M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1384 — 85 Press / Mis.

Dated October 11, 1859.

62-63 mis 64

Not to be folded or roughly handled

No. 62. Read the following letter from B. H. ELLIS, Esq., Acting Secretary to Government of Bombay; to J. D. BOURDILLON, Esq., Secretary to the Government of Fort Saint George; dated Bombay Castle, 7th September 1859, No. 3495.

I am directed to acknowledge the receipt of your letter, No. 226, dated the 17th February last, with accompaniments relative to a boundary dispute between the village of Koombardeh in the Belgaum Collectorate of this Presidency, and that of Koodalgaum in Canara in the Madras Presidency, and to forward herewith for the consideration of the Government of Madras copy of the papers quoted in the margin.

Report by the Revenue Commissioner, Southern Division, No. 1724, dated 20th August 1859, with enclosures.

2. It appears to His Lordship in Council that as all Bombay officers view the evidence one way, and all Madras officers view it another way, no amount of correspondence will ever reconcile them.

3. I am, therefore, instructed to suggest that an officer be deputed from each Government, with full powers to settle the boundary, and fix boundary marks without further references. If the Madras Government assent to the proposition, and name an officer, this Government will also appoint one, and the two can arrange the time most convenient to themselves for a meeting in the ensuing season.

Report by J. D. INVERARITY, Esq., Revenue Commissioner, Southern Division; dated Poona, 20th August 1859, No. 1724.

In reply to the foregoing,* the Revenue Commissioner, Southern Division, has the honor to append an original report† by Mr. Seton Karr, Collector of Belgaum, and Captain W. C. Anderson, Superintendent Revenue Survey, on the subject of this boundary dispute, from which it will be observed that after a review of the evidence adduced on the part of both villages, these officers are of opinion that the Sidh or Temple under dispute is within the recognized limits of the village of Koombardeh in the Belgaum Collectorate, to which accordingly they would assign it.

* *Govt. reference No. 770, dated 1st March 1859.*

† *Dated 10th instant.*

2. The line of water shed, which is the natural boundary, it is stated, is on the *blue*, and not on the red‡ line in the accompanying Map; and it is added, there would be no objection to meeting the wishes of the Madras Government by carrying the boundary line from the point A. to the point B. on the red line, and thence along the red line to the point C. which is the termination of the disputed land.

‡ *As stated by the Secretary to the Government of Fort St. George.*

3. The Revenue Commissioner is of opinion that to fix the boundary between these villages by bisecting the passage between the two shrines of Bhairava and Sidh or Handi Buranganath as proposed by the Madras Authorities, would conduce only to the perpetuation of strife on the part of the contending parties in this dispute. In the absence of decisive evidence, it seems a waste of time to attempt to restore, with exactness, the original boundaries and it is feared that the lengthened investigations already held in this case, have invested it with an undue importance, and have tended to strengthen animosities which might have been long ago allayed by a summary decision. The Revenue Commissioner then is of opinion that either the natural boundary marked by a blue line on the map, should be at once declared the future boundary between the villages of Koombardeh and Koondulgaum, or if the Madras Authorities prefer a compromise, that the future line of demarcation between these villages be a line drawn from the point A. to the point B. on the red line shewn on the map and thence along this line to C. which is the termination of the disputed land.

From G. B. SETON KARR, Esq., Collector of Belgaum, and Captain W. C. ANDERSON, Superintendent Revenue Survey, Southern Mahratta Country; to J. D. INVERARITY, Esq, Revenue Commissioner, Southern Division; dated 10th August 1859.

With reference to the letter of the Madras Government No. 226 of the 17th February 1859, and accompaniments, received with the Revenue Commissioner's Memorandum No. 488

of the 5th March last, we have the honor to make the following report regarding the boundary dispute between Koombardeh of the Bedee Talooka of Belgaum, and Koodulgaum of the Soopa Talooka of the Canara Collectorate.

2. It may perhaps be well to give an abstract of the proof on both sides adduced in the previous correspondence.

The Madras Authorities adduce;

1st. A paper which is only a copy, and the genuineness of which is not altogether free from doubt giving precedence to the people of Koodulgaum at the annual sacrifices.

2nd. Certain small annual allowances paid from the Canara Treasury and lands held by the Temple in the Canara Zilla.

3. To the first of the above evidences it is asserted on the Koombardeh side that a dispute yearly takes place regarding priority of sacrifice which could hardly occur had the matter ever been definitely settled as it is asserted to have been by this paper.

4. With regard to the 2nd of the above evidences it has been shown that a small annual payment is also made from the Bedee Talooka Treasury, and that at different periods various sums have been expended on account of the Temple by the villagers on the Bedee side.

5. On the side of Koombardeh the following evidence is adduced.

1st. The natural formation of the country; the Sidh Temple being on the Koombardeh side of the water shed, and separated from Koodulgaum by an abrupt precipitious descent of considerable height.

2ndly. The name by which the Sidh is far and wide known, "the Koomberdeh Sidh;" it never being any where spoken of by any other name.

3rdly. Certain ancient papers dating between A. D. 1770 and 1780, in which this Sidh is alluded to as "the Sidh which is in the hills of Koombardeh."

4th. Undisputed Police jurisdiction; the exercise of which with the cognizance and co-operation of the Canara Authorities is proved distinctly.

6. Against the above evidence nothing specific is adduced by the Canara authorities, except that the exercise of Police jurisdiction is thought to have occurred through the unauthorized act of a subordinate police officer and "cannot have any weight in deciding the claim."

Para. 2, *letter of Acting Collector of Canara of* 21*st August* 1855.

7. Mr. Fisher, the Collector of Canara, in his letter to the Madras Government No. 125 of the 29th October last, lays considerable stress on the orderly manner and freedom from dispute with which the ceremonies were conducted as witnessed last year by Mr. Robinson, the Sub-Collector, observing that "Mr. Robinson has lately been present during the whole ceremony which terminated at midnight with the usual sacrifice." Mr. Fisher farther quotes from Mr. Robinson's letter "not only was there no disturbance of any kind, but the whole proceedings were conducted with a regularity that seemed to me to betoken a very good intelligence among the multitude assembled as to the rules and privileges pertaining to the occasion, the honor of precedence in this instance at least was not disputed, &c., &c."

Para. 6. *of Mr. Fisher's letter.*

Para. 7 *of Mr. Fisher's letter.*

8. Mr. Fisher would appear to have been under a misconception as to what Mr. Robinson personally witnessed. And those who informed Mr. Robinson of what did actually occur at the sacrifice must have somewhat misstated the facts. It seems from the deposition* of the Chief Priest at the temple that though Mr. Robinson was at the Sidh at the time the yearly sacrifice occurred, he did not see the sacrifice performed, being asleep in the vicinity, and that so far from undisputed priority being left to Koodulgaum, the people of Koombardeh actually took precedence of those of Koodulgaum; and a dispute arose. The absence of any dispute on the subject of precedence is a material point regarding which Mr. Robinson was evidently misinformed.

* *Appended.*

Proceedings of the Madras Government, Revenue Department, from 5th to 21st October 1859.

9. The Chief Priest recently mentioned in conversation with us that the Kittoor Dessaee used to take precedence over all other persons, a fact which would counterbalance any assignment of precedence to Koodulgaum over Koombardeh (assuming any to have been really made) as affecting the question of boundary. It would rather appear that precedence was granted *as a social distinction* in a place of worship common to all. Appended is the deposition of the Priest on this point, detailing also what passed on the night of the festival in 1858, (when Mr. Robinson slept at the Sidh,) and in the years 1857 and 1859, and shewing that the right of precedence is very commonly disputed, and that such disputes are not always confined to words.

10. It is proposed by the Madras authorities that the line of boundary be fixed along the passage running through the temple. But it is in this very passage that disputes about the sacrifice occur, and serious affrays with bloodshed have taken place. The reasons are numerous and evident why in a spot of this nature there should be no dispute regarding jurisdiction; but such a dispute could not be avoided did the line run down a narrow passage the opposite sides of which would be in different Presidencies. The Police jurisdiction in the entire Sidh has hitherto been with Bedee, and in so continuing it, no violation of custom will occur.

11. Regarding one half the Sidh there appears to be no difference of opinion, it being now admitted by the Madras authorities to be in Bombay. And to the arguments they advance regarding the other half being in Koodulgaum, some exception may be fairly taken on the ground that misconception exists as to what occurs at the yearly sacrifices and the rights of those claiming to perform them. Expediency plainly points to the necessity of having one undivided jurisdiction over the whole temple, and the preponderance of evidence as well as proved exercise of jurisdiction in former years appears to give Bombay the best claim to that jurisdiction and consequently to have the entire temple included in its boundary.

Para. 13 *of Mr. Fisher's letter.*

12. The dispute refers altogether to 271¼ acres of land, but the villagers as stated in the letter of the Madras Government, are "comparatively indifferent to the direction taken by the rest of the boundary line." The line of watershed is on the blue and *not* on the red line in the accompanying map, and is undoubtedly the natural boundary, but there would be no objection to meeting the wishes of the Madras Government by carrying the boundary line from the point A. to the point B. on the red line, and thence along the red line to the point C. which is the termination of the disputed land. This would give a large extent of additional grazing land to Koodulgaum. Up to the point A. the line of boundary between Koombardeh and Malvee has long since been definitely settled by Mr. Hall, a former Sub-Collector, and Captain Anderson.

Para. 2 *of letter of the Madras Government.*

Para. 2 *of letter above quoted.*

13. By taking the line from A. to B. the small tank to the south west of the Sidh would be left to the temple. It was evidently made for the convenience of the people of the Temple only, and is of no use to any one else.

14. Should it be thought desirable, Captain Anderson would arrange before November next to meet Mr. Müller, the Sub-Conservator of Forests in Canara, who is occasionally in this neighbourhood, or any other officer who might be appointed, and with him fix boundary marks on the line of boundary which may now be adopted.

15. We beg in conclusion to apologise for the delay that has occurred in submitting this report. We were desirous of re-visiting the spot before recording our opinion, but circumstances occurred which prevented us from doing so in company, or from meeting to consult on the subject until a few days ago.

The Deposition of Busnath Pooroo Chatah Gosavee of the Koombardee Mutt in the Talooka of Beedee; dated 13th June 1859.

At the festival of the Sewratree, last year, 1858 A. D., Mr. Robinson, Collector of the Canara Zillah, arrived at the Sidh about midday and left the next day about 7 O'clock; he resided in a room of our Mutt. With Mr. Robinson came the Tahsildar of Soopa, 10 or 15 Peons, and about 40 men armed with guns; on the day he arrived Mr. Robinson asked where the place of sacrificing goats was, I pointed out the place of sacrificing to him. When going to bed

at night Mr. Robinson requested to be informed when the time of sacrificing came, so the Soopah Tahsildar informed me. When the time of sacrificing came, I told a Peon to inform Mr. Robinson and the Tahsildar. The sepoy said Mr. Robinson is asleep, he must not be awoke. The Tahsildar also did not come, he was asleep in an upper part of the Mutt, whether the sepoy informed him or not, I do not know, but at the time of sacrificing goats, the Tahsildar did not come. This year 1858, according to yearly custom, I placed the Koombardee goat and the Koodulgaum goat for sacrifice; at the same time the Koombardeekur struck his goat first, directly at that very moment the Koodulgaumkur struck his goat also, but the Koombardee one fell first, then the Koombardee and Koodulgaumkur began to dispute, the latter asking why the other had struck his goat first. "We were both placed at the same time our goat "fell first what cause of disputing is this, said the Koombardeekur," finally both came to me and the Koodulgaumkur said "why did the Koombardeekur kill his goat first," I answered according to yearly custom, "I placed you both at the same time, I have now nothing to do with "it, do what you like." This all occurred while Mr. Robinson was asleep. In the present year, 1859, also I placed the two goats at the same time, one of our, the Sidh goats, had been killed, one remained to be killed while the invocations were still going on, the Koombardeekur killed his goat, the Koodulgaumkur instantly made a dispute saying "why did you kill your "goat first, first the Priest's goats should be sacrificed why did you kill yours first," both came to me, having explained the circumstances the Koodulgaumkur said "the Koombardeekur "has in this manner encroached on my rights, I will sacrifice no goat," on the next day the Koodulgaumkur sacrificed his goat, since two years the dispute has not gone beyond words, on the 3d year while Ramchunder Dessaee was there, the two goats were struck at the same time, a dispute arose and each pushed the other, I came in between and stopped the dispute.

In the time of the Kittoor Dessaee there was a dispute between the three, namely as to whether the Kittoor Dessaee's or the Koombardee or the Koodulgaum goat should be first sacrificed. The goat of the Government (Sirkar) should be first sacrificed, the Kittoor Dessaee decided, and such was the custom for a long time, so long indeed as the rule of the Kittoor Dessaee lasted.

* The mark of the Deponent given before me.

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

No. 63. ORDER THEREON, 11th October 1859, No. 1384.

The Honorable the Governor in Council adopts the suggestion of the Bombay Government, for settling the disputed boundary between the village of Kumbardeh in the Belgáum Collectorate and that of Kudalgáum in the district of Canara; and resolves accordingly to appoint Dr Cleghorn, Conservator of Forests, on the part of the Madras Government. Dr. Cleghorn will arrange to meet the officer who may be appointed on the part of the Bombay Government, on his next visit to North Canara. He will give timely notice to the Government of Bombay of the time when he will be in the vicinity of the disputed boundary and ready to undertake the inquiry.

(Signed) T. PYCROFT,
Chief Secretary.

Ordered in consequence that the following letter be despatched.

No. 64. From T. PYCROFT, Esq., Chief Secretary; to the Acting Secretary to the Government of Bombay; dated 11th October 1859, No. 1385.

I am directed to acknowledge the receipt of your letter of the 7th September 1859, No. 3495, and to state in reply that this Government, concurring in the suggestion made by the Bombay Government, for the settlement of the disputed boundary between the villages of Kumburdeh in the Canara and Kudalgáum in the Belgáum Collectorates, have appointed Dr. Cleghorn, Conservator of Forests, on their behalf. Dr. Cleghorn has been instructed to arrange for meeting the officer who may be appointed on the part of the Bombay Government, on his next visit to North Canara, and to intimate direct to the Bombay Government when he will be in the neighbourhood of the disputed locality and ready to enter upon the inquiry.

Rev Dept

No 1384

Proceedings of the Madras Govt
Under date the 11th October 1859
Read the following letter
from the Actg Secy to the
Govt of Bombay:—

Communicates corres-
pondence relative to the boundary
dispute between Kumbardeh in
Belgáum and Kudalgáum in Ca-
nara, and offers a suggestion to
settle it.

Recd enter'd 7th Sept 1859 No 3495

The Hon'ble the Govr
in Council approves the suggestion
of the Bombay Govt, in
adopting for settling the disputed
boundary between the village of
Kumbardeh in the Belgáum
Collectorate and that of Kudalgáum
in the district of Canara; and
resolves accordingly to appoint
Dr Cleghorn, Conservator of Forests,
on the part of the Madras Govt.
Dr Cleghorn will arrange to meet
the officer who may be appointed

on the part of the Bombay Govt, on his next visit to North Canara.

Ordered that the following letter be dispatched to the Govt of Bombay.

To Copies - Board of Revenue
" " Conservator of Forests

He will pro- time
a letter to the Govt
of Bombay of
the time when
he will be in the
vicinity of the
disputed boun-
dary & would
be under to be
in readiness
inquiry -

Revenue 1859 Dep.t No.
Pro: of Govt. 21st Octr

No. 1384

Pro: of the Madras Govt.
Dy 11th Octr 59.

From the Govt of Bombay
Dy 25th Nov.r 59 No 2224 with Ack.
15 Dec.r 59 Apl 17-18

From the Conservator of Forests Dy 26
April 60 & No 929 inclos:

Appointing Dr
Cleghorn on the part of the
Government for settling
the boundary Dispute
between Kumbardeh in
Belgaum & Kudalgaum
in Canara.

No 62 & 63.

Wit Ltr to the Govt of
Bombay No 1384
dated 11 October 1859.

No. 3495 of 1859.

Revenue Department.

To,

J. D. Bourdillon, Esquire,
Secretary to the Government of
Fort St. George.

Sir,

I am directed to acknowledge the receipt of your letter, No. 226, dated the 17th February last with accompaniments, relative to a boundary dispute between the village of Koombardeh in the Belgaum Collectorate of this Presidency, and that of Koodalgaum in Canara in the Madras Presidency, and to forward herewith for the consideration of the Government of Madras copy of the papers quoted in the margin.

Report by the Revenue Commissioner, Southern Division No. 1726, dated 20th August 1859, with enclosures.

2. It appears to His Lordship in Council that as all Bombay Officers view the evidence one way, and all Madras Officers view it another way, no amount of correspondence will ever reconcile them.

3. I am, therefore, instructed to suggest

suggest that an Officer be deputed from each Government, with full powers to settle the boundary, and fix boundary marks without further reference. If the Madras Government assent to the proposition, and name an Officer, this Government will also appoint one, and the two can arrange the time most convenient to themselves for a meeting in the ensuing season.--

I have the honor to be,
Sir,
Your most obedient Servant,

Bombay Castle,
7th September 1859.

Acting Secy: to Govt.

Copied by [illegible]
Compared by [illegible]

J. D. Inverarity Esqr

Report by the Revenue Commissioner, Southern Division. Dated Poona, 20th Augt 1859. No. 1724

No. 1724 of 1859.

Revenue Department,

Poona Revenue Commissioner's Office

20th August 1859.

×Government reference No. 770 dated 1st March 1859.

In reply to the ×foregoing, the Revenue Commissioner, Southern Division has the honor to append an original ×Report dated 10th instant. by Mr. Selon Karr, Collector of Belgaon, and Captain W. C. Anderson, Superintendent Revenue Survey, on the subject of this boundary dispute, from which it will be observed that after a review of the evidence adduced on the part of both Villages, these Officers are of opinion that the Sidh or Temple under dispute is within the recognized limits of the Village of Koombardeh in the Belgaon Collectorate, to which accordingly

they

they would assign it

2. The line of water-shed, which is the natural boundary - it is stated, is on the blue, and not on the red line × in the accompanying map; and it is added there would be no objection to meeting the wishes of the Madras Government by carrying the Boundary line from the point A to the point B on the red line, and thence along the red line to the point C which is the termination of the disputed land.-

× as stated by the Secretary to the Government of Fort St. George.

3. The Revenue Commissioner is of opinion that to fix the boundary between these Villages by bisecting the passage between the two shrines of Bhairava and Sidh or Wandi Burangano as proposed by the Madras authorities, would conduce only to the perpetuation of strife on the part of the contending parties

parties in this dispute. In the absence of decisive evidence, it seems a waste of time to attempt to restore, with exactness, the original boundaries and it is feared that the lengthened investigations already held in this case, have invested it with an undue importance, and have tended to strengthen animosities which might have been long ago allayed by a summary decision.- The Revenue Commissioner then is of opinion that either the natural boundary marked by a blue line on the map, should be at once declared the future boundary between the Villages of Koombardeh and Koondulgaon, or if the Madras authorities prefer a compromise, that the future line of demarcation between these Villages be a line drawn from the point A to the point B

on

on the red line shewn on the map and thence along this line to C which is the termination of the disputed land.

/Signed/ J. D. Inverarity
Revenue Commissioner
Southern Division

From

Copy of the original letter
Compared by me

From

G. B. Seton Karr, Esquire
Collector of Belgaum

and Captain W. C. Anderson,
Superintendent Revenue Survey
Southern Mahratta Country.

To,

J. D. Inverarity, Esquire
Revenue Commissioner
Southern Division

10th August 1859.

Sir,

With reference to the letter of the Madras Government No. 226 of the 17th February 1859, and accompaniments, received with the Revenue Commissioner's Memorandum No. 488 of the 5th March last, we have the honor to make the following report regarding the Boundary dispute between Koombarsch of the Bedee Talooka of Belgaum and Koodulgaum of the Soopa Talooka of the Canara

Canara Collectorate.—

2. It may perhaps be well to give an abstract of the proof on both sides adduced in the previous correspondence.

The Madras authorities adduce

1st A paper which is only a copy, and the genuineness of which is not altogether free from doubt giving precedence to the people of Koodulgaum at the annual sacrifices.—

2nds Certain small annual allowances paid from the Canara Treasury and lands held by the temple in the Canara Zilla.—

3. To the first of the above evidences it is asserted on the Koombardeh side that a dispute yearly takes place regarding priority of sacrifice which could hardly occur had the matter ever been definitely settled as it is asserted to have been by this paper.—

4. With regard to the 2nd of the above evidences it has been shown that a small annual payment is also made from the Bedee Taloska Treasury, and that at different periods various sums have been expended on account of the temple by the Villagers on the Bedee side.

5. On the side of Koombardeh the following evidence is adduced.—

1st The natural formation of the country, the Sidh temple being on the Koombardeh side of the watershed, and separated from Koodulgaon by an abrupt precipitous descent of considerable height.—

2ndly The name by which the Sidh is far and wide known "the Koombardeh Sidh," it never being any where spoken of by any other name.—

3rdly Certain ancient papers dating between A. D. 1770 and 1780 in which this Sidh is alluded to as "the Sidh which is in the hills of Koombardeh."—

4th Undisputed Police jurisdiction; the exercise of which with the cognizance and co-operation of the Canara authorities is proved distinctly.—

Against

6. Against the above evidence nothing specific is adduced by the Canara authorities, except that the exercise of Police jurisdiction is thought to have occurred through the unauthorized act of a subordinate police Officer and "cannot have any weight in deciding the claim." Para: 2, Letter of Acting Collector of Canara of 21st August 1855.

7. Mr. Fisher, the Collector of Canara, in his letter to the Madras Government No. 125 of the 29th October last, lays considerable stress on the orderly manner and freedom from dispute with which the ceremonies were conducted as witnessed last year by Mr. Robinson the Sub Collector, observing that "Mr. Robinson "has lately been present during the whole ceremony "which terminated at midnight with the usual "sacrifice". Mr. Fisher farther quotes from Mr. Robinson's letter "not only was there no "disturbance of any kind, but the whole pro- "-ceedings were conducted with a regularity "that seemed to me to betoken a very good "intelligence among the multitude "assembled as to the rules and "privileges pertaining to the occasion, the honor of Para: 6 of Mr. Fisher's letter. Para: 7 of Mr. Fisher's letter.

Copy by Dinanath

"of precedence in this instance at least was "not disputed vide vide".—

8. Mr. Fisher would appear to have been under a misconception as to what Mr. Robinson personally witnessed. And those who informed Mr. Robinson of what did actually occur at the sacrifice must have somewhat misstated the facts. It Appended seems from the deposition of the Chief Priest at the temple that though Mr. Robinson was at the Sidh at the time the yearly sacrifice occurred, he did not see the sacrifice performed, being asleep in the vicinity, and that so far from un- -disputed priority being left to Koodulgaum, the people of Koombardeh actually took precedence of those of Koodulgaum; and a dispute arose. The absence of any dispute on the subject of precedence is a material point regarding which Mr. Robinson was evidently misinformed.—

9. The Chief Priest recently mentioned in conversation with us that the Killoor Dessace used to take precedence

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over all other persons; a fact which would
counterbalance any assignment of precedence
to Koodulgaum over Koombardeh (assuming
any to have been really made) as affecting
the question of boundary. It would rather
appear that precedence was granted as a
social distinction in a place of worship
common to all. Appended is the deposition
of the Priest on this point, detailing also
what passed on the night of the festival in
1858, (when Mr. Robinson slept at the Sidh,)
and in the years 1857 and 1859, and shewing
that the right of precedence is very commonly
disputed, and that such disputes are not
always confined to words.—

10 It is proposed by the Ma-
dras authorities that the line of boundary be
fixed along the passage running through
the temple. But it is in this very passage
that disputes about the sacrifice occur,
and serious affrays with bloodshed have
taken place. The reasons are numerous and
evident why in a spot of this nature there
should be no dispute regarding jurisdiction,

but

2 L. 23 Ch.

but such a dispute could not be avoided did
the line run down a narrow passage the op-
posite sides of which would be in different Pre-
sidencies. The Police jurisdiction in the entire
Sidh has hitherto been with Bedee, and in
so continuing it, no violation of Custom will
occur.—

11 Regarding one half the Sidh there
appears to be no difference of opinion, it being
now admitted by the Madras Authorities to be
in Bombay. And to the arguments they advance
regarding the other half being in Koodulgaum,
some exception may be fairly taken on the
ground that misconception exists as to what
occurs at the yearly sacrifices and the rights
of those claiming to perform
them. Expediency plainly points
to the necessity of having one undivided ju-
risdiction over the whole temple, and the
preponderance of evidence as well as proved
exercise of jurisdiction in former years ap-
pears to give Bombay the best claim to
that jurisdiction and consequently to have
the entire temple included in its boundary.

Para: 13 of Mr. Fisher's letter

12

12. The dispute refers altogether to 2/1/4 acres of land, but the Villagers, as stated in the letter of the Madras Government, are "comparatively indiff= "ferent to the direction "taken by the rest of the Boundary line". The line of watershed is on the blue and not on the red line in the accompanying map, and is undoubtedly the natural boundary, but there would see no objection to meeting the wishes of the Madras Government by carrying the Boundary lines from the point A to the point B on the red line, and thence along the red line to the point C which is the termination of the dis= =puted land. This would give a large extent of additional grazing land to Koodulgaum. Up to the point A the line of boundary be= =tween Koombardeh and Malvee has long since been definitely settled by Mr. Hall, a former sub Collector and Captain Anderson.—

Para: 2 of letter of the Madras Government.

Para: 2 of letter above quoted.—

13. By taking the line from A to B the small tank to the South west of the Sidh would be left to the temple. It was evidently

evidently made for the convenience of the people of the temple only, and is of no use to any one else.

14 Should it be thought desirable, Captain Anderson would arrange before No= =vember next to meet Mr. Muller the Sub Conservator of Forests in Canara who is oc= =casionally in this neighbourhood, or any other officer who might be appointed, and with him fix Boundary marks on the line of Boundary which may now be adopted.—

15. We beg in conclusion to apolo= =gize for the delay that has occurred in sub= =mitting this report. We were desirous of revi= =siting the spot before recording our opinion, but circumstances occurred which prevented us from doing so in company, or from meeting to consult on the subject until a few days ago.

We have the honor to be &c.

(Signed) G. B. Setow Karr
Collector

(") W. C. Anderson
Superint. Rev: Survey
S. M. Country.

Copied by J. Khayat & Co.
Copied by Handwritten

The Deposition of Buxnath Poorochuth
Govavar of the Koombardaa Mutt in the
Talooka of Bardaa, dated 13 June 1849

At the festival of the Nawratraa, last year,
1858 A.D, Mr Robinson, Collector of the
Canara Zilla arrived at the Vidh about
midday and left the nayt day about
7 o'clock, he resided in a room of our
Matt. With Mr Robinson came the
Talookdar of Soopa 10 or 15 Peons, and
about 40 men armed with guns on
the day he arrived Mr Robinson asked
where the place of sacrificing goats
was, I pointed out the place of sacrificing
to him. When going to bed at night
Mr Robinson requested to be informed
when the time of sacrificing came,
so the Soopa Talookdar informed me
When the time of sacrificing came,
I told a Peon to inform Mr Robinson
and the Talookdar. The Peon said Mr
Robinson is asleep, he must not be
awoke. The Talookdar also did not
come; he was asleep in an upper
part

part of the Mutt whether the sepoy informed him or not, I do not know, but at the time of sacrificing goats, the Tahsildar did not come. This year 1868 according to yearly custom, I placed the Koombardee goat and the Koodulgaunum goat for sacrifice at the same time the Koombardeekur struck his goat first, directly at that very moment the Koodulgaumkur struck his goat also, but the Koombardee one fell first; than the Koombardee and Koodulgaumkur's began to dispute, the latter asking why the other had struck his goat first. "We were both placed at the same "time our goat fall first what cause "of disputing is this, said the Koombardeekur," finally both came to war and the Koodulgaumkur said "why did the Koombardeekur kill his goat first, "Answered "according to yearly custom "I placed you both at the same time, "I have now nothing to do with it do "what you like." This all occurred while Mr Robinson was asleep. In the present year, 1869, also I placed the

the two goats at the same time, one of our the Sidi goats, had been killed, our remained to be killed while the invocations were still going on, the Koombardeekur killed his goat, the Koodulgaumkur instantly made a dispute saying "why did you kill "your Goat first, first the Priests "goats should be sacrificed why did you "kill yours first," both came to me having explained the circumstances the Koodulgaumkur said "the Koombardee "Kur has in this manner encroached "on my rights, I will sacrifice no goat" on the next day the Koodulgaumkur sacrificed his goat, since two years the dispute has not gone beyond words, on the 3d year while Ramchunder Deesaee was there, the two goats were struck at the same time, a dispute arose, and each pushed the other, I came in between and stopped the dispute.

In the time of the Hittoor Dessaee there was a dispute between the three, namely

namely as to whether the Kittoor Deesaee
or the Koombardaa or the Koodulgaaur
goat should be first sacrificed. The
goat of the Government (Sirkar) should
be first sacrificed the Kittoor Deesaee
decided, and such was the custom
for a long time, so long indeed as the
rule of the Kittoor Deesaee lasted. -

× The mark of the Deponent

Given before me (Signed) W. C. Anderson

Superintendant

June 15th 1859. - Revenue Survey and Assessment

Southern Mahratta Country

(True Copies)

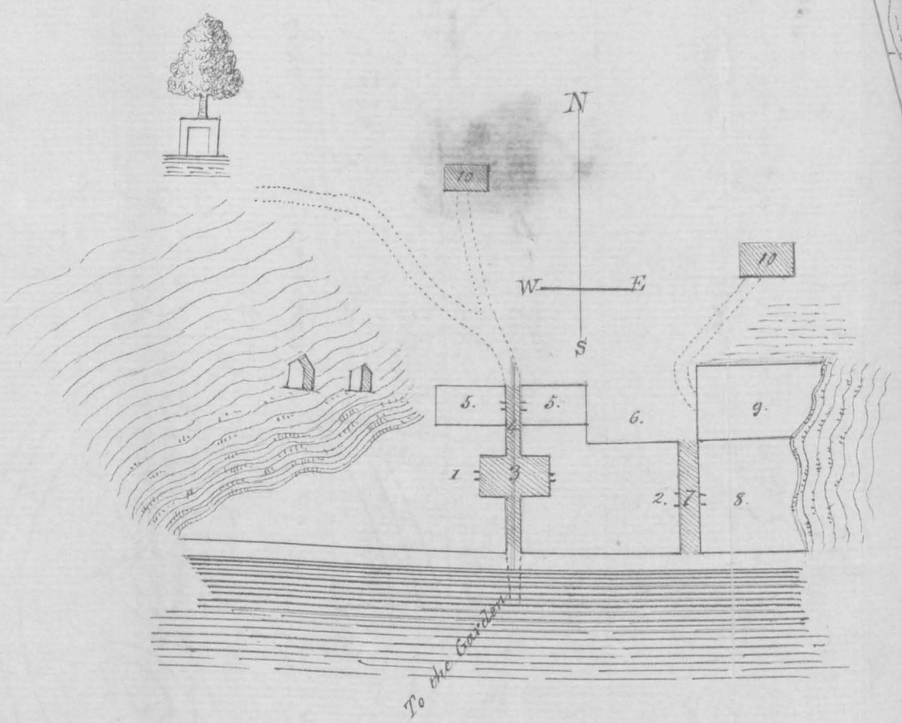
Acting Secy: to Govt.

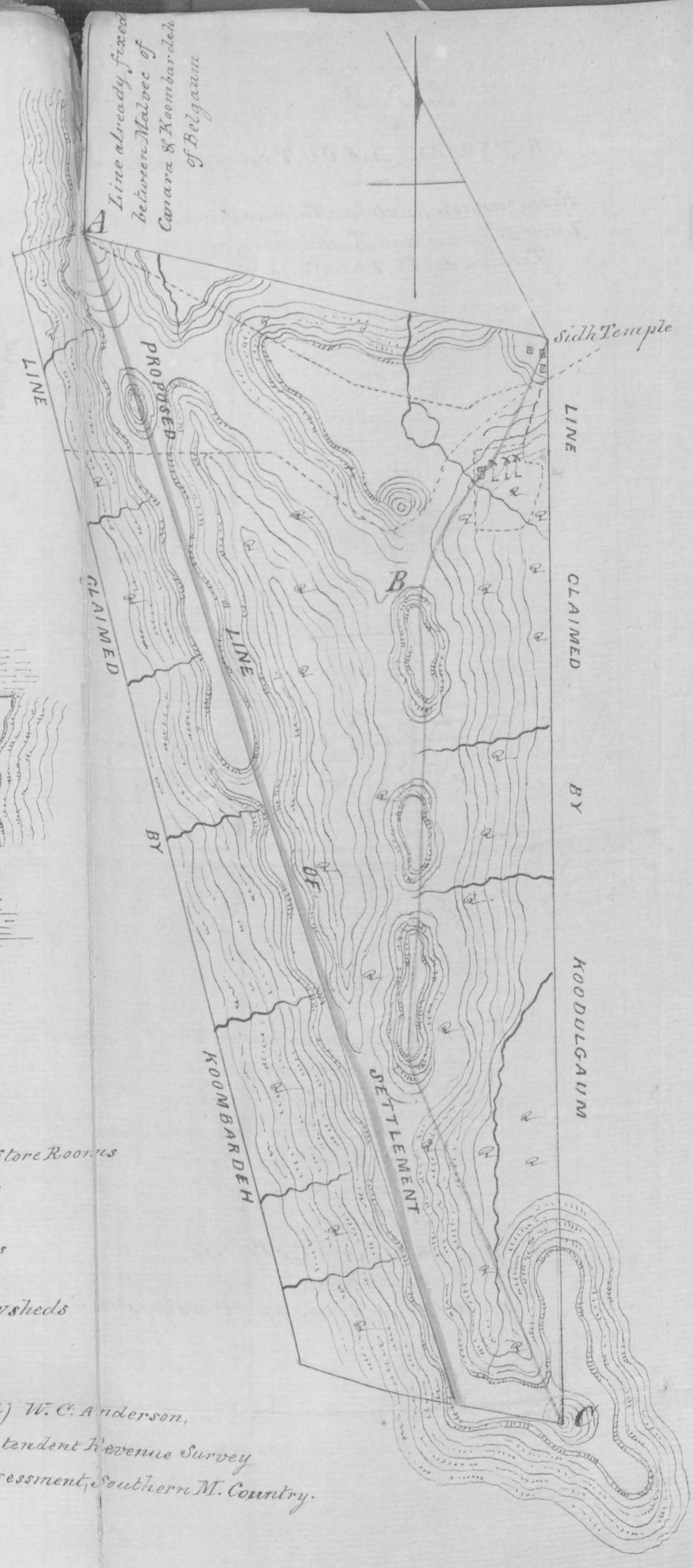
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MAP
of
BOUNDARY DISPUTE
between
Koombardeh Bustwar, Talooka Bedee
Zilla Belgaum and Koodulgaum.
Talooka Soopa, Zilla Canara

Scale 20 Chains to one Inch.

10 5 0 10 20 30 40 50 60 70 80





No. 1. Handee Burungnoth.
" 2 Byroo or shrine of Kali
" 3 Enclosed Court Yard
" 4 ------ do ---- Passage
" 5 Anti Rooms, used as Store Rooms
" 6 Outside Court Yard
" 7 A Passage
" 8 Residence for Priests
" 9 Store Room
" 10 Store Rooms and Cowsheds

Accompaniment to Letter
No. 279 dated 26th Augt 1857.

(Signed) W. C. Anderson,
Superintendent Revenue Survey
and Assessment, Southern M. Country.

Copied by H.N.

R. Cons. 25th February 59 No. 28
do 21 Decr. 58 - 81-82
do 23d do 57 - 36-37.

Revenue 1859 Dept.
Pro: of Govt. 21st Octo.

No. 1674.

From the Acting Secretary
to the Govt. of Bombay.

Dated 7th September 1859
Rect. 13th

No. 1384 - 11th Oct. 1859.
1 - Map
Forwards copy of
correspondence relative
to a boundary dispute
between Koombardeh
in Belgaum & Koodal-
-gaum in Canara.

No. 62.

c30 Sp. R3 6th.

REVENUE DEPARTMENT.
FORT ST. GEORGE,
11*th October* 1859.

No. 1385.

From

T. PYCROFT, Esq.,
Chief Secretary.

To

The Acting Secretary to the Government of Bombay.

SIR,

I am directed to acknowledge the receipt of your letter of the 7th September 1859, No. 3,495, and to state in reply that this Government, concurring in the suggestion made by the Bombay Government, for the settlement of the disputed boundary between the villages of Kumburdeh in the Canara and Kudalgáum in the Belgáum Collectorates, have appointed Dr. Cleghorn, Conservator of Forests, on their behalf. Dr. Cleghorn has been instructed to arrange for meeting the officer who may be appointed on the part of the Bombay Government, on his next visit to North Canara, and to intimate direct to the Bombay Government when he will be in the neighbourhood of the disputed locality and ready to enter upon the inquiry.

I have the honor to be,
SIR,
Your most obedient Servant,
(Signed) T. PYCROFT,
Chief Secretary.

Exd. H. M. Elliot.

Revenue Dept.

1385

4 Copies
Bo[illegible] 12

To

The Acting Secretary
to the Govt of Bombay,

Sir,

I am directed to acknow-
ledge the receipt of your letter
of the 7th September 1859, No
3495, and to intimate in
reply that this Govt, concurring
in the suggestion made by the
Bombay Govt, for the settlement of the dis-
puted boundary between the
villages of Kumbardeh and
Kudalgaum in the Belgaum
Collectorate, has appointed Dr Cleghorn
Conservator of Forests, on their
behalf. Dr Cleghorn has been
instructed to arrange for meeting

the officer who may be appointed on the part of the Bombay Govt, on his next visit to North Canara. and to intimate direct to the Bombay Govt when he will be at his neighbourhood of the disputed boundary. City and early limits of the disputed boundary.

I am to request that the necessary communications may be made to Dr Gleghorn.

JP

Fort St. George
11th October 1859

Revenue 1859 Dep.t
Pro: of Gov.t 21.st Octr.

No. 1385.

To the Acting Secretary
to the Govt. of Bombay
Dated 11.th Octr 59.

From Do 25.th Nov.r 59
C No. 2207 in Pro:

No. 64.

Reporting the appointment
of Dr. Cleghorn on the part
of this Govt. for settling the
boundary disputed between
Kumbardeh in Belgaum
and Kudalgaum in
Canara-

C 30. Sp. 123. Oct.