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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.
B.P. No.

569
B.M. (105-06)

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R 1874

101

*Proceedings of the Madras Government, Revenue Department,
8th May 1874.*

No. 105. Read the following Proceedings of the Board of Revenue, dated 24th April 1874, No. 969:—

Read the following letter from Colonel F. J. B. PRIESTLEY, Superintendent, Revenue Survey, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Chempauk, 9th March 1874, No. 618-24:—

REFERRING to Proceedings of the Board of Revenue, No. 2,288 of 11th November 1873, in which the Board express their opinion that "the reasons given by Mr. Gompertz for rejecting the claim of the Moganad villages are insufficient,"

Dated 3rd March 1874, No. 152-24.

I have the honour to submit copy of a letter from that officer, explaining fully

his reasons for arriving at the conclusion he came to in the matter of the boundary dispute between Kadathoor Proprietary Estate and the Shervaroy Hills, in the Utegarai Taluq, and trust that, under the circumstances therein stated, the Board will be pleased to exonerate him from all blame, and, if necessary, submit his letter to Government.

ENCLOSURE No. 1

From H. GOMPERTZ, Esq., Acting Deputy-Superintendent, No. 4, Revenue Survey Party, Madura, to Colonel F. J. B. PRIESTLEY, Superintendent, Revenue Survey, dated 3rd March 1874, No. 152-24.

I HAVE the honour to acknowledge receipt of Proceedings, Madras Government, Nos. 158 and 246 of 4th and 24th February respectively, passing orders as to the settlement of a Boundary between the Government Village of Moganad on the Shevaroy Hills and the Kadathoor Muttah.

2. In your letter recorded in the second of these Proceedings, you have pointed out that the existing settlement was not made by me and that I merely reported on the matter as ordered by the Deputy-Superintendent I was then working under. I have now the honour to state that by his wish I did not go more fully into the matter, as I should certainly have desired, had I known that it would have been brought before Government, but (if my memory serves) Mr. Longley simply asked us to settle the case, which we did. I very much regret I should not have seen Mr. Longley's letter till so late, but I consider I am bound in justice to myself (especially as it is more than implied that my proceedings were hasty and ill considered) to lay before the Board and Government the reasons which led to the conclusion I came to, and trust they will see reason entirely to exonerate me from all blame and to place on record that, whatever action *they* may take, I could have acted only as I did. I have therefore the honour to request that this letter may be submitted in extenso to the Board and Government.

3. I am fortunately in a position to go pretty fully into the matter, as I took great pains over the enquiry, and recorded the evidence when taken in a pocket book which I still have. I would first venture to point out that Mr. Longley seems to forget that the Settlement Officer (under whom the boundary was settled) is specially appointed to represent Government, and that in Section XXII. of Act XXVIII. of 1860, that officer is again specifically named as the party who shall represent Government in disputes between Government and lands held by Zemindars, etc. It would seem to me, therefore, that as the Boundary was admittedly laid down under the orders of the Settlement Officer, the land in question can hardly be said to have been "wrongly, irregularly, and without authority" demarcated, and in any case it must, I think, be admitted that under the rules laid down for our guidance (approved by the Board and Government) I was bound to accept such a decision and to consider it, followed as the Government Curnam admits it to have been, by acts of exclusive ownership (stopping cutting bamboos and pounding cattle) as good evidence of possession, which we are ordered to respect.

*Proceedings of the Madras Government, Revenue Department,
8th May 1874.*

4. Mr. Longley is entirely in error in saying that I only say notice *must* have been given to the Hill Monegar and villagers; it is quite true that arguing from the fact that notice *was* given to the Mootahdar, I draw the conclusion it was also given to the Government villagers, but in the next paragraph, I give the evidence of the Mutaahdar, and the Mutaah Gumastah, who both assert that the men *were* present; and of the *Government Curram* who admits that a notice was received and this was also admitted by the Vakeel who appeared for the Moganad villagers. It seems to me then that the only conclusion possible was the one I came to.

5. With reference to Mr. Longley's remark, that the grounds I allege for considering the Sasanam produced a forgery are "utterly futile," I beg to remark that I have distinctly stated in paragraph 5 of my letter to Colonel Hessey, No. 19 of 26th November 1872, printed with these Proceedings, that I have *not* given my grounds but only my conclusions. I now beg to give those grounds, as I recorded them at the time. I write of the Sasanam —

"This when produced turns out to be a copper plate; it has two holes evidently for nailing it against something, and yet is written *on both sides*. It has 'Macleod' written (after a fashion) near the bottom of the first side, but I much doubt the thing being genuine. I would certainly never affix my signature in such a fashion. Moreover, *after the signature, before which the boundaries are given,*" comes a second description of the boundaries, written as it appears to me in a different hand and style altogether. I never saw a thing of the sort before, and should be disposed to reject the whole; if I admitted it at all, certainly to reject all below the signature (?) moreover, it has been discovered *since* the Inspector made his enquiry, which is most suspicious" (that is within a month or two previous, when a Revenue Inspector was sent to enquire by Colonel Hessey). The boundaries given *above* the signature tell against complaint; it says the land lies to the *south* of the "anicut river" explained to be the Vepadi. This runs nearly parallel to the dispute from south to north, but at south corner it takes a bend to the east and the whole land in dispute is, therefore, to north and east of it and not one foot to the south. "They then said a sketch had been made by one Mr. Lakin for Government some twelve years ago; in which, and on the ground, the whole of the Shervaroy Hills had been marked for Government. They said they did not know *what* Mr. Lakin was, but it turned out he is a coffee planter. He may perhaps have been one of our surveyors there; I do not know the name. Eventually they admitted that at the part in dispute the stones had been fixed on the west of the Vepadi and had the impudence to declare that the *whole* of Pooliakombay village belonged to Government! a claim never made before and clearly negatived by the production of the Istimrar Sanad in which Pooliakombay is entered as one of the villages of the mootah. All this was got at by my cross-examination after much prevarication.

"They said they had no other accounts of any sort, but could bring any number of witnesses to prove the land belonged to the Shervaroy Hills, which no doubt would be extremely easy."

6. I beg it may be remembered that these are merely rough notes, taken at the time for my own information only, and that they have been copied exactly as they were written. Not content with this, I had a thorough search made amongst the records of the Collector's Cutcherry, but neither a copy of the Sasanam on copper, or paper, nor any document in any way referring to it could be found. I then went there myself and examined a number of old documents bearing Mr. Macleod's signature, to see if he had ever signed "Macleod" only, but no single such signature could be found. I think, therefore, I was justified in looking on the Sasanam as a forgery, more especially when, as I say, no ownership had been exercised under it, and it could so very easily be made in the bazaar. I took rubbings of the alleged signature and of the writing above and below, which I showed Colonel Hessey, but which I have unfortunately lost.

7. With reference to the alleged honey stone putta, I think I could scarcely have been expected to receive an unauthenticated copy, when the parties had ample time to produce an authenticated one, or even the original; had I accepted such a thing, the Collector would, I am sure, have been the first to complain (and very properly) if it had told against him.

*Proceedings of the Madras Government, Revenue Department,
8th May 1874.*

8. As to possession, I respectfully submit that the Muttahdar undoubtedly has it since the demarcation (1860) and I can hardly consider it disputed, when I find it vigorously upheld by stopping cutting of firewood and pounding cattle. I never said, as Mr. Longley says I did, in paragraph 4 of his letter, that the land now in dispute was given to the Muttahdar about twelve years ago; I do say he has had it since, and for anything I know he may have had it many years before.

9. I camped near the ground for two or three days; I then moved to Salem in order to examine the Curram and Collector's records there; I can conscientiously say the enquiry was conducted with the greatest care. I may say without undue self-assertion that my experience in such matters has been considerable, as has that of the officers who accepted my conclusions, and I trust therefore Government will think I had good reasons for again wishing to bring the matter under their notice.

(True Copy.)

(Signed) H. GOMPERTZ,
Acting Deputy-Supt., Revenue Survey.

Mr. Gompertz' letter will be submitted to Government with reference to G. O. 4th February 1874, No. 158.

2. The Board had no intention of imputing any blame to Mr. Gompertz with regard to the demarcation between Moganad and the Kadathoor Muttah. All that they assert is that the requirements of the law were not observed in determining the boundary, and that the reasons given by Mr. Gompertz in his letter of the 26th November 1872 (to the Deputy-Superintendent, No. 1 Revenue Survey) were insufficient.

3. Further reasons and additional information are now given and they show that Mr. Gompertz made a careful inquiry and had good grounds for his conclusions, but it is unnecessary to discuss the letter in detail as a fresh inquiry has been ordered.

No. 106. ORDER THEREON, 8th May 1874, No. 569.

Miscellaneous.

RECORDED.

(True Extract.)

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

To the Board of Revenue.

Exd. F. R. Bantleman.

No. 960.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 24th April 1874.

Read the following letter from Colonel F. J. B. PRIESTLEY, Superintendent, Revenue Survey, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Chepauk, 9th March 1874, No. 618-24:—

REFERRING to Proceedings of the Board of Revenue, No. 2,283 of 11th November 1873, in which the Board express their opinion that "the reasons given by Mr. Gompertz for rejecting the claim of the Moganad villages are insufficient,"

Dated 3rd March 1874, No. 152-24.

I have the honour to submit copy of a letter from that officer, explaining fully his reasons for arriving at the conclusion he came to in the matter of the boundary dispute between Kadathoor Proprietary Estate and the Shervaroy Hills, in the Utegarai Taluq, and trust that, under the circumstances therein stated, the Board will be pleased to exonerate him from all blame, and, if necessary, submit his letter to Government.

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2. In your letter recorded in the second of these Proceedings, you have pointed out that the existing settlement was not made by me and that I merely reported on the matter as ordered by the Deputy-Superintendent I was then working under. I have now the honour to state that by his wish I did not go more fully into the matter, as I should certainly have desired, had I known that it would have been brought before Government, but (if my memory serves) Mr. Longley simply asked us to settle the case, which we did. I very much regret I should not have seen Mr. Longley's letter till so late, but I consider I am bound in justice to myself (especially as it is more than implied that my proceedings were hasty and ill considered) to lay before the Board and Government the reasons which led to the conclusion I came to, and trust they will see reason entirely to exonerate me from all blame and to place on record that, whatever action they may take, I could have acted only as I did. I have therefore the honour to request that this letter may be submitted in extenso to the Board and Government.

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Director of the Survey in Madras
Moganad, Shevaroy Hills—Revenue Survey
Proceedings, No. 158 and 246 of 4th and 24th February
as to the settlement of a Boundary between the
Government Village of Moganad on the Shevaroy Hills
and the Kadathoor Muttah.

MAY.
No. 152-24.

C. O. S. M. P. N. A. No. 152-24.

RECEIVED

SECRETARY TO THE BOARD OF REVENUE

REVENUE.

Cont. of 1874

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(True Copy.)

(Signed) H. GOMPERTZ,
Acting Deputy-Supt., Revenue Survey.

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(A true Copy and Extract.)

J. G. G.
Secretary.

To the Acting Secretary to Government, Revenue Department.
.. the Superintendent of Revenue Survey.

Copy to the Director of Revenue Settlement.

.. to the Collector of Salem.

.. to the Inspector of Forests.

Exd. G. A. Turton.

4th May/74 No 25-29
24 — 26 — 206-107

11th 1433

Revenue, 1874, Department

BOARD of Revenue,

MADRAS.

PROCEEDINGS, 24TH APRIL 1874, No. 969.

24th 19 May/74. Encl.

Received 2nd May/74

APRIL.
No. 969.

Hill slope in Moyana village—of Sheva-roy Hills, Salem District.—Letter from Superintendent, Revenue Survey, forwarding copy of one from Deputy-Superintendent Mr. Gompertz, explaining his reasons for demarcation of — as belonging to Kadathoor Mutah instead of to Government village of Moyana, submitted to Government.

20569

8 May/74

(8)

14th 20th of Rev. 20th 15 May/74

27th May/74. R 57