

5.7.82

CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

M.R.O. 1-38,000-16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue. DEPARTMENT.

G.O. No.

1929

Press
~~Mis~~

212-13.
Dated

11-7-

19.1868

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
11th July 1868.*

No. 212. Read the following Proceedings of the Madras Government in the
Political Department:—

Passing orders on papers relating to a disputed
boundary between the village of Hoskerry in
the Herioor Talook, Chittledroog District, (Here enter 3rd July 1868, No. 148.)
Mysore, and the village of Kunnesdenhully in
Madakseerah Talook, Bellary District.

No. 213. ORDER THEREON, 11th July 1868, No. 1,929.

Miscellaneous.

Communicated to the Revenue Board.

(True Extract.)

(Signed) H. SEWELL,
Acting Under Secretary to Government.

To the Board of Revenue, with Proceedings Political Department, No. 148.

Exd. F. R. Bantleman.

Proceedings of the Madras Government, Political Department

3rd July 1868.

Read the following papers :—

No. 1. From the Commissioner for the Government of the Territories of His Highness the Maharajah of Mysore, to the Chief Secretary to Government, Fort Saint George; dated Bangalore, 27th May 1868, No. 1114-10.

As requested in your letter, No. 99, of the 21st April 1868, I have the honor to forward, for the information of His Excellency the Governor in Council, the record of the settlement of the boundary dispute between the ryots of the Chittledroog and Bellary Districts, drawn up by Lieutenant Coussmaker and Mr. Kelsall conjointly.

2. A rough sketch of the disputed land also accompanies, which, together with the record of the settlement, I beg may be returned.

RECORD of settlement of a boundary dispute between Moonjeh Hoskerry (Taluk Herioor) and Moonjeh Kunnesdenhully (Taluk Madakseerah) on the Bellary frontier.

This dispute, including both cultivated and waste land, has been in existence for a great number of years. All attempts to make a settlement have up to the present time failed.

2. On the 5th July 1867, I met Mr. Kelsall, Assistant Collector, Bellary District, by appointment, to inquire into the claims of the respective villages to the land in question.

3. After careful examination of all evidence adduced, we determined that the claim put forth by the Kunnesdenhully villagers to the cultivated land *A, B, D, E* was not tenable, the Waluwat having been with the Hoskerry villagers for many years.

The cultivated field *X* is at present held by a Hoskerry villager paying rent to Kunnesdenhully.

The remaining land is poor, sandy waste, concerning which the claims of both villages are equally vague.

4. *A C* are boundary stones agreed to by both parties.

5. The line of boundary fixed by Mr. Kelsall and myself is shown by the line *A, B, C*. Boundary marks of a permanent nature have been erected along this line, and the respective shares carefully pointed out to the different villagers.

Present at the settlement of the dispute were the Gowda Shemoog and Tulwar of Kunnesdenhully, the Madakseerah Revenue Inspector, the Gowda Shemoog and Tulwar of Hoskerry, and the Herioor Amildar.

CAMP DHARWAR,
11th August 1867.

(Signed) W. FORBES COUSSMAKER, Lieut.,
in charge F Dufter.

No. 2. From the Collector of Bellary, to the Chief Secretary to Government, Fort Saint George; dated Ghooty, 5th June 1868, No. 41.

As directed in the Order of Government, No. 98, of the 21st April last (Political Department), I have the honor to forward the whole of the correspondence which has passed regarding the boundary dispute between the Chittledroog District of Mysore and this district, together with a report furnished by Mr. Kelsall of what passed between him and Lieutenant Coussmaker when they met to settle the dispute.

2. I think it right to mention that Mr. Kelsall was at the time only in temporary charge of the Sub-Division, and had not therefore the same amount of local experience to assist him in forming his judgment that the Sub-Collector could have brought to bear on the question. From the letter from the latter Officer marginally

No. 63-1868 of 11th May, to the Collector of Bellary. noted it appears that the dispute was originally adjusted by Lieutenant Coussmaker and the

Revenue Inspector of the Madakseerah Taluk, by which arrangement all the disputed land was made over to this district; but this decision the Mysore Authorities declined to ratify, and subsequently Lieutenant Coussmaker and Mr. Kelsall seem to have agreed to divide it equally. The question is doubtless an intricate one, and the evidence on either side pretty evenly balanced.

*Proceedings of the Madras Government, Political Department,
3rd July 1868.*

Where the Mysore pymaish accounts show distinctly that a certain portion of land lies within the boundary of that State, the accounts of this district show just as plainly that it belongs to Bellary. Under these circumstances, any decision which is arrived at must to a certain extent be arbitrary; but, judging from the record of the case and from a conversation with Mr. Foster, the Sub-Collector, who knows the country, it appears to me that the arrangement proposed by Mr. Kelsall and Lieutenant Coussmaker is rather too rough and ready for final adoption. We have not only to consider the question of the cession of a small portion of territory but the feelings and interests of the people, who object to be handed over to a different rule to that to which they have been accustomed. That the decision arrived at by Messrs. Coussmaker and Kelsall is not popular with the ryots of this district may be inferred from the fact that some of the boundary stones recently erected by the Mysore Revenue Survey Department have been removed.

3. There are several other disputes pending, which should be finally disposed of before the demarcation of the boundary is attempted. If, as the Government seem to think, * a thorough rectification of the frontier cannot under the present

circumstances of the Mysore State be carried out, a Commission with full powers should, in my opinion, be appointed to determine the exact boundaries of the two countries as at present mapped, though I cannot but think it would be a gain to both Governments if the present anomalous state of affairs could be done away with by an equitable transfer of territory.

No. 3. ORDER THEREON, 3rd July 1868, No. 148.

These papers relate to a disputed boundary between the village of Hoskerry in the Herioor Taluq, Chittledroog District, Mysore, and the village of Kunesdunhully in the Madakseerah Taluq, Bellary District.

2. There was a meeting in 1867, between Mr. Kelsall, Acting Head Assistant Collector, in temporary charge of the Sub-Division, Bellary, and Lieutenant Coussmaker, of the Revenue Survey, on the part of Mysore. These Officers appear to have been four or five days engaged in determining a boundary line. On each side, as reported by Mr. Kelsall, the village authorities appeared, the pymaish accounts were examined, and a line fixed upon which assigned the cultivated land in dispute on the principle that "cultivated lands which were proved from time immemorial to have paid rent to the authorities of Kanaganapulli were assigned to the Bellary District, and a similar course for lands paying assessment to Hoskerry." Mr. Kelsall adds that "by far the greatest portion of the disputed land where the two claims overlap is irrecoverable waste, rocky and covered with boulders, useless to either side except as a source of dispute." "This," Mr. Kelsall states, "we divided as equally as possible, and we were able to define the boundary by either natural or at least clearly recognized land-marks."

3. The evidence adduced by both parties was pretty evenly balanced. Mr. Kelsall adds, "there was no doubt that the same land was entered in both the Bellary and Mysore Pymaish."

4. Under these circumstances, the Governor in Council concurs with the Commissioner of Mysore that it is better not to re-agitate a question which has been impartially investigated, and upon which an equitable decision has been pronounced.

5. The objection raised to this settlement by the Acting Collector and Sub-Collector, that it is of an arbitrary nature, and that it has not satisfied one of the parties concerned, would apply to every case of boundary dispute in which the evidence adduced is, as in the present case, both defective and contradictory.

(True Extract).

W. Walker
Under
Chief Secretary.

To the Commissioner of Mysore, with two enclosures, returned.
,, Collector of Bellary, with a packet of enclosures.
,, Revenue Department.

Ed. J. H. Burns.

Case: 80 April 1868 vs 714-715

Revenue 1868. 2/4th
Pro of Court for July
H. 2347.

Proceedings of the
Court Political
Deputies

Dated 3^d 3 Aug.
Received 9th 1868.
H. 148.

Passing order on papers
relating to a disputed boundary
between the village of Hockens
in the Merion Valley, Chittenden
Co., Vt., and the village of
Hunnewell, in the State of
New York, Bellamy, District

With Order

1868-1869

212-213

1868-1869

H. 1929.

Comd. to the
Revenue Board.

11-2 Aug/68

5 copies to the Reg. Comm. with the Rev. 1868-1869