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CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. <u>40</u>	Press Mis.
<u>74-75</u> ~~44-45~~	
Dated <u>10 - 1 -</u>	<u>1874.</u>

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
10th January 1874.*

No. 74. Read the following Proceedings of the Board of Revenue, dated 10th December 1873, No. 2,518:—

Read again Board's Proceedings, dated 24th January and 12th December 1865, Nos. 408 and 7,945, and 11th March 1868, No. 1,781.

Read also the following letter from J. H. MASTER, Esq., Collector of Bellary, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated 30th October 1873, No. 12:—

I HAVE the honour to address you on the subject of the demarcation of the Sundoor territory.

2. Of late years the Rajah has been deriving a considerable revenue by leasing out his forests to contractors who supply Bellary with firewood. The consequence is that continual disputes are cropping up between the contractor and the inhabitants of the village lying contiguous to the border, the latter rightly or wrongly alleging that they are prevented from enjoying privilege which they have possessed from time immemorial. Instances have occurred in which alleged trespassers have been apprehended and heavily fined by the Agent to the Rajah. These proceedings, though possibly legal, are in a manner *ex parte*, and the Rajah's Court becomes the self-constituted arbiter of the boundary.

3. The villagers not in one instance only feel that there is now no certainty. No boundary has ever been defined, and, when disputes arise, reference has to be made to the old survey accounts made out in the beginning of the century, but the decisions given upon these data do not always satisfy them.

4. At this very moment a dispute is pending between the Rajah and the village of Garg, in the Hospett Taluq. The Agent wishes me to depute an officer with competent powers to meet one nominated by the Rajah. This is an impossibility. I have no Covenanted Assistant, and I myself am just about to go on circuit in an opposite direction.

5. The Revenue Survey Department is already at work in this district, and, in the course of time, but only after very many years, would survey the taluqs which encompass the Sundoor territory, and thus the latter would be authoritatively demarcated. This would, of course, cost the Rajah nothing.

6. What I would earnestly urge upon the Government is the advisability of having the territory demarcated as a separate work and as a whole. This course would be acceptable to all parties, and it would put a stop, once for all, to the petty disputes which are now so continually occurring.

7. The Survey Officer would have powers to settle any disputes in conjunction with the Rajah's Agent, abiding, of course, by the decision which may have already been given in any particular cases and which may have been sanctioned by Government.

REFERRED to the Revenue Department.

(Signed) W. HUDLESTON,
Chief Secretary.

Proceedings of the Madras Government, Revenue Department.
10th January 1874.

REFERRED to the Board of Revenue for their remarks. It is requested that the dates and numbers of any previous correspondence on the subject may be quoted.

4th November 1873.

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

THE Board resolve to inform Government that, as the disputes between Government villagers and Sundoor villagers on the boundaries of Sundoor seem to be numerous and difficult to arrange, it is desirable that the territory should be demarcated as a special work by the Survey Department.

2. In 1832 there was a dispute between the Bellary village of Jog and the Sundoor Rajah. In November 1832, the Collector, Mr. Robertson, decided the dispute in favour of the Government village.

3. In 1864 the Rajah appealed against the decision, and the Board, intending to lay the matter before Government, called for a sketch map showing the boundaries claimed on behalf of the Government and the Rajah.

4. In 1865 the sketch map was submitted. The survey had shown that the information on which Mr. Robertson's order was based was, to some extent, inaccurate; but, as the Rajah had acquiesced in that decision for thirty years, the Board resolved not to allow the question to be reopened, and did not address Government.

5. In 1867 the Rajah renewed his claim, and the Collector, Mr. Wedderburn, thinking it right to examine the question *de novo*, made inquiries and reported that there were good grounds for reconsidering the decision of 1832. The Board did not agree with him.

6. The present Collector now reports that continual disputes are cropping up all round the border. This is because the border forests have become valuable and are leased out to a contractor.

No. 45. ORDER THEREON, 10th January 1874, No. 40.

Miscellaneous.

APPROVED.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

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

Exd. A. S. Rodgers.

Fuller 210 634 / 74
Bd. Pres. 14 May 1957 / 74

No. 2,518.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th December 1873.

Read again Board's Proceedings, dated 24th January and 12th December 1865,
Nos. 408 and 7,945, and 11th March 1868, No. 1,781.

Read also the following letter from J. H. MASTER, Esq., Collector of Bellary, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated 30th October 1873, No. 72:—

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3. The villagers not in one instance only feel that there is now no certainty. No boundary has ever been defined, and, when disputes arise, reference has to be made to the old survey accounts made out in the beginning of the century, but the decisions given upon these data do not always satisfy them.

4. At this very moment a dispute is pending between the Rajah and the village of Garg, in the Hospett Taluq. The Agent wishes me to depute an officer with competent powers to meet one nominated by the Rajah. This is an impossibility. I have no Covenanted Assistant, and I myself am just about to go on circuit in an opposite direction.

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7. The Survey Officer would have powers to settle any dispute with the Rajah's Agent, abiding, of course, by the decision which may have already been given in any particular cases and which may have been sanctioned by Government.

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(Signed) W. HUDLESTON,
Chief Secretary

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6. The present Collector now reports that continual disputes are cropping up all round the border. This is because the border forests have become valuable and are leased out to a contractor.

(A true Copy and Extract.)

Secretary.

To the Secretary to Government, Revenue Department,
with Board's Proceedings, dated 24th January 1865, No. 408,
12th December 1865, No. 7,945, and 11th March 1868, No. 1,781.
Copy to the Collector of Bellary.

Exd. A. S. Rodgers.

BOARD OF REVENUE,
MADRAS.

1873.

PROCEEDINGS, 10TH DECEMBER 1873, No. 2,518.

DECEMBER.

No. 2,518.

Received

17th Dec

Demarcation of Sundoor Jaghiredar in Bellary District, by Survey Department as a special work.—Opinion submitted to Government in favour of —.

Encl. 3

No. 7,945.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 12th December 1865.

Read again letter from the Collector of Bellary, dated 24th November 1864, recorded in Board's Proceedings, 24th January 1865, No. 408.

Read also the following letter from the same Officer, dated 16th September 1865, No. 179:—

1. With reference to the Proceedings of the Board of Revenue, No. 408, dated 24th January 1865, passed upon my letter of the 24th November 1864, No. 214, in which I reported upon Board Petition No. 2,402 of 1864, (herewith returned,) I have the honor to forward a sketch*

* Sent by banghy.

of and a report, concerning the locality in dispute by the Jaghiredar of Sundoor, together with a copy of a letter from the Acting Head Assistant Collector, No. 35, dated 13th September 1865, from which it will be seen that from the inquiries made by the Tahsildar, he has arrived at precisely the same conclusions as those formed by the Special Overseer.

The Kurnums, it will be observed, have now stated, that until the measurement made by the Special Overseer, they were themselves under an erroneous impression regarding the disputed locality; and that they accordingly unwittingly misled the Head Assistant Collector, Mr. St. Clair, during his visit to inspect the locality in question; and, as Mr. Lilly points out, this survey cannot be accepted as conclusive, for the settlement of the present dispute.

3. He also shows that, although the debated land is not included in the Pymaish accounts, these accounts are evidently incomplete, through palpable omissions in them; and that what the present survey does show, is, that the information on which Mr. Robertson's order was passed, was to some extent inaccurate.

4. The fact, however, still remains that this order has been unchallenged for thirty years.

5. Board Petition No. 310 of 1865, is herewith returned.

ENCLOSURE No. 1.

From W. S. LILLY, Esq., Acting Head Assistant Collector, to A. HATHAWAY, Esq., Collector of Bellary, dated Hospett, 13th September 1865, No. 35.

1. In reply to your docket, No. 817, dated 10th August 1865, I have the honor to inform you that, as far as I can learn, there seems to be no reason to doubt the correctness of the statements made by Special Overseer Mooneswamy Chetty in his report herewith returned.

2. As the state of the work of this office did not admit of my devoting a month to supervising the Special Overseer's survey, I directed the Tahsildar and a Revenue Inspector to accompany him, and to render any assistance which might be required. The Dewan of the Jaghiredar of Sundoor was present on behalf of the Jaghiredar.

3. The Tahsildar in an Arzi, (which with a statement from the Kurnums of Cacbal and Jog enclosed therein, is now forwarded,†) reported the result of the investigation to me on the 18th August. It would appear that the Tahsildar arrived at precisely the same conclusions as the Special Overseer. The Kurnums, it will be seen, state that, until the Special Overseer's Azymaish, they were themselves under an erroneous impression regarding the disputed locality, and that they accordingly unwittingly misled the Head Assistant Collector, Mr. St. Clair, on his visit to inspect it.

† To be returned.

4. It would seem, however, that the survey made by the Special Overseer is not at all conclusive as to the dispute between the Sundoor Jaghiredar and the villagers of Jog. The debated land is not indeed included in the Pymaish accounts, but those accounts are on the face of them incomplete, unnumbered Peramboke regarding the right to which there can be no doubt, as it simply intervenes between numbers, has not been mentioned. All that the Special Overseer's account goes to prove would seem to be that the information on Mr. Robertson's order was based was inaccurate.

(True Copy.)

(Signed) A. HATHAWAY,
Collector.

ENCLOSURE No. 2.—Plan.

ENCLOSURES Nos. 3 and 4.—Petitions.

1. With reference to the foregoing correspondence, the Board observe that, for thirty years, Mr. Robertson's decision in this case has been acquiesced in by the Sondoer Rajah; and that since the promulgation of the order above alluded to, "until the present dispute arose, no tax has been levied by the Rajah on fire-wood cut within the above limits."

Vide paragraph 3 of Mr. Hathaway's letter, dated 24th January 1865.

2. Under these circumstances, the Board see no grounds for recommending to Government that the question be re-opened, which was by Mr. Robertson's decision definitely set at rest apparently with the consent of both parties; and the Board consider that the Rajah has failed to show any reasons for questioning the justice of an order which has been acted upon for so many years.

(True Copies and Extract.)

(Signed) G. BANBURY,
Acting Sub-Secretary.

To A. Hathaway, Esq., Collector of Bellary,
with original enclosure and a plan returned.

Exd. J. Wright.

No. 408.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 24th January 1865.

Read the following letter from A. HATHAWAY, Esq., Collector of Bellary, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Camp Raidrug, 24th November 1864, No. 214:—

1. I have the honor to report as follows on Board Petition No. 2,402 of 1864, (herewith returned,) in which Mr. Macartney, the agent of the Rajah of Sondoer, appeals against a decision of the Principal Collector passed in 1832, relative to the right claimed by the Rajah, of levying tax on wood cut on certain places near the villages of Jog and Cacabal in the Taluk of Hospett.

2. It appears that in or about the month of August 1832, the Rajah preferred a complaint to the then Collector, that the village authorities of Jog refused to collect, and hand over to the contractor, the tax due on wood cut on certain places near that village; that the Collector, in an order dated 28th August, directed the Tahsildar to report on the matter; that this report, dated the 4th September, was not considered satisfactory; and that the Serishtadar afterwards sent another report dated 8th October 1832, after proceeding to the spot and determining the boundaries.

3. [The decision of the Collector, dated 8th November 1832, (disallowing the claim after inquiry and measurement,) sets forth "that the documents produced before the Collector by the Vakeel of the Rajah do not bear out the claim of the latter; that it has been ascertained by the Serishtadar that the places known as Hoovinbhavi, Chickkagoongadi, and Herigoongody and other places thereabout, lying under the hill named Bedargotla, belong to the village of Jog, and are included in the Pymaish accounts;" moreover, from evidence taken by my Head Assistant Collector, from inhabitants of Cacabal, and a Sub-Contractor of Sondoer, it would appear that the hills called Nowlteerta and Ganganacolla form the boundary between the Company's and the Sondoer territory; that the hill called Ramacalla is wholly situate within fields No. 96 of Jog; and that since the Collector's order, alluded to above, until the present dispute arose, no tax has been levied by the Rajah on firewood cut within the above limits.

4. Against the decision passed by Mr. Robertson in 1832, Mr. Macartney now appeals on five grounds set forth in paragraph 2 of his Petitions to the Board. Of these, the second and fifth, with a portion of the third, only have reference to the order appealed from; and as it is for the Board to judge of their validity, it is unnecessary to notice them further than to remark that Mr. Macartney appears to have misapprehended the meaning of the documents he refers to in clause 3rd. The Collector, in paragraph 1 of his order states that the Cacabal villagers have given depositions to the effect that they were not in the habit of paying tax to the Sondoer authorities for "Chowbeena Saranjam" (wood for household purposes) cut by them; and in paragraph 2 he directs the Tahsildar to inquire into the truth of a complaint made before himself by the Sondoer Contractor. In the three Takeeds from the Tahsildars of Cumply and Hospett, the word "Chowbeena" does not even occur. Of these Takeeds, Nos. 1 and 2 bear date anterior to the Collector's decision, and are written by Annaji Row, the Tahsildar whose subsequent investigation of the matter was considered unsatisfactory.

5. The first and fourth grounds of appeals have no reference to the evidence on which the Collector's decision was based. The first ground indeed appears inconsistent with any appeal, and the fourth is based on evidence apparently not produced before the Collector Mr. Robertson. Presuming, however, that the Board desire to be put in possession of all the facts of the case, I have caused further evidence* to be procured bearing on the question of the boundary, and of the levying of tax by the Sondoer authorities; with

* Memorandum of evidence taken in English by my Head Assistant Collector is herewith sent (to be returned).

reference to the assertion in Clause 1st Part II. of Mr. Macartney's appeal, that the Rajah continued to collect tax in defiance of the Collector's order, and the documents marked A. to J. forwarded in support thereof; my Head Assistant Collector having taken depositions from such persons as can

PROCEEDINGS OF THE BOARD OF REVENUE.

No.

1865.

Department.

Dated 12th December 1865.

No. 7,945.

Sur 4028/73
L. B. 1. 1. 74.

Declining to recommend for reconsideration in Government claims of the Jaghirdar of Sondoer to certain land in Bellary

be found whose names appears in those documents. It will be seen from the Memorandum of evidence that in most cases they deny their genuineness, stating that no tax has ever been paid by them to the Sondoer Contractor for wood cut on Ramacalla, Goongadi, or at any place below the highest range of hills. One of the persons examined was for many years employed by the Contractor to collect the tax; and his evidence is, therefore, of considerable value. Whatever objection might formerly have been taken to the evidence of these persons on the ground of interest, no longer applies, as a tax is at present levied on wood wherever cut. With regard to the Takeed (No. 3) issued by the late Tahsildar of Hospett, neither the original nor office copy can be found; and my Head Assistant Collector reports that from internal evidence it appears to have been issued in ignorance of the facts at the instance of the Contractor.

6. Translations of the inscription on the copper plate presented by the agent, and of the copy of the inscription taken by my Acting Head Assistant Collector, at Sondoer are herewith sent, from which it will be seen that they do not exactly correspond. The latter inscription my late Head Assistant reports appears to be of some antiquity, and is now nearly illegible; but as it must have been engraved subsequently to 1818 it would probably have been legible in 1832, if then in existence.

7. Ramacalla and Chickka and Hiregoongadi are hills or spurs of the chief range, and are situated to the south-west and west of Jog; above them are Baduragatta and Nowlteerta, from both of which Ramandroog and the Sondoer village are visible. Further to the north-west are places known as Gangalibenchiarooovoo and Ombatoomaroovoo, which, if not the highest points of the range at that part, lie very little below them. Ramacalla and the Goongadis give their name to the slopes above them, which can be reached only through narrow passes between Ramacalla and Hollabasavanacolla, and between the two Goongadis, and also to streams which unite and meet the nulla from Hoovinbavi a little to the east of the village of Jog. These nullas are laid down in the map. As far as I am able to judge from the localities mentioned in the evidence, the boundary of Sondoer at these parts is, as laid down in the Ordnance Map of the District No. 52, the crest of the range bounding the Sondoer valley on the north-east. It must be noticed that in the Pymaish accounts Bederagotla is mentioned as the southern limit of field No. 124; and field No. 66, which lies beyond Hoovinbavi was, according to the Curnums' accounts, cultivated from Faslis 1252 to 1255 by a Ryot named Runga.

8. For the above reasons, it appears to me, that the places in dispute do not belong to Sondoer, and that there is no necessity to pay tax to the Contractor for wood cut therein.

9. Whatever may be the decision of the Board of Revenue in this matter, I have the honor to suggest that a professional survey be made, at the expense of the Sondoer Agency, of the limit of the Jaghire, as requested by the agent. Thus all causes for further disputes will be avoided; the survey to be made in the presence of a public servant deputed by me, and of one on the part of the agent.

ENCLOSURE No. 1.—Petition:

The Board are of opinion that they are not competent to give a decisive opinion on the matters referred to in the foregoing letter, relating as they do to the boundaries of the Jaghire. The decision of the Collector passed thirty-two years ago, and not appealed from, would seem to be conclusive against the claim now set up. In order, however, that the matter may be placed before Government in an intelligible shape, the Board request the Collector to submit a sketch of the locality in dispute, at his earliest convenience, showing clearly the fields of the villages in which the hills claimed are stated to be included; the boundary line as settled in Mr. Robertson's order; and the line now claimed by the Sondoer Jaghiredar.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Sub-Secretary.

To A. Hathaway, Esq., Collector of Bellary.

Exd. J. Wright.

1865.

Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dat 24th January 1865.

Rur 4028/73

Sub. B. 1. 7th

No. 408.

Requesting to submit a sketch of the locality
disputed by the Rajah of Sondoor.

No. 1,781.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 11th March 1868.

Read the following letter from A. WEDDERBURN, Esq., Collector of Bellary, to the Secretary to the Board of Revenue, dated 7th February 1868, No. 31:—

1. I have the honour to submit, for the consideration and orders of the Board, correspondence, as per margin, connected with the disputed boundary line of Sondoor with the neighbouring villages of Jog, &c.

1. Copy of letter, No 79, dated 23rd November 1867, from Head Assistant Collector to Collector.
2. Original letter, No. 35, dated 5th November 1867, from Rajah's Agent to Head Assistant Collector.
3. Copy of letter, No. 8, dated 27th January 1867, from Rajah's Agent to Collector.
4. Sketch, 12th August 1865, to be returned, (sent by Bangalore.)

2. It being my belief that the question at issue should be decided rather on its merits than on the fact of a previous decision by a Collector

having been long acquiesced in, I deputed my Acting Head Assistant Collector to visit the exact locality in company with the Rajah's agent, to have the ground accurately measured with reference to the Survey accounts, and to submit a report which I hoped would have been a satisfactory solution of the question to both parties. The report now received not having apparently been made in communication with the opposite party, and so being of an ex-parte nature, I sent copy of it to the Rajah's agent for his remarks which form Enclosure No. 3.

3. I doubt not that Government would incline to have the boundary line decided with the fullest regard to the small State of Sondoor

4. The evidence on which the question has hitherto been decided is not so conclusive to my mind as to preclude reconsideration, and I would respectfully suggest that an officer be deputed to report thereon in communication with the Rajah's agent, and if an agreement cannot be come to, an arbitrator chosen by both parties should be the final referee.

5. The Sondoor State though small is independent, and a boundary dispute therewith would more appropriately be determined in the manner suggested, than by the decision of a Collector.

6. Against the fact of a previous decision having been long unappealed against, may be put the non-existence of Sondoor villagers to dispute possession with Bellary ryots and so keep the matter alive; the ease with which, under such circumstances, encroachments are made; the indolent habits of the former Rajah; the former comparative small value of the land in dispute; the disputed territory being chiefly used for wood-cutting and grazing purposes, and by the Bellary villagers, who are interested in resisting the claims of Sondoor. It seems, moreover, that the Village Head of Jog was suspected, and strongly believed, by the late Head Assistant Collector, to have embezzled the seigniorage collected in that locality.

7. But the question is—Was the point at issue decided by reliable records of survey? There are two points in dispute; one is the possession of the slopes of a boundary chain of hills; the other is the occupation of gorges intersecting the boundary chain.

8. The survey measurements, taken by the Acting Head Assistant Collector, reach to the base of the boundary hills; the slopes or not recorded in them. The absence of such data is explained by the survey being incomplete, but such explanation is not proof.

9. Oral testimony on either side may be reasonably expected to be biassed, and it is balanced.

10. If we take the Ordnance Map as a rough guide, it would seem to give the Huvinbavi gorge to Sondoor, and favours the Sondoor claims.

11. It appears from my predecessor's letter, dated 16th September 1865, No. 179, that a former Head Assistant Collector was misled by the Curnums, as regards the locality in dispute; that the Curnums themselves were under an erroneous impression as to the locality; that the debited land is not included in our accounts; and that the information given by the Special Overseer goes to prove that the information on which the original order was issued was inaccurate.

Under such circumstances, I think the matter requires reconsideration and final adjustment.

Recorded in Board's Proceedings, dated 12th December 1865, No. 7,945.

15

From J. KELSALL, Esq., Acting Head Assistant Collector, to the Collector of Bellary, dated
Camp at Bellary, 23rd November 1867, No. 79.

1. I have the honour to report on the claim made on behalf of the Rajah of Sondoor, to the land in the vicinity of Jog, Cacaball, and neighbouring villages.

2. The Sondoor valley is surrounded by a range of hills which form as it were a natural boundary to the State. These are on the outer side more or less precipitous, but the hills forming the north-east frontier, running from Yettinhutti towards Kullahully and Hospett, are intersected by three deep gorges or Kollas, which cut through the hills almost into the Sondoor valley. The village of Jog lies about a mile from the foot of these hills. It is to the outer slopes of this range, and to part of the ground between it and the village of Jog, that claim is now laid.

3. The question was raised sometime ago, and it may be as well if I briefly trace its previous history. In 1832, the then Collector, Mr. Robertson, caused the ground to be measured out, first by the Tahsildar, and subsequently by the Serishtadar. The matter was inquired into by him at Anantapoor, parties representing Sondoor also present, and an order to this effect passed:—That the documents produced on behalf of Sondoor were unsatisfactory, and that it was proved that the two Gungadies, and Ramaculla were included in certain numbers belonging to Jog village; that a seigniorage levied on "Chowleena Saragam" cut there had been always paid to the Company, and that these lands, therefore, did not belong to the Sondoor State.

4. This order appears to have been acquiesced in by both parties; at all events, both agree in the main fact that, till the last four years, the question was not again raised. At the beginning of 1864 the claim was renewed, but inquiry into the matter was deferred until Mr. Hathaway should return from England, and soon after his arrival, Mr. St. Clair, then Head Assistant, reported (No. 9, dated 26th April 1864,) that the lands claimed were shown by the Pymaish accounts to belong to the village of Jog, and subsequently he (No. 14, dated May 6th) reported that, though little or nothing could be accurately proved by the accounts, that from depositions taken by him he was of opinion that the summits of the hills called Hera and Chicka Gungadies, Bedera Goota, Nowlterta, and Gungalibenchi were the boundary of the Sondoer State, and also points out that Mr. Robertson's order was made after careful inquiry, and that it has been acquiesced in for thirty-one years. On this, Mr. Hathaway informed the agent of the Sondoer Rajah that Mr. Robertson's decision could not be interfered with.

5. Mr. Macartney having appealed to the Board of Revenue, Mr. Hathaway was directed to report, and his letter will be found in the Proceedings of the Board, No. 408, dated 24th January. He describes the locality, and concurs with Mr. St. Clair that the "boundary of Sondoor is the crest of the range bounding the Sondoor valley on the north-east." This was in the beginning of 1865, and with the exception of a report from Mr. Lilly, that an inscription on which Mr. Macartney (the Rajah's agent) relied was of doubtful authenticity, no further steps seem to have been taken in the matter.

6. In accordance with your instructions, I proceeded in June to Jog, and, in company with the Rajah's agent, visited the spots in dispute, and took statements from such of the Sondoos or Bellary ryots as could afford any information. A careful measurement, according to the Pymaish accounts, had also been made by the talook authorities of Hospett. The various numbers on the Sondoos' side of Jog village extend on the average to within 100 or 150 yards from the foot of the hill. The boundaries for these numbers are stated in the Pymaish accounts to be "Anadi Bunjur," "Unnumbered Porumboke," and "a hill;" an exception is at Huvimbavi, which may be some half mile from the foot of the range, and this is the limit of field 67 as shown by the accounts. But (as Mr. Lilly points out in his letter No. 35, September 13th, 1865, vide Board's Proceedings, No. 7,945, dated 12th December 1865,) these accounts are in some respects incomplete. The measurements appear to have been taken as far as, or very nearly as far as the foot of the range, and nothing whatever is said about the slopes above.

1. Basavanagowd, Village Magistrate.
2. Eeranahgowd Reddy, Meerassidar.
3. Mudaya Row, Carnam.

1. Basavanagowd, Village Magistrate.
2. Eeranahgowd Reddy, Meerassidar.
3. Mudava Row, Curnam.

7. But from the evidence of the individuals marginally noted, village servants and ryots of the Bellary district, it appears that these slopes have been used by the Jog and Cacaball ryots for the purpose of grazing and cutting wood, without hinderance from the Sondoor authorities. They deny that any tax was paid ever to Sondoor, and state that the boundary has always been considered to be the crest of the range of hills, to use their own words, "where the rain-water divides." On the other hand, the witnesses examined on behalf of Sondoor, state that the seigniorage has invariably been paid to them by the ryots of Jog, for the right of cutting wood in these jungles, which they state belong to them. This, however, as before observed, is strongly denied, and it is a noteworthy fact that there is not a single memorandum, or receipt, produced to corroborate the assertion that a tax was always paid to Sondoor.

On behalf of Sondoor consists of five documents (A to E)

8. The documentary evidence produced on behalf of Sondoor consists of five documents (A to E) which are from seven to thirty years old, and are, with one exception, unauthenticated by any signature. They are, simply, lists of the owners of cattle which have a right to graze "near Joga." In these the names of the two Gungadies, Huvenbavi and Ramaculla appear. On the other hand the Curnum of Jog (Bellary talook) produces accounts of Faslies 1272 to 1275, which show that a tax on wood cut in the jungles, denominated Gungadi and Ramaculla, was paid to the Bellary Government. This appears to me to weigh most strongly against the claim made by the Sondoor authorities that this land belongs to them, and the tax for wood cut there has invariably been paid to them by the Jog people. After personal inspection of the ground in dispute, and consideration of the evidence in support of the claim on other side, I am of opinion that the boundary line between Sondoor on its north-east frontier and the Bellary district runs along the crest of the outer range of hills, and that these slopes below belong to Her Majesty's Government.

9. I enclose the depositions taken by me with an abstract of some of the most important vernacular papers, as also the record received from your office.

(True Copy.)

(Signed) W. S. FOSTER,
Acting Sub-Collector in charge.

ENCLOSURE NO. 2.
From J. MACARTNEY, Esq., Agent to the Rajah of Sondoor, to the Acting Head Assistant Collector of Bellary, dated Sondoor, 5th November 1867, No. 35.
Original accounts, of which the papers returned by you

1. I have the honour to forward the original accounts, of which the papers returned by you in your letter, No. 105, dated 30th ultimo, were extracts. I have also instructed two additional witnesses, namely, Talawar Gunda, and Nuggur Hussanee, to proceed to Hospett with as little delay as possible, report their arrival at your office, and await your convenience for taking their evidence.

2. In endeavouring to determine the true boundary line of Sondoor, which I presume to be the object of the present inquiry, I respectfully submit that the question ought to be considered *without prejudice* arising from the late Mr. Robertson's decision, which was given *ex-parte*, and on the mere report of the talook authorities; and as regards Ramaculla, evidently under the erroneous impression that the place so designated, was a spur on the Jog side of the main range of hills, an impression under which the late Collector was probably induced to give the question against the Rajah. The whole examination would seem to have been informal, and irregular, as the matter in dispute ought to have been settled by negotiation, in accordance with the law of Civil Procedure in such cases.

3. It scarcely seems to me to be quite fair that the *onus* of proving a legal title to the portions of territory in dispute should be thrown upon the Rajah, and this, too, on the mere evidence of a number of villagers, who have clearly a direct interest in asserting the claim. Where a similar course pursued in other parts of the hills, bounding this territory, and which, in former times, constituted its principal natural defence, the Rajah might easily lose more than the half of them.

But I submit that the *onus* of proof, in this case, in accordance with the provisions of Hindu Law, rests with the claimants, namely, the villagers of Jog, Cacaball, &c., on the ground that there has been succession since the origin of the dispute; the Rajah simply maintaining that the places in question form a part of his ancestral inheritance. On the part of Her Majesty's Government, no ground of claim, that I am aware of, is alleged, excepting what is wholly founded on the interested evidence of the inhabitants of the villages, contiguous to the lands in dispute. It is worthy of remark that the previous decisions were given on erroneous evidence, furnished by the village authorities, who represented the disputed places as being included in the Pymaish settlement, though it has now been clearly demonstrated that they are not so included. It is not too much to assume that such misrepresentations mainly influenced previous decisions, and this fact furnishes a sufficient reason for asking that the question should now be considered *de-novo*, and wholly irrespective of former inquiries.

4. Again, the decision of Mr. Robertson seems to me to be inapplicable to the localities now in dispute. As regards Huvinbavi Kolla, I would observe, that, if the copy of Mr. Robertson's decision now in my possession be correct, the decision only mentions Huvinabavi, and not the Kholla or gorge of that name, which is situated half for three-quarters of a mile on this side of Huvinabavi. Again, on the supposition that Ramaculla, &c. were hills, it is easy to understand the decision with reference to the northern slopes referred to by you, namely, those facing the north; but now that Ramaculla and Chicka Gungadi Kolla are known to be gorges or dells, running from east to west, in the middle of the main range, it would appear that if the northern slopes of those gorges form a part of the Bellary district, all within them, and, consequently, the southern slopes are a part of the same district. But this would prove more than is assumed, and clearly shows that the nature of the locality was not clearly understood.

5. I would now point out the *prima facie* improbability of the claims set up by the villagers of Jog, Cacaball, &c. At no part of the barrier range of hills, which wholly surrounds the Sondoor district, is there any precedent for a similar invasion? In many parts the boundary line runs along at the foot of the main range, sometimes some distance beyond, while in many others, more or less of its outer slopes is admitted to belong to the Bellary district; but there is no instance of any of the numerous gorges, which it contains, being claimed as part of the Bellary territory, and, this being the case, I respectfully submit that something more is required than the evidence of parties directly interested, to establish such a precedent as is attempted at Jog, and neighbourhood. Besides, it is worthy of consideration, that the main range is admitted to be the boundary, even in the vicinity of Jog, so long as it is inaccessible; but no sooner does a gap occur, however narrow, than the villagers claim to enter, and to proceed even to the brow of the hill overlooking the Sondoor valley. On what principle is this procedure attempted to be justified? The only argument that I am aware of, is the assertion that they have enjoyed the produce of such places for a long time. You will have seen, however, from the evidence which has been placed before you, that such an assertion cannot be admitted without considerable qualification. It is admitted that the villagers of Jog, &c., have, frequently, there as elsewhere, on the Sondoor Hills, cut and removed wood of various kinds, either when not observed, or when they assembled for the purpose in overwhelming numbers; but no length of continuance of such practice could ever establish even a prescriptive right, much less will it prove an original one.

6. In the case of Hera Gungadi Kolla, which gorge runs right through the main range, and opens into the Sondoor valley, if the claim is admitted, Sondoor, at that point, is virtually without a boundary.

7. Unfortunately, it was not the practice here formerly, to keep records for reference, and the hill territory being always farmed out, it is extremely difficult to obtain satisfactory documentary evidence, and the parts of the hill in dispute being too distant from any of the Sondoor villages to make them at all accessible to the Sondoor ryots, the only verbal evidence that we can adduce is that of such persons as can be found, who collected the seigniorage on behalf of one or

other of the contractors. But I feel assured that the question will obtain your attentive consideration from a broader point of view, and that the probabilities of the case will be duly weighed.

(True Copy.)

(Signed) J. MACARTNEY,
Agent.

ENCLOSURE No. 3.

From J. MACARTNEY, Esq., Agent to the Rajah of Sondoor, to the Collector of Bellary, dated 27th January 1868, No. 8.

1. I have the honor to acknowledge receipt of your letter, No. 22, dated 10th January 1868, forwarding copy of a letter* from the Acting Head Assistant Collector, on the subject of the disputed boundary in the vicinity of Jog and neighbouring villages, and inviting me, in the event of the report not being acquiesced in by me on behalf of the Rajah, to point out any grounds of appeal for your consideration. I gladly avail myself of the opportunity thus kindly afforded me, as I am convinced that the case, as regards the Rajah's claims, admits of a much more full and satisfactory vindication than the Acting Head Assistant Collector seems prepared to allow.

2. I think, too, that the Acting Head Assistant Collector has, to some extent, misapprehended the main point in dispute; at least, he has failed to give it due prominence. The conclusion arrived at by him, namely, that "the boundary line between Sondoor on its north-east frontier, and the Bellary district, runs along the crest of the outer range of hills, and that these slopes below belong to Her Majesty's Government,"† might be true and still leave the main points in dispute undetermined, for even if the said slopes belonged to Her Majesty's Government, a supposition which rests entirely on the directly interested evidence of the villagers of Jog, Cacaball, &c., and which is opposed to precedent, it would not follow that the gorges intersecting the main range, or "natural boundary of Sondoor," and extending for a mile or more beyond, until in one or two instances, their termination overlooks the Sondoor valley, also form a part of British territory. Were this principle admitted and rigidly applied to the western slopes of the Ramandroog range, the gorge containing the tank and gardens and the slopes of it as far as Hurricane Hall, nay, even, the entire plateau of Ramandroog; for "the rain water divides," on the crest of the hill overlooking the Sondoor valley, might all be claimed on behalf of Her Majesty's Government. Indeed, it is not too much to affirm that the admission of such a principle would imperil three-fourths of the Rajah's hill territory. I offer this illustration, as your personal knowledge of the locality to which it refers, will enable you to form an accurate opinion as to the real nature of the question at issue.

3. If the claim of the villagers of Jog, Cacaball, &c., extended merely to the lower and outer slopes of the main range, the question would be easy of solution; but their claim reaches to where the "rain water divides," and as the plateau on that side gradually slopes towards the north-east, and, judging from their incursions, nothing less would satisfy them than premission to ascend the hill to the crest on the Sondoor side.

4. If the gorges of Huvinbavi, Ramaculla, Hera, and a Chicka Gungadi, are admitted to belong to Her Majesty's Government, then the anomaly of two boundary lines running parallel to each other on the same side, will exist. For, after entering the main range nearly at right angles, through bold and rocky passes, they turn again either towards the east or west, along the middle of the range, gradually verging towards the Sondoor side. Now, as the outer face of the hill, parallel to their direction, is often so abrupt as to be inaccessible from Jog, it is clear that here two boundary lines are assumed, one being the slopes of the gorge, and the other the inaccessible face of the main range.

* Vide my letter, No. 35, of 5th November 1867, to the Acting Head Assistant Collector, copy of which I now forward.

5. The report of the Acting Head Assistant Collector, in recording the history of this dispute, seems to me to give the force of cumulative evidence to the statements respecting former decisions of the question. In paragraph 3 of his letter, referring to Mr. Robertson's decisions, he says that an order to this effect was passed, "that it was *proved* that the two Gungadies and Ramaculla were included in certain numbers belonging to Jog village, &c.," though it now appears that, if proved, this must have been done by false evidence, as the Acting Head Assistant Collector himself admits in paragraph 6 of his letter, on the authority of a careful measurement according to the Pymaish accounts, that the various numbers on the Sondoor side of Jog village, extend on the average to within 100 or 150 yards from the foot of the hill. It is clear, therefore, that Ramaculla and the two Gungadies which intersect the said hill, were not legitimately proved to be included in certain numbers belonging to Jog village, and I think it was clearly incumbent on the Acting Head Assistant Collector, to point out this important fact.

It is not admitted that the order was acquiesced in, but, even on the supposition that the late Rajah from insecurely trusting to arrangements between his contractors and the villagers, or from an indolent acquiescence in a decision of which he despaired to obtain a reversal, in the face of conflicting evidence on the part of the Talook and Village authorities, neglected or failed to prosecute his claim, such neglect did not invalidate the right of his heir and successor, and, consequently, could not furnish a legal ground for the subsequent decision of Mr. Hathaway, which, in other respects, is assailable, inasmuch as it rested on the same unsound basis as that of Mr. Robertson, and besides, was not the result of negotiation; for although I was invited, on behalf of the Rajah, to witness the survey and measurement, which, by the way, was made at the Rajah's expense, I was not furnished with a copy of the report thereon, nor of the map which was then made, nor was I permitted to see the statement of alleged facts submitted to the Board of Revenue, and approved of by them. I, therefore, cannot but regard the proceedings in both cases as informal and irregular, and, *as being based on misstatements of fact*, wholly invalid.

6. The mere fact that "entries occur in the accounts of the Curnum of Jog, as far back as 'Fuslies 1272 and 1275, showing that a tax had been collected for wood cut in the jungles denominated Gungadi and Ramaculla' is to my mind far from conclusive, as I am in the position to prove, by reliable evidence, that the question was disputed with the Government of Jog in the years previous to that in which the first of said entries occur. The subsequent deaths of the then ruler of Sondoor, Janik Bai Saib, and of her successor, and the consequent changes of Government that intervened up to the end of Fusly 1273, prevented due measures being taken to have the question definitively settled. In that year my attention was directed to the question, and an early opportunity was embraced by me of bringing it to the notice of the Collector. It is worthy of remark that no reliance was placed by the Curnum himself on said entries, until the former ground on which he claimed the territory in dispute, on behalf of Her Majesty's Government, was demonstrated to be untenable by its being shown, conclusively, that none of the disputed gorges were included in the Pymaish statement.

7. It is true that most of the documents produced on behalf of the Rajah are unauthenticated by signatures; but no further reason has been shown for discrediting these documents, and when it is remembered that they are produced, not from alleged Sondoor records, but from the memoranda of former contractors, whose servants give evidence in support of the facts which they record I do not see what reasonable grounds exist for discarding them as evidence. They are surely worthy of being placed, side by side, at least with the interested depositions of the ryots of Jog.

8. In recording the history of the case, paragraph 5 of his letter, the Acting Head Assistant Collector refers to the inscription on a tomb at Sondoor, relied on by me, as being, in the opinion of Mr. Lilly, of doubtful authenticity. I am totally unaware of the grounds of Mr. Lilly's opinion, not having seen his report; but in my opinion the said inscription furnished valuable corroborative evidence, and I see no reason to doubt its being thirty or forty years old at least, while it has been there beyond the memory of some of the oldest inhabitants of Sondoor. I think there is every probability that the inscription had its origin about the time when Sondoor was restored to the Rajah by Sir Thomas Munro.

9. The claim set up by the villagers of Jog, Cacaball, &c., would, if admitted, extend the territory of Her Majesty's Government considerably beyond, say a mile-and-a-half in some parts, the boundary line as exhibited in the Ordnance Map. I respectfully submit that stronger evidence is required than that of persons directly interested to establish so important a fact. They claim to ascend the Huvinbavi gorge almost to the point marked Timanghur in the Ordnance Map, and to the top of the hill under the letter T. of the name "Timanghur." This is Bedera Goota, and it was affirmed to be included in one of the numbers of the Jog Pymaish Settlement!

10. The Pymaish measurements extend a little past the sharp point of the boundary nearest Jog, and towards the main range. Close to where the measurement terminates is Huvinbavi, and the gorge of that name commences at the bight formed by the boundary line on the Map. I am of opinion that the line runs along the foot of the main range; indeed in many parts it must do so, and cannot be otherwise, as the hill is often precipitous and inaccessible, and the Pymaish measurement in no place touches it, and that, consequently, none of the gorges can be claimed on behalf of Her Majesty's Government. In expressing this opinion, I am guided in a great measure by precedent at all other parts of the hills surrounding Sondoor, and by knowledge of the locality which I have often traversed. In no other place are slopes of the main range claimed, unless the Pymaish measurement extends for a short distance on the slope, and only to that extent. The land included by a direct line from Huvinbavi towards the gorge of that name, and the continuation of the boundary line in a westerly direction, which together form a right angle, I am inclined to believe belongs to the Bellary district.

11. I beg you will kindly excuse the great length into which I have been led. The importance of the question as affecting the Rajah's interests must be my justification. Should you entertain any doubts as to the accuracy of my representations, it will afford me much gratification to show you the stone with the inscription, when you next come this way; it is only about a mile from my house; or to accompany you to the entrance of the gorges in dispute, from which the state of the question will be clearly understood.

(True Copy.)

(Signed) W. S. FOSTER,
Acting Sub-Collector in charge.

ENCLOSURE No. 4.—Sketch Map.

1. The Collector is referred to Board's Proceedings, dated 12th December 1865.
2. Mr. Wedderburn has given no sufficient reason for reopening the question.

(True Copies and Extract.)

(Signed) R. A. DALYELL,
Secretary.

To the Collector of Bellary,
with an original letter, and Sketch Map.

Exd. J. Wright.

BELLARY COLLECTOR'S OFFICE

No. 72

Dated { 30 October 1873

From,

THE COLLECTOR OF BELLARY.

To,

The Chief Secretary to Government

Sir,

I have the honor to address you on the subject of the demarcation of the Sundar territory.

2. Of late years, the Rajah has been deriving a considerable revenue by leasing out his forests to Contractors who supply Bellary with firewood. The consequence is that continual disputes are cropping up between these Contractors and the inhabitants of the villages lying contiguous to the borders, the latter rightly or wrongly alleging that they are prevented from enjoying privileges which they have possessed from time immemorial. Instances have occurred in which alleged trespassers have been apprehended and heavily fined by the

1863. Department

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 11th March 1863.

Per 3/4028/73

No. 1781.

Ln 13 11/14

Declining to re-open the question of disputed boundary line of Soudoor, and referring Collector of Bellary to Board's Proceedings dated 12th December 1865, passed on the subject.

Agent to the Rajah. These proceedings though possibly legal are in a manner exparte and the Rajah's Court becomes the self constituted arbiters of the boundary.

3. The Villagers not in one instance only feel that there is now no certainty. No boundary has ever been defined, and when disputes arise, reference has to be made to the old Survey accounts made out in the beginning of the century but the decisions given upon these data do not always satisfy them.

4. At this very moment, a dispute is pending between the Rajah and the Village of Garg in the Hospath Taluk. The Agent wishes me to depute an officer with competent powers to meet one nominated by the Rajah. This is an impossibility. I have no Covenanted Assistant and I myself am just about to go on circuit in an opposite direction.

5. The Revenue Survey Department is already at work in this district and in the course of time but only after very many years, will survey

the Taluks which encompass the Sundar territory, and thus the latter would ^{authoritatively} demarcated. This would of course cost the Rajah nothing.

6. What I would earnestly urge upon the Government is the advisability of having the territory demarcated as a separate work and as a whole. This course would be acceptable to all parties, and it would put a stop once for all to the petty disputes which are now so continually occurring.

7. The Survey Officer would have power to settle any disputes in conjunction with the Rajah's Agent, abiding of course by the decisions which may have already been given in any particular cases and which may have been sanctioned by Government.

I have the honor to be,
Sir,
Your most obedient servant,
R. Master
Collector

23.11.18
97

44-383 DEPARTMENT
BELLARY COLLECTOR'S OFFICE

BELLARY COLLECTOR'S OFFICE

Dated 30th Dec 1938 No. 7
Recd 31st Jan

Recd? 3? Nov

To,
The
Black Diamond

to General. For
Columbia

Enjolras.

Received

PL 82-10-⁶ Drawing 76

The foregoing are

resulting from the
burning of the

Sanborn - Jackson
West - Henry Jackson

Memorandum of
Procurement of

That state of
depression in

Wm T. H. Jones Esq.
L. Austin

I present to the Board of Revenue
 for their remarks. It is significant that the notes
 and numbers of my former correspondence on this
 subject may be found ~~in the~~ ^{in the} ~~file~~ ^{file} of all of my books

Decreed
5th
Entered & Returned
Novemb^r 1873

Sherebury Avenue