M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 30.

(2) Date of repair 10.3.67.

(3) Initials of the Referencer 168

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue. DEPARTMENT

G.O. No.	1386	Press	
B.P. No.		Mis.	
Dated	2.11.1874	~~196~~	.

Not to be folded or roughly handled

Read the following papers:—

No. 7. Proceedings of the Board of Revenue, dated 8th June 1874, No. 1,386.

Read again Proceedings of the Board, dated 8th August 1873, No. 1,531.
Do. do. ,, 8th December ,, ,, 2,503.
Do. do. ,, 14th January 1874, ,, 54.
Do. do. ,, 14th February ,, ,, 322.

Read also the following letters:—

From A. WEDDERBURN, Esq., Collector of Coimbatore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 28th February 1874, No. 44.

I HAVE the honor to request that the previous sanction of the Madras Government be obtained to the fixing any new line of boundary between Salem and Coimbatore in the imaginary centre of the river Cauvery, instead of adhering to the deep water-channel.

2. The only argument against the deep water-channel is that it may change; if it does, it still remains a very well-defined boundary; but who is to mark, stake out, and observe the imaginary centre of a river spread? Any such attempted boundary will lead to disputes.

3. When boundary-disputes occur oral testimony is simply hard swearing on both sides, each being supported by its authority.

4. It is for Government to decide on such matters for the general benefit of the people. The padugays should not be divided by imaginary centre lines: if the river deepens towards the Salem side, it loses the shoal opposite, just as Coimbatore has, on the same river, at Collegal, the current having come to the Coimbatore side and left a connected shoal on the Mysore side.

5. The Chief Engineer for Irrigation is of opinion that these padugays should be under his departmental management for use in both districts, as no one but that department can properly control the currents and preserve the banks.

6. The padugays should be a grass "reserve" and Babool "plantation," and, if placed under the Irrigation Department, there would not be the liability to future disputes, which, owing to the survey having (without intent) placed some marks, these have been newly claimed as a boundary settlement by the people of Salem.

7. It seems that, when an officer of this district was lately deputed to meet an officer of Salem, they simply could not agree as to evidence of occupation. Now, if a boundary is to be of any use at all, it is to permanently show occupation; but in this case the Board decide that the imaginary river-spread centre (and not the deep channel) is to be the boundary line; but that such boundary is not to affect occupancy. Surely a boundary line should show evidence of occupancy and be referred to in the future boundary-disputes, which will commence from such undeterminated decision.

From J. F. PRICE, Esq., Acting Collector of Salem, to A. WEDDERBURN, Esq., Collector of Coimbatore, dated 26th February 1874, No. 61.

REFERRING to the Proceedings of the Board of Revenue, No. 322, dated 14th instant, I have the honor to request that you will do me the favor of issuing instructions that the ryots of your district are not, in future, to cut the Nanal grass upon the

padugays upon the Salem side of the boundary as determined by the Board, except upon permission duly obtained from the Revenue authorities of this district.

No. 49.

FORWARDED to the Board of Revenue, in continuation of letter No. 44 of 28th February 1874, for early reference to Government regarding the boundary line to be adopted.

COIMBATORE, 4th March 1874.

(Signed) A. WEDDERBURN,
Collector.

THE foregoing papers are submitted for the orders of Government.

2. In a letter, dated 5th July 1873, No. 196, the Acting Collector of Salem submitted, for the consideration of the Board, a correspondence relative to the rights of the districts of Salem and Coimbatore to certain padugays situated in the bed of the Cauvery river. The Survey Department having declared the centre of the river-bed to be the boundary line, and having prepared the maps and area lists in accordance with this usual course, a misunderstanding had arisen as to whether this meant the entire surface occupied by the river when in flood or only the channel through which the river flows when low.

3. The Salem authorities take the first view and the Coimbatore the second, and the low water-channel is close to the Salem bank between the Namkal Taluq and the Caroor Taluq nearly three-fourths of the entire river-bed is claimed by Coimbatore.

4. The Collector of Salem appears to have opened the discussion in a letter to the Collector of Coimbatore, in which it is stated that the ryots of the Caroor Taluq (Coimbatore District) prevented the Salem ryots from cutting Nanal grass on one of the padugays which, in accordance with the view taken by the Salem authorities, belonged to that district.

5. In reply, it was stated that the disputed land had always been considered as belonging to Coimbatore; that it was always separated from Salem by the low water-channel and only during floods from Coimbatore; that grass had been cut there only by permission of Coimbatore village-officers, and that the grass-rent had formed an important item (Rs. 847 in one year) in the receipts of the river-channel funds of the Coimbatore villages, Nerur and Vangul; and that it had always been customary to impound in the Coimbatore pounds stray cattle found on these padugays.

6. The Board desired, before taking action in the matter, that officers from each district should meet and report on the subject.

Proceedings, dated 8th August 1873.

7. This was accordingly done, and the reports are embodied in the Board's Proceedings of 14th January and 14th February 1874.

8. The Board recorded their opinion that the boundary must be the line plotted by the Survey Department midway between the river-banks in accordance with general rules, and observed that the decision of this line could not affect any rights of occupancy in the padugays.

9. In his letter of 28th February 1874, the Collector of Coimbatore again brings forward the question, and deprecates fixing the boundary line (as has been done

by the Survey Department) in the centre of the river, without the previous sanction of Government.

10. In paragraph 5 of his letter, the Collector states that the Chief Engineer for Irrigation is of opinion that these padugays should be under his departmental control for the benefit of both districts, having in view the proper control of the currents and the preservation of the banks.

11. The Board think the boundary line should be the one determined by the Survey Department, and that the padugays should continue under the control of the Collectors.

No. 8. Proceedings of the Board of Revenue, dated 14th July 1874, Miscellaneous No. 4,705.

Read the following letter from A. WEDDERBURN, Esq., Collector of Coimbatore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 27th June 1874, No. 150.

I HAVE the honor to forward the sketch of the Cauvery padugays called for in Revenue Board's Proceedings, No. 4,155, of 19th June 1874.

THE sketch received with the above letter is herewith forwarded to the Acting Under-Secretary to Government, Revenue Department, with reference to his memorandum, dated 16th June 1874.

No. 9. ORDER THEREON, 2nd November 1874, No. 1,386.

Miscellaneous.

THE centre line can only be considered the boundary where no rights are clearly made out. When defined rights exist within the bed, they must be recorded and the occupation delineated. The padugays referred to will necessarily appertain to certain villages and should, as the Board propose, continue under the control of the Collector of the district to which the village belongs.

(True Extract.)

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

To the Board of Revenue.
„ the Director of Revenue Settlement.
„ the Superintendent of Revenue Survey.

Exd. F. R. Bantleman.

Govt. of 1874 Mdras.

REVENUE.

To

THE BOARD OF REVENUE.

&c., &c., &c.

Dated November 2nd

Recd.

G. O. 2nd November 1874, No. 1,393.

NOVEMBER

Nos. 7—9.

Boundary between Coimbatore and Salem Dis-
tricts—Observing that the enclosed letter between the
Convey were taken only to consider the—
which [illegible] made out, that the
rights existing within the said must be protected
and directing that the Padugays should in every
case continue under the control of the Collector of
the District to which the village they appertain to
belongs.

No. 1,531.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th August 1873.

Read the following letter from J. F. PRICE, Esq., Acting Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Kishnagherry, 5th July 1873, No. 196:—

I HAVE the honour to submit, for the consideration and orders of the Board of Revenue, a correspondence which has now extended over more than a year, relative to the question of the rights of this district and of the district of Coimbatore to certain Padugays, situated in the Kaveri River, between the Namkal Taluq and that of Karur on the opposite bank.

2. I do this, as the question to be settled is, whether the Boundary line fixed by the Demarcation Department is to hold good or not?

3. I shall first state our case—We allege that the boundary line between this district and Coimbatore runs in the centre of the river, and that the stones were placed upon either bank, as it was impossible to put them in the bed of the river itself. The Superintendent of Revenue Survey most clearly bears us out, as will be seen from his letter, and the accompanying skeich map. The disputed Padugays are admitted to be on the Salem side of the centre of the river, and we, therefore, claim them as belonging to us.

4. The Coimbatore case is that the boundary of that district runs to *our* bank: that the disputed Padugays are separated from the Salem District by the low water channel, that [illegible] Nanal grass on these Padugays, and that the Authorities of the Coimbatore District never knew any thing about the demarcation work, and never had any intimation regarding it. The right of the Demarcation Department to place the boundary line in the centre of the river is questioned.

5. The first of these points is clearly disproved by the Superintendent Revenue Survey. As regards the second, I learn that the disputed Padugays are not all cut off from this district by the low water channel; the third point is denied by us; if it was correct, there is no reason for any discussion ever having arisen, and as regards the fourth point, I can only say that if the Coimbatore authorities knew nothing about the Demarcation work, some official or the other must have been extremely careless.

6. I do not consider myself competent to express an opinion as to the authority of the Demarcation Department to mark out the boundary lines between districts.

ENCLOSURE No. 1.—Copies of Correspondence.

ENCLOSURE No. 2.—Sketch Map.

THE boundary having been fixed in the centre of the river bed by the Survey Department it will be necessary to apply to Government before [the land in dispute can be declared to belong to Coimbatore.

2. Before going further, however, the Board resolve to direct that an officer of the Salem District shall meet an officer of the Coimbatore District on the spot, and both submit a report on the dispute.

3. So far as the papers show, the land should belong to Coimbatore: its claims are supported by undisputed enjoyment and physical consideration.

(A true Copy and Extract.)

(Signed) J. GROSE,
Secretary.

To the Acting Collector of Salem.
,, the Collector of Coimbatore.

Exd. G. A. Turton.

1873.
Board of Revenue
MADRAS.

Proceedings, 8th August 1873, No. 1,531.

Encl.

Received

Padugay land—in Kaveri River between Namkal Taluq of Salem District and Karur Taluq of Coimbatore.—An officer of former to meet one of latter district in connection with dispute as to which district has a right to — and both officers to submit a report on subject.

No. 2,503.

Proceedings of the Board of Revenue, dated 8th December 1873.

Read the following letter from A. WEDDERBURN, Esq., Collector of Coimbatore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 12th November 1873, No. 265:—

1 Sketch with docket.
1 Copy of letter.

In reply to Proceedings Board of Revenue, dated 8th August 1873, No. 1,531, requesting a joint report on the alleged boundary dispute between Coimbatore and Salem, in reference to the placing of certain demarcation stones, I have the honour to request, that, as a preliminary step to the settlement of the question of a river boundary, it be laid down whether the ordinary low water channel is to be considered to contain the centre of the river, or whether the centre is the middle of the space covered in a flood.

2. A river is a natural, but not always permanent, demarcator. As for instance, the Cauvery now runs through a village of Collegal, part of whose land by measurement is seen attached to the Mysore side. It is not worthwhile for people to take boat and follow and cultivate their land on the other side, and so the accretion goes to Mysore.

3. Similarly, the same river impinges on the Salem bank, and the result is low, flat spits of land on the Coimbatore side, called padugays, which are permanently attached to the Coimbatore side in the dry season, though partially flooded in freshes.

4. The whole matter is contained in the question as to w[illegible]ow water channel is to represent the river, or whether there is to be a division between boundary marks, erected on high banks on each side, by the Revenue Survey Department?

5. A rough eye sketch by the Survey Department, with a copy of a letter* to the Superintendent Revenue Survey, is enclosed for reference.

* No. 752-381, of 21st July 1873.

Enclosure No. 1.—Rough Sketch.

Enclosure No. 2.

From Captain A. O. H. CLAY, Deputy Superintendent of Revenue Survey, Coimbatore, to Colonel F. J. B. PRIESTLEY, Superintendent of Revenue Survey, dated 21st July 1873, No. 752-381.

I have the honour to acknowledge the receipt of letter 1,617-235 of 12th July, directing me to include half the river Cauvery in the Maps and Land Registers of Nerur and Vangal Villages, in the Caroor Taluq.

2. A recent visit to the village of Nerur has enabled me to realize more fully the nature of the dispute between the littoral Villages of the Coimbatore and Salem Districts.

3. I enclose a rough sketch showing how the interval between the demarcated boundaries of each district is sub-divided.

4. The Salem people claim half the extent from pillar to pillar, this would give them [illegible] to C., and would include several of the islands.

5. The Coimbatore ryots on the other hand say that A. B. C., have belonged to them from time immemorial, and that the boundary should be fixed half way in D., the natural bed of the river, this would give the whole of the islands to them.

6. The question to be decided is this, what is to be considered the bed of the river that is to be divided between the claimants ? is it to be D., where there is always water running, or is it to be C. × D., the area covered by all ordinary freshes ?

7. There is no doubt that a portion of C. has been cultivated by the Coimbatore ryots, but it was abandoned some ten years ago and the puttas cancelled, and they say that previous to the demarcation they always exercised territorial rights over the islands, and can prove that the Salem ryots used to pay for the privilege of cutting the grass.

8. I am of opinion that the claim of the Coimbatore ryots is well founded, and that the Salem people took advantage of the position of the stones placed for the convenience of the Survey to advance their claim to half the extent lying between them.

9. Should you concur in the view I have taken, I propose waiting till the river has returned to its natural bed D. which will be in December, and then to survey both banks A. B. with compass and chain and enter half the area in the Village Maps of the Caroor Taluq, for the interest of all the villages adjacent to the Cauvery are more or less identified with those of Nerur and Vangal.

(True Copy.)

(Signed) A. O. H. CLAY, Captain,
Deputy Superintendent, Revenue Survey.

(True Copy.)

(Signed) A. WEDDERBURN,
Collector.

THE Board are of opinion that the bed in which there is always water should be considered as the river and that the centre of this bed should be the boundary as seems to have been suggested by Captain Clay in the letter which the Collector now encloses.

(True Copies and Extract.)

(Signed) J. GROSE,
Secretary.

To the Collector of Coimbatore, with one sketch, returned.
Copy to the Collector of Salem.

Exd. G. A. Turton.

1873.
Board of Revenue,
MADRAS.

PROCEEDINGS, 8TH DECEMBER 1873, No. 2,503.

Encl.

Received
14 Dec 1873

DECEMBER.
No. 2,503.

Boundary—between Namkul Taluq of Salem District and Caroor Taluq of Coimbatore.—Opinion expressed that that portion of bed of Cauvery river which always contains water should be considered as the river, and that its centre should be regarded as —.

No. 54.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 14th January 1874.

Read the following letter from A. WEDDERBURN, Esq., Collector of Coimbatore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 4th December 1873, No. 283 :—

IN continuation of my letter, No. 265 of 12th November 1873, I have the honour to forward copy of a letter* from my Acting Sub-Collector regarding the Cauvery boundary dispute.

* No. 293 of 27th November 1873.

2. This will be conclusively settled when Government fix what is to be considered to be the centre of the river, whether when in its ordinary low water channel, or when in flood.

ENCLOSURE No. 1.

From B. HORSBRUGH, Esq., Acting Sub-Collector, to A. WEDDERBURN, Esq., Collector of Coimbatore, dated Aravacoorchy, 27th November 1873, No. 293.

IN obedience to the orders conveyed in paragraph 2 of Board's Proceedings of 8th August 1873, No. 1,531, forwarded to this office with your office endorsement, dated the 19th idem, No. 792, I have the honour to inform you that, on the 13th and 14th of this month, I met Mr. Pritchard, General Charge Deputy Collector of Salem, at Nerur, and had the opportunity of conferring with him regarding the disputed Padugays in the Cauvery river.

2. There are two Padugays in dispute, the first is known to us as the Vangal Padugay. In paragraph 3 of their Proceedings quoted above the Board give their opinion that the enjoyment of the Padugays has been indisputably with the Coimbatore District ryots. Up to this dispute arising cattle found grazing in the Padugay without payment of fees to the Vangal Channel management were impounded in the Vangal pound, and all collections from the sale of Nanal grass were carried to the credit of the Vangal Channel Fund. Both Mr. Pritchard and his Tahsildar admitted that the Salem claim is based on the fact of the boundary line between the two districts being fixed in the centre of the river by the Survey Department. What is the centre of the river seems to be as yet undecided by the Survey Department, whether they mean the river when in highest flood or the channel where water flows throughout the whole year. If the former then a line down the centre of the river will leave the Padugay on the Salem side ; if the latter it will be nearer to the Coimbatore village. In the former case I presume Government will have to decide whether this new boundary fixed by the Survey Department is to supersede the old prescriptive one.

3. Regarding the second Padugay in dispute, known as the Nerur or Royankarai Padugay, the facts appear to be that *in flood time* the Padugay is divided by a stream, the larger portion is not laid claim to by the Salem ryots, although about half of it would fall on their side of the boundary line which gives the Vangal Padugay to them ; they claim, however, the smaller portion of the Padugay as it falls on their side of the same boundary line, whereas we say that it is part and parcel of the same Royankarai Padugay, over which we have always exercised right of enjoyment.

4. Since meeting Mr. Pritchard I addressed a letter to the Superintendent of Revenue Survey, asking him to let me know from what points the middle of the river was to be reckoned. A copy of his reply with its enclosures is forwarded for your information ; you will see from these that the Deputy Superintendent of the Coimbatore Party purposes in the month of December to survey the whole bed of the river and enter half the area in the village maps of the Caroor Taluq. If this arrangement is approved by the Board of Revenue I think the whole dispute will then be at an end.

5. The enclosures of your endorsement under reply are returned as requested.

(True Copy.)

(Signed) A. WEDDERBURN,
Collector.

ORDERED to be recorded with reference to Board's Proceedings, dated 8th December 1873, No. 2,503.

(True Copies and Extract.)

(Signed) J. GROSE,
Secretary.

To the Collector of Coimbatore.
Copy to the Collector of Salem.

Exd. J. Tulloch.

1874.

Board of Revenue, MADRAS.

PROCEEDINGS, 14TH JANUARY 1874, No. 54.

Encl.

Rec'd 20 Jan 1874
Rec'd 508/74
Rec'd 19 Jan 1874

Received 19/1/74

JANUARY.

No. 54.

Boundary dispute—as to right to Padugay land in Cauvery river, between Namkul Taluq of Salem District and Karur Taluq of Coimbatore. —Letter from Collector of latter district, forwarding copy of one from Acting Sub-Collector regarding—, recorded.

No. 322.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 14th February 1874.

Read the following letter from F. PRICE, Esq., Acting Collector of Salem, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Omalur, 19th December 1873, No. 422 :—

REFERRING to the Proceedings of the Board of Revenue, No. 1,531, dated 8th August last, I have the honour to transmit, for the consideration of the Board, the report of the Deputy-Collector Mr. Pritchard, and its accompanying plan, with regard to the dispute touching the boundary between this and the Coimbatore District as defined by the Kaveri river.

2. I would respectfully suggest that regular evidence should be taken on either side as to the former enjoyment of the disputed padugays. I would also submit that, in a river like the Kaveri, the deep-water channel must always vary. I have observed this in every Indian river that I have seen.

3. I do not know upon what evidence Captain Clay bases the opinion that the claim of the Coimbatore ryots is well founded. Mr. Pritchard seems to have made out a good case, supported, in the absence of documentary evidence, which neither side possesses, by the oral testimony of the oldest inhabitants.

4. I would beg to draw the attention of the Board to the measurements shown in the plan now sent, from which it will appear that if the Coimbatore ryots are admitted in full, the boundary of that district will include almost the whole of the bed of the river, and seriously affect the Nanal Grass Fund of Salem.

ENCLOSURE No. 1.

From T. PRITCHARD, Esq., General Charge Deputy-Collector, to F. PRICE, Esq., Acting Collector of Salem, dated Sunkerry, 13th December 1873, No. 343.

WITH reference to your letter, No. 706, dated 25th August last, enclosing Board's Proceedings, No. 1,531, dated 8th idem, directing the late Acting Deputy-Collector to meet the Sub-Collector of Coimbatore on any day that may be fixed by him for the purpose of reporting upon the boundary-dispute between this district and Coimbatore, I have the honour to inform you that, at Mr. Horsburgh's desire, I met him at Nerur on the 13th and 14th ultimo, and after going through all the records connected with the disputes, as we could not arrive at the same conclusion, it was arranged that we should submit separate reports.

2. As, from the concluding paragraph of the Proceedings above quoted, I am of opinion that the Board is under a misapprehension as to the situation of the padugays in dispute, I beg to forward a sketch showing their position.

3. The disputes are with reference to the possession of padugays marked A, E, and F; the former being claimed by the ryots of Woravanthoor in Salem and Nerur in Coimbatore, and the two latter by the inhabitants of Mohanoor in Salem and Wangal in Coimbatore District.

4. With regard to the padugay A, the Nerur ryots say that it forms part of No. I. the "Royenkaray Koottoo," which, although partially demarcated within our boundary, we lay no claim to, but we deny that A ever formed part of No. I., and in this we are upheld by the fact that the two padugays are divided from one another by a channel, 112 yards in width. The Nerur people say that because they have enjoyed No. I., and A forms part of it, A should belong to them; but the argument of enjoyment is also disproved by the accompanying statements of some of the oldest inhabitants of Woravanthoor and a respectable Muttadar of the Trichinopoly District who holds land there.

5. The truth is that the management of the Kaveri channels in this district was for years and up till 1872 in the hands of the Department Public Works, and from their having neglected the padugays, no Nanal to speak of grew on A; but since the Revenue Authorities resumed charge of the channels in 1872 the padugays have been conserved, and grass having begun to thrive on A the dispute as to its possession has arisen.

6. B, C, and D, are in the possession of the Woravanthoor ryots, but E and F are claimed by the inhabitants of Wangal in Coimbatore. Now it is quite clear that D and E are one padugay, divided by the Survey Department between two villages of Salem, viz., Woravanthoor and Moganoor. When there is no dispute about the portion D, I fail to see why there should be any as regards E It is true that E and F have been in the enjoyment of the Wangal people, but they have to thank the laxity of the Department Public Works for this, as it is proved by the accompanying depositions of the elders of Moganoor that, when the channels were under management of the Revenue Authorities from 1853 to 1858, the then Tahsildar of Namkul, Venkapiah, utilized the Nanal from these padugays for channel-work, and that until lately the Koottoo was not in a sufficiently flourishing condition for any one to exercise the right of cutting grass.

7. Having shown that A was never enjoyed by the people of Coimbatore, and that they usurped the enjoyment of E and F, I would beg leave to draw your attention to the distances, as shown in the sketch, these padugays are from either bank, by which it is clear that, for physical considerations, these padugays should belong to us.

8. No information can be obtained from the nymaish accounts regarding the boundary-dis- account of either district.

9. In conclusion, I beg to forward, for perusal, correspondence which has passed between Mr. Horsbrugh and the Superintendent, Revenue Survey, regarding the boundary of the two districts having been fixed in the centre of the river. The Survey Department is evidently determined upon fixing the boundary at D which, according to the sketch which accompanies the Deputy-Superintendent's letter, is the natural bed of the river; but if the boundary be fixed in the proposed manner, a great injustice will be done this district, for only one-third of the bed of the river, or even less than this in some places, will fall to the share of the Salem District. Besides this, I doubt if the natural bed of the river can be fixed at D or anywhere else, as the course of the stream is constantly changing and low water channels are formed with reference to the direction taken by the current. I would, therefore, beg leave to suggest that the boundary be allowed to stand as at present, viz., in the centre of the river-bed.

10. I beg to state that the delay in submitting this report is owing to my having had to wait for the evidence which accompanies it.

(True Copy.)

(Signed) J. W. JOHNSTON,
Deputy-Collector,
For Acting Collector.

Enclosure No. 2.—Plan.

(13)

On re-consideration the Board are of opinion that the boundary of the two districts must be the line plotted by Colonel Priestley midway between the river-banks in accordance with general rules.

2. The decision of this line cannot affect any rights of occupancy in the padugays.

(True Copies and Extract.)

(Signed) J. GROSE,
Secretary.

To the Acting Collector of Salem, with Plan returned.

Copy to the Collector of Coimbatore.

,, to the Superintendent of Revenue Survey, with Board's Proceedings, dated 8th August and 8th December 1873, Nos. 1,531 and 2,503, and 14th January 1874, No. 54.

,, to the Director of Revenue Settlement, with do.

Exd. F. R. Bantleman.

1874.

Board of Revenue

MADRAS.

PROCEEDINGS, 14TH FEBRUARY 1874, No. 32

Enc

Rec. 20 Feb 74

Received 19. 2. 74

FEBRUARY.

No. 322.

Boundary—between Salem and Coimbat
Districts to be the line plotted by Survey Depa
ment midway between banks of Kaveri river
Decision of this line cannot affect any right
occupancy in paduguy land in river.

(15)

No. 1,386.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th June 1874.

Read again Proceedings of the Board, dated 8th August 1873, No. 1,531.
Do. do. ,, 8th December ,, ,, 2,503.
Do. do. ,, 14th January 1874, ,, 54.
Do. do. ,, 14th February ,, ,, 322.

Read also the following letters :—

From A. WEDDERBURN, Esq., Collector of Coimbatore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 28th February 1874, No. 44.

I HAVE the honour to request that the previous sanction of the Madras Government be obtained to the fixing any new line of boundary between Salem and Coimbatore, in the imaginary centre of the river Cauvery, instead of adhering to the deep water channel.

2. The only argument against the deep water channel is, that it may change : if it does, it still remains a very well defined boundary ; but who is to mark, stake out, and observe, the imaginary centre of a river spread ; any such attempted boundary will lead to disputes.

3. When boundary disputes occur, oral testimony is simply hard swearing on both sides, each being supported by its authority.

4. It is for Government to decide on such matters for the general benefit of the people ; the Padugays should not be divided by imaginary centre lines ; if the river bed deepens towards the Salem side, it loses the shoal opposite, just as Coimbatore has, on the same river, at Collegal ; the current having come to the Coimbatore side, and left a connected shoal on the Mysore side.

5. The Chief Engineer for Irrigation is of opinion that these Padugays should be under his departmental management for use in both districts, as no one but that department can properly control the currents, and preserve the banks.

6. The Padugays should be a grass "reserve" and babool "plantation," and if placed under the Irrigation Department, there would not be the liability to future disputes, which owing to the survey having (without intent) placed some marks, these have been newly claimed as a boundary settlement, by the people of Salem.

7. It seems that when an officer of this district was lately deputed to meet an officer of Salem, they simply could not agree, as to evidence of occupation. Now if a boundary is to be of any use at all, it is to permanently show occupation ; but in this case the Board decide that the imaginary river spread centre (and not the deep channel) is to be the boundary line ; but that such boundary is not to affect occupancy. Surely a boundary line should show evidence of occupancy, and be referred to in the future boundary disputes, which will commence from such undetermi-nated decision.

From J. F. PRICE, Esq., Acting Collector of Salem, to A. WEDDERBURN, Esq., Collector of Coimbatore, dated 26th February 1874, No. 61.

REFERRING to the Proceedings of the Board of Revenue, No. 322, dated 14th instant, I have the honour to request that you will do me the favour of issuing instructions that the ryots of your district are not, in future, to cut the Nanal grass upon the Padugays upon the Salem side of the boundary as determined by the Board, except upon permission, duly obtained from the Revenue authorities of this district.

No. 49.

FORWARDED to the Board of Revenue, in continuation of letter No. 44 of 28th February 1874, for early reference to Government, regarding the boundary line to be adopted.

COIMBATORE,
4th March 1874.

(Signed) A. WEDDERBURN.
Collector.

THE foregoing papers are submitted for the orders of Government.

2. In a letter, dated 5th July 1873, No. 196, the Acting Collector of Salem submitted for the consideration of the Board a correspondence relative to the rights of the districts of Salem and Coimbatore to certain Padugays situated in the bed of the Cauvery river. The Survey Department having declared the centre of the river bed to be the boundary line and having prepared the maps and area lists in accordance with this usual course, a misunderstanding had arisen as to whether this meant the entire surface occupied by the river when in flood, or only the channel through which the river flows when low.

3. The Salem authorities take the first view and the Coimbatore the second, and as the low water channel is close to the Salem bank between the Namkal Taluq and the Caroor Taluq nearly three-fourths of the entire river bed is claimed by Coimbatore.

4. The Collector of Salem appears to have opened the discussion in a letter to the Collector of Coimbatore in which it is stated that the ryots of the Caroor Taluq, (Coimbatore District) prevented the Salem ryots from cutting Nanal grass on one of the Padugays which in accordance with the view taken by the Salem authorities, belonged to that district.

5. In reply it was stated that the disputed land had always been considered as belonging to Coimbatore, that it was always separated from Salem by the low water channel and only during floods from Coimbatore ; that grass had been cut there only by permission of Coimbatore Village Officers, and that the grass rent had formed an important item (Rupees 847 in one year), in the receipts of the river channel funds of the Coimbatore Villages Nerur and Vangul and that it had always been customary to impound in the Coimbatore pounds, stray cattle found on these Padugays.

Proceedings, dated 8th August 1873.

6. The Board desired, before taking action in the matter, that officers from each district should meet and report on the subject.

7. This was accordingly done and the reports are embodied in the Board's Proceedings of 14th January and 14th February 1874.

8. The Board recorded their opinion that the boundary must be the line plotted by the Survey Department midway between the river banks in accordance with general rules, and observed that the decision of this line could not affect any rights of occupancy in the Padugays.

9. In his letter of 28th February 1874 the Collector of Coimbatore again brings forward the question and deprecates fixing the boundary line (as has been done by the Survey Department) in the centre of the river, without the previous sanction of Government.

10. In paragraph 5 of his letter the Collector states that the Chief Engineer for Irrigation is of opinion that these Padugays should be under his departmental control for the benefit of both districts, having in view the proper control of the currents and the preservation of the banks.

11. The Board think the boundary line should be the one determined by the Survey Department, and that the Padugays should continue under the control of the Collectors.

(True Copies and Extract.)

Secretary.

To the Acting Secretary to Government, Revenue Department,
with Board's Proceedings, dated 8th August 1873, No. 1,531,
8th December 1873, No. 2,503, 14th January 1874, No. 54.
and 14th February 1874, No. 322.

,, the Collector of Coimbatore.
,, the Acting Collector of Salem.

Copy to the Director of Revenue Settlement.
,, to the Superintendent of Revenue Survey.

(19)

MISCELLANEOUS No. 4705. REVENUE DEPARTMENT.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 14th July 1874.

No. 150. Read the following

From A. Wedderburne Esqre
Collector of Coimbatore

To J. Grose Esqre
Secretary to the Board of Revenue
Madras.

SIR,

I have the honor to forward the sketch of the Cauvery Padoogays called for in Revenue Board's Proceedings No. 4155 of 19th June 1874.

Coimbatore
Collector's Office
27th June 1874

I have &c.
A. Wedderburne
Collector

The sketch received with the above letter is hereunto forwarded.

No. 2057.

Rec. 1874. Dept.

Board of Revenue, MADRAS.

PROCEEDINGS, 8TH JUNE 1874, No. 1,386.

Dept. 13 June 74
Encl. 4

Coll. 1988 Coimbatore
1874

Received 1874

JUNE.
No. 1,386.

Boundary—between Coimbatore and Salem Districts.—Letters from Collectors regarding fixing of—submitted for orders of Government: and opinion expressed that boundary line should be that determined by Survey Department, midway between Cauvery river banks, and that Padugays should continue under control of Collectors and not be placed in charge of Irrigation Department as proposed by Chief Engineer for Irrigation.

Cancelled 7/7/74

Encl

Forwarded
C.C.C.

forwarded to the Acting Under Secretary
to Government Revenue Department
with reference to his Memorandum
dated 16th June 1874.

/ True Copy and Extract /

Actg Sub-Secretary

To
The Actg Under Secretary to Government
Revenue Department

with the Sketch.

Sketch to Plan

Capt Wingfield
Cfs Dt Commissioner

REVENUE DEPARTMENT.

(22)

Nos 2057 & 2375

From Pro: Bd of Rev.

Dated 8th June & 11th July 1874.

FOR ORDERS.

The Plan is. I understand that at present affected in two ways. It is only a temporary line - and does not affect rights. L. D.

An arbitrary line in the centre

(22)

Proceedings 1874 Dec. Rev.

PROCEEDINGS OF THE BOARD OF REVENUE.

Pro. 1386 - 20 November 1874

Dated 14th July 1874.

Despatched

SUBJECT.

Forwarding to Under Secretary to Government Secretary to Government - ment P.D. whether of Canary Cadastral Survey Revenue by Collector of Coimbatore.

8.

Copy of letter 11/74

(22)

Cumberland 1774

8.

Commissioners -

(24)

of the River or in full flood - may be proper shall a Riverclear Course - but in a River Survey which is intended to define right and record actual ownership the allusion of the Proprietor assigned according to Law and important - This is probably defined if the Low water & Ordinary Course & Sides of the Bed Nor the following

8/9 - 1682.

Have laid a Connection with the Proof as exposed

(25)

Boundary - I find that the centre of the River is the boundary only where there are no clear defined rights within the Bed - the Padipays & Islands may be within the banks are all recorded & properly assigned to their respective owners Better to do - the old rule was the Centre Line is the boundary except Navig. Right - the clear made out & in such cases their rights & occupation shall be determined & recorded.

27th Dec 1682

23/10

23/10

(22)

FOR ORDERS.

C 23/10/74
226.
C 24th July/74

(22)

Revenue Dept.

No. 1386.

Proceedings of the Madras Government.
Under date the 2 October 1874.
Nov.

Read the following
Proceedings of the Board
of Revenue

Submitting letters from Collectors regarding fixing of boundary between Coimbatore & Salem Districts, &c. } H.E. 8 June 1874, No. 1386.

Forwarding Sketch of Cauvery Padugays sent by Collector of Coimbatore } H.E. 14 July 1874, No. 4705.

The Centre line can only be considered the boundary where no rights are clearly made out. When defined rights exist within the bed they must be recorded and the occupation delineated. The Padugays referred to will necessarily appertain

appertain to certain villages
and should, as the Board
propose, continue under
the control of the Collector
of the District to which
the village belongs.

C M C

1st To the Board of Revenue &c
2nd. The Directors of Kandesh &
3rd. The Superintendent Survey &

4.0

Boundary between
Coimbatore & Salem DS

C 28/10/74.
R 2/11/74