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Revenue Department

Minutes of Consultations

23rd Dec 1857

Back Numbers 36-37

Order no 1328 dated 19th Dec 1857

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செப்பனிடுபவர் பெயர்

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Fort Saint George, Revenue Consultation of 23d December 1857.

No. 36. Read the following letter from H. YOUNG, Esq., Chief Secretary to the Government of Bombay; to H. FORBES, Esq., Acting Secretary to the Government of Madras, dated Bombay Castle, 27th November 1857, No. 5093.

SIR,

I am directed to forward herewith copy of a letter from the Acting Revenue Commissioner in charge Southern Division, No. 3080 dated 19th Ultimo, and of its accompaniments, relative to a boundary dispute between the village of Koombardeh in the Beedee talooka of the Belgaum Collectorate, and the village of Koodulgaum in the Soopa talooka of the Canara Collectorate.

2. His Lordship in Council agrees with Captain Anderson and Mr. Ellis, as to the preponderance of evidence in favor of the claim of the village of the Koombardeh; but as this is a matter affecting the boundary line of the Presidencies of Madras and Bombay, this Government are desirous to obtain the concurrence of the Government of Fort Saint George, to whom, therefore, I am desired to request the question may be submitted.

From B. H. ELLIS, Esq., Acting Revenue Commissioner for alienations in charge S. D; to J. D. INVERARITY, Esq., Acting Chief Secretary to Government, Poona, Revenue Commissioner's Office; dated 19th October 1857, No. 3080.

SIR,

I have the honor to submit, for the consideration of Government, a letter* from the Acting Collector of Belgaum, with accompaniments, relative to a disputed boundary between the villages of Koombardeh in the Belgaum Collectorate, and Koudulgaon in Canara, under the Madras Presidency.

* *No. 1087 of 5th September 1857.*

2. The arguments on either side are clearly summed up in the 5th para. of the Acting Collector's letter. The balance of evidence is, in my opinion, decidedly in favor of Captain Anderson's view. One of the principal arguments of the Canara authorities is founded on the circumstance of the temple having assignments of land and money in that district. It is not a rare occurrence to find alienations of revenue in one district in favor of religious establishments in another, and the argument would in no case have much weight. In the present dispute it is counterbalanced by the fact that the temple enjoys similar assignments from the Bedee District, as shewn in the appended extract from a report of Lieutenant Laughton dated 15th July 1853.

3. Dr. Gibson, the Conservator of Forests, being well acquainted with the locality in question, I referred the papers to that gentleman for any observations he might have to make. His reply, of which a copy is submitted, is in favor of the view taken by the Superintendent of survey.

4. With reference to an opinion of the Sub-Collector of Canara, Mr. Hall (in his letter† No. 149, dated 13th June 1853) that there are two temples, the chief one called the Sidh belonging to the Canara village, and the other Byrowa belonging to Koombardeh, I requested further explanation from Captain Anderson as to the buildings shown on the annexed plan.

† *Appended to the Acting Collector's letter.*

5. Captain Anderson states in reply that "the whole hill and temple are called the "'Koombardeh Sidh' strictly speaking the name of Sidh appertains to 'Byroo' only. In the "residence for Priests, No. 8 of the sketch is also an inferior place of worship over the grave of "the Priests who established the Byroo or shrine of Kalee pere." If Byrowa belong to Koombhardeh, the whole Sidh would thus appear to belong to the same village.

6. The only point which the Acting Collector considers established on the part of the Koudulgaum villagers is that they have certain privileges connected with offerings and ceremonial worship at festivals. Whatever be the result of the dispute regarding the boundary, all existing privileges should of course be respected care being taken that neither party deviate from the practice of former years.

7. The balance of evidence being, as I before observed, in favor of the koombardeh people, I beg to recommend that Captain Anderson's line of boundary be adopted; and further would suggest that the disputed land be placed entirely at the disposal of the Conservator of Forests for the purpose of preserving the timber on behalf of Government.

Memorandum from A. GIBSON, Esq., Conservator of Forests; to the Revenue Commissioner, S. D., dated Dapoorie 12th October 1857, No. 1513.

1. The undersigned has the honor to offer his opinion on the accompanying reference as follows.

2. Having a *perfect recollection* of the nature of the ground on both sides of the Hill he can state.

That on the side of Koomurdeh the slope is gradual up to the monastery which crowns the top.

He thinks there is a broad road leading from the Bedee side up this gradual slope.

3. Behind the temple is a lower plain continued except where interrupted by ravines and Hillocks as far as the scarp along which the red line runs.

This ground was described to him as forming the "Gaeran" or cattle stance for the animals of the temple and as belonging to it.

4. In *as far as he remembers* there seemed to be no doubt expressed by his informants that the bounds of Koodulgaum were from this scarp which is of itself a good natural boundary.

The red line of the Map follows this natural division.

5. Viewing therefore proximity, the natural features of the Country, and the other evidence bearing on the subject, he would say that there is no doubt as to the Monastery being in the Koomurdeh bounds and that the scarp and red line as given in the sketch correctly shew the real boundary of the two villages.

The papers are herewith returned.

From W. H. HAVELOCK, Esq., Acting Collector of Belgaum; to B. H. ELLIS, Esq., in charge Revenue Commissionership, Southern Division, dated Belgaum, Collector's Office, 5th September 1857, No. 1087.

SIR,

I have the honor to submit, for your consideration, a correspondence received with letter No. 279 dated 26th August from Captain Anderson, Superintendent Revenue Survey and Assessment S. M. C. on the subject of a boundary dispute between Keerpolee, a hamlet subordinate to Koombardeh in the Beedee talooka of the Belgaum Collectorate, and Kondulgaum in the Soopah talooka of the Canara Zillah in the Madras Presidency.

2. From a careful consideration of the correspondence, I arrive at much the same opinion as Captain Anderson, that it would be the best plan to fix the boundary as indicated by the red line in the Map, the land, which is represented to contain fine jungle, being included in the Forest reserve under the management of the Conservator of Forests.

3. Though I coincide generally in the view Captain Anderson takes of the value of the evidence adduced in support of the conflicting claims of Keerpoolee (subordinate to Koombardeh) in the Belgaum Collectorate, and Koondulgaum in Canara as regards the disputed land, yet it must I think, be admitted that the Koondulgaum people have a plainly established share in the temple or temples known by the name of "Sidh" and a share in the emoluments and the performance of the temple rites.

4. It is therefore not surprising that the Collector of Canara should adhere to the opinion of his predecessor that the "Sidh" is within the Canara boundary, and indeed it appears to me quite probable that the Koondulgaum people have at some time had "Koomrees" in the jungle land proposed to be included within the boundary of Koombardeh.

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5. While it has been shown on the one side from the evidence adduced by Captain Anderson that the temple is always called the "Koombardeh Siddh;" that the Police authority of the Beedee District Officer has been admitted by the hatial Peshkar, a Police Officer of Canara, to extend to the Sidh temple itself; that the emoluments of the temple are partly derived from the Beedee district, and that the temple is described in old records as in the hills of Koombardeh;" it has been urged on the other side by the Canara authorities that the Sidh has always been considered to be in Canara; that a money allowance is paid to the temple from the Treasury of the Districts; that there are two small estates belonging to the temple in Canara, and that the Meerasdar of Koondulgaum is the person through whom the religious rites are performed.

6. It would appear to me that Koondulgaum has at least an equal right with Keerpoote, (subordinate to Koombardeh,) to the Sidh temple; and evidence is produced by the Canara authorities to shew that precedence in the sacrificial rites has by a decision of the local headmen been given to Koondulgaum.

7. At the same time the natural formation of the country does, in my opinion, as argued by Captain Anderson, indicate the ridge along which the red line is drawn in the Map, as the natural boundary, and as there is no mention of any established rights of cultivation in the disputed tract I can see no injustice in fixing the boundary as proposed.

8. Although the land in dispute is forest land, I am respectfully of opinion that the subject in its present stage does not require any representation from the Conservator of Forests under the injunction contained in para. 4 of Government Resolution No. 5059 dated 19th December 1856 addressed to the Revenue Commissioner Southern division for whether the land should be assigned to the Canara Zilla and the Madras Presidency, or Belgaum and the Bombay Presidency I believe the timber would be similarly preserved on account of Government.

From Captain W. C. ANDERSON, Superintendent Revenue Survey S. M. C.; to G. B. SETON KARR, Esq., Collector of Belgaum; Superintendent's Office, Dharwar 26th August 1857, No. 279.

SIR,

With one exception, I have obtained at different times the concurrence of the Madras authorities of the Canara Zillah to the settlement of the boundaries as proposed by me between the Bedee talook of Belgaom and the Canara Zillah which districts are conterminous for about 35 miles, along the whole of which distance disputes existed with hardly any interval.

2d. The exception alluded to consists of a dispute between the hamlet of Keerpoolee of the village Koombardeh of the Bedee talooka and Koodúlgaon of the Canara Zillah, regarding the settlement of this dispute, I have not been able to agree with the Sub-Collector of Canara and consequently am obliged to refer the matter for the decision of superior authority.

3d. The dispute in question consists of about 271¼ acres of hill and jungle; near the western edge of the disputed land the ground falls away precipitously, the ascent from the east being in general moderate along the top of the precipice above referred to is the line of watershed to the west of the disputed land are the undisputed lands of Canara on the east similarly those of Belgaom.

4th. The water-shed of the precipitous fall has been assented to by the former Sub-Collector of Canara as the boundary of Koombardeh of Bedee and Malvee of Canara in the land adjoining this dispute to the north.

5th. On a spur from the main ridge projecting to the eastward is the celebrated "Sidh" or monastery called the Koombardeh Sidh which includes two shrines of Hindoo deities, the dispute is regarding this "Sidh."

6th. A map of the dispute shewing the formation of the ground and an eye sketch shewing the relative position of the different shrines and buildings of the Sidh are appended.

7th. A dispute has it is pretty certain existed in this locality for a long time back, the Sidh is shewn in all maps of the district, in those made by the Canara authorities as on the line of boundary, in the East India Company's map, made from the great Trigonometrical survey

(Sheet No. 41) the main ridge is shewn as the boundary, the Sidh being distinctly indicated in the Bombay territory, the evidence of different maps being contradictory is not of any value on either side.

8th. The evidence adduced by the Madras authorities in favor of the claim of their villagers, is as follows.

Para. 4.
Sub-Collector's letter No. 149 *dated* 13*th June* 1853.

9th. A paper the genuineness of which however is very open to question, giving precedence to the people of Koodulgaon at the time of the annual sacrifice; from which paper also the Sub-Collector conceives that the "Byrowa" shrine is declared to belong to Keerpoolee (Belgaon) and the Sidh shrine to Koodulgoon (Canara). The paper in question is admitted to be merely a copy; a fight it appears takes place yearly regarding preceding in sacrificing, a point which could not have remained in dispute were the genuineness of this paper admitted.

10th. The Collector also shews that the Sidh receives from the Canara treasury an annual allowance of Rupees 9-3-12 and that two small estates belong to it situated in the Canara Zilla.

Dated 21*st Aug.* 1855, *without No.*

11th. The then Sub-Collector in another and final letter states that the Sidh has always been supposed to be in Canara, and it was for us to prove that it was in Belgaon, this appears to me somewhat assuming the point in dispute what evidence is indeed adduced in the Canara side only aims at proving that the Sidh is on the line of boundary it is no where proved or attempted to be proved that it is in Canara.

12th. The evidence on the side of Koombardeh or Keerpooly (Belgaon) is as follows:

1stly. The natural formation of the country; the line of watershed between Keerpoolee and Koodulgaon being along the main ridge according to the red line shewn on the Map. The entire drainage of every part of the spur on which the Sidh is situated is into the lands of Keerpoolee or Koombardeh.

2ndly. The name by which the Sidh is far and wide known "the Koombardeh Sidh" no one ever heard of it as "the Koondulgaon Sidh" since the receipt of the last letter from the Sub-Collector I have obtained several documents of an Official character in which this place is spoken of as situated in the hills of Koombardeh. These papers of which there are 13 in all contain orders relating to the Huks of the shrines at the Sidh which is expressly mentioned as being in the hills of Koombardeh the earlier are written in the name of one Narayen Rao Venkatesh and those of a few years later date in the name of one Venkut Rao Narayen and addressed to the dessaees and Deshmookhs and Deshpaudyas of the Khanapoor and Ghotgallee Kuryats and other individuals I have ascertained from the enam Commissioner that Narayen Rao Venkatesh was Sursoobedar of that part of the country from the acquisition of the District by the Peshwa till his death in 1171 Fuslee A. D. 1761-62 and his son Venkut Rao Narayen succeeded him as Sursoobedar and held that office till Fuslee 1177 A. D. 1767-68 and again from Fuslee 1182 to Fuslee 1186 A. D. 1772-3 to 1776-7. The Enam Commissioner however states that the seal on these papers does not resemble those in use at the time by the Peshwas' authorities the papers have however every appearance of being ancient, and there would not appear to be any reason for doubting their authenticity they are only required to prove the fact of the Sidh having been from time back spoken of as being "in the hills of Koombardeh" I enclose one of these papers as a specimen.

3rdly. Police Jurisdiction. At the annual Jutra or feast, Police Peons attend from the Bedee Kucherry (Belgaon) to keep the peace and on one occasion when a row occured in the Sidh itself and a number of persons were charged with assaults they having gone to their village in the Canara Zilla, were given up without objection by the Hulliah Peshkar, or Mahalkuree as he would be denominated in Bombay to the Bedee Mamlutdar. The Sub-Collector makes no allusion to the yearly exercise of Police authority by Bedee but considers that the act of the Hullihal Peshkar cannot have any weight in deciding the claim. It appears to me however a distinct and most practical admission of Police Jurisdiction which added to the proved denomination of the Sidh and the natural formation of the locality leave no doubt in my mind as to the true line of boundary which I consider to be the red line on the map the line of water shed between the villages concerned.

Para. 5 *my letter No.* 50 *of* 1855.

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Fort Saint George, Revenue Consultation of 23d December 1857.

13th. In his last letter without No. dated 21st August 1855, the Sub-Collector states that a correspondence about certain Koomrees which he connects with the Sidh dispute in para. 4 of his letter had terminated favorably to Canara, and that Mr. Reeves then Collector of Belgaon could not controvert the opinion of Mr. Forbes then Head Assistant Collector regarding the temple being in Canara though it appeared to Mr. Reeves from the Map that the temple was exactly on the line of boundary.

14th. First, with reference to the Koomrees I obtained from your office all correspondence which had taken place on the subject of the dispute; the subject of this letter Koomrees are frequently alluded and many disputes regarding them have taken place in the numerous boundary disputes which we have settled within 4 or 5 miles of the Sidh, I never heard though of any disputed Koomrees in the immediate vicinity of the Sidh in fact I saw none at all being near it of all those mentioned in the correspondence all are certainly beyond a mile from it and have no bearing on the question.

15th. As regards Mr. Reeves' opinion alluded to in para. 4 of the Sub-Collector's letter, I will quote Mr. Reeves' words which hardly bear the meaning attached to them by Mr. Fisher.

Para. 3.
No. 172 *of* 1846 *from Mr. Reeves Collector of Belgaon to Mr. Forbes, 1st Asst. Collector, Canara.*

"I confess myself unable to come to any conclusion "regarding it from the Map you were so kind as to send "me. The temple seems stuck exactly on a common "boundary so as to be equally claimable from position by "the disputing parties." Mr. Reeves had it appears not seen the ground and was writing after an inspection of the Map sent by Mr. Forbes. The setting a side of all evidence from the Maps which contradict one another, is admitted by the Sub-Collector in para. 2 of the very same letter No.

16th. The Koombardeh Sidh is situated in the middle of a very fine jungle all of which situated in Bombay is about to be included in a Forest reserve and rigorously preserved, as regards taking the land thus into direct Government management might perhaps be a satisfactory compromise of the dispute, as regards the villages concerned the evidence for the locality of the temple being in Koombardeh appears to preponderate over that adduced by Madras for its being on their side of the boundary.

16th. Existing practices as regards the shrines should not be interferred with so long as no breach of the peace is committed.

17th. The line of watershed shewn on the map I propose as the boundary line.

Extract paras. 6, 7, 8 and 9, of a report dated 9th May 1853, from Lieutenant LAUGHTON, Assistant Superintendent to the address of the Superintendent Revenue Survey, Southern Mahratta Country.

Para. 6. The land in dispute consists of 271 acres 12 goontas, and is as far as I have seen properly shewn on the map: the whole of it is hilly jungle, and not a single Koomree in it nor have there been any for a very long time, it is therefore my opinion that the Koodulgaon people have only made the dispute, in order to try and get the Sidh Pagoda into their possession; they would gain nothing in a pecuniary point of view by such a proceeding for they are not the only people who come to worship here, but the people of the whole country round from Belgaon, Dharwar, Hullihal Bedee, &c., &c. amounting sometimes to 15,000 come once a year at the time of the fair which lasts 3 days, but the Koodulgaon and Keerpoolee people have always been in the habit of fighting at this period, for who should present their offerings, before the other to the god.

Para. 7. The Koodulgaon people shew no proof that the land in dispute is theirs; but have produced a paper shewing that in the year 1190, Fuslee the Ghotgalle Dessaee and the Singutgeree Dessaee having met agreed that at the time of the fair the Koodulgaon people should present their offerings to the god, before the Keerpoolee people should; beyond this, they have no other proof.

Para. 8. The Keerpoolee people tell me, and it is mentioned in their Urzee, that their line of boundary is along the ridge running N. E. and S. W. marked 3, 4, 7, 9, 1 on the map and state that their reason in pointing out the boundary as laid down on the map along the line 3, 4, 5, 6, 1 was that the Koodulgaon people claimed so much land on their side, that they were afraid, they might lose a great deal of land by my decision.

Para. 9. They have no proof to shew that the whole of the land is theirs, and only produce a paper shewing that in the year 1233 Fuslie in answer to a request from Captain Graffton, they shewed their boundary to be as laid down on the map by the figures 3, 4, 7, 9, 1. The Coolkurnee of Keerpoolee says that there are papers concerning the Sidh Pagoda, in his possession but that he did not bring them as they had been seen by you at the time of the settlement of the dispute between the villages of Koombardeh of the Belgam Collectorate and Malvee of the Canara Collectorate.

Extract paras. 1 to 5 of a letter from the Superintendent Revenue Survey S. M. C. No. 177 dated 23d May 1853 to the address of Mr. A. HALL, Sub-Collector of Canara; dated Sircy, 13th June 1857, No. 149.

Para. 1. I have the honor to forward for your approval, copy of a report from Lieutenant Laughton, Assistant Superintendent and accompanying original deposition &c. regarding a boundary dispute between Keerpoolee in the Beddee talooka, Belgaon Collectorate, and Koodulgaon of the Soopa talooka Canara Collectorate.

Para. 2. I took the opportunity of being in the neighboorhood to visit the site of the dispute with Lieutenant Laughton a short time back.

Para. 3. The precipitous ridge proposed as the boundary is a continuation of that alluded to in the 6th para. of my letter, No. 101 dated 29th April 1853, the Northern portion of which ridge, was agreed upon as the boundary between Koombardeh of Bedee talooka and Malvee of Soopa.

Para. 4. The whole question is regarding the Sidh temple and I think the claim of Koodulgaon to it is a groundless one. No one has ever heard of this temple as the Koodulgaon Sidh, while it is known far and wide as the Koombardeh Sidh, though it is about 2 miles in a straight line from Koombardeh and little more than one from Koodulgaon. It is separated from Koodulgaon by the precipitous ridge before alluded to. In the map of Canara which you kindly lent me the ground is somewhat incorrectly laid down the ridge being represented to turn suddenly from the point marked A on the map of the dispute to the Sidh, which is very contrary to fact as a considerable depression intervenes. In your map the Sidh is represented as being on the boundary. I forward an extract of your map. In the map of the Trigonometrical Survey of the Bombay Presidency the boundary is shewn a mile to the west of the Sidh; in fact the respective surveys measured as the villagers on their own side pointed out and their evidence in this case is contradictory and useless.

Para. 5. The great precipitous ridge is, I think, the natural line of boundary, according to our practice in similar cases it would be notified to both sides, that any rights or customs either party have hitherto had with regard to the temple are in no way interfered with by this settlement.

From A. HALL, Esq., Sub-Collector of Canara; to Captain W. C. ANDERSON, Superintendent Revenue Survey S. M. C. Dharwar.

Sir,

I have the honor to acknowledge your letters (Nos. 177 and 178) dated respectively 23rd and 25th Ultimo, regarding the settlement of the boundary dispute existing between the villages of Koodulgaon in Canara, and Keerpoolee in Belgaon.

2. It is of much importance, I think, that the point at issue regarding the Sidh Pagoda, should be rightly determined, and I must confess that I am of opinion, that unless the Belgaon authorities can advance some stronger proof of its belonging to that district than has been produced, it ought to be regarded as situated in Canara, and should be allowed to remain as such.

3. The accompanying documents which I have the honor to forward (as per canarese list) throw more light on the subject than Lieutenant Laughton's enquiry elicited.

4. The paper produced by the Koodulgaon people before Lieutenant Laughton, in which precedence is given to them at the time of making offerings to the Sidh Swamee, contains, if genuine, a strong argument in favour of their claims. It would appear by it that there are two Pagodas on the spot in question, and I believed it is the case, one being called "*Sidh*" and the

other "*Byrewah.*" By the tenor of the decision of the head men, it seems clear that it was agreed that the former belonged to Koodulgaon, and the latter to Keerpoolee. Besides which the "Sidh" Pagoda receives on allowance (Tusdeek) of Rupees 9-3-2 per annum from the Treasury of this District, and there are two small estates belonging to it in this Zillah, while the Meerasdar of Koodulgaon is the person through whom the religious rites are performed in it.

5. Under these circumstances it will, I think be best that the boundary should be laid down, so as to include the Sidh Pagoda in Canara, as it is marked in the large Survey Map.

6. I feel sure you will kindly give the matter further consideration with the additional facts before you which I have now brought to notice.

7. I beg to return the documents received from you on the subject.

Extract paras. 1 to 10 of a letter No. 50 dated 15th February 1855, from the Superintendent Revenue Survey Southern Mahratta Country to the address of Mr. W. FISHER, Sub-Collector of Canara.

Para. 1. I have the honor to refer you to your predecessor Mr. Hall's letter No. 149 of 1853, dated 13th June in answer to a letter of mine proposing the settlement of a boundary dispute existing between the villages of Keerpoolee in the Beedee talooka of the Belgaum Collectorate and Koodulgaon in Canara.

2d. Mr. Hall was not satisfied with the proof adduced on the Beedee side and considered that unless that side could adduce stronger evidence the Sidh temple should be included within the Canara boundary on which side in his opinion as set forth in the 4th para. of his letter preponderance of evidence existed.

3d. I consequently directed Lieutenant Laughton the Assistant Superintendent then employed in the Beedee talooka to collect whatever additional evidence might be obtainable from the Dessaee of Koombardeh to which village Keerpoolee is subordinate, I forward copy of that part of Lieutenant Laughton's report and accompaniment containing any thing bearing materially on the point at issue, from this you will observe that payments similar to those adduced by Mr. Hall are made to this in the Beedee talooka as well as in Canara, so that we must search for other evidence to establish any exclusive right to the land on which the temple stands.

4th. I wrote to Lieutenant Griffith the officer of the Enam Commission in charge of the Peishwa's records relating to this part of the country, and requested him to forward me extracts of any entries effecting the Sidh temple, I forward the copy of what entries were found, they are similiar in character to those noticed in the preceding paras. and do not throw much light on the question.

Appended No. 5.

5th. I obtained however from the Beedee Mamlutdar's Kutcherry more distinct evidence regarding the Zilla in which in practice the Sidh temple has been considered to stand. In 1845, two individuals named Sidhapa and Kristapa inhabitants of Tarwar in the Beedee talooka complained to the Magistrate of Belgoan that certain persons 25 in number inhabitants of Surgaum in the Soopa talooka had assaulted them within the precincts of the Sidh temple at the requisition of the Beedee Mamlutdar the Hullihal Peshkar sent to Beedee the people accused and the complaint was then investigated by the Beedee Mamlutdar, the assault was not proved but that is immaterial; it is though very worthy of notice that the Criminal jurisdiction of the Beedee Mamlutdar over the Sidh temple does not appear in any way to have been called in question on this occasion.

The assault was alleged to have taken place at the time of the annual sacrifice mentioned in Lieut. Laughton's letter para. 4 appended.

6th. I am also informed that it is the yearly practice to send a Duffadar and one or more persons of the Beedee Police establishment to keep the peace at the yearly jatra held at the Sidh temple at the time of the Sewaratee festival, while it is stated that no such Police officers attend from the Canara side.

7th. The temple in question is a very famous one and among the several temples called Sidh in Beedee and Canara this one is always known on both sides of the frontier as the Koombardeh Sidh, which could hardly be the case where it situated in a village other than Koombardeh, I have before mentioned that Keerpoolee is a hamlet or subordinate village to Koombardeh.

8th. About a year ago happening to be in the vicinity of the Sidh cave on the banks of the Kalee Nudee and asking a native of that vicinity about other Sidh temples or caves in the neighbouring country he mentioned by name of the Koombardeh Sidh and informed me that it was called the Koombardeh Sidh from being in that village though it was reported that half of the temple in question had been recently transferred to the Canara side, this report, originated, I imagine in the statements made by the Hullihal Peshkar to Mr. Hall on which the 4th para. of his letter No. 149 of 1853 was founded.

9th. I am not aware if you have ever visited the site of the temple in question. Mr. Hall, I believe, never did, the nature of the locality in itself affords pretty conclusive proof that the temple cannot stand in the lands of Koodulgaon, the country from the Koombardeh side rises up to the temple with a slope gradual enough to admit of riding up to the temple itself and from this direction leads the main road to it; immediately that is within 100 yards or so, the hill on which the temple stands suddenly descends in the shape of a precipitous rocky fall towards Koodulgaon the descent is abrupt enough to be inaccessible with the exception of by one or two ravines by which the precipice is cut through. In a previous letter to Mr. Hall regarding this dispute No. 177 of 1853 I described this ridge and the manner in which the boundary is exhibited in the map of the Soopa talooka in your office. I have since received from England the sheet 41 of the Trigonometrical survey of India, in this the ridge in question is plainly indicated as the boundary, and the Sidh temple most distinctly placed within the boundary of the Belgaon Collectorate. I trust that on a consideration of the evidence I have now laid before you, you will see no objection to our fixing the boundary as originally proposed in para. 5 of my letter No. 177 of 1853 according to the water shed of ridge so frequently alluded to.

10th. The settlement thus proposed would not in any way interfere with existing rights or practices regarding the temple as in accordance with the practice obtaining with us in all cases where temples in disputed ground are included on one side or the other, both sides are furnished with a document stating that their existing rights and practices hold good and are in no way prejudiced by the fixing of the boundary.

From WILLIAM FISHER, Esq., Acting Collector of Canara; to Captain W. C. ANDERSON, Superintendent Revenue Survey S. M. C. dated Mangalore 21st August 1855.

Sir,

I have the honor to acknowledge the receipt of your letter of the 15th February last, No. 50. After reference to the correspondence noted therein, and, consideration of the argument you advanced, I was unable to see that any thing material had been brought forward to shew that the Sidh Temple was situated within the Belgaum Frontier, and endeavoured to search for any other evidence that might throw light on the question at issue. The search, and subsequently the changes that have recently occurred in the district, have prevented my making an earlier reply.

As you have before observed the Maps which differ are no evidence against each other, and I cannot admit that the act of the Hullihal Peskar can have any weight in deciding the claim.

My researches have perhaps elicited no important fact, but I find that a lengthy correspondence took place in 1845-46 between the Belgaum authorities, and those of this District, regarding disputed Koomrees and the Sidh and Badgaunth Pagodas.

The Koomree disputes seem to have terminated in a manner favorable to the claims of the Canara Ryots, and whilst Mr. Forbes, the then Head Assistant Collector considered from a personal inspection of the site, that the disputed Temple was situated in Canara, Mr. Reeves the Collector of Belgaum saw no reason for coming to a contrary conclusion though he thought from the Maps that it was exactly on the common boundary line of the two Districts.

Both from your description and that given by Mr. Forbes, the enclosure seems to be exactly in the summit of the ridge which forms this boundary. It has hitherto been supposed to belong to this district, and it was for you to prove the superiority of your claims. This I cannot think you have succeeded in doing, and I must therefore adhere to Mr. Hall's opinion that

1328/1

in the absence of stronger proof in favor of Belgaum, the Sidh Pagoda ought still to be considered to be in Canara, and the boundary line laid down accordingly.

(True Copies and Extracts.)

(Signed) W. C. ANDERSON,
Supt. Rev. Survey and Assessment S. M. C.

Extract para. 5 of Lieutenant Laughton's report dated 15th July 1853 to the address of the Superintendent Revenue Survey and Assessment Southern Mahratta Country.

Para. I have the honor to forward along with this report the following papers.

1st. A letter from the Bedee Mamlatdar shewing that an annual payment of Rupees 5 is made to the Sidh from the Bedee Kutcherry.

2d. A paper shewing that in the year 1204 Fuslee Rupees 3¼ were expended by the Keerpolee people on account of the "Sidh."

3d. A paper shewing that in the year 1205 Fuslee Rupees 21-8-0 were spent in the same manner.

4th. An order dated 1171 Fuslee from Narayen Rao Venkutesh to the Kumavisdar of Koombardeh to levy a tax on all cattle at the rate of 1 pie per head.

5th. An order dated 1177 Fuslee from Gopal Anunt Majumdar of this part of the country under the former Government to the Kumavisdars of the surrounding Kurriats to give Pan, Sooparie, Ghee, and to tax all cattle at 1 pie per head, and to levy a yearly tax of 1 Rupee per village on all the villages in their Kurriats for the use of the Sidh Pagoda.

(True Extract.)

(Signed) W. C. ANDERSON,
Supt. Rev. Survey and Assessment, Southern Maratta Country.

(True Copies and Extracts.)

(Signed) H. YOUNG,
Chief Secretary to Government.

No. 37. ORDER THEREON, No. 1328; dated 19th December 1857.

Ordered to be communicated to the Board of Revenue and Conservator of Forests for early report.

(Signed) H. FORBES,
Acting Secretary to Government.

1328/6

No. 5093. of 1857

Territorial Department,

Revenue.

To,

H. Forbes Esquire

Acting Secretary to the Government of

Madras.

Sir,

I am directed to forward herewith, copy of a letter from the Acting Revenue Commissioner in charge Southern Division, No. 3080 dated the 19th Ultimo, and of its accompaniments, relative to a boundary dispute between the Village of Koombardeh in the Beedee Talooka of the Belgaum Collectorate, and the Village of Koodulgaum in the Soopa Talooka of the Canara Collectorate.—

2 His Lordship in Council agrees with Captain Anderson and Mr. Ellis, as to the preponderance of evidence in favor of the claim of the Village of Koombardeh; but as this is a matter affecting the boundary line of the Presidencies of Madras and Bombay, this Government are desirous to obtain the concurrence of the Government of Fort St. George, to whom, therefore, I am desired to request the question

may

may be submitted.—

I have the honor to be,
Sir,
Your Most Obed.t Servant,
H. Young
Chief Secretary to Govt.

Bombay Castle,
27th November 1857

Sopoby
Ludasew R.
E. & C.

Nº 3080 of 1857.

Territorial Department
Revenue

From,
B. H. Ellis, Esquire,
Acting Revenue Commissioner for
Alienations in charge S.D.

To,
J. D. Inverarity, Esquire,
Acting Chief Secretary to Government

Poona, Revenue Comrs. Office
19th October 1857.

Sir,

I have the honor to submit, for the consideration of Government, a letter from the Acting Collector of Belgaon, with accompaniments, relative to a disputed boundary between the villages of Koombarli in the Belgaon Collectorate, and Koondulgaon in Kanara, under the Madras Presidency.

2. The arguments on either side are clearly summed up in the 5th para: of the Acting Collector's letter. The balance of evidence is, in my opinion, decidedly in favor of Captain Anderson's view. One of the principal arguments of the Canara authorities is founded on the circumstance of the temple having assignments of land & money in that District. It is not a rare occurrence to find alienations of revenue

x Nº 1087 of 5th Septr 1857.

in one District in favor of religious
establishments in another - and the
argument would in no case have
much weight - In the present dispute
it is counterbalanced by the fact that
the Semple enjoys similar assignments from
the Bedee District, as shewn in the ap-
pended extract from a Report of Lieutenant
Laughton dated 15th July 1853 -

3. Dr Gibson, the Conservator of
Forests, being well acquainted with the
locality in question, I referred the papers
to that Gentleman for any observations he
might have to make - His reply, of which a
copy is submitted, is in favor of the views
taken by the Superintendent of Survey -

4. With reference to an opinion of
the Sub Collector of Canara, Mr. Hall in his
letter No. 149 dated 13th June 1853 * that there
are two Semples, the Chief one called the Sidh
belonging to the Canara Village, and the
other Byrowa belonging to Koombardeh, I
requested further explanation from Captain
Anderson as to the buildings shewn on the
annexed plan -

5. Captain Anderson states in re-
ply that "the whole hill and Semple are called
the "Koombardeh Sidh" - "strictly speaking the

* appended to the acting Collector's letter -

"name

"name of Sidh appertains to "Byroo" only - In
"the residence for Priests, No. 8 of the sketch is
"also an inferior place of worship over the
"grave of the Priest who Established the Byroo
"or shrine of Kaleeparee" - If Byroowa be
to Koombardeh, the whole Sidh would
appear to belong to the same village -

6. The only point which the Acting
Collector considers Established on the part
of the Koondelgaon villagers is that they have
certain privileges connected with offerings
and Ceremonial worship at Festivals - What-
ever be the result of the dispute regarding
the Boundary all existing privileges should of
course be respected - care being taken that exis-
ther party deviate from the practice of fewer
years -

7. The balance of evidence being as I
before observed, in favor of the Koombardeh peo-
ple, I beg to recommend that Captain Anderson's
line of boundary be adopted, and further would
suggest that the disputed land be placed entirely
at the disposal of the Conservator of Forests for the
purpose of preserving the Timber on behalf of
Government -

I have the honor to be &c
Signed B. H. Ellis
Acting Revenue Commr for
Alienations in Charge S. D.

&c

13 2/8

No. 1513 of 1857.

To, The Revenue Commissioner, S. D.

Memorandum.

Dapoorie 12th October 1857.

1. The undersigned has the honor to offer his opinion on the accompanying reference as follows.

2. Having a perfect recollection of the nature of the ground on both sides of the Hill he can state.—

That on the side of Koomurdeh the slope is gradual up to the monastery which crowns the top.

He thinks there is a broad road leading from the Bedee side up this gradual slope.—

3. Behind the temple is a lower plain continued except where interrupted by Ravines and Hillocks as far as the scarp along which the red line runs.—

This ground was described to him as forming the "Iyaran" or cattle stance for the animals of the temple and as belonging to it.—

4. In as far as he remembers there seemed to be no doubt expressed by his informants that the bounds of Koodulgaon were from this scarp which of itself is a good natural Boundary.—

The red line of the map follows this natural division.—

5. Viewing therefore proximity the natural features of the Country and the other evidence bearing on the subject, he would say that there is no doubt as to the Monastery being in the Koomurdeh bounds and that the red line as given in the sketch correctly shows the real boundary of the two villages.—

The papers are herewith returned.

(Signed) A. Gibson
Conservator of Forests

(True Copy)
(Signed) B. H. Ellis
Acting Revenue Commissioner for
Alienations in Charge S. D.—

No. 1087

Copied by Office Establishment
Wadeendra Rao

No. 1087 of 1857. Belgaum

From,

W. H. Havelock, Esquire,
Acting Collector of Belgaum

To,

B. H. Ellis, Esquire,
In charge Revenue Commissioner's Office
Southern Division
Poona

Belgaum Collector's Office
5th September 1857.

Sir,

I have the honor to submit for your information a correspondence noted in the letter in the margin from Captain Anderson Superintendent Revenue Survey and Assessment &c. &c. on the subject of a boundary dispute between Koorpalee a hamlet belonging to Koomurdeh in the Peedee Talooka of the Belgaum Collectorate, and Koondulgaon in the Soopah Talooka of the Canara Zillah in the Madras Presidency.

2. From a careful consideration of the correspondence, I agree with much the same opinion as Captain Anderson, that it would be the best plan to fix the boundary as indicated by the red line in the Map, the tank, which is represented to contain five years water, being in the Forest reserve under the management of the Conservator of Forests.

3. I thought I remiss generally if

on the view Captain Anderson takes of the value of the evidence adduced in support of the conflicting claims of Shurfpeche (subordinate to Koombardeh) in the Pelgaum Collectorate, and Koondulgaum in Canara as regards the disputed land, yet it would, I think, be admitted that the Koondulgaum people have a plainly established place in the temple or temples known by the name of "Siddh" or "Siddeh" and used in the customs and the performance of the worship there.

It is therefore not surprising that the Collector of Canara should adhere to the opinion of his predecessor that the "Siddh" is within the Canara boundary, and it appears probable that the Koondulgaum people have at some time had "Poonars" in the jungle land proposed to be included within the boundary of Koombarsheh.

While it has been shown on the one side from the evidence adduced by Captain Anderson that the temple is always called the "Koombarsheh Siddh;" that the Police authority of the Police District Office has been admitted by the Shetsal Officer for some of Canara to Poshkar a Police Officer of Canara to patrol to the Siddh temple itself; that the enclosure of the temple are partly

devise

derived from the Mysore District, and that the temple is termed in old grants as "the Hills of Koombarsheh" it has been urged on the other side by the Canara authorities that the Siddh has always been considered to be in Canara; that a money allowance is paid to the temple from the Treasury of the District; that there are two small villages belonging to the temple in Canara, and that the Hereditary of Koondulgaum is the person through whom the religious rites are performed.

It would appear to me that Koondulgaum has at least an equal right with Shurpeshey (subordinate to Koombarsheh) to the Siddh temple; and evidence is produced by the Canara authorities to show that the sacrificial rites has by prescription of the local headmen been given to Koondulgaum.

At the same time the natural features of the country does, in my opinion, as pointed by Captain Anderson, indicate the ridge along which the red line is drawn in the Map as the natural boundary, and as there is no mention of any established rights of cultivation in the disputed tract, I can see no injustice in fixing the boundary as proposed.

8. Although the land in dispute

is

to forest Lands. I am respectfully of opinion that the subject in its present stage does not require any representation from the Conservator of Forests under the injunction contained in Para: 4 of Government Resolution No. 3859 date 9th December 1856. addressed to the Revenue Commissioner Southern Division for whether the Lands should be assigned to the Canara Collector and the Madras Presidency or Belgaum and the Bombay Presidency I believe the timber would be similarly preserved on account of Government.

Signed W. H. Hamilton
Acting Collector.

Copy by
Wm. Saddler

No 279 Waindewart

1328/11 No 279 of 1857.

From,

Captain W. C. Anderson
Superintendent Revenue Survey S. M. C.

To,

G. B. Seton Karr, Esquire
Collector of Belgaum

Superintendent's Office Dharwar
26th August 1857.

Sir,

With one exception I have obtained at different times the concurrence of the Madras Authorities of the Canara Zilla to the settlement of the Boundaries as proposed by me between the Bedee Talooka of Belgaum and the Canara Zilla which districts are conterminous for about 35 miles along the whole of which distance disputes existed with hardly any interval.

2d The exception alluded to consists of a dispute between the hamlet of Keerpoolee of the village Koombardeh of the Bedee Talooka and Koodulgaon of the Canara

Zilla

Zolla, regarding the settlement of this dispute, I have not been able to agree with the Sub Collector of Canara and consequently am obliged to refer the matter for the decision of superior authority.

3d The dispute in question consists of about 27½ acres of hill and jungle; near the western edge of the disputed land the ground falls away precipitously, the ascent from the east being in general moderate along the top of the precipice above referred to is the line of watershed to the west of the disputed land are the undisputed lands of Canara on the East similarly there is Bilgaon

4th The watershed of the precipitous fall has been accepted to by the former Sub Collector of Canara as the Boundary of Koombarsheh of Soode and Patan of Canara in the land adjoining this dispute to the North.

5th On a spur from the main ridge projecting to the eastward is

is the celebrated Sirsi or Monastery called the Koombarsheh Sirsi which includes two shrines of Hindoo deities the dispute is regarding this Sirsi

6th A map of the disputed shewing the formation of the ground and an eye sketch shewing the relative position of the different shrines and buildings of the Sirsi are appended.

7th A dispute has it is pretty certain existed in this locality for a long time back, the Sirsi is shewn in all maps of the district, in those made by the Canara authorities as well as the line of Boundary, in the East India Company's Map, made from the great Trigonometrical Survey (Sheet No 61) the main ridge is shewn as the Boundary, the Sirsi being distinctly on that to join the Bombay Territory, the evidence of different Maps being contradictory is not of any value on either side.

8th The evidence adduced by the

the Madras authorities in favor of the
claim of their villagers, is as follows:
9th — A paper the genuineness
of which however is very open to question,
giving precedence to the people of Koodulgaon
at the time of the annual sacrifice; from
which paper also the Sub Collector concerns
that the "Pyrowa" Shrine is declared to
belong to Keerpoolee (Belgaon) and the
Sidh Shrine to Koodulgaon (Canara).
The paper in question is admitted to
be merely a Copy; a fight it appears
takes place yearly regarding precedency
in sacrificing, a point which could
not have remained in dispute were
the genuineness of this paper admitted.
10th — The Collector also shews
that the Sidh receives from the Canara
treasury an annual allowance of
Rupees 9. 5. 12 and that two small
estates belong to it situated in
the Canara Zilla.

11th — The then Sub Collector in another dated 21st August 1855 without. P

Para. 6 Sub Collector's Letter No 149 dated 18th June 1853.

1328/13

another and final letter states that the
Sidh has always been supposed to be in
Canara, and it was for us to prove that
it was in Belgaon, this appears to me some-
what assuming the point in dispute:
what evidence is indeed adduced in the
Canara side only aims at proving that
the Sidh is on the line of Boundary it
is nowhere proved or attempted to be proved
that it is in Canara.—

12th — The evidence on the side of
Koombardeh or Keerpoolee (Belgaon) is as
follows:

1st — The natural formation of the
country; the line of watershed between
Keerpoolee and Koodulgaon being along
the main ridge according to the red line
shewn on the Map. The entire drainage
of every part of the spurt on which the
Sidh is situated is into the lands of
Keerpoolee or Koombardeh.—

2ndly

2nd/7

The name by which the Sidh is far and wide known" the Koom-
=bardeh Sidh" no one ever heard of it
as "the Koondulgaon Sidh" Since the re-
=ceipt of the last letter from the Sub-
=collector I have obtained several docu-
=ments of an official character in which
this place is spoken of as situated in
the hills of Koombardeh. These papers
of which there are 13 in all contain or-
=ders relating to the Huks of the shrines
at the Sidh which is expressly mentioned
as being in the hills of Koombardeh
the earlier are written in the name
of one Narayen Rao Venkatesh and
those of a few years later date in
the name of one Venkut Rao Narayen
and addressed to the Dessaees and
Deshmookhs and Deshpandyas of the
Khanapoor and Ghotgalley Purgats
and other individuals. I have ascertained
from the Inam Commissioner that
Narayen Rao Venkutesh was

Surrobedar

13A Marathi

Surroobedar of that part of the
country from the acquisition of the dis-
=trict by the Peshwa till his death in
1171 Fuslee A. D. 1761/2 and his son
Venkut Rao Narayen succeeded him as
Surroobedar and held that office till Fuslee
1177 A. D 1767/8 and again from Fuslee 1182
to Fuslee 1186. A. D. 1772/3 to 1776/7. The
Inam Commissioner however states
that the seal on these papers does not
resemble those in use at the time by the
Peshwas' authorities the papers have
however every appearance of being au-
=ent, and there would not appear to be
any reason for doubting their authenticity
they are only required to prove the facts of
the Sidh having been from time back
spoken of as being in the hills of
"Koombardeh" I enclose one of these
papers as a specimen.—

3rd/7

Police Jurisdiction. At the

annual

annual Jutra or feast. police peons at-
tend from the Dedee Kucherry (Belgaon) Para: 5
to keep the peace and on one occasion my letter
when a row occurred in the Sidh itself No. 50 of 1
and a number of persons were charged with
assaults they having gone to their Villages
in the Canara Zilla, were given up without
objection by the Hullihal Peshkar, or
Mahalkuree as he would be denominated
in Bombay to the Dedee Mamlutdar.
The Sub Collector makes no allusion to
the yearly exercise of Police authority
by Dedees but considers that the act
of the Hullihal Peshkar cannot have
any weight in deciding this claim. It ap-
pears to me however a distinct and most
practical admission of police jurisdiction
which added to the proved denomination
of the Sidh and the natural formation
of the locality leave no doubt in my
mind as to the true line of Boundary
which I consider to be the red line on

Copies
J Wingate
Secretary

the

1328/14

the map the line of water shed between the
Villages concerned.

13th In his last letter without No. dated 25th August 1855 the Sub Collector states that a correspondence about certain Koomrees which he connects with the Sidh dispute in Para: 6 of his letter had terminated favorably to Canara and that Mr Reeves then Collector of Belgaon could not contro-vert the opinion of Mr Forbes then Assistant Collector regarding the temple being in Canara though it appeared to Mr Reeves from the Map that the temple was exactly on the line of Boundary.

14th First, with reference to the Koomrees obtained from your Office all correspondence which had taken place on the subject of the dispute the subject of the letter Koomrees are for greatly alluded and as any disputes regarding them have taken place in the numerous Boundary disputes which we have settled within two miles of the Sidh. I never heard though of any disputed Koomrees in the immediate vicinity of the Sidh in fact I saw none at all being near it of all those mentioned in the correspondence all are certainly beyond a mile from it and have no bearing on the question

As

5th As regards Mr Reeves opinion alluded to in Para: 6 of the Sub Collectors letter I will quote Mr Reeves words which hardly bear the meaning attached to them by Mr Fisher.

"I confess myself unable to come to "any conclusion regarding it from the map you "were so kind as to send me. The temple "seems situated exactly on a common Boundary "so as to be equally claimable from "position by the disputing parties."

Para: 3 No 172 of 1846 from Mr Reeve Collector of Belgaum to Mr Forbes Assistant Collector Canara

Mr Reeves had it appears not seen the ground nor was writing after an inspection of the Map sent by Mr Forbes - The villages on either side of the evidence from the knabs which contradicts one another, is admitted by the Sub Collector in Para: 2 of the very same letter &c

The Koombardeh Sidh is situated in the middle of a very fine jungle all of 16 [illegible] which extended in a North easterly direction as far as the Bombay is about to be reserved as a Forest preserve and rigorously prevented at present taking the land thus into direct Government management might perhaps be a satisfactory compromise of the dispute - as regards the villages concerned the evidence for the locality of the temple being in Koombardeh

Koombardeh appears to preponderate over that adduced by Madras for its being on their side of the Boundary. 1328/15

16th Existing practices as regards the shrines should not be interfered with so long as no breach of the peace is committed.

17th The line of watershed shewn on the Map I propose as the Boundary line.

I have the honor to be
(Signed) W. C. Anderson
Superintendent Revenue Survey
and Assessment, Southern
Mahratta Country.

Extract Paras 6, 7, 8 & 9 of a report dated 9 May 1853 from Lieut Loughlin Assistant Superintendent to the address of the Superintendent Revenue Survey Southern Mahratta Country

Para: 6 The land in dispute consists of 371 acres 12 guntas, and is as far as I have been properly shewn in the Map the whole of it is hilly jungle, and not a single Koomree in it nor have there been any for a very long time, it is therefore my opinion that the Koodalgaon people have only made the dispute, in order to try and get the Sidh Pagoda into their possession, they would gain nothing in a pecuniary point of view by such a proceeding for they are not the only people

people who come to worship here, but the people of the whole Country round from Belgaon Dharwar, Hullehal Badra &c &c amounting sometimes to 15,000 come once a year at the time of the Fair which lasts 3 Days. but the Hoodulgaon and Keerpolee people have always been in the habit of fighting at this period, for who shall present their offerings, before the other to the God.

Para 7 The Hoodulgaon people shew no proof that the land in dispute is theirs, but have produced a paper shewing that in the year 1190 Fasley the Ghot gallee Dessaee and the Pergunnagaee (Dessaee) having met agreed that at the time of the Fair the Hoodulgaon people should present their offerings to the God, before the Keerpolee people should; beyond this, they have no other proof.

Para 8 The Keerpolee people tell me, and it is mentioned in their Urza, that their line of Boundary is along the ridge running N.E. and S.W. marked 3. 4. 7. 9. 1. on the map and that their reason in pointing out the boundaryes laid down on the Map along the line 3. 4. 5. 6. 1 was that the Hoodulgaon people claimed so much land on their side, that they were afraid, they might lose a great deal of land by any deception.

9 Para: They have no proof to shew that the whole of the land is theirs, and only produce a

Copy Ly 2 Jo
Col. H. D. Robertson
26/11/53

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1328/16

a paper shewing that in the year 1233 Fusley in answer to a request from Captain Graff. tion, they shewed their boundary to be, as laid down on the map by the figures 3.4.7.9.1. The Collectress of Keerpolee says that there are papers concerning the Sixth Pagoda, in his possession but that he did not bring them as they had been seen by you at the time of the settlement of the dispute between the villages of Rowlandeh of the Belgaon Collectorate and Malwee of the Canara Collectorate.

Extract, paras: 1 to 5 of a letter from the Superintendent & Revenue Survey S. M. Co. No 177 dated 23d May 1853 to the address of M. R. Hallifax Collector of Canara.

Para: 1. I have the honor to forward for your approval, copy of a report from Lieut. Langton Assistant Superintendent and accompanying original depositions &c regarding a Boundary dispute between Keerpolee in the Bedee Taluka Belgaon Collectorate, and Hoodulgaon of Ankola Taluka Canara Collectorate.

I

Para: 2. I took the opportunity of being in the neighbourhood to visit the site of the dispute with Lieut^t Langlaton a short time back.

Para: 3. The precipitous ridge forming the Boundary is a continuation of that alluded to in the 5^th Para of my letter No 61 dated 29^th April 1853. Hence or from portion of which ridge, was agreed upon as the Boundary between Koombardelu of Beder Talooka and Malur of Soopa

Para: 4. The whole questions regarding the Sidlu temple and I think the claims of Koodulgaon to it is a groundless one. None has ever heard of this temple as the Koodulgaon Sidlu, while it is known far and wide as the Koombardelu Sidlu, though it is about 2 miles in a straight line from Koombardelu and 4 miles from Chapparam from Koodulgaon. It is separated from Koodulgaon by the precipitous ridge before alluded to. In the map of Canara which you kindly sent me the ground is somewhat incorrectly laid down, the ridge being

1328/17 Wontera

being represented to turn suddenly from the point marked A on the map of the dispute to the Sidlu, which is very contrary to fact as a considerable depression intervenes. In your Map the Sidlu is represented as being on the boundary. I forward an extract of your Map. In the Map of the Trigonometrical Survey of the Bombay Presidency, the Boundary is shewn a mile to the west of the Sidlu, in fact the respective surveys measured as the villagers on their own side pointed out, and their evidence, in this case is contradictory and useless.

Para: 5. The great precipitous ridge I think, the natural line of Boundary, according to our practice in similar cases it would be ratified to both sides, that any rights or customs either party have hitherto had with regard to the temple, are in no way interfered with by this settlement.

No 169.

Sub Collr^s Kutcherry, Sirsi
13^th June 1857.

From,

A. Hall, Esquire,
Sub Collector of Canara.

To,

Captain W. G. Anderson,
Asst. Revenue Survey S. M. Co.
Dharwar.

Sir,

I have the honor to acknowledge your Letters (Nos 177 & 178) dated respectively 23rd & 25th Ultimo, regarding the settlement of the boundary Dispute existing between the villages of Nadulgaum in Canara and Kerpoolee in Belgaum.

2. It is of much importance, I think, that the point at issue regarding the Sidhi Pagoda, should be rightly determined, and I must confess that I am of opinion, that unless the Belgaum authorities can advance some stronger proof of its belonging to that District than has been produced, it ought to be regarded as situated in Canara, and should be allowed to remain as such.

Para: 3.

Capt. M. G.
Supdt. Trigonometrical Survey

B28/18

3rd The accompanying documents which I have the honor to forward (as per Canarese list) throw more light on the subject than Lieutenant Laughtons enquiry elicited.

4th The papers produced by the Nadulgaum people before Lieutenant Laughton, in which precedence is given to them at the time of making offerings to the Sidhi Swamee, contains, if genuine, a strong argument in favor of their claims. It would appear by it, that there are two Pagodas on the spot in question, and I believed it is the case, one being called "Sidh" and the other "Nyrawah". By the terms of the decision of the head men, it seems clear that it was agreed that the former belonged to Nadulgaum, and the latter to Kerpoolee. Besides which the "Sidh" Pagodah receives an allowance (Inudeeko) of Rupees 9- 3- 2 per annum from the Leasing of this District, and there are two small estates belonging to it in this Zillah, while the Meerasdar of Nadulgaum is the

person

person through whom the religious rites

are performed in it.-

5th Under these circumstances

it will, I think be best that the boundary

should be laid down, so as to include the

Sidh Pagodah in Canara, as it is marked

in the large Survey Maps.

6th I feel sure you will carefully

give the matter further consideration with

the additional facts before you which

have now brought to notice.

7 I beg to return the documents

received from you on the subject.

I have the honor &c &c

Sd/ H. Wilkie

Sub Collector

Extract Paras 1 to 10 of a letter No. 50 dated

15th February 1855 from the Superintendent

Revenue Survey Southern Mahratta Country to the

address of Mr H. Forbes, Sub Collector of Canara.

1328

19

Para: 1 I have the honor to refer you to

your predecessor Mr. Wall's letter No. 149 of 1853

dated 13th June in answer to a letter of mine

proposing the settlement of a boundary dispute

existing between the villages of Keerpalee in the

Beedee Talooka of the Belgaum Collectorate

and Kadulgoon in Canara.

2nd Para: Mr. Wall was not satisfied

with the proof adduced on the Beedee side and

considered that unless the other side could adduce

stronger evidence the Sidh temple should be

included within the Canara Boundary on

which evidence in his opinion as set forth in the 4th para:

of his letter, preponderance of evidence existed.

3rd I consequently directed Lieutenant

Leighton the Assistant Superintendent then employed in

the Beedee Talooka to collect whatever additional evi-

dence might be obtainable from the Defdars of

Dambarsek to which village Keerpalee is subordinate.

I forward copy of that part of Lieutenant Leighton's report

and

and accompaniment containing anything bearing
materially on the point at issue, from this you will
observe that payments similar to those adduced by
the Bedi Sahibans
the Bedi Talookas
as well as in Sloanara, so that we must search
for other evidence to establish any establishment right
to the land on which the temple stands.

4th Inserts Lieutenant Griffith's application
of the Inam Commission in charge of the
Country, and requests him to forward certified
copy of any entries affecting the Bedi Sahibans
copy of what entries were found, they were similar
character to those entered in the foregoing paragraphs
do not throw much light on the question

5th I returned herewith the Mamlatdar's letter, dated 15th April
the Bedee Mamlutdar's letter, dated 15th April, appended
No. 5.
to that enclosed regarding the fuller establish
ment of the Sikh temple has been consider
ed to stand. In this case the individuals named
Sidhapa

Coloured
Person
Employed
Deputy Collector

The assault was alleged to have taken place at the time of the annual sacrifice mentioned in Lieut. Laughton's letter Para 3 append (2).

Sidhapa and Bhotapa inhabitants of Tervan
in the Bedee Talooka complained to the Majis-
trate of Belgaon that certain persons 25 in
number inhabitants of Sergaum in the
Soopa Talooka had assaulted them within
the precincts of the Sikh temple at the
requisition of the Bedee Mamlutdar the
Hutkhal Peshkar sent to Bedee the
people accused and the complaint was then
investigated by the Bedee Mamlutdar, the
assault was not proved but that is immate-
rial. It is though very worthy of notice
that the criminal jurisdiction of the Bedee
Mamlutdar over the Sikh temple does not
appear in any way to have been called in
question on this occasion.

6th I am also informed that it is the
yearly practice to send a Daffedar and
one or more persons of the Bedee police
Establishment to keep the peace at the spring
Jatra held at the Sikh temple at the time
of the Sivratree festival, while it is stated
that

that no such Police Officers attend from the Canara Side.

7th The temple in question is a very famous one and among the several temples called Sidhesh in Belur and Canara this one is always known on both sides of the frontier as the Koombarsidh Sidhesh, which could hardly be the case were it situated in a village other than Koombarsidh. I have before mentioned that Kurpooke is a hamlet or subordinate village to Koombarsidh.

8th About a quarter of a mile to the vicinity of the Sidhesh Cave on the banks of the Kalee River and nothing of note of that vicinity about other Sidhesh temples or Caves in the neighbouring Country be mention ed by name the Koombarsidh Sidhesh and informed me that it was called the Koombarsidh from being in that village though it was reported that half of the temple is in Canara that some months ago transpired to the Canara Side, this report originated, I imagine,

imagine in the Statements made by the Kallikal Peshkar to Mr. Hall on which the 6th para of his letter No. 149 of 1853. was founded. 1328/21

9th Para: I am not aware if you have ever visited the site of the temple in question. Mr. Hall, I believe, never did. The nature of the locality in itself affords pretty conclusive proof that the temple cannot stand in the lands of Koodulgaon, the country from the Koombarsidh side rises up to the temple with a slope gradual enough to admit of riding up to the temple itself and from this direction leads the main road to it; immediately that is within 100 yards or so the hill on which the temple stands suddenly descends in the shape of a precipitous rocky fall towards Koodulgaon. The descent is abrupt enough to be inaccessible with the exception of by one or two ravines by which the precipice is cut through. In a previous letter to Mr. Hall regarding

the

this dispute No 177 of 1853 I described this ridge and the manner in which the boundary is exhibited in the map of the Loopa Tolooka in your Office. I have since received from England the Sheet 41 of the Trigonometrical Survey of India, in this the ridge in question is plainly indicated as the Boundary, and the Sidh temple most distinctly placed within the Boundary of the Belgaum Collectorate. I trust that on a consideration of the evidence I have now laid before you, You will see no objection to our fixing the Boundary as originally proposed in para 5 of my letter No 177 of 1853 according to the water shed of ridge so frequently alluded to.

The settlement thus proposed would not in any way interfere with existing rights or practices regarding the temple as in accordance with the practice obtaining with us in all cases where temples in dispute ground are included on one side or the other, both sides are furnished with a document stating that their existing rights and practices hold good and are in no way prejudiced by the fixing of the Boundary.

Collectors

copied by
Ramchunder

Collector's Kutchery
Mangalore 21st August 1855

1328
20

From

William Fisher, Esquire
Acting Collector of
Canara

To

Captain W. A. Anderson,
Supt Rev Survey S. M.

Sir,

I have the honor to acknowledge the receipt of your letter of the 15th February last, No 86. After reference to the correspondence noted thereon, and, consideration of the arguments you advance, I was unable to see that any thing material had been brought forward to shew that the Sidh Temple was situated within the Belgaum Frontier, and endeavoured to search for any other evidence that might throw light on the question at issue. The search, and subsequently the changes that have recently occurred in the District, have prevented my making an earlier reply.

As you have before observed, the

the Maps which differ are no evidence against each other, and I cannot admit that the act of the Kuttikal Peshkar can have any weight in deciding the claim.

My researches have perhaps elicited no important fact, but I find that a lengthy correspondence took place in 1845/46 between the Belgaum authorities, and those of this District, regarding disputed Toomrees and the Seth and Badgaunth Pagodas.

The Toomree disputes seem to have terminated in a manner favorable to the claims of the Canara Ryots, and whilst Mr Forbes, the then Head Assistant Collector considered from a personal inspection of the site, that the disputed Temple was situated in Canara, Mr Reeves the Collector of Belgaum saw no reason for coming to a contrary conclusion though he thought from the Map, that it was equally on the common Boundary line of the

1328/23 I Doth from your description and that given by Mr Forbes, the enclosure seems to be exactly in the summit of the ridge which forms this boundary. It has hitherto been supposed to belong to this District, and it was for you to prove the superiority of your claims. This I cannot think you have succeeded in doing, and I must therefore adhere to Mr Hall's opinion that in the absence of stronger proof in favor of Belgaum, the Seth Pagoda ought still to be considered to be in Canara, and the boundary line laid down accordingly.

I have the honor to be &c
(Signed) W. Fisher
Acting Collector

(True Copies and Extracts)
(Signed) W. C. Anderson
Supt. Rev. Survey & Assessment
S. M. C.

Copied
Vijapur
Anderson

1328
24

Extract para. 5 of Lieutenant Laughton's report dated 15th July 1853 to the address of the Superintendent Khanna Survey and Settlement Southern Mahratta Country.

Para. I have the honor to forward along with this report the following papers.

1st A letter from the Kulkarnee of Talaondee reporting that an annual pageant of Rupees 8 is made to the Field from the Deccan Nuddeeny.

2d A paper showing that in the year 1204 twelve Rupees 3½ were expended by the Kumpoler people on account of the "Field."

3d A paper showing that in the year 1205 twelve Rupees 21. 8. 0 were expended in the same manner.

4th An order dated 1170 under from Narayen Rao Venkatesh to the Kumawedar of Nannubardah to levy a tax on all cattle at the rate of 1 Re for head.

5th An order dated 1177 under from

Gopal

Gopal Runut Majumdar of this part
of the Country under the former Govern
ment to the Kumavisdars of the surround
ing Kurriahs to give Pan Sooparee
Ghee, and to tax all cattle at 1 per
per head, and to levy a yearly tax
of 1 Rupee per Village on all the
Villages in their Kurriahs for the
use of the Sidh Pagoda.

(Extract)
(signed) Wm. B. Anderson
Superintendent Revenue Survey and
Assessment Southern Mahratta Country

(True Copy & Extract)
S. Adams
Chief Secretary to Government

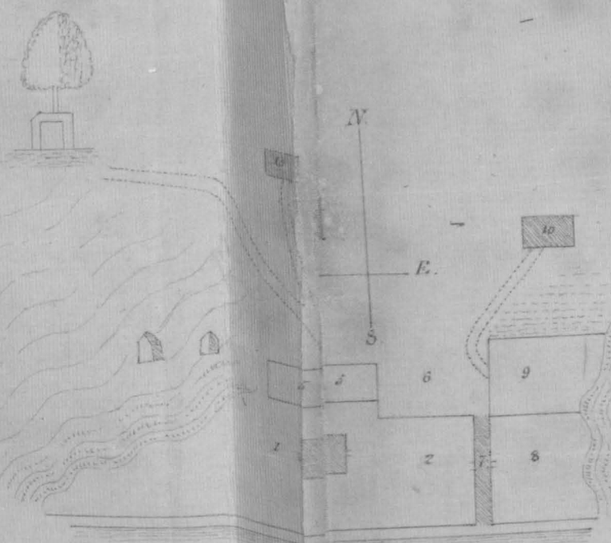
Copied
Wm Wilkinson
Asst

1328
25

MAP of Boundary dispute between Koombardeh Bustee & Talooka — Bedee, Zilla Belgaum & Koodulgaum, Talooka Soopa, Zilla Canara

Scale 20 Chains to the Inch

0 5 9 10 20 30 50 60 70 80



№ 1. Hoondee Barrungah
№ 2. Byroo or Shrine of Kali
—"— 3. Enclosed Court Yard
—"— 4. — do — Passage
—"— 5. Ante rooms used as Store rooms
—"— 6. Outside Court Yard
—"— 7. Apassage
—"— 8. Residence for Priest
—"— 9. Store Room
—"— 10 Store Rooms and Cattle sheds

Accompaniment to Letter
№ 279 dated 26th August 1857.

1328
25

Line already fixed between Malcree of Canara & Koombardeh of Belgaum.

Sidhoo Temple

Line already fixed between Malcree of Canara & Koombardeh of Belgaum.

Signed W. C. Anderson
Superintendent Revenue Survey
and Assessment Southern Mahratta Country

Revenue 1857 Dept.
Dft to Govt 23 Dec.

1328/27

No. 1575

From the Chief Secretary
to the Govt of Bombay.

Dated 27 November
Rec'd 1st December 1857.

Pro from Bd of Rev. Dy 4 &
Dec. 1/58 C No 1899 in L. 21 Dec.
No 81-82

From the Conr of Forests 19 Jan 1858
No 79. Do Cons 2 Feb 58 No 28 30.

No 1328

Ordered to be communicated to the Board of Revenue and Conservator of Forests for early report.

Dft to Govt.
19 Dec. 1857

3 — Copies to the Bd of Rev.
4 — Conservator of Forests.

No 3637.

No. 1328 - 19th Dec.

With an order

Forwarding copy of a Letter from the Acting Revenue Commissioner in charge Southern Division & its accompaniments, relative to a boundary dispute between the village of Koombardeh in the Deodee Talooka of the Belgaum Collectorate, & the Village of Koolgaum in the Soopa Talooka of the Canara Collectorate, and submitting the question for the concurrence of this Govt as to the proposed [illegible]

Revenue 1857 Departt.

Ly to Bam. 23d. Dect.

No. 1515

From the Chief Secretary
to the Government of Bombay

R/27th Novr.
Rd 4th Dect. } 1857

Pro. from Bd. of Revr. of 4th Dect. 57
& No. 1899 in R. 31st Dect. No. 2132

From the Bom. of Forests 19th Jany 1858
& No. 79 in Bom. 28th Jany 58 No. 230
From Do. 3/26 April 58 Con. 429
in Calce.

1328/27

No. 1328

Ordered to be communicated
to the Board of Revenue and
Conservator of Forests for
early report.

Fort St. George
19th Decr. 1857

3. Copies to the Bd. of Revr.
Disp. 21st
4. " Conservator of Forests

No. 3637.

Forwarding copy of a Ltr. from
the Acting Revenue Commissioner in
charge Southern Division and its enc-
-paniments relative to a boundary dispute
between the Village of Hoombardeh in the
Beedur Talooka of the Belgaum Collecto-
-rate and the Village of Hoodulgoom in the
Sirsa Talooka of the Canara Collectorate
and submitting the question for the
concurrence of this Govt as to the pre-
-ponderance of evidence in favor of the
claim of the Village of Hoombardeh.

With an Order.

No. 1328 & 19th Decr. 57