M.R.O 1—77,606—8-6-37.

(1) Number of pages_____

(2) Date of repair_____

(3) Initials of the Referencer_____

MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 2504 H Press ~~Mis.~~

17-H-17-13

Dated 2—10— 1871.

Not to be folded or roughly handled

Ootacamund
28th Sept. 1871

From J. W. Hartley Esq.
Govt. Pleader Madras

To Colonel J. Carpendale R.E.
Secretary to Government
Public Works Department

Sir I have the honor to acknowledge
receipt of the Proceedings of Govt.
noted in the margin, referring for my
opinion certain questions connected
with the dispute between Major
Hunter & the Government as to the
Alienation & Resumption of Lands in the
Shevaroy Hills. I have since received
from the Board of Revenue copies of
letters from Major Hunter to the
Officers of the Public Works Department
& other correspondence on the subject,
& also the duplicates of the original
title

G.O. 9th Sept. 1871
No. 2,302

title deeds granted to Major Hunter for his two estates of Pattiefauly & Kindrigan, & I have the honor to submit the following observations on the matter.

2. Upon a careful consideration of the papers before me I do not see that I can safely advise upon either of the questions referred to me without further information.

3. The first question, as to the competency of suing Major Hunter for damages for the injury done by him to that part of the Milton of Grant which runs through his Pattiefauly estate, depends entirely upon the nature of the respective rights of Major Hunter & the Government in the roads in question. The Collector states that Major Hunter has no right whatever to the roads running through his property, because they were in existence when he acquired the estates & were therefore reserved under Sect. XXII of the Waste

Lands

Lands Acts. He admits however that the area of the roads was not deducted from the total area conveyed to Major Hunter & that assessment has always been levied in respect of the roads as well as of the rest of the estates. Major Hunter on the other hand appears to assert that the roads are his own property & that he has the right to close them entirely.

4. The deeds of conveyance contain a reservation, similar to that in the Waste Land Rules, of all existing & customary rights of Government & adjoining proprietors in all existing roads & paths &c. The question thus resolves itself into one of fact, what were these existing & customary rights at the date of the conveyance, & upon this subject I have no sufficiently accurate information to enable me to give an opinion. The question seems to have been raised in the course

of

for the trial of Major Hunter
before the High Court for distributing
a [illegible]
Officer I be state that
Mr. Justice Bidduing in discharging
him observed that the Attorney Genl
was at Government Instance. If
this is correct, I think there must
be something more in Major Hunter's
claim than the Collector seems to suppose,
& at all events I think it would
be unsafe to go into Court without
further enquiry into the grounds of
his claim.

5. The other question referred to
me, as to the liability of Major
Hunter, in the event of his refusing
to account for the expenditure
of the Government grant of Rs 12,550
depends upon the terms upon which
that grant was made & upon that
subject I have no information whatever.

6. I propose therefore, with the
approbation of Government, to endeavour
to arrange with the Collector, who
is probably conversant with
all the facts of the case, for a
conference on the subject, on my
way to Madras, about the middle
of next month, & then to report
further upon the matter.

I have the honor to be
Sir
Your most obedient servant
J W Handley
Govt. Pleader

List of Papers forwarded to the Govt. Pleader Madras with Govt. Memo dated 2d October 1871

1871			
Octr. 2	Govt. Memo	No. 1957	
Do	25 Do	No. 1966	
Do	21st November 1861	No. 2153	
Do	13 December 1861	No. 2302	
Do	13 January 1862	No. 1349	
Do	14 July 1862	No. 1582	
Do	Do	No. 1586	
Do	21st Do	No. 1752	
Do	24 Do	No. 1768	
Do	2d August 1862	No. 1834	
Do	11 Do	No. 1905	
Do	23d Do	No. 2017	
Do	1st September 1862	No. 2078	
Do	3d October 1862	No. 2369	
Do	10 Do	No. 2426	
Do	21st March 1863	No. 711	
Do	18 April 1863	No. 953	
Do	11 May 1863	No. 1186	
Do	26 Do	No. 1336	
Do	1st June 1863	No. 1392	
Do	28 September 1863	No. 2805	
Do	18 April 1864	No. 1105	
Do	29 Do	No. 1249	

P. D. No. 1871 Dept
Rec'd 4th October
No. 4727.

From.

The Govt. Pleader

Madras.

Dated 28th September/71
Recd 4th October/71

Submitting observations on the Questions, referred for his opinion, connected with the dispute between Major Hunter and Government as to the Attoor Ghaut on the Shevaroy Hills.

No. 2504 A. 2 Oct/71.

Ans'd 7/A

G.O. dated 29th June 1864 No 1892.
—— do —— 12th July 1864 No 2014.
—— do —— 27th —— do —— No 2144.
—— do —— 23rd December 1864 No 3688.
—— do —— 5th June 1865 No 1525.
—— do —— 9th September 1865 No 2642.
—— do —— 21st October 1865 No 3144.
—— do —— 24th March 1866 No 964.
—— do —— 26th October 1866 No 3416.
—— do —— 18th June 1867 No 1647.
—— do —— 19th Augt 1870 No 1992.
—— do —— 4th Septr 1871 No 19 Miscellaneous.
—— do —— 9th —— do —— No 2302.

P W Depts
No 25 Dtd 1

Proceedings of the Madras Government
Under date the 2nd October 1871
Read the following

From the Govt Pleader Madras / N E No dtd 28th September 1871

The Government approve
of the Government Pleader's
proposal to confer per-
sonally with the Collector
of Salem on the subject
of these letters, and mean-
while, all such papers
on the records of Govern-
ment as bear on the
case will be furnished
to Mr Handley.—

J. 2nd Oct

Dispatched.

To — Handley Esqr.
The Government Pleader Sylvester Hotel Ootacamund
Revd Dept
Collector of Salem
Do. S. dispd to Govt Pleader 12/10/71 private letter as printed
P.C dispd to others 11/10/71.
Do. S. dispd to Mr. Handley at Ootacamund 2nd Oct. 1871.

Public Works Department.

Letter from the Government Pleader dated 28th September 1871.

Circulated

I think we may approve of the Commissioners' proposal & for: orders — as to the Charles & Salem: as the main line if such be will be called & furnish the Standley with all papers in the records & for: such lines & carry bearing as the case.

30th Sept 71

29th Sept

No. 4727.

Abstract of [1871] Madras.

PUBLIC WORKS.

To Government Order

dated

ed.

Rd.

G. O. 2 October 1871, No. 2504 A

Nos. 17 A & 17 B.

Major Hamley — Appointing Capt. Pearse's proposal to survey permanently into the Collectorate of Salem and the Division of the Talukas between Major Hamley and Capt. ...