

(C O P I E S .)

No. 71 OF 1864.

FROM

J. INGLIS, ESQUIRE,
Commissioner of Rohilcund Division,

TO

R. SIMSON, ESQUIRE,
*Secretary to the Government of the
North Western Provinces.*

Dated Bareilly, the 21st September 1864.

SIR,

I HAVE the honor to submit the accompanying letter dated 25th August 1864, from Captain Anderson, forwarding a report signed by himself and Mr. Probyn on the demarcation of the boundary line between Nepaul and Rohilcund.

2. The boundary as now reported on, and shewn in the Maps which accompany the report, has been laid down by the Boundary Commissioners in accordance with the instructions contained in your letter No. 17 A, dated 11th February 1864, Political Department.

3. The boundary pillars had been put up before the receipt of your letter No. 121 A, dated 17th June 1864, forwarding copy of letter No. 98, dated 31st May 1864, from the Secretary to the Government of India, Foreign Department, and the season was then too far advanced to admit of the Boundary Commissioners returning to the Sardah.

4. The Boundary Commissioners state in para. 14 of the report now submitted, that the boundary line has been laid down by them in accordance with the report drawn up by Mr. Probyn in 1861, and not in accordance with the Map which accompanied that report, they further report that the Map forwarded by Mr. Probyn with his report No. 191, dated 22nd May 1861, is not only incorrect in not showing the boundary line determined on by him as Boundary Commissioner, but that it is also so incorrectly drawn that no boundary line at all can be laid down from it.

5. Captain Anderson states in his letter No. 25, dated 2nd July 1864, that in consequence of his duties as Revenue Surveyor in Oudh, he will be unable to meet Mr. Probyn to lay down a fresh line until January 1865.

6. Under these circumstances I would beg to submit the following remarks for the consideration of His Honor the Lieutenant Governor.

7. The treaty made with the Oudh Government dated 1st May 1816, transferred to that Government certain lands ceded to the British Government by the Raja of Nepaul by treaty dated 2nd December 1815. That part of the tract then transferred, regarding which the present reference is made, is declared by the 3rd Article of the treaty to be "the low land lying between the Kali and the Rapti taken from Nepaul."

8. The treaty made with Nepaul, dated 15th November 1860, restores to Nepaul "the low lands between the rivers Kali and Rapti, which were in the possession of the Nepaul State in 1815."

9. Thus in all these treaties it is the land lying to the East of the Kali or Sardah, which was in the possession of Nepaul in 1815, which is transferred—the river remaining in the possession of the British Government.

10. Mr. Probyn, in his report dated 22nd May 1861, decided that the middle of the stream was to be the future boundary between the two States, from Moondia Ghât to Bunbussa, thus giving to Nepaul more than it was entitled to by the treaty—but by the Map forwarded with his report he gives up the whole river and a long strip of land on the right bank, which has never, until the mistake made in the Map was discovered, been claimed by Nepaul.

11. I would submit that the question regarding this boundary line between Nepal and Rohilcund has been unnecessarily mixed up with the boundary question between Oudh and Rohilcund, regarding which so many reports have been written.

12. The two are quite distinct, and have no reference to one another.

13. The boundary question between the British Government and Oudh rested on the terms of the treaty entered into between the two States on the 14th January 1812, which declared that the deep stream of a river dividing the two countries was to be the boundary between them for the future.

14. The boundary question which arose between this Government and Nepal after the treaty of the 15th November 1860 was simply the ascertainment of the lands taken from Nepal in 1815, as it was only those lands which were to be restored. The course of the deep stream of the Sardah in the present year, or in 1816, or the present or past boundary between Oudh and Rohilcund had nothing to do with the question, and should have been kept out of the discussion.

15. The decision of the Boundary Commissioners appointed in 1860 must, I suppose, be held to be final, and to ascertain what that decision was is now the question. To find this out, there is Mr. Probyn's Report, and also the Map submitted by him; but they are at variance with one another, and the latter is so incorrect that no boundary line can be laid down from it.

16. The treaty dated 15th November 1860 restores to Nepal certain land taken from that State in 1815, leaving the river Sardah in the possession of the British Government.

17. The Report submitted by Mr. Probyn gives over to Nepal the land, and half the river.

18. The Map submitted by Mr. Probyn gives over to Nepal the land, the whole stream of the Sardah and a large strip of land on the right bank of the river between Moondia Ghât and Bunbussa.

19. To reconcile these three is impossible; but as the boundary line defined in the report coincides more nearly with the terms of the treaty than the Map, I would submit that the line laid down in the report should be adhered to.

20. The question is by no means an unimportant one, and the Nepal Government is evidently fully aware of the political value of the strip of land for which they are contending, and of which they hope to obtain possession by taking advantage of the error made in the Map.

21. The transfer of this portion of the Sardah to Nepal gives to that Government the complete command of the river—the Ghats between Moondia and Bunbussa are all fordable early in the season—they are the Ghats which it was found necessary to watch during Lord Clyde's operations in Oudh in 1858-59. Sysya is the place where the rebel force under Nurput Singh attempted to cross into Rohilcund, but were defeated by Sir R. Walpole in January 1859.

22. If the project for cutting a canal from the Sardah is carried out, the best position for the head of it would be just below Bunbussa, but if the boundary line shown by the Map is kept to, this would be in Nepalese territory.

23. If this strip of land is given over to Nepal, the owners of the Bilheri Ilaqua will be entitled to compensation for the land taken from them, and for the timber and pasturage dues.

24. For these reasons, and because the line in the Map is undoubtedly not that intended by the Boundary Commissioners, I beg to submit the question for the consideration of His Honor the Lieutenant Governor.

I have, &c.,

(Signed) J. F. D. INGLIS,

Commissioner.

No. 35.

FROM

CAPTAIN F. C. ANDERSON,
Revenue Surveyor 1st Division in Oudh,

TO

J. INGLIS, ESQUIRE,
Commissioner of Rohilcund.

Dated Nynce Tal, the 25th August 1864.

SIR,

I HAVE the honor to forward the Report of the Boundary Commissioners appointed for the demarcation of the line between Nepaul and Rohilcund, together with two copies of the Map of the River Sarda and Boundary line.

I have, &c.,

(Signed) F. C. ANDERSON,

Revenue Surveyor 1st Division in Oudh.

REPORT of the Boundary Commissioners appointed for the demarcation of the Boundary between Nepaul and Rohilcund.

IN 1859-60, Captains F. C. Anderson and J. F. MacAndrew were appointed Boundary Commissioners on the part of the British Government to determine and demarcate the boundary between Nepaul and Oudh. Their operations were brought to a close near the old site of Bilowree, on the bank of the old Sarda, at the Pucka Pillar numbered 211 on the Nepaul and Oudh Boundary Map, in conformity with the orders of the Supreme Government, which directed that they should carry the demarcation of the new line up to the point at which it struck the Rohilcund Frontier.

2. From this Pillar No. 211, northward, to Goosree Ghat, the boundary between Nepaul and Rohilcund is marked by pucka pillars erected by Mr. Buller in 1849 along the old bed of the Sarda.

3. In 1860 Mr. W. G. Probyn, the Collector of Shahjehanpore, was deputed to carry on the boundary from Goosree Ghat up to Burumdeo, and having been strictly prohibited from re-opening any question that had been settled in 1849, he commenced his operations from the most northerly pillar of Mr. Buller's demarcation and proceeded northward, determining the boundary between Nepaul and Rohilcund. In this duty he was associated with an accredited Agent from Nepaul, Sirdar Siddee Man Singh. Mr. Probyn has described fully his proceedings, while thus employed, in his letter No. 191 of date 22nd May 1861, addressed to the Officiating Commissioner of Rohilcund; and for elucidation of his Report a rough Putwaree Map of the river Sarda was executed by the Kanoongos of Poorunpoor and Nigohee for submission with it, and answered admirably for the purpose for which it was compiled.

4. In December 1861 the Supreme Government expressed their approval of Mr. Probyn's proposed line, and declaring it to be finally settled, communicated their decision to the British Resident at Katmandoo, forwarding at the same time the Putwaree Map above referred to. This Map, as has been already stated, was a very rough one, compiled on a small scale for the sole purpose of explaining Mr. Probyn's Report, and was never calculated to serve as an authoritative document for the settlement of the boundary between two independent States. It was nevertheless assumed by the Government, without the application of professional tests, or the support of professional authority, to be a correct delineation of the boundary between Nepaul and Rohilcund and was forwarded as such to Katmandoo.

5. It was also forwarded to the Surveyor General of India, who had been called upon by the Supreme Government to compile a Map of the entire new bound-

ary from the Goruckpoor frontier to Burumdeo. Colonel Thuillier addressed the Collector of Shahjehanpore on the 23rd June 1862, asking to be informed whether any better trace existed in his office of the portions of the Sarda river between Goosree Ghat and Burumdeo, as without more correct data than that contained in the Putwaree Map, he would be unable to carry out the orders of Government, and would be under the necessity of recommending a fresh Survey. In reply Mr. Fendall Thompson, acting temporarily for Mr. Probyn, informed Colonel Thuillier that the Maps in question had been compiled by the Kanoongos of the Powain Tehseel, and though answering generally the purposes of a rough sketch of the boundary, could not of course be implicitly relied upon, nor were the Kanoongos able to make any improvement upon it from their field books.

6. The necessity for a more correct survey having thus been manifested, the Government of India sanctioned on the 4th September 1862, the Surveyor General's proposition to extend the professional Survey to Burumdeo, from the point at which it had closed under the first Commissioner in 1859-60. In pursuance of this order the Surveyor General directed Captain Anderson, Revenue Surveyor of the 1st Division in Oudh, to make early arrangements to take up the work, and to carry out the wishes of the Supreme Government, in such manner as should leave no further excuse for dispute or litigation.

7. Accordingly in January 1863, Captain Anderson left his survey party, then working in Roy Bareilly, and proceeded to the Shahjehanpoor frontier. He commenced work from the Sooltanpoor G. T. Station, where he observed an azimuth, and cutting through the forest, took up, for the purpose of connection, one of his Theodolite Stations of the Nepal Boundary Survey 1859-60. Captain Anderson then surveyed the Sarda up to Khujjoorea Ghat, where a satisfactory connection was again effected with the Pucka Pillar, No. 211, mentioned in the first paragraph of this report. Proceeding northward, the whole of the work was connected with the Mechni Hill Station, situated on the summit of the first range north of Burumdeo, and with a 7th Theodolite three azimuths were observed at stated distances, and a series of stations were laid down on the left bank of the Sarda, which served as a basis for the interior survey of the river. In this manner a complete survey of the Sarda, including all the numerous islands, into which the river is divided, was satisfactorily completed by the 12th February 1863, and a Map on 4 separate sheets was duly compiled on the scale of 40 chains= $\frac{1}{2}$ a mile to the inch, which were sent down to the Surveyor General's office in December last.

8. The line of demarcation was found to have been laid down for but a very short distance between Goosree Ghat and Burumdeo, and therefore Captain Anderson could only mark upon his Maps as the boundary between the two States, the particular bank of the many caused by the receding of the river, which was pointed out to him as having been fixed upon by Mr. Probyn, to be the dividing line between Nepal and Rohilcund, but as such uncertain definition of frontier between two independent States, could not answer the purposes of permanent land marks, Mr. Probyn and Captain Anderson were appointed Boundary Commissioners by the Government, North Western Provinces, and deputed to erect masonry pillars along the north eastern confines of the Rohilcund Division from Goosree Ghat to Burumdeo, uniform in design with those that had been erected by Captains Anderson and MacAndrew between Nepal and Oudh. The Nepal Durbar was informed of this decision in order, that if thought necessary, an Agent might be nominated to represent the interests of that Government in the demarcation of the boundary, and an official styled the Sooba Sahib joined them at Goosree Ghat on the 13th January 1864.

9. At Pucka Pillar No. 211 of the Oudh and Nepal boundary, there is also an old pillar built by Mr. Buller in 1849, between which and Goosree Ghat, four other pillars of Mr. Buller's were identified. These have been numbered upon Captain

Anderson's Map 2, 5, 6 and 8, and as they were found to be too far apart for the purposes of demarcation, eight intermediate ones were built numbered 1, 3, 4, 7, 9, 10 and 11, in conformity with the sanction of His Excellency the Governor General, communicated to the Durbar, in the Resident's Yad-dasht, of which an extract is appended to Colonel G. Ramsay's letter No. 3, dated 20th February 1862, addressed to Under-Secretary of Government, Foreign Department.

10. The most northerly of Mr. Buller's pillars ~~is~~ numbered on the accompanying Map of the Sarda 8, and is situated on the left bank of the Chounder Nala. Beyond this, no trace of the demarcation could be found on the ground, but from a Map in the possession of the Kanoongos, it was evident that two other pillars had once existed, one on the left bank of the Chounder, west of the village of Baibahar, and the other on a spot over which the Sarda now flows. On what was believed to have been the site originally occupied by the first named of these two pillars, a new one has been erected, and has been numbered on the Map 11. From it Mr. Buller's boundary crossed the Chounder Nala, and taking a westerly course along the old bed of the Sarda, struck the river at the Pucka Pillar, which is now supposed to be under the stream opposite Goosree Ghat. To make this portion of the demarcation more clear, pillars Nos. 12 and 13 were built, the former on the left bank of the old bed of the Sarda, and the latter on the left bank of the Bamni Nuddee, a little north of its junction with the stream of the Sarda. Here the old boundary laid down by Mr. Buller ends, and Mr. Probyn's new demarcation commences, marked by his first pillar numbered on the Map 1, which stands on the right bank of the Bamni Nuddee.

11. Twelve masonry pillars numbered consecutively, define Mr. Probyn's boundary on the east of the Sarda, along one of the numerous banks caused by the receding of the river. Between Pucka Pillars Nos. 12 and 14, which last is built on the right bank of the western channel, the boundary traverses the two branches of the Sarda, where they unite at the south east extremity of the Chandnee Chouk island. This island has been ceded to Nepal; therefore from No. 14 up to 29, both inclusive, the pillars have been built on the right bank of the western branch of the Sarda, the mid-deep stream, or should there hereafter be no stream, the mid-dry channel of which here forms the boundary between the two States—from Pillar No. 29 the boundary line recrosses the Sarda, a little below its point of bifurcation at the northern extremity of the island of Chandnee Chouk, where Pucka Pillar No. 30 has been placed, No. 31 standing on the left bank of the river.

All the insular lands of the Sarda above Chandnee Chouk have been adjudged to be British, and therefore, from No. 31 to 38, the pillars have been built on the left bank, throwing all these islands on the British side of the boundary. From Pucka Pillar No. 38 up to Burumdeo, and further into the Hills, the old Ghoorka boundary has been maintained as it has always existed.

12. The Putwaree Map already referred to, made by the Poorunpoor Kanoongo, was, as has been stated, not sufficiently correct to be taken as the only guide for the erection of the boundary pillars, but as the line colored upon it, supposed to represent the position of the bank, gave to the Nepalese land to which otherwise even they could not have pretended to lay any claim, the Sooba Sahib, who had accompanied the Commissioners as far as Mela Ghat without making the smallest objections to their proceedings, here declared that his instructions were to abide strictly by the Map, and that therefore he would consent to the demarcation following this colored line laid down upon it, and no other. The British Commissioners urged that the Map was a compilation made three years before from a rough Prismatic Compass Survey, and was intended simply to explain Mr. Probyn's Report: that the Supreme Government had declared the boundary as proposed in that Report to be finally determined upon, with but one slight modifica-

tion, and had ruled, that as the island of Chandnee Chouk had been ceded to Nepal, the mid-deep stream of the western channel of the Sarda should be the dividing line opposite this island, and that in the event, at any future period, of the whole of the waters of the Sarda flowing into the eastern channel, the Chandnee island should not revert to the British, but that the mid-dry western channel should then be upheld as the boundary between the two States. Further, that as all the islands in the Sarda north of Chandnee Chouk had been adjudged to be British, the now mid-dry channel immediately under the left bank between Pucka Pillars Nos. 31 and 38 should be the boundary.

13. The Sooba Sahib still declared that he had no authority to deviate from the line colored on the Map in his possession, and that therefore he could consent to no demarcation that did not exactly follow it. As the Commissioners found it impossible, consistently with their duty, to act upon the Sooba Sahib's wishes, he left them, and Mr. Probyn and Captain Anderson proceeded with the work of demarcation alone.

14. Independently however of the inability of the Commissioners to deviate from the instructions of the Supreme Government, communicated to them from time to time for their guidance, they would have found it impossible from the incorrectness of the Putwaree Map to have adopted the line colored upon it, to which the Sooba Sahib pertinaciously held. Take for example the village site of Nugla. This village will be found laid down upon both the Revenue Survey and Putwaree Maps; in the former on the scale of 40 chains = $\frac{1}{2}$ a mile to the inch, and on the latter on the scale of one mile to the inch. If the colored line on the Putwaree map had been laid down on the ground, at a distance from the village site of Nugla, corresponding with that shewn on the Map, the boundary pillars must necessarily have been built nearly half a mile within the island of Chandnee Chouk, thus taking from the Nepalese a strip of the island which has been altogether made over to them. While on the other hand, if following the colored line, the demarcation had been laid down half a mile westward from the water's edge, which was what the Sooba Sahib wanted, considerable portions of the village land of Nugla, Aonla, Sisyā, &c. &c., all in the British Purgunnah of Bilheree, the property of the Hearsey family, must have been given over to the Nepalese, and by the same ruling the Mela or Girwa and Nurehra Ghats must have been made over. At the former, which is considered sacred, an annual fair is held.

15. The promise of the Governor General in Council simply guaranteed to the Durbar the restoration of all lands that had been taken from them in 1811, but this cannot be perverted by the Nepalese into an obligation on the part of the British Government to uphold every error to their advantage, that may possibly creep into Maps during the process of compilation, when the incorrectness of the Map is beyond doubt. Mr. Probyn's decision of the boundary, which was approved of and sanctioned by the Supreme Government, and which was accepted by the Nepal Durbar, ruled that from Moondeea Ghat northward and opposite the island of Chandnee Chouk, the mid-deep stream of the western channel should be the dividing line, and that above Chandnee Chouk opposite the islands of the Sarda, the mid-dry channel immediately under the left bank of the river should be the boundary.

16. It cannot be too clearly stated that the Pucka Pillars from No. 14 situated opposite the southern extremity of Chandnee Chouk northward up to No. 38, are not boundary pillars, and do not mark the boundary between Nepal and Rohilkund. They have been erected by the orders of Government as a precautionary measure to meet the contingency of the river, at any time, taking an entirely new channel, and forsaking its present bed, when the pillars would be useful to determine the channel, the middle of which had been decided, dry or fluent, to be the dividing line between the two States. These 25 pillars have all been built on the bank of the river, not

far from the water's edge, and as in the course of time, it is possible that some of them may be washed away, the Commissioners considered it advisable to sink three masonry platforms, $4 \times 4 \times 3$, which will be found noted on the Map No. 1 situated above Moondeea Ghat 13 chains below Pucka Pillar No. 14—No. 2 on the right bank of the Sunneea Nulla about 50 chains south of the village site of Nugla and about 28 chains west of Pucka Pillar No. 23,—and No. 3 situated on the high bank about 12 chains north of the old Fort of Bunbussa. From these that forms the exact position of the Pillars can be at any time ascertained, and their reconstruction, if necessary, effected with facility.

17. The expenditure incurred for the demarcation and survey of the line from Pucka Pillar No. 211 of the Oudh and Nepal Boundary, up to Burumdeo, aggregates Rs. 2,522-7-8 in detail as follows :—

For pay of Surveyors and Establishment employed including clearing of Survey rays,	Rs.	843	15	6
For hire of Camels, and feeding of Elephants employed on the line, ,,		376	10	4
For erection of Masonry Pillars including Lime, Bricks, Labor and Carriage,		1,301	13	10

Total expended,	Rs.	2,522	7	8

(Sd.) W. G. PROBYN,
Collector of Shahjehanpore.

(Signed) F. C. ANDERSON, Capt.,
Revenue Surveyor 1st Division in Oudh,
Boundary Commissioner.

(Inedius)
Charan Lal
Registrar Foreign Dept.