

Treaty of Tumlong 1861

Treaty, Covenant or Agreement entered into by the Hon`ble Ashley Edenm, envoy and special Commissioner on the part of the British Government, in virtue of full powers vested in him by the Right Hon`ble Charles, Earl Canning, Governor-General in Council, and by His Highness Sekeong Kuzoo, Maharajah of Sikkim on his own part, 1861.

Whereas the continued depredation and misconduct of the officers and subjects of the Maharajan of Sikkim, and the neglect of the Maharajah to afford satisfaction for the misdeeds of his people have resulted in an interruption for many years past of the harmony which previously existed between the British Government and the Government of Sikkim, and have led ultimately to the invasion and conquest of Sikkim by a British force, and whereas the Maharajah of Sikkim has now expressed his sincere regret for the misconduct of his servants and subjects, his determination to do all in his power to obviate future misunderstanding and his desire to be again admitted into friendship and alliance with the British Government, it is hereby agreed as follows.

Article I

All previous Treaties made between the British Government and the Sikkim Government are hereby formally cancelled.

Article II

The whole of the Sikkim territory now in the occupation of British forces is restored to the Maharajah of Sikkim, and there shall henceforth be peace and amity between the two states.

Article III

The Maharajah of Sikkim undertakes, so far as is within his power, to restore within one month from the date of signing this Treaty, all public property which was abandoned by the detachment of British troops at Rinchenpong.

Article IV

In indemnification of the expenses incurred in 1860 by the British Government in occupying portion of the territory of Sikkim as a means of enforcing just claims which had been evaded by the Government of Sikkim, and as compensation to the British subjects who were pillaged and kidnapped by subjects of Sikkim, the Sikkim Government agrees to pay to the British authorities at Darjeeling the sum of 7000 (seven thousand) rupees in the following instalments, that is to say:

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| May 1 st , 1861 | Rs.1000. |
| Nov 1 st , 1861 | Rs.3000. |
| May 1 st , 1862 | Rs.3000. |

As security for the due payment of this amount, it is further agreed that in the event of any of these instalments not being duly paid on the date appointed the Government of Sikkim shall make over to the

British government that portion of its territory bounded on the south by the river Rummam, on the east by the great Runjeet river, on the north by a line from the Great Runjeet to the Singaleelah Range, including the monasteries of Tassiding, Pemonchi, and changacheling, and on the west by the Singaleelah Mountain Range, and the British Government shall retain possession of this territory and collect the revenue thereof, until the full amount, with all expenses of occupation and collection, and interest at 6 per cent annum, are realized.

Article V

The Government of Sikkim engages that its subjects shall never again commit depredations on British territory, or kidnap or otherwise molest British subjects. In the event of any such depredation or kidnapping taking place, the Government of Sikkim undertakes to deliver up all persons engaged in such malpractice, as well as the Sirdars or other chiefs conniving at or benefiting thereby.

Article VI

The Government of Sikkim will at all times seize and deliver up any criminals, Defeaters, or other delinquents who may have taken refuge within Its territory, on demand being duly made in writing by the British government through their accredited agents. Should any delay occur in complying with such demand, the police of the British Government may follow the person whose surrender has been demanded into any part of the Sikkim territory and shall, on showing a warrant, duly signed by the British agent, receive every assistance and protection in the prosecution of their object from the Sikkim officers.

Article VII

In as much as the late misunderstandings between the two Governments have been mainly fomented by the acts of the ex-Dewan Namguay, the Government of Sikkim engages that neither the said Namguay, nor any of his blood relations, shall ever again be allowed to set foot in Sikkim, or to take part in the councils of, or hold any office under, the Maharajah or any of the Maharajah's family at Choombi.

Article VIII

The Government of Sikkim from this date abolishes all restrictions on travelers and monopolies in trade between the British territories and Sikkim. There shall henceforth be a free reciprocal intercourse, and full liberty of commerce between the subjects of both countries; it shall be lawful for British subjects to go into any part of Sikkim for the purpose of travel or trade, and the subjects of all countries shall be permitted to reside in and pass through Sikkim, and to expose their goods for sale at any place and in any manner that may best suit their purpose, Without any interference whatever, except as is

hereinafter provided.

Article IX

The Government of Sikkim engages to afford protection to all travelers, merchants or traders of all countries, whether residing in, trading in, or passing through Sikkim. If any merchant, traveler or trader, being a European British subject, shall commit any offence contrary to the laws of Sikkim, such person shall be punished by the representative of the British Government resident at Darjeeling, and the Sikkim Government will at once deliver such offender over to the British authorities for this purpose, and will on no account, detain such offender in Sikkim on any pretext or pretence whatever. All other British subjects residing in the country to be liable to the laws of Sikkim; but such persons shall, on no account, be punished with loss of limb, or maiming or torture and every case of punishment of a British subject shall be at once reported to Darjeeling.

Article X

No duties or fees of any sort shall be demanded by the Sikkim Government of any person or persons on account of goods exported into the British territories from Sikkim, or imported into Sikkim from the British territories.

Article XI

On all goods passing into or out of Tibet, Bhootan, or Nepal, the Government of Sikkim may levy a duty of customs according to such a scale as may, from time to time, be determined and published without reference to the destination of goods, provided, however, that such duty shall, on no account, exceed 5 percent on the value of goods at the time and place of the levy of duty. On the payment of the duty aforesaid a pass shall be given exempting such goods from liability to further payment on any account whatever.

Article XII

With the view to protect the Government of Sikkim from fraud on account of Undervaluation for assessment of duty, it is agreed that the customs officers shall have the option of taking over for the Government any goods at the value affixed on them by the owner.

Article XIII

In the event of the British Government desiring to open out a road through Sikkim, with the view of encouraging trade, the Sikkim Government will raise no objection thereto, and will afford every protection and aid to the party engaged in the work. If a road is constructed, the Government of Sikkim undertakes to keep it in repair, and to erect and maintain suitable travellers' rest-houses throughout its route.

Article XIV

If the British Government desires to make either a topographical or geological survey of Sikkim, the Sikkim Government will raise no objection to this being done, and will afford protection and assistance to the officers employed in this duty

Article XV

In as much as many of the late misunderstandings have had foundation in the custom which exists in Sikkim of dealing in slaves, the Government of Sikkim binds itself, from this date, to punish severely any person trafficking in human beings, or seizing persons for the purpose of using them as slaves.

Article XVI

Henceforth the subjects of Sikkim may transport themselves without let or hindrance to any country to which they may wish to remove. In the same way the Government of Sikkim has authority to permit the subjects of other countries, not being criminals or defaulters, to take refuge in Sikkim.

Article XVII

The Government of Sikkim engages to abstain from any act of aggression or hostility against any of the neighbouring states which are allies of the British Government. If any disputes or questions arise between the people of Sikkim and those of neighbouring states, such disputes or questions shall be referred to the arbitration of the British Government, and the Sikkim Government agrees to abide by the decision of the British Government.

Article XIX

The whole military force of Sikkim shall join and afford every aid and facility to British Troops when employed in the Hills.

Article XIX

The Government of Sikkim will not cede or lease any portion of its territory to any other state without the permission of the British Government.

Article XX

The Government of Sikkim engages that no armed force belonging to any other country shall pass through Sikkim without the sanction of the British Government.

Article XXI

Seven of the criminals, whose surrender was demanded by the British Government, having fled from Sikkim and taken refuge in Bhootan, the Government of Sikkim engages to do all in its power to obtain the delivery of those persons from the Bhootan Government, and in the event of any of these men again returning to Sikkim, the Sikkim Government binds itself to seize them and to make them over to the British Authorities at Darjeeling without delay.

Article XXII

With a view to the establishment of an efficient Government in Sikkim, and to the better maintenance of friendly relations with the British Government, the Maharajah of Sikkim agrees to remove the seat of his Government from Tibet to Sikkim, and reside there for nine months in the year. It is further agreed that a Vakeel shall be accredited by the Sikkim Government, who shall reside permanently at Darjeeling.

Article XXIII

This Treaty, consisting of twenty-three articles, being settled and concluded by the Honorable Ashley Eden, British Envoy, and His Highness Sekeong Kuzoo Sikkimputee, Maharajah, at Tumlong, this 28th day of March 1861, corresponding with 17th Dao Neeepoo 61, Mr. Eden has delivered to the Maharajah a copy of the same in English, with translation in Nagri and Bhootiah, under the seal and signature of the said Honourable Ashley Eden and His Highness the Sikkimputee Maharajah, and the Sikkimputee Maharajah has in like manner delivered to said Hon'ble Ashley Eden another copy also in English, with translation in Nagn and Bhoonsh, bearing the seal of His Highness and the said Hon'ble Ashley Eden. The Envoy engages to procure the delivery to highness, Within Six weeks from this date, of a copy of this Treaty, duly ratified by his Excellency the Viceroy and Governor general of India in Council and this treaty

Shall in the meantime be in full force.

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Sd)

(Sd)

Sekrong Kuzoo Sikkimputtee

Asley Edan, Envoy

Sd)

(Sd)

Canning (Seal)

Ratified by his Excellency the Viceroy and Governor General of India in Council at Calcutta on the Sixteenth day of April 1861.

(Sd)

C.U. Aitcheson

Under Secretary to the Government of India.