Revenue Department

No 225

Dated 17—2—1859

No. 28. Read the following letter from H. CLEGHORN, Esq., M. D., Conservator of Forests; to the Secretary to Government, Revenue Department, Fort Saint George; dated Madras, 19th January 1859, No. 515.

SIR,

No. 1328 *Revenue Department, 19th December* 1857.
No. 1703 *Revenue Department, 23rd December* 1858.
* *Returned herewith.*

In reference to the orders of Government noted in the margin, instructing me to submit a Report relative to a boundary dispute between the Belgaum Collectorate and the Canara District, and the original enclosures* (letter of Collector of Canara 29th October 1858) forwarded on 23d Ultimo, I beg to submit the following explanation.

When I proceeded on my late tour along the Western Coast, it was my intention to have visited the locality alluded to in these letters, which is situated in the extreme North of Canara. I was prevented from fulfilling my purpose by learning that the Special Commissioners, Messrs. J. D. Robinson and Ballard, were encamped at the very place and engaged in judicial investigations connected with recent disturbances which appeared to render my visit on Forest duties altogether unseasonable.

I took the opportunity, however, of discussing the matter both with the Collector at Mangalore and Sub Collector (Mr. J. Robinson) at Sircee, the latter had just returned from the spot, and told me that the extent of Forest involved in the dispute was inconsiderable, and from its proximity to the temple difficult of conservation.

From all I was able to learn from my Assistant, Mr. Müller, and from the people in the neighbourwood, I think Mr. Robinson's statement of the usages and ceremonials is strictly correct, and that it would be inexpedient to make any alteration at present.

If the Government think it desirable I will arrange for visiting the locality in my next tour.

No. 29. ORDER THEREON, No. 225; dated 17th February 1859.

Read again the following Extract from the Proceedings of the Board of Revenue.

(Here enter 4th December 1858, No. 4508, recorded in Diary after Consultation 21st December 1858.)

The Government concur in the view taken of the boundary dispute by the Canara authorities and the Board of Revenue, and this opinion will be communicated to the Government of Bombay.

2. Dr. Cleghorn will be informed that there is no occasion at present, for his visiting the disputed spot.

(Signed) J. D. BOURDILLON,
Secretary to Government.

Ordered in consequence that the following letter be despatched.

No. 30. From J. D. BOURDILLON, Esq., Secretary to the Government of Fort Saint George; to the Chief Secretary to the Government of Bombay; dated 17th February 1859, No. 226.

SIR,

I am directed to reply to your letter dated 27th November 1857, No. 5093, respecting the boundary dispute between the village of *Kumbardeh* in the Belgáum Collectorate of the Bombay Presidency, and that of *Kudalgáum* in Canara in this Presidency; and to enclose copies of an Extract from the Proceedings of the Board of Revenue with its accompaniment from the Collector of Canara, to whom the question was referred for report, as well as of a letter from the Conservator of Forests, who was likewise called on for his opinion.

2. From Mr. Fisher's letter, it will be seen that the local authorities are unanimous in favor of another boundary than that proposed by Captain Anderson and Mr. Ellis, viz. one pass-

ing along or bisecting the passage between the two shrines of *Bhairava*, and that of *Sidh*, or *Handi Baranganáth*, so that the former or eastern part of the Temple shall be in *Kumbárdeh* belonging to Belgáum, and the latter or western part in *Kúdalgáum* appertaining to Canara. That such a boundary is recognized by the villagers themselves, is proved by what passed at the festival witnessed by the Sub-Collector of Canara, Mr. Robinson. It would further appear that the villagers are comparatively indifferent to the direction taken by the rest of the boundary line, which may follow the water shed (indicated by a red line in the sketch Map herewith returned) as effecting a reasonable compromise between the adverse claims of the two villages. This Government concur with the Collector and Board of Revenue that in a question of this nature it is not what is abstractedly the best natural boundary, but what is most in conformity with the old established custom of the locality and the wishes of the people that must be attended to. It is the hope of this Government that a perusal of Mr. Fisher's letter will satisfy the Right Honorable the Governor in Council of Bombay of the correctness of the judgment arrived at by the Revenue officers of Canara. The Conservator of Forests in this Presidency, Dr. Cleghorn, it will be observed, has been unable to visit the disputed spot.

Revenue Department

Fort St George
the 5th Feby 1859

No 226

To

The Chief Secretary
to the Government of Bombay

Sir,

I am directed to reply to your letter dated 27th November 1857 No 5093 respecting the boundary dispute between the village of Kumbardeh in the Belgáum Collectorate of the Bombay Presidency, and that of Kudalgáum in Canara in this Presidency and to enclose Copies of an Extract from the Proceedings of the Board of Revenue with its accompaniment from the Collector of Canara, to whom the question was referred for report, as well as of a letter from the Conservator of Forests, who was likewise called

called on for his opinion

2 From Mr. Fisher's letter, it will be seen that the local authorities are unanimous in favour of another boundary than that proposed by Captain Anderson and Mr. Ellis viz one passing along or bisecting the passage between the two Shrines of Bhairava, and that of Sidi, or Kandé Baranganáth, so that the former or Eastern part of the temple shall be in Kumbárdeh belonging to Belgáum, and the latter or Western part in Kudal-gáum appertaining to Canara. That such a boundary is recognized by the Villagers themselves is proved by what passed at the Festival witnessed by the Sub Collector of Canara Mr Robinson. It would further appear that the Villagers are comparatively indifferent to the

the direction taken by the rest of the boundary line, which may follow the water shed indicated by a red line in the Modeli map herewith returned, as effecting a reasonable compromise between the adverse claims of the two villages. This Government concur with the Collector and Board of Revenue that in question of this nature it is not what is abstractedly the best, natural boundary, but what is most in conformity with the old established Custom of the locality and the wishes of the people that must be attended to. It is the hope of this Government that a perusal of Mr Fisher's letter will satisfy the Right Honorable the Governor in Council of Bombay of the correctness of the judgement

judgement, arrived at by the Revenue
Officers of Canara, and
that the Conservator of
Forests in this Presidency,
Dr. Cleghorn, it will be
observed, has been unable
to visit the disputed
spot.

I have &c.

W. A.
2nd

Fort St. Geo. 17th February 1859

Revenue 1859 Department.
Dy. to Govt. 25th February

No 226.

To The Chief Secretary
to the Govt. of Bombay.
Dy 17th February 59.
From Secretary to the Govt Bombay
No 774 Septbr 59 Govt 1874.

Reporting on the
boundary dispute between
the Belgaum Collectorate
and Canara.

No 30

Collector's Cutcherry,
Mangalore, 29th October
1858.

From,

W. Fisher Esqre
Collector of Canara

To

J. D. Sim Esqre
Secretary to the Board of Revenue
Fort St George

Sir,

I have the honor to submit a
report on the boundary dispute between
the village of Hoolagunnee in Canara, &
Koombarbey in Belgaum, called for in
Extract from Proceedings of the Board
(No 1641) dated 23d December 1857.
2. Do. Govt. (No 1338 R. D.) under date
19th December 1857, furnishing, I think, all
the arguments employed on both sides
in support of the several boundary
lines claimed for the above named vil-
lages, and there is very little that carries
conviction with it, said by either. Never-
theless I believe the subject is exhausted,
and it only remains for me to say

before the Board what I believe to be the evidence on which the disputants place most weight, together with such information as has since reached me regarding the actual practice at the Sidi Temple during the Ceremonies periodically practised there.

3. On the part of the Canara people, the copy of the document referred to by Mr. Ball in his letter to Captain Anderson under date 13th June 1853 was perhaps the best evidence offered in support of their claim; whilst Captain Anderson seems to have thought the evidence he procured from the Peedar Dumtaldar's Cutcherry, regarding the unchallenged exercise of Criminal powers by that Officer, in a case of assault within the precincts of the Sidi Temple, more distinct evidence than he had before obtained, regarding the Gillah in which the Sidi Temple had been considered to stand.

4. Other arguments relating to the

configuration of the locality are certainly adduced by the Bombay Officers, but these relate more to what they consider the boundary line should be, than to what it had been.

5. This case however must be carefully dealt with, as one in which the feelings of the people between whose villages the boundary is to be laid down, must be considered.

6. The document above alluded to, gives the Moodulgaum people precedence at the time the offerings are made to the Sidi Swamee, & although Captain Anderson observes, that disputes would not take place on these occasions if its authority was admitted, I think the following account will shew the Board, that if disturbances have at times occurred, the behaviour of the multitude generally, as witnessed by Mr. Robinson, seemed to shew that the manner of conducting the ceremonies

was such as they were accustomed to observe - Mr Robinson has lately been present during the whole Ceremony, which terminated at midnight with the usual sacrifice &c &c

7. He remarks, "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 that instance at least, was not "disputed, and was assigned to the "Kordlagaum Herasey - The sacrificial "victims were then slaughtered by the "respective votaries, on either side of "an imaginary line bisecting the passage "/marked in red Ink/ in Capt.n Anderson's "Map, the Soombadey Offerings being "placed on the Eastern side of the "line before the Byrawa Shrine: the Kordlagaum

"Kordlagaum sacrifice on the western "side, in front of the Seek or Bundee "Sarenganath Shrine."

8. The Priests also informed Mr Robinson, that this practice had obtained for many years, having originated in the tradition that the boundary line between the villages bisected the passage marked 3. 4. in Captain Anderson's Map, in the manner shewn in red Ink

9. Mr Robinson & Mr Ballard agree in thinking that this boundary line should be maintained, and my view of the matter is similar to theirs - It is easy for us to say that whatever the boundary line may be, established privileges can be respected, but the question is, whether those most concerned will be able to see the question in this light - It requires little experience of native character to know that they will not - The privileges

think the boundary and the privileges can be separated. That if they are separated, we shall have to maintain peace between disputants, who would have had no cause of quarrel, had old rights & traditions been respected, & that the most correct line for running a boundary through hill & forest, with reference to the configuration of the ground, is of little importance, compared with the settlement of the question, in accordance with the views held by the people, as shewn by their acts at the periodical sacrifices, which should to be of far more weight, than any amount of assertion from either party.

15. I now therefore submit the case, incomplete as it may appear, for the consideration of the Board, trusting that they will deem the Canara claim worthy of their advocacy, supported as it is by every local officer who has been here, on the grounds above enumerated.

I have the honor to be
Sir,
Your most obed. Servt.

Wm. Fisher
Collector

Compd
C.B. May

not their origin to the position of the boundary, and the one must in native eyes stand or fall with the other.

10. The only objection to taking the boundary line through the passage common to both villages, is its crookedness, as shewn in red in the accompanying Map; and this would not have been so great if it appears from what is now stated by the above mentioned officers) had Mr Hall, as he perhaps might have done, insisted on a line more favorable to Canara, when laying down the boundary between Boombarday and Gralwa. The people have expressed to Mr Robinson their dissatisfaction with this arrangement, and although it is now unnecessary to disturb it, there is, as he justly observes, all the more reason for caution in dealing with the question now at issue.

11. As to the value of the land in dispute, I am unable to lay before the Board any information of a satisfactory nature, as it is composed of hill and jungle; but Captain Anderson I see, speaks of the Lumber being fine, and over by the care of the Forest Conservancy establishment about to be employed by the Bombay Government.

12. I have not thought it worth while to recapitulate arguments or evidence advanced by either side, when nothing can be brought forward which throws any satisfactory light upon the question.

13. The Bombay officers would perhaps admit the evidence, such as it is, regarding privileges, and that these determine the position of the old boundary line; but would argue, that privileges could be maintained, whilst a more natural boundary line than that demanded, might be run between the two villages.

14. My reply is, that I do not

Rev Dept

No 225

Extract from the Minutes of Consultation
Under date the 17th February 1859.

Read the following letter from
the Conservator of Forests
/Here enter 19 January 1859/

Read again the following Extract
from the Proceedings of the
Board of Revenue.
/Here enter 4 Dec 1858 No 4508,/
recorded in Dy Sec Con. 21 Dec 1858.

The Govt concur in the view
taken of the boundary dis-
pute by the Canara authori-
ties and the Board of
Revenue and this opinion
will be communicated to
the Govt of Bombay.

2. Dr Jephson will be informed
that there is no occasion
at present, for his visiting
the disputed tract.

1858 Dec No 5008

From Collector of Canara
& Secretary to the
Board of Revenue

dated 29th Dec 1858.
Rec'd 4th Jan 1859.

No 225

Submits with the reference
to Govt Rev: of the Board
dated 23rd Dec 1858, a
submission the Surveyor
Report between the Coorg
& Canara & Travancore
on Bolgaum.

Orig to Govt Rev & Canara
Copy to Govt Rev & Coorg
17 Feb 1859

Ordered in Consequence that
the following letter be despatched
(Recorded 17 Feb 1875 Q. 226.)

3 Copies to the Bd of Rev. Dated 18th
4 " " Conservators of Forests

Init
Jan 27.

Cons 23 Dec 57 — N 36-37
— 21 — 58 — 81-82

Revenue 1859 Sept
Dto to Cons: 25th February

N: 225.

Extract Mins of Cons.
D 17th February 59.

From Govt of Bombay
7 y Septr 57 C N 1674

Concurring in the view taken of the boundary dispute between the Belgaum Collectorate and Canara by the Canara authorities and the Board; and directing the same to be connected to the Bombay Government.

N 28 + 29 - 25

With Letter to the Chief Secretary to the Govt of Bombay N 226 Dated 17 Feby 59.