M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1958 Press ~~Mis.~~

269-70
Dated 14-7- 19 68

Not to be folded or roughly handled

Re
1958

No. 269. Read the following letter from Lieut.-Colonel F. J. B. PRIESTLEY, Superintendent of Revenue Survey, to the Secretary to Government, Revenue Department, Fort St. George, dated Camp at Coimbatore, 2nd July 1868, No. 963/37 :—

1. Major Hessey, the Officer in charge of the Demarcation and Survey of the Neilgherry Hills Settlements, in a letter, dated 23rd June 1868, requests instructions on the following subject.

2. It appears that the Reverend Mr. Griffiths, the owner of the Sheddon Hall property at Ootacamund, made an amicable agreement for the settlement of the boundary of his land adjoining that of Captain Richardson, and consequently the demarcation and survey of Mr. Griffiths's land was made in accordance with this amicable arrangement.

3. After the lapse of a year, the Reverend Mr. Griffiths declares that as he had mortgaged the land, he was not authorized to make any such agreement without the consent of the mortgagee. He had never previously mentioned the existence of any mortgage, and thus, I cannot help thinking, has unwittingly rendered himself liable to a penalty under Sections 3 and 4 of Act XXVIII. of 1860.

4. With the sanction of Government, I purpose instructing Major Hessey to decline again taking cognizance of disputes thus amicably arranged, as otherwise there will exist a most undesirable degree of instability and want of authority in the settlement of disputes by the Demarcation Officers.

5. In the present case the affair seems to have been disposed of with all due deliberation and attention to form.

6. The fullest details are contained in the letter and enclosures, reporting the circumstances of the case, which I therefore append for reference if required.

Copy of a letter from the Deputy Superintendent, No. 1, Revenue Survey, to the Superintendent of Revenue Survey, dated 23rd June 1868, No. 492-173.

1. I have the honor to enclose an extract from a letter I have received from the Reverend J. Griffiths, regarding the boundary of his property, Sheddon Hall, on the Settlement of Ootacamund. I also enclose my reply and a Memorandum of an amicable arrangement, regarding boundaries, agreed to by Mr. Griffiths, Mr. E. C. G. Thomas, and Captain Richardson.

2. Mr. Griffiths and his neighbour, Mr. Thomas, would not, after the amicable arrangement recorded in the abovementioned Memorandum, adhere to the boundaries they had themselves suggested. I therefore, as in duty bound, demarcated the boundary between their properties in strict accordance with the official map received from the Collector's Office.

3. Mr. Griffiths and Captain Richardson did not again fall out ; the amicable arrangement entered into by them was allowed to hold good.

4. After the lapse of a year, Mr. Griffiths again opens the question of the boundary.

5. At the time of the demarcation of the property, Mr. Griffiths said not a word to lead one to suppose that he had mortgaged the property, and therefore had no right to assent to any alteration of the boundary without the permission of the mortgagee. He now informs me that he has discovered that he had no right to make any concession to Captain Richardson.

6. I respectfully request your orders on the subject.

7. If I am not very much mistaken, the gentleman to whom the property is mortgaged was actually present at the time the land was marked out.

8. It is a curious fact that disputes about the boundaries of Mr. Griffiths's lands have taken up more time than all the other disputes that have as yet been settled on the Neilgherry Hills.

9. It is usual when land-owners have come to an amicable arrangement for them to sign a paper stating that no disputes remain unsettled. Captain Richardson signed such a paper but Mr. Griffiths did not.

10. The whole of these very trifling and annoying disputes arose from the very liberal manner in which Mr. Griffiths has supplied the community with roads cut through the properties of his neighbours. Mr. Griffiths asserted that these roads were a great convenience to his neighbours. His neighbours, however, did not seem to be quite convinced of that fact, and not unreasonably objected to have roads run through their lands without any compensation being made to them.

Extract from a letter from the Reverend J. GRIFFITHS, to Major W. H. HESSEY.

* * *

Can you manage to come up to Sheddons? For I find my respected cousin has ignored your demarcation and gone by the old boundary, and as I find I had not the power to alter mine without reference to the mortgagee, it will be of some service and justify a request which I will make officially, that you will order a re-demarcation according to the original survey map, and leave us to make exchange afterwards. This also applies to Captain Richardson who has removed the land-marks agreed to. When do you return?

Copy of a letter from Major W. H. HESSEY, Deputy Superintendent, No. 1, Revenue Survey, to the Reverend J. GRIFFITHS, dated 22nd June 1868, No. 490-177.

REFERENCE.—Your letter, 17th June, stating that Mr. E. C. G. Thomas had ignored my demarcation and had gone by the old boundary; also that you find that you had no power to exchange part of your land with Captain Richardson without the consult of the person who holds a mortgage on your property.

With reference to the boundary between your property and that of Mr. E. C. G. Thomas, I have to inform you, that as you and Mr. E. C. G. Thomas could not come to terms, it was marked out in strict accordance with the plan received from the Collector's Office.

2. With regard to the piece of land handed over by you to Captain Richardson in return for a piece of land given by him to you, I have the honor to state that I shall lay the whole case before the Superintendent for the orders of Government. The boundary was demarcated in last year, and has since been surveyed. If you had stated to me that you were not in possession of the property, whose boundaries you proposed to alter, I could have informed you that you had no authority to make such alteration.

Extract from the Register of disputes settled by the Officer in charge of Demarcation under Act XXVIII. of 1860, dated 24th May 1867.

No. 27.—Boundaries of lands belonging to Mr. E. C. G. Thomas, Captain Richardson, and the Reverend John Griffiths, settled amicably in the following manner:—Mr. Griffiths agrees to give up the new road through his property to the public, Mr. Thomas and Captain Richardson make a similar concession.

Captain Richardson gives up a narrow tongue of land between Mr. Griffiths's and Mr. Thomas's property to Mr. Thomas.

The old and new roads are to be marked out with stones on either side. The old road leading to North Downs runs parallel to and below the new one for some part of its course. Captain Richardson gives up his right to the land between these two roads to the public, in order to admit of the new road being widened if necessary. The strip of land so given up does not exceed three yards in width.

Mr. Griffiths gives up to Captain Richardson a corner of land in consideration of his being allowed to extend his boundary behind Sheddon House as far as the edge of the new road; temporary marks are placed in the presence of the three persons interested, to be re-placed by the regulated demarcation stones immediately.

No. 270. ORDER THEREON, 14th July 1868, No. 1,958.

Land Revenue.

The Government approve the adoption of the course proposed in paragraph 4 of Colonel Priestley's letter.

(True Extract.)

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

To the Superintendent of Revenue Survey.
,, the Board of Revenue.

Exd. F. R. Bantleman.

No. 963
37

Revenue Survey Office
Camp Coimbatore
2nd July 1868

From

The Superintendent Revenue Survey

To

The Secretary to Government
Revenue Department

Sir

Major Welsey the Officer in charge of the demarcation & Survey of the Neilgherry hills settlements in a letter dated 23d June 1868 requests instructions on the following subject.

2. It appears that the Reverend Mr. Griffiths the owner of the Sheddon Hall property at Colacammud made an amicable agreement for the settlement of the boundary of his land adjoining that of Captain Richardson and consequently the demarcation and survey of Mr. Griffiths' land was made in accordance with this amicable arrangement.

3. After the lapse of a year the Reverend Mr. Griffiths declares that as he had mortgaged the land he was not authorized to make any such agreement without the consent of the mortgagee. He had never previously mentioned the existence of any mortgage & thus I cannot help thinking has unwittingly rendered himself liable to a penalty under section III & IV of act XXVIII of 1860.

I dont think so — there is no penalty that I can find in a short comm[illegible] to which Mr Griffiths [illegible]

4. With the sanction of Government I purpose instructing

instructing Major Bessey to decline again taking cognizance of disputes thus amicably arranged, as otherwise there will exist a most undesirable degree of instability and want of authority in the settlement of disputes by the Demarcation officers

5. In the present case the affair seems to have been disposed of with all due deliberation & attention to form.

6. The fullest details are contained in the letter & enclosures reporting the circumstances of the case which I therefore append for reference if required.

I have the honor to be
Sir
Your most Obed.t Servant
Priestley Lieut.t Col
Superintendent Rev. Survey

Rev = 1868. Dispatch
No. 44 of 14th July
From Superintendent
Rev. Survey
The Superintendent
To
The Secretary to Govt.
Rev. Depth

Dated 2nd July 1868
Dep.th do 14th July
Rec.d 15th

No. 963
37
Subject

Submitting for orders
of Government whether an
amicable settlement of boundaries
can be re-opened after the
lapse of a year.

Rec.d 18th July 1868

No. 1958.

Whether Govt. approve the adoption of the course proposed in para 6. of Col Priestley's letter

13 Copies to the Supt of Rev. Survey Despatches

14 — Dep.t of Revenue

14th July 68.

Rec.d 18th July 1868