No. 106. Read the following Proceedings of the Board of Revenue, dated 20th September 1871, No. 4,041 :—

Read the following letters:—

From the Collector of Salem, to the Acting Secretary to the Board of Revenue, dated 11th September 1871, No. 2,574.

Government Proceedings, Department Public Works, 18th August 1871, No. 102.
From Major Hunter, to Secretary, Department Public Works, 27th July 1871.
Do. to do. 3rd August 1871.
Do. to do. 4th do. do.
Do. to do. 10th do. do.
From Collector to do. 21st do. do. No. 2,372.
From Superintending Engineer, 5th Division, to Collector, 23rd August 1871, No. 90.

In reference to the correspondence marginally noted, copies of which I enclose, I have the honour to request that the Board will urge the Government to pass early orders on the subject of the Ahtur and Karadiúr ghaut-roads on the Shervaroys.

2. The Local Fund Board are now engaged in preparing the Budget for 1872-73, and in allotting maintenance for different roads on the Shervaroy Hills considerable doubt is entertained as to whether the Ahtur and Karadiúr roads should be provided for.

3. Since my letter to Government dated the 21st ultimo, No. 2,372, Major Hunter has threatened to shut up that part of the Ahtur Ghaut which passes through his property, and I should not be the least surprised to hear any day that he had put his threat into execution. It is understood that Major Hunter intends to leave the country very shortly. It is therefore of the utmost importance that the long-pending question of Major Hunter's right to the Ahtur and Karadiúr ghauts should be brought to an issue.

4. On the following grounds I contend Major Hunter has no right to these roads :—

1*stly*.—Because the last clause of Section 2, Act XXIII. of 1863 sets forth, that "if the land is ordered to be sold, subject to any condition or reservation, "such condition or reservation shall be notified to intending purchasers at the "time of sale."

2*ndly*.—Because paragraph 22 of the Waste Land Rules declares as follows:— "The existing and customary rights of Government, of other proprietors, and of "the public, in existing roads and paths, and in streams running through, or "bounding lands sold under these rules, are reserved, and in no way affected by "the sale of such lands under these rules."

3*rdly*.—Because, when these lands were purchased* by Major Hunter, there existed certain roads, namely, the Ahtur and Karadiúr ghauts, as shown in maps prepared at the time of sale, and, because these maps were signed by Major Hunter and declared by him "correct;" and, lastly, because a reservation clause was entered in the Title-deeds.

* 1st February 1864.

5. Having shown the Ahtur and Karadiúr ghaut-roads were in existence at the time the lands were purchased by Major Hunter, and that the roads became, under the provision of paragraph 22 of the rules *reserved*, it certainly appears to me that we have a very good case to take into a Civil Court to establish our right to roads, which Major Hunter asserts to be his private property, and over which

the Government have no control. But I would ask the Government to take the opinion of their Law Officers on the question, when, if it is decided that Government have not a case with which to go into Court, it only remains to take up these ghauts under the Land Acquisition Act (X. of 1870).

6. I can assure the Board the question of Major Hunter's right to these roads must now be brought to an issue; for the Local Fund Board are not at all prepared to vote money to be expended on roads, the proprietary right in which is contested.

7. I may mention, in conclusion, that, in a conversation I had with Major Hunter in January last, I tried to come to some amicable arrangement, by offering to deduct the extent of ghaut-road running through the Ahtur and Karadiúr properties, and for which I found Major Hunter had been paying ever since he purchased them, and to refund him the past assessment, if he would acknowledge the right of the Government to the ghauts, and allow the repairs, etc., to go on; but Major Hunter declined my offer.

ENCLOSURES Nos. 1 to 9.—Copies of correspondence, with two Maps.

ENCLOSURES Nos. 10 and 11.—Two Deeds.

From the same officer, dated 13th September 1871, No. 2,620.

I HAVE just received the Proceedings of the Madras Government dated the 9th instant, No. 2,302, from which I find that the question of Major Hunter's right to the Ahtur and Karadiúr ghauts, alluded to in my letter of the 11th instant, No. 2,574, has been referred by Government for the opinion of the Advocate-General. I have the honour now to request that the Board will be pleased to have my letter to them above referred to, and the maps and enclosures which accompanied it, laid before the Advocate-General *at once*, so that he may have the whole case fully before him.

As requested in the second of the letters recorded above, the correspondence submitted with the first letter will be forwarded to the Government Pleader, with reference to Government Order No. 2,302, dated 9th September 1871.

No. 107. ORDER THEREON, 10th October 1871, No. 1,770.

Miscellaneous. ORDERED to be recorded.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

Govt. of {1871} Madras

REVENUE.

To

THE BOARD OF REVENUE.

Dated October 10*th*.

Recd. *Encl.*

G. O., 10*th October* 1871, *No.* 1,770.

OCTOBER.
Nos. 106-107.

Ahtur and Karadiúr ghaut-roads on Shervaroy Hills, Salem.—Proceedings Revenue Board relating to Major Hunter's claim to —, recorded

Copy to the Collector of Salem.
" to the Secretary to Government, Revenue Department.

Enl. G. A. Turton.

In Lr. dd. 6 & 16 Oct 71

No. 3228

Rev 1871. Dept

Board of Revenue,

MADRAS.

PROCEEDINGS, 20TH SEPTEMBER 1871, No. 4,041.

Dept. 6 Oct 71

Encl.

Received. 9 Oct.

SEPTEMBER.
No. 4,041.

Ahtur and Karad'ur ghaut roads—on Shervaroy Hills in Salem District,—Certain correspondence relating to Major Hunter's claim to, forwarded to Government Pleader.

No. 1770

Recorded