M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 899 — Press / ~~Mis.~~

172-173.

Dated 31-5-1860.

Not to be folded or roughly handled

No. 172. Read the following letter from H. CLEGHORN, Esq., M. D., Conservator of Forests, to T. PYCROFT, Esq., Chief Secretary to Government, Revenue Department, Fort Saint George, dated Ootakamund, 27th April 1860, No. 1,001:—

1. With reference to Proceedings of Government, dated 11th October 1859, No. 1,384, in which I was directed to meet an Officer to be appointed on the part of the Bombay Government, to settle the disputed boundary between the village of Kumbardeh in the Belgaum Collectorate, and that of Kudalgaum, in the District of Canara, I beg to submit the following Report:—

2. On receiving the Order of Government, dated 3rd December last, No. 1,640, I put myself in communication with Captain W. C. Anderson, Superintendent Revenue Survey and Assessment, Southern Mahratta Country, and found with regret that a meeting could not be easily effected. Captain Anderson was unable to leave his post at Sattara during my visit to Canara, and it would have been very inconvenient for me to return (400 miles) to this distant point during the monsoon, when a cessation of the field operations of the Survey permit Captain Anderson's absence from Sattara.

3. Under these circumstances, I resolved to visit the Sidh Temple and inspect the locality. I was accompanied by Captain Drever, Deputy Superintendent of Police, and my Assistant, Mr. Müller.

Extract Minutes of Consulation, dated 19th December 1857, *No.* 1,328.
Proceeding of Madras Government, 11th October 1859, *No.* 1,384.

4. I carefully read on the spot all the papers recorded in the margin, and studied the disputed tract with the Trigonometrical Map, (Sheet 41,) in my hand. I found Captain Anderson's Triangulated Sketch very correct, the Sidh Temple being on the Kumbardeh side of the *water-shed*, as shown in the great Trigonometrical Map, and separated from Canara by an abrupt nearly precipitious rocky descent, forming an excellent natural boundary. In the original Survey Map, No. 1 of the District, surveyed in 1813-4 and 15, the Sidh is laid down in the Southern Mahratta Country.

5. In ascending to the Temple by a wheel track, I met two of the Belgaum Police,* coming down, and on referring to Captain Drever, he stated that it seemed highly advantageous that the Belgaum authorities should have undisputed Police jurisdiction.

* NOTE.—*They pay a daily visit it appears, as this Temple was formerly a favorite resort of disaffected persons.*

6. I have mentioned that the water-shed, which in all such cases is the best boundary, is in favor of the Belgaum District, and I may here notice the character of the land in dispute. The lower slopes are covered with what may be called second class jungle, while the grassy knolls above, afford good pasture for cattle, the rent of this land which would be lost to Canara by the transfer, I was told is under 30 Rupees.

7. I conversed freely with the Dessaee (Priest) who considered the dispute a trivial matter, and said there was no *feeling* in regard to the issue. Existing rights and practices need not be in any way affected by the fixing of the boundary.

8. Mr. Levinge promised to visit the site of the Temple, and let me know his view of the question, but in consequence of his removal from the District, he was unable to ascend the Hill; however, he wrote from Halliál as follows, showing that he coincides with the opinion above expressed. "From what I hear and observe of the Hill from a distance, I certainly think the "top of the natural ridge should be the boundary, the south and west slope going to us, and "the other side of the Hill to Bombay, this would give the Pagoda and the spur on which it is "built to Bombay."

9. I showed the Map and my notes to Mr. Fisher, the present Collector of North Canara, who had not visited the Temple and I believe satisfied him that Captain Anderson's proposal was in accordance with the natural configuration of the country.

10. The blue line in Captain Anderson's Map in my opinion, represents the natural boundary and should be the line of permanent settlement.

11. In conclusion, I beg to state that this Report would have been submitted at an earlier date, but I continued to hope that circumstances would permit me to visit the Temple in company with Captain Anderson, but this does not seem compatible with our respective engagements. However, his opinion being fully recorded in the Proceedings of Government above quoted, parahraph 4, any further delay seems unnecessary.

No. 173. ORDER THEREON, 31st May 1860, No. 899.

Paragraph 1. This letter relates to a dispute of long standing between the villages of Kumbardeh of the Belgaum District, and Kudalgaum belonging to North Canara, regarding a boundary. In 1845-6 it appears that the Sidh Pagoda which has again become the subject of contention, was (accordingly to the decision then arrived at) situated in Canara, but in 1857

when Captain Anderson, Superintendent Revenue Survey on the Bombay side was engaged in the Bedee Táluq of Belgaum, this decision appeared to him erroneous and after corresponding with the Canarese authorities who however could not agree in his view, he forwarded to his superiors and eventually to the Bombay Government the correspondence which had passsed in the matter.

2. While expressing an opinion favorable to the course proposed by their subordinates, the Bombay Government, as it was a question affecting the boundary line of the two Presidencies, forwarded* the papers to this Government for the purpose of obtaining their concurrence in the proposed settlement; the question was accordingly referred† to the Board of Revenue and Conservator of Forests for Report.

* *27th November* 1857, *No.* 5,093.

† *19th December* 1857, *No.* 1,328.

3. On receipt of these Reports the Bombay Government were addressed.‡ It was pointed out to them that the local authorities on the Madras side were unanimous in favor of another boundary than that proposed by Captain Anderson, and that this Government concurred 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." A hope was expressed that the Bombay Government would be satisfied with the correctness of the judgment arrived at by the Revenue Officers of Canara.

‡ *17th February* 1859, *No.* 226.

4. In reply to the preceding another letter§ was received from the Bombay Government with several enclosures from the Officials previously concerned, finding fault on various grounds with the opinions formed by the Canarese local authorities. In transmitting these papers the Bombay Government observed 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." They proposed therefore that two Officers should be deputed, one by each Government to settle the boundary and fix boundary marks without further references.

§ *7th September* 1859, *No.* 3,495.

5. The Madras Government assented and appointed|| Dr. Cleghorn, Conservator of Forests, who was to meet Captain Anderson appointed by the Bombay Government at a time convenient to both. The paper recorded above is the Conservator's Report on the subject. Though unable to meet Captain Anderson, as proposed, he has read on the spot all the papers connected with the subject, and studied the disputed tract with the Trigonometrical Map, and he has come to the conclusion that the proposal made by Captain Anderson is fair and appropriate. The extent of land affected by the dispute consists of about 271¼ acres of hill and jungle.

|| *11th October* 1859, *No.* 1,384 *and* *3rd December* ,, ,, 1,640.

6. Dr. Cleghorn was selected by this Government as one of the arbitrators in this case. He has visited the scene of the dispute, consulted the District Officers, conversed with native residents on the spot, and has read all the papers comparing them with the localities before him: the result is that he agrees in the opinion of the Bombay arbitrator, an Officer who has also very accurately studied the localities. The Government are of opinion that no better grounds for a judgment could be obtained; and they accordingly resolve to adopt the line of boundary advised by Dr. Cleghorn. This decision will be communicated to the local Officers for their guidance, and will also be made known to the Bombay Government.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

Ordered in consequence that the following letter be despatched

No. 174. From J. D. BOURDILLON, Esq., Secretary to the Government of Fort Saint George, to the Secretay to the Government of Bombay, dated 31st May 1860, No. 900 :—

1. In reply to your letter of the 25th November 1859, I am directed to inform you for the information of the Honorable the Governor in Council that the boundary dispute between the villages of Kumbardeh in the Belgaum and Kudalgaum in the North Canara Collectorate has been settled. The Government of Bombay will observe from the accompanying copy of a report by Dr. Cleghorn, the Officer deputed on this service on the part of this Government that though unable to meet Captain Anderson, he has on a personal inspection of the spot in dispute seen good reason to coincide in that Officer's opinion regarding it.

* *No.* 899. 2. This Government have therefore in an Order of this date resolved boundary thus recommended.

E. D.

No 899

Proceedings of the Madras Government
Under date the 31st May 1860.

Read the following letter
from the Conservator of Forests

Submitting report on the disputed boundary between the villages of Kumbardeh in the Belgaum Collectorate and that of Kudalgaum in the District of Canara.

Here enter 26th April 1860 No 1001

Ans. This letter relates to a dispute of long standing between the villages of Kumbardeh of the Belgaum District, and ~~—~~ belonging to North Kudalgaum ~~&~~ Canara, ~~in the~~ ~~Bombay Presidency~~, regarding a boundary. In 1845-46 it appears that the Sirdi Sagoda which has again become the subject of contention, was (according to the decision then arrived at) situated in Canara, but in 1857 when Captain Anderson Superintendent Revenue Survey on the Bombay Side was engaged in the Bedee Taluq of Belgaum decision appeared to him erroneous

…ndary and after corres…
…ing with the Commissr autho…
who the Govr could not agree …
his view, he forwarded to his
superiors and eventually to the …
Bombay Government the corres
pondence which had passed —
in the matter, ~~for their decision~~.

2 While expressing an opinio
favorable to the course proposed by
their subordinate, the Bombay
Government, as it was a questio
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two Presidencies, forwarded the
papers to this Government for the
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with the Collector and Board o…

Govt 18th September 1857 No 3495

Govt 5th November 1857 No 5093

December — — 1328.

1st February 1859 — 226.

Govt 11th October 1859 No 1284
& 2d December — — 1640.

…ect in a question of this nature it
…s not to what is abstractedly the best
…atural boundary but what is most
…conformity with the old establish
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Revenue officers of Canara.

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finding
fault on various grounds with the
opinions formed by the Canarese au
local authorities. In transmitting these papers
the Bombay
Government ~~to~~ observed 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.
They proposed therefore that two officers
should be deputed, one by each Govt
to settle the boundary and fix boundary
marks without further reference.

The Madras Government ac:
:cepted and appointed Dr Balfour,
Conservator of Forests, who was to meet
Captain

Captain Anderson appointed by the Bombay Government, at a time convenient to both. The Paper recorded above is the Conservator's report on the subject. Though unable to meet Captain Anderson, as proposed, he has read on the spot all the papers connected with the subject and studied the disputed tract with the Trigonometrical map, and he has come to the conclusion that the proposal made by Captain Anderson is fair and appropriate. ~~~ The extent of land affected by the dispute consists of about 27 1/4 acres of hill and jungle. ~~After a careful consideration of the papers already recorded in this case, the Governor in Council considers that Dr Bleghorn's opinion should be adopted, and he directs that this decision be made known to the parties concerned, and that the Bombay Government be addressed to that effect.~~

6 Dr Bleghorn was selected by this Government as one of the arbitrators in this case. He has visited the scene of the dispute, consulted the District officers, conversed with native residents on the spot, and has read all the papers concerning them with the localities before him; the result is that he agrees in the opinion of the Bombay arbitrator, an Officer who has also very accurately studied the localities. The Government are of opinion that no better grounds for a judgment could be obtained; and they accordingly resolve to adopt the line of boundary advised by Dr Bleghorn. This decision will be communicated to the local officers for their guidance, and will also be made known to the Bombay Government.

By Order

11 Copies to Mr. Board of Rev: Cyp 15th
4 " Conservator of Forests
3 " Govt of Bombay

No. 2,253.

From J. D. SIM, Esq., Secretary to the Board of Revenue.

To J. D. BOURDILLON, Esq., Secretary to Government, R. D.

Sir,

In Con., 11th April 1860, No. 1,590.

In M. S.

With reference to the Order of Government, dated 4th April 1860, Revenue Department, No. 526, I am directed by the Board of Revenue, to submit Draft* of a Sanad for the Punganur Estate of North Arcot.

2. The Board have followed the terms of the Draft Lease referred to in the Despatch of Her Majesty's Secretary of State, so far as they are compatible with a Sanad to be issued under Regulation XXV of 1802.

3. The Board will briefly notice the several conditions of the Draft Lease and the course adopted in regard to each in the Draft Sanad,

No. 1. Included in Clause 2 of Sanad.
„ 2. „ in „ 13 of „
„ 3. „ in „ 13 of „
„ 4. Inapplicable to a Zemindary, under Regulation XXIX of 1802.
„ 5. Provided for in Clause 11 of Sanad.
„ 6. „ „ in „ 10 of „
„ 7. Inapplicable to a Zemindary.
„ 8. Provided for so far as applicable in Clause 5 of Sanad.
„ 9. „ „ „ „ in „ 3 of „

Vide Clause 5 of draft.

Vide Clause 8 of draft.

4. The Board have made an alteration in Clause 6 of the existing form of Sanad, with reference to Section XIV, Regulation XXVII of 1802. and also in Clause 9, with reference to Regulation I of 1819. In other respects they have as much as possible avoided deviating from it.

5. If Government approve of the Draft it will be forwarded to the Acting Collector of North Arcot for the entry of the title, the names of the villages, &c.; a copy will also be forwarded, if Government desire it, through the Acting Collector, to the Zemindar for any obsevations he may wish to offer. The Acting Collector will at the same time explain and point out the variations from the usual form of Sanad and explain their cause.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) J. D. SIM.
Secretary.

Revenue Board Office,
Fort Saint George,
9th May 1860.

Ed. J. Wright.

R 10th Apl. 60 No. 4849

Copy in a Letter to Engr.
Dy 25th Janry 1861 No. 18.

145-146
01-5-60

No. 145.

C 14th May R 17th

Revenue 1860 Dispatch.
Rec.d from Govt. 31st May,
No. 979
From
The Secretary to the
Board of Revenue

To
The Secretary to
Government N.W.P.

Dated 9th
Desp.d 9 } May 1860.
Received 15
Encl. Returned.

No. 2253.

Submitting for Approval
Draft of a Sanad for the im
Lunganoor Estate of North Arcot

No. 886 Dy 30th May,

R. Dept.

No. 900.

To

The Secretary to the
Government of Bombay

Sir,

25th Nov. 1859. No. 4696.

1. In reply to your letter of the 25th Nov. 1859, I am directed to inform you for the information of the Honorable the Governor in Council that the boundary dispute between the villages of Koombarbeche in the Belgaum and Koodulgaum in the N. Canara Collectorate has been settled. The Government of Bombay will observe from the accompanying copy of a report by Dr. Cleghorn, the officer deputed

deputed on this service
on the part of this Govt
that though unable to
meet Captain Anderson,
he has on personal in-
spection of the spot in
dispute seen good reason
to coincide ~~altogether~~ in
that officers opinion
regarding it. —

2. This Government
have therefore in an
order of this date resolved
to adopt the line of
boundary thus recom-
-mended. —

No 8499

Fort St. Geo: 31st May 180