M.R.O. 14-5,450-29-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2726 Press ~~Mis.~~

211. 212

Dated 9 — 10 — 1866:

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 9th October 1866.

No. 211. Read the following Proceedings of the Board of Revenue, dated 12th September 1866, No. 6,534.

Read again Board's Proceedings, No. 4,257, dated 21st June 1866.

Read also the following letter from the Collector of Salem, to the Secretary to the Board of Revenue, dated 27th August 1866, No. 159:—

1. With reference to the Proceedings of the Board, No. 4,257, dated 21st June 1866, I have the honor to enclose Sketch* of the land applied for by Captain Short, together with copy of my letter to Mr. Beaumont, and his reply thereto.

* (Said by Captain Short not to be forthcoming) to be returned.

2. On re-consideration I think that Captain Short has not taken sufficient trouble to shew the boundary of the land he wanted, that he left the matter almost entirely in the hands of the demarcator, and that he himself is chiefly to blame if the demarcation has not been carried out according to his wishes.

From the Collector of Salem, to the Deputy Superintendent of Revenue Survey, dated 3rd August 1866, No. 40.

1. I have the honor to forward the enclosed Proceedings* of the Board of Revenue, under date the 21st June 1866, No. 4,257, and to request you will be good enough to favor me with any remarks you may have to offer on Captain Short's letter embodied in the Proceedings.

* With a Sketch, to be returned.

2. Captain Short is mistaken in stating that the sketch (herewith sent) has been mislaid in my Office. The sketch, in my opinion, has been tampered with after it was first made, for the two jungle blocks now claimed by Captain Short are excluded from the land, and the words "including this plain" have been added subsequent to the survey. Captain Short is also incorrect in stating, in paragraph 3 of his letter, that the survey was conducted in the absence of the Demarcation Karkoon, for the latter admitted before Captain Short and myself that he shewed the boundary of the land to the Surveyor. Further, Captain Short informed me that, after pointing out the land, the Demarcation Karkoon informed him that this land was only about 70 acres. On hearing this, Captain Short desired him to include more land to make up the 100 acres. The Demarcation Karkoon, I believe, never did this, but shewed the boundary as it stands in the survey map; but finding afterwards that his sketch was utterly wrong, he added the words (mentioned above) in the sketch. Captain Short, in the first paragraph of his letter states, that he applied for a block of land which was to include two small Government blocks which had been previously demarcated but not surveyed; now he made no mention of these blocks at all in his application for 100 acres, and I strongly suspect that he was unaware of their existence till long after his application; for when I was on the spot with him in May last, he knew nothing about the boundaries of these blocks, and he could not, therefore, have taken so much trouble to see that the boundaries of the land he wanted were correct as he has represented to Government. If I had seen Captain Short's letter to Government before writing to the Board, I would never have recommended that he should have these two blocks without auction.

From the Deputy Superintendent Revenue Survey, to the Collector of Salem, dated 7th August 1866, No. 856-207.

1. With reference to your letter, No. 40, of 3rd instant, I have the honor to state that when I was working on the Shervaroy Hills in May 1864, Karkoon Bosen brought the demarcation sketch of Captain Short's property to my Office, and requested that the name of the jungle blocks

adjoining it might be entered. The necessary information was given, and "Moondanchedu second and third jungle blocks surveyed" was inserted by Moheedeen Sahib, then acting as my Head Computer.

2. After this was done, Bosen took the sketch to the Tahsildar, and received his signature to it.

3. In July 1864, the property was surveyed by Mr. Lakin, and when he went to this land for that purpose, the Karkoon was present, and he states, as you will see from the enclosed letter from him, that he surveyed strictly in accordance with the demarcation.

4. After the survey was completed, this sketch was returned to Bosen, in whose possession it has since been until I obtained it from him again on 26th March 1866, when I found it had been tampered with

5. When the land was surveyed, no stream was shewn in the plan, and "including this plan," on the side touching the Moondanchedu jungle blocks was not inserted.

6. In consequence of your letter, I yesterday inspected the ground in question, and called upon a Ryot of the village of Olacaudu, which adjoins the property, to shew me the boundary of it. He took me along the line, excluding the jungle blocks of Moondanchedu, and upon my asking him how he knew the boundary ran that way, he stated "why I cut this jungle under the orders of Bosen." He further stated that the Karkoon never went round the boundary which would have included the blocks in dispute.

7. The jungle on the line running between Captain Short's land and the blocks bears traces of having been re-cleared.

8. In Captain Short's letter to the Tahsildar of 20th March 1866, he states that the land had not been surveyed according to the boundary pointed out by him to Bosen, and demarcated accordingly, and which included Nos. 2 and 3 Moondanchedu jungle blocks.

9. I beg to state that it *has been surveyed* in *accordance* with the *original* demarcation *made by the Karkoon*, and there is no ample evidence to prove it.

What Captain Short might have intended in March 1866, and what the Karkoon demarcated in 1864 under his direction, are two different things.

10. The question certainly might be asked how Captain Short knew the boundaries of these blocks in May 1864, when no maps had been prepared for them, and without the survey records even, I could not have pointed them out.

11. The three Moondanchedu jungle blocks, surveyed in April 1863, were well known to contain perhaps the finest land on the Shervaroys, as also that they had been surveyed on account of Government, and it seems strange Captain Short did not, when he applied for the land, specify that these were the blocks he wanted.

12. The approximate area entered in the demarcation sketch, and which he must have seen, is 70 acres, while the correct survey area is 80 acres, 80 decimals. If the second and third jungle blocks had been included, the area would have been 113 acres, 62 decimals.

13. The land was put up for auction as 80 acres, 80 decimals, and bought by Captain Short; and according to Clause 5th, paragraph 16, of the rules for the sale of waste lands, he can have now no just cause for complaint.

14. Had the Moondanchedu jungle blocks been included in the map of property, No. 186, I should have informed you at the time the bill for survey charges was submitted that such was the case, knowing as I did the value of the land in question, and the probability of it was properly described of there being competition when it was put up for auction.

15. I have no doubt Captain Short would have been glad if he had found the Moondanchedu jungle blocks had been included in his property, but now he finds they have not—why does he not make a fresh application for them under the rules for the sale of waste lands. Is it he is afraid of competition?

16. I am of opinion that if Captain Short directed Bosen to make the property up to 100 acres, such order was given after the survey was completed in July 1864.

17. I have been connected with the survey of the Shervaroys for the past five years, and I am fully accustomed to the frivolous and vexatious complaints made by owners of land against the demarcation and survey; but with all due deference, none have been brought to my notice in which the proprietor has, I consider, less cause for complaint than Captain Short in the present instance.

18. In conclusion, I beg to state that what Captain Short states in paragraph 4, Section 3, of his letter to Government, is false.

19. It has been the custom for the person who demarcated the property to accompany the Surveyor when it was under survey, and in this case Bosen accompanied Mr. Lakin.

---

1. The Board consider that Captain Short has no good ground for complaint, and decline to recommend that the two jungle blocks in question be made over to him without auction.
2. He can, if he thinks fit, apply for them in ordinary course.
3. The demarcation sketch will be returned to the Collector.

No. 212. ORDER THEREON, 9th October 1866, No. 2,726.

Miscellaneous.

The Government agree with the Board of Revenue.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 4,257.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 21st June 1866.

Read the following letters:—

From the Honorable D. ARBUTHNOTT, Collector of Salem, to the Secretary to the Board of Revenue, dated 14th May 1866, No. 73.

I have the honor to bring to the Board's notice that Captain Short, on the Shevaroy Hills, applied for 100 acres of waste land on the Shevaroy Hills, and pointed out the boundaries of the land to Mr. Bosen, the Karkun appointed to demarcate the land. Mr. Bosen, instead of keeping to the boundaries pointed out, omitted to include a large portion of the land applied for, and the result was, the land was surveyed according to Mr. Bosen's sketch, and only Acres 80 Decimals 80 of land was sold. Captain Short has since brought the matter to my notice, and on personal inspection I find that the portion omitted is the second and third bits shown in the enclosed plan. As these two bits have been already *demarcated*, and as they are Government jungle blocks, I request the Board will obtain the sanction of Government to my making over the blocks in question to Captain Short without auction, but at the cost of demarcation and survey. The total extent, if these two blocks are included, will be Acres 120·80, or only 19 Acres more than the extent applied for by Captain Short.

—

From Captain E. H. SHORT, to the Secretary to Government, Revenue Department, dated Yercaul, 22nd May 1866.

1. I applied in the usual manner for a block of land, which was to include two small Government blocks, which had been previously demarcated and surveyed, but not sold. The auction of my land took place in April 1865; no map was produced at, or before the auctions, nor could I obtain one till March 1866, when I at once discovered that the two small blocks were not included in the map of the land I have purchased.

2. I attended Jummahbundy, on the 1st of this month, to represent the matter to the Collector of Salem, who requested me to accompany him to inspect the land. I went, and the Demarcation Karkun, and a subordinate of the Survey Department, were also present.

3. The Collector informed me that he would write to the Revenue Board, recommending that the two extra blocks should be made over to me.

4. Presuming that this matter will be laid before Government, and in further support of my claims to the land in question, I have the honor to state,

I. I went on several occasions with the Karkun, and took every precaution to insure the boundaries being accurately laid down, forming in all three blocks, and on the occasion of my accompanying the Collector to the spot, I called for the Karkun's sketch of the land, which he made over to the Deputy Tashildar, which was signed by that functionary and lodged in the Collector's Cutcherry, but which sketch is now mislaid.

II. The map of the land, not having been produced at the auction, nor sent to me at any previous period for signature, according to custom, I had no opportunity of discovering the error which had been committed, until after the auction had taken place.

III. That an error has been committed is evident, but not on my part; and I, therefore, consider myself entitled to the whole of the land applied for and demarcated for me, as I have, I think, clearly shown that no blame attaches until the entry of the survey, which is conducted single-handed, without any information being sent to the applicant, and without the presence of the Karkun who has finished his work, on giving in his sketch to the Deputy Tahsildar.

—

Transferred to the Board of Revenue, with reference to the statement in paragraph 3.

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

25th May 1866.

1. Before submitting the matter referred to in the foregoing papers for the orders of Government, the Board resolve to forward Captain Short's letter addressed to Government to the Collector, with the request that he will report what has become of the Karkun's sketch of the land which Captain Short states was made over to the Deputy Tahsildar, but is not now forthcoming.

2. The two blocks that were not sold would appear to measure together 40 Acres, or half as much again as the block that was sold, and it is probable that the former were omitted in the Karkun's sketch for special reasons, and not through oversight, or that they were not omitted therein, and that, therefore, some other person is to blame, and not the Karkun, for the mistake made at the sale.

3. The Collector will also report the price for which the 80·80 Acres were sold.

(True Copies and Extract.)

(Signed) R. A. DALYELL,
Acting Secretary.

To the Collector of Salem.

Exd. J. Wright.

Requesting Collector of Salem to report what has become of the Demarcation Karkoon's sketch of land applied for by Captain Short, and to statethe price obtained for the portion of it already sold to him.

1866. Department

No. 3150/59

No.
PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 21st June 1866.

No. 4,257.

W. 2726. 4a

Ite Govt agree with the Bd of Revenue.

W.H.

J.P.

I D.S

J. Oct. 16.