much of the valuable time of the Political Agent as well as of the Collector and the Head Assistant Collector of Madura, besides District munsifs, Tahsildars and Sub-Magistrates, has been vainly taken up in trying to enforce the results of Mr. Pope's decisions.

4. The question for consideration is how the obvious defects of Mr. Pope's awards are to be set right. Mr. Macleod, who has very carefully inspected the whole of the disputed area has drawn up what he considers to be a fair boundary line and submits it for the consideration of Government. He points out that in a case like this, where rival paimash surveys overlap, there is little to be gained by a fresh inquiry and that the chief object should be to arrive at a more equitable compulsory division than Mr. Pope's. On the other hand, Mr. Twigg is of opinion that there should be a fresh arbitration, as Mr. Macleod held no commission authorizing him to settle the boundary.

5. In the case disposed of in G.O., No. 661, Revenue, dated 3rd October 1895, there was similar dissatisfaction on the part of the Pudukkóttai State with Mr. Pope's award, and advantage was then taken of the proviso, allowing an appeal to Government to grant relief to Pudukkóttai. In the case now under consideration, however, Mr. Pope's decisions seem to have been altogether wrong and the Board considers that it will not be expedient to adopt the result of Mr. Macleod's independent investigation and issue the same as an order in appeal under G.O., No. 609, Political, dated 21st August 1883. The Board accordingly recommends that Mr. Twigg's proposal for a fresh arbitration may be adopted.

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department,
with three letters and enclosures in original.

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Order—No. 260, Revenue, dated 6th May 1898.

Miscellaneous.

In the circumstances now reported, the proposal of the Collector of Madura, which is supported by the Board of Revenue, for a fresh arbitration in regard to the dispute in question, is approved on the condition that the Pudukkóttai Darbar will bear half the cost of the arbitration and of the durable demarcation of the boundary as ultimately settled. The Political Agent for Pudukkóttai will be requested to ascertain whether the Darbar is prepared to accept this condition.

2. The Superintendent, Madras Survey, is requested to report at an early date the name of a competent survey officer for deputation as arbitrator in the event of the dispute being again referred to arbitration.

(True Extract.)

(Signed) G. S. FORBES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).
„ the Political Agent, Pudukkóttai (through the Political Department).
„ the Superintendent, Madras Survey.

Exd. Shaik Karim.

60 Copies.