

(1) Number of Pages..... 30
(2) Date of repair..... 16.3.68
(3) Initials of the Referencer..... 27.4.68

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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

1745

Press
~~Mis.~~

Dated 3.12.1875 196 .

Not to be folded or roughly handled

No. 54. Read the following Proceedings of the Board of Revenue, dated 5th November 1875, No. 3,041 :—

Read the following letter from J. H. MASTER, Esq., Collector of Bellary, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 26th August 1875, No. 329 :—

I HAVE the honor to submit the papers connected with the dispute regarding the boundary between the Sundoor State and British Territory.

2. In G.O., No. 1,120, of the 1st September 1874, sanction was given to the matter being negotiated by an officer of the Revenue Survey Department. Mr. Wright, in company with the Rajah's Agent, Mr. Macartney, went round the whole boundary; and in the month of March last, when he had completed the tour, Mr. Wright addressed a letter to me asking whether the question that the limits of our "pymaish" or old survey accounts were to be accepted as the boundary was to be considered settled as the Rajah's Agent would consent to nothing else.

3. I replied that the matter could only be settled by a reference to higher authority, and that I did not think it advisable to make the reference at that stage of the proceedings as, if admitted, it would be yielding *in toto* to the claims of the Sundoor State without inquiry into the claims put forth by the surrounding villagers. I, therefore, requested him, after inquiry as to the enjoyment of the villages lying contiguous, to furnish a detailed report, with plans, showing the line he might decide upon and that claimed by the Rajah's Agent.

4. This report he furnished in May last; but, as it had not been seen by Mr. Macartney, I referred it to him in order that he might make his remarks upon it. These he has now furnished.

5. It will be observed by the map which has been prepared that in most of the cases in dispute Mr. Wright has proposed a line of boundary giving about half to either side. This decision Mr. Macartney calls arbitrary and not grounded on any general principle.

6. It would be useless for me to go through the remarks of either gentlemen with reference to each particular locality in dispute, suffice it to say that, although Mr. Macartney has, in certain instances, ceded the claim of our villages to a small portion of the outer slopes of the Sundoor Hills, as a general rule he claims that the limits of the land mentioned in our pymaish or old survey accounts should be the utmost which can be claimed by the Government, and that all land beyond those limits must be considered to be the Rajah's. The matter, except only the Ramandroog Range, in the demarcation of which an agreement has been effected, is therefore, I regret to say, as far-off settlement as ever.

7. The fact is that the Government have, in the decision of a former boundary dispute—that between Sundoor and Jog,—admitted, upon the recommendation of Mr. Clogstoun, the principle now

Vide G.O., Political, No. 190, dated 2nd June 1869.

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put forward, and Mr. Macartney, on behalf of the Rajah, now states his willingness that the matter should be left to the arbitration of that gentleman.

Copy of letter from the Agent to the Rajah of Sundoor, No. 11, 20th March 1875, to the First Assistant Superintendent, Revenue Survey.

Letter from the First Assistant Superintendent, Revenue Survey, No. 8, dated 22nd March 1875, to the Collector of Bellary.

Copy of Collector's letter, No. 397, dated 24th March 1875, to the First Assistant Superintendent, Revenue Survey.

Letter from the Agent to Rajah of Sundoor, No. 19, dated 1st May 1875, to the First Assistant Superintendent, Revenue Survey.

Summary of Evidence regarding the Sundoor Boundary, dated 8th May 1875, taken by the first Assistant Superintendent, Revenue Survey.

Report of the First Assistant Superintendent, Revenue Survey, on the proposed settlement of the Sundoor Boundary, 13th May 1875.

Letter from the Agent to the Rajah of Sundoor, No. 31, dated 10th July 1875, to the Collector of Bellary.

Map of the disputed boundary.

8. I think that, under the circumstances, notwithstanding that that gentleman may in a manner be committed to a certain opinion, his appointment as arbitrator would be the only way of settling the matter satisfactorily to the Rajah, and I therefore recommend that the Government be requested to sanction it. Mr. Clogstoun would simply have to go over the ground with the map, record of evidence, &c., which have already been prepared.

9. The correspondence, as per margin, is enclosed. I request that it may be returned eventually. A map also accompanies.

ENCLOSURE No. 1.

From J. MACARTNEY, Esq., Agent to the Rajah of Sundoor, to J. H. WRIGHT, Esq., First Assistant Superintendent, Revenue Survey, Bellary District, dated Golurlinganhully, 20th March 1875, No. 11.

HAVING now completed our circuit of the Sundoor State, I have the honor to explain to you what are the claims put forth on the part of Sundoor and my views generally as to the validity of those claims.

2. The present Rajah succeeded to his paternal inheritance in 1863 with the understanding that its limits had been defined by the Revenue Settlement of the late Sir Thomas Munro in 1803-4. Subsequently to the last-mentioned dates the State was taken possession of by the Honorable East India Company on behalf of the last of the Peishwas, who soon after broke faith with the Company. The State, therefore, was not handed over to the Peishwa, but some years later, on the accession of Sir Thomas Munro to the Governorship of Madras, one of his first acts was to have it restored to its original owner, who was reinstated in the enjoyment of all his former rights, privileges, and immunities. About that time an inscription appears to have been made on a stone in a small muttum or mausoleum at Chicka Sundoor mentioning the fact of the restoration of the State and in a rough way defining its boundary at salient points. Though this inscription does not refer by name to the pymaish settlement of 1803-4, yet it contains references to portions of it and is not inconsistent with it on the whole.

3. Since 1863 the Rajah has exercised the civil and criminal jurisdiction handed down to him to the fullest extent within the aforesaid limits as far as they were ascertainable by him and without let or hindrance on the part of the highest local Government authorities, the only question arising from time to time being as to whether he had exceeded those limits, and, on proof being given that he had not, the matter was forthwith dropped. He has, therefore, clearly a right to assume that, on the part of Her Majesty's Government, his claims are not contested. As regards all others whatsoever, it is for them to prove their title as against him and not for him to prove his against them.

4. This brings me to notice the claims of enjoyment on the part of surrounding villagers. The extravagance and absurdity of many of these claims must be as apparent to you as they are

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to myself. That there has been a quasi-enjoyment is not denied by the Rajah. Sundoor is mainly hill territory, though there would not be much of it left were the claims of the British villagers admitted, and it would be utterly impracticable for the Rajah to prevent frequent trespass. Besides, the hills are farmed out yearly to contractors, who in their turn sublet portions to others and not unfrequently to the villagers themselves. Now it is evident that any privileges whatsoever allowed on the Rajah's estate by persons of this class could never be a ground for establishing a prescriptive right if indeed such a right can, under any circumstances, be established against a Sovereign State, a supposition which I very much question. Then again to constitute any title by prescription even under the most favorable circumstances, there must have been an uninterrupted user, exercised *nec vi, nec clam, nec precario*, which cannot be proved to have existed in reference to the present claims.

5. That there are *prima facie* reasons for assuming the pymaish limits to be the true boundary of Sundoor appears, I submit, from the following considerations, viz. :—

(a.) It is very unlikely that Sir Thomas Munro would in his settlement fix the boundary at parts and leave it to be determined in other places by ignorant and rapacious villagers and cunning and unscrupulous curmish. I use these epithets advisedly and as the result of my knowledge of many of them.

(b.) That in many places the limits of the pymaish are, in point of fact, the true boundary, though even in such places almost unlimited enjoyment is claimed, and in many others the said limits approach very near the same hill which the accounts call the Sundoor Hill, leaving a margin of cultivable land at the extreme slope, and that, if such land had then belonged to British territory, it would have certainly been included in the pymaish.

(c.) That formerly the main cordon of hills around Sundoor was considered to be its principal defence, but they would have been its chief source of weakness if the real boundary had been on the tops of the hills as now claimed and not as generally at the pymaish limits near the base. In substantial corroboration of the opinions which I have here expressed, allow me to refer you to Mr. Clogstoun's report on the settlement of the Jog dispute, where, after personal examination and inquiry, he expresses his confident opinion as to the general run of the Sundoor boundary.

6. In conclusion, I cannot but express my regret that you should have so hastily this morning come to the conclusion you did in reference to the Sundoor claims as regards the Motalacoonta boundary, the question never having been discussed by us, nor even the evidence on the part of Sundoor called for. In order to prevent a dead lock at the very threshold of our demarcation work, I made concessions beyond my opinion of the justice of the case, but in future I shall adhere to the pymaish as the boundary until it has been proved not to be so.

(True Copy.)

(Signed) J. H. MASTER,
Collector.

ENCLOSURE No. 2.

From J. H. WRIGHT, Esq., First Assistant Superintendent, Revenue Survey, to J. H. MASTER, Esq., Collector of Bellary, dated Golurlinganhully, 22nd March 1875, No. 8.

I HAVE the honor to enclose an original letter, No. 11 (to be returned), dated 20th March 1875, from the Sundoor Rajah's Agent, and request you will be good enough to inform me how I am to act with reference to paragraph 6 of his letter as he will admit no boundary but the limits of our pymaish, which, if admitted by you, will have to be carefully measured up by the Revenue Inspectors all round the estate and then be demarcated with stones.

2. I presume, if the boundary demanded by the Agent is admitted, all further negotiation must cease, but I may here remark the Government villages strongly protest against such proceedings.

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3. With reference to the Agent's remark regarding my hasty conclusion, I beg to inform you I merely stated, after inspecting the boundary from the top of the hills, I could not admit the narrow chains of hills running between Motalakunta and Bummagunda, both Government villages, belonged to Sundoor, as, in my experience of such cases, the top of the hills formed the boundary between the two villages, but the Agent will not admit any enjoyment by the Government villages beyond their pymaish.

ENCLOSURE No. 3.

From J. H. MASTER, Esq., Collector of Bellary, to J. H. WRIGHT, Esq., First Assistant Superintendent, Revenue Survey, dated Ramandroog, 24th March 1875, No. 397.

In acknowledging your letter, No. 8, dated the 22nd instant, and its enclosure herewith returned, I have the honor to state that the question as to whether the limits of our pymaish accounts are to constitute the boundary of Sundoor can only be settled by Government.

2. I do not think, however, that at this stage of the inquiry it would be advisable to refer this question only if agreed to, as it would in fact be yielding *in toto* to the claims of the Sundoor State with regard to the fixing of the boundary.

3. The Government will only be able to decide upon your detailed report with maps and plans of the whole length of the line in dispute, which should show exactly the limits you have found on inquiry to have been in the enjoyment of the villages lying contiguous, and the limits claimed by the Rajah's Agent, *viz.*, the pymaish.

(True Copy.)

(Signed) J. H. MASTER,
Collector.

ENCLOSURE No. 4.

From J. MACARTNEY, Esq., Agent to the Rajah of Sundoor, to J. H. WRIGHT, Esq., First Assistant Superintendent, Revenue Survey, No. 2, Bellary, dated Sundoor, 1st May 1875, No. 19.

In reply to your demi-official note of the 25th ultimo, I have the honor to furnish you with a statement of the boundary which, on behalf of the Rajah, I am prepared to accept and as to considerable portions of which we are agreed.

2. Commencing with the trijunction of Rajahpur, Mysore, and Sundoor, a line drawn across the entrance of Baghala Kolla and passing along the outer slope of Patcha-rayana tattoo at the foot of the hill rounding the end of the hill in the same form and proceeding to Toombre Marada Kolla, then bending outwards and passing along the outer slope of Ur-hindina tattoo at about half the slope, thus crossing Veerabhadrada Gundi and proceeding in the same way along the outer slope of Hanamappana Goodda, thence along the pymaish limits of Linganhully to the Yettinhutty lands ranging with those of Bunnyhutty and Gouripur, the line proceeds in a slanting direction to the Murarapur Hill. From the point of its junction with the hill it then proceeds along the middle of the outer slope of the Murarapur hill to a stone at the end of the same. Thence the boundary is already settled up to the mouth of Hiri-Gungadi Kolla, from which point it proceeds along Kanigin Marada Kolla, crossing a saddle called Addi Dibba and proceeding along a kolla nearly in the same line to Hadi Dhone, thence along the boundary of the Shettikeri cultivation towards the north-west and crossing another saddle at the lowest point and proceeding along the foot of the inner block of hills close to Jogappana Kolla, and on in a similar way past Kurdi Kolla, from which point the line runs along the face of the hill at about half the slope to the wall called Mikada Kotta, running from the top of the hill to the Hospett road. A straight line from the point of its junction with this part of Mikada Kota on to Sujji-haravoo, thence to Belladachina Kanavi and on to Bella Murada Kanavi, and so over the Droog range to Hali Kalavi, the junction of Sundoor, Yessankeri, and Dhanapur. The line then takes a southern direction at a uniform distance

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from the Ramandroog range, to wit, the distance of the stone called Katana from the foot of Ramandroog on as far as to Tattigina Mardi, then in a westerly direction along the rising ground forming the water-shed for the Rajahpur tank and Garg, and so on to Bode Bande, thence to a large banyan tree and along the cultivated lands of Somalapur, and back to the foot of the main range thence along the Ankamanhall and Sanyasihully lands as marked out by my curnams, rounding "Jiggenhully Manna Dibba" at the base, and proceeding, as marked, partly on the slope of Manna Dibba eastward as far as to a series of small hills running south and joined to the Toomergudi Manna Dibba. I would observe that I use the distinctive terms "Jiggenhully" and "Toomergudi" merely to mark the respective dibbas; the line proposed runs along the aforesaid series of small hills to the Toomergudi Manna Dibba, turns again to the west and proceeds along the slope of the latter Manna Dibba at a distance of half the slope; rounds it and proceeds eastward along the southern base of the Dibba to the foot of Boodhala Gundina Kolla; then southwards along the foot of the main chain to the beginning of the Swamyhully boundary, thence the line runs again eastward, cutting the numerous Kollas at the entrance, and the corresponding spurs at a varying distance from the pymaish limits below along the Swamyhully and Tonashigherry lands. At Badayana Goodda (No. 140 of the pymaish of Tonashigherry) the line bends in a southerly direction between Badayana Goodda and the main range, a stream of water there being the boundary on to the month of Nir Kolla. The spurs and kollas along the Golarlinganhully boundary are all passed similarly at about an average distance of one-third of the outer slope of the main chain, and the same distance from the pymaish limits on to Chinna Jolada Rasi; it then passes in a north-easterly direction between the hills of Hiri and Chinna Jolada Rasi; then eastwards along a kolla between the former and Bande-haravina Goodda; rounds the latter along Ashina Marida Kolla, and proceeds along the lower slopes of Bande-haravina Goodda at about an equal distance from the pymaish limits and the hill proper on to Bande Kolla at the entrance, whence the line proceeds eastwards to the foot of the Mysore Baunds, *viz.*, the trijunction of Paiyanhully, Motalacconta, and Sundoor.

ENCLOSURE No. 5.

Report on the Proposed Settlement of Sundoor Boundary as directed in the Order of Government, No. 1,120, of 1st September 1874.

I have inspected the whole of the boundary in company with Mr. J. Macartney, Agent for the Rajah of Sundoor; also the Tahsildars of the Hospett and Kudlighi Taluqs with their Revenue Inspectors were present.

2. It was deemed advisable to go right round the boundary of the Sundoor territory before coming to any decision. We commenced operations at Rajapuram in the Hospett Taluq from the already-settled junction of Sundoor and the Mysore territory and closed at Motalakunta, Kudlighi Taluq, on the other settled junction of Sundoor and the Mysore territory, taking the evidence of the different villagers connected with the disputed boundary, at the same time preparing a rough sketch. On the sketch map the portion of the boundary settled by mutual agreement is indicated by a plain red line, and the line BCDEF was settled by Mr. Clogstoun in 1869 as per Order of Government, No. 190, dated 2nd June 1869. The plain black line is the boundary proposed by the Agent of Sundoor. The portions colored yellow are still in dispute.

3. The black dotted line indicates the boundary claimed by the adjoining Government villagers.

4. The red line between the plain black and dotted lines indicates the boundary I would propose in the disputed portion.

5. *Rajahpuram and Ubbalagandi.*—At Rajahpuram and Ubbalagandi the main chain of hills of Sundoor lie next to Nowlooty and Matkalpenta at Gungalalunchi Gudda, and run on to the Yettinhutty pass; in the front on the east side of the main chain of hills are small ranges of hills lower in elevation. The cultivation extends to the foot of the outer range of hills in both these

villages. The Agent of Sundoor proposes his boundary should run from the settled point at Raganakallathahallah along the foot of the outer slopes of the hills up to Tumbramoratha Kollah, from thence half the outer slopes up to the pymaish of Linganhally next to the Yetthinbatty land as per his letter No. 19.

6. As I consider the Government villagers have a strong claim to a portion of the hills for grazing, &c., I would propose their boundary should run from the settled point at Raganakallathahallah to the top of Patcharayanakonda and along the tops of the hills to Vobamattina-aravu Konda across the second inner range of hills to the foot of the main chain of hills. Gungalalunchi Gudda, along the same valley up to a saddle of the hills near the mango trees (but excluding the latter) to Anumappana Konda, and so on along the tops of the ridge of the outer range of hills next to Ayanahully to the undisputed boundary of Linganhally next to Yetthinbatty.

7. *From Yetthinbatty to Joga.*—From the junction of Yetthinbatty and Gouripuram cultivation at the foot of the hills. The Agent of Sundoor proposes his boundary should go along half the outer slopes of the hills to a stone marked A next to Joga said to be already settled by Mr. Clogstoun in 1869.

8. I would propose the boundary should run from the junction of Yetthinbatty and Gouripuram to a saddle on the hills next to Morarpur, thence to Hirayettinagudda along the tops of these hills to the end at Mausenavadevu Gudda, then round on the tops of the hills opposite to and down the slopes to the stone B at Huvarihavi. Though there is a stone at A on the ground near Joga and claimed by the Agent of Sundoor as part of the boundary settled in 1869, it is not mentioned in the settlement by Mr. Clogstoun, but the stones from B at Huvarihavi to F at Hiragungadi are entered, and the same are owned by the Joga villagers as the boundary settled, but they know nothing about the stone at A.

9. *From Joga to Koriganur.*—The Agent of Sundoor proposes his boundary should go from the stone F at Hiragungadi along the valley up Kaniginamarathu Kollah next the Joga and Kakhall hills to Adda Dibba, then along the valley to the foot of the hills at Abtakumbibe, and along the foot of the hills at Shettikeri, skirting the cultivation of Papanackenhally to a saddle on the hills and crossing the saddle goes along the foot of the eastern slopes to Jogapana Kollah, so on along the foot of the slopes of the outer range of hills to Karidi Kollah, and from this point along half the slopes of the outer range of hills to Mikathakota, next to Kaniganur and up the hill to Sudja-aravu next to Kulhully.

10. I would propose the boundary should run from the stone F at Hiragungadi to the top of the lower range of hills on to the upper part of Adda Dibba. So on along the hills to the foot of Ambasamudram Kollah, which is the foot of the main chain of hills, then along the tops of the lower range of hills to the foot of Jogapana Kollah, from thence across the top of a lower range of hills to the foot of the main chain of hills skirting the same. Then up a ravine to Tamaratha Matti near Sudja-aravu.

11. I consider the Government villagers have a claim to this boundary, for the Papanackenhally villagers have nearly 100 acres of cultivation in Shettikeri valley, which is also in the pymaish. Also the Jugligi villagers have cultivated about 10 acres of land in the valley behind Karidi Kollah for twenty years without any dispute, though it is not included in the pymaish, which account extends only to the foot of the outer slopes of the hills. Between Kalhally in the Hospett Taluq and Madarnally in Sundoor there is no dispute.

12. The above boundary still gives to Sundoor what is called the main chain of hills and what they consider an important line for defence.

13. *From Danapuram to Konanihally.*—The Agent of Sundoor proposes his boundary should run from the hill called Bellamaratha Kovini Gudda down the hill to Hulikalavi about 800 feet from the foot of the hills, which is the distance the Katana stone is from the foot of the big hills near the Nagalapuram Ghaut, and to be continued at the same uniform distance to the boundary of Kaminihally, then along the water-shed to Boda Bandi, the junction of the Hospett and Kudlighi Taluqs.

14. I quite agree with this boundary, and the Revenue Inspector informed me the villagers also concurred, and will be very glad to have the limits demarcated as soon as possible to put an end to the continual quarrels which have been going on for a number of years past.

15. There is no dispute along the boundary of Bandri and Somalapuram next to Kaminihally of Sundoor up to a stone at the foot of Muttumaridi.

16. *From Somalapuram to Samhully.*—The Agent of Sundoor proposes his boundary should run from the stone at Muttumaridi along the foot of the hills as indicated by the black line on the sketch map up to the foot of Mamidimoratha Kollah, then round the outside of Jingemhally Manna Dibba to the foot of the big hills, again near Angadihiranhally, so on round the Tummaragudi Manna Dibba along the foot of the hills to Nuchandratha Kollah next to Samhully.

17. *Samhully to Bomalagunda.*—From the junction of Maladevanahally and Samhully at the foot of the big hills, the Agent of Sundoor marked out roughly with sticks and small bamboos his boundary which runs on the slopes of the spurs from the big hills about one-fourth of the slopes to within a certain distance of Neera Kollah where the stream is made the boundary till it turns towards Honimaratha Kollah up the slopes to about one-third of the outer slopes, and so continues up to the end of Gollalinganahully boundary next to Bomalagunda.

18. *Bomalagunda and Motalakunta to the Mysore Boundary.*—The Sundoor boundary then goes round the outside of Chinna Joladarasi, crosses a saddle, and so on down the drainage on the north side of Pedda Joladarasi up Ashinamarida Kollah round the foot of the outer slopes of Bandi-aravana Gudda to the foot of Bandi Kollah, then up the rising ground to the point already settled at A next to the Mysore territory.

19. I would propose the boundary of Sundoor should go from the stone near Muttumaridi up the hills to Bodulagundu to Kirabkalagudda; cross the saddle between Kanganadattagudda and the main range of hills and be continued along half the outer slope of the main range of hills up to Sambravikolah at Bomalagunda, then up the hills to the top at Bandi Kollah, across to the watershed near and at the settled point A next to the Mysore territory.

20. The pymaish of Akkanahully and Ankamanhal extends on both sides of Kangaradattagudda.

21. The two blocks of land called Manna Dibba are table lands unfit for cultivation, but covered with brushwood and in the rainy season with grass rising from an elevation of about 40 feet to 100 feet at the foot of the main range of hills.

22. The pymaish of Angadi-hiranhally comes up to nearly the foot of the outer slopes of Sillah Kollah.

23. The cultivation of Samhully is carried on up to the foot of the hills. It is evident from the long period the mango trees in Neeru Kollah have been enjoyed under a putta in Tanasagedy that land belongs to Government and not to Sundoor, also they have some inam land at the foot of the same kollah.

24. The cultivation of Golurlinganahally extends all along the foot of the hills.

25. The land belonging to Bomalagunda is situated on one side of Bandi-aravana Gudda and that of Motalakunta on the other side, which causes me to conclude the hills belong to them.

26. The Agent of Sundoor proposes the parts of the boundary remaining unsettled should be settled by arbitration.

27. The following documents accompany this report:—

One Summary of Evidence regarding Sundoor boundary.

One Letter, No. 19, of 1st May 1875, from the Agent of Sundoor.

One Report on the boundary from the Kudlighi Taluq Tahsildar.

One Arzi from the Hospett Taluq Tahsildar regarding the Ayanahully boundary.

One Sketch map.

BELLARY,
13th May 1875.

(Signed) J. H. WRIGHT,
First Assistant Superintendent,
No. 2, Revenue Survey.

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ENCLOSURE No. 6.

From J. MACARTNEY, Esq., Agent to the Rajah of Sundoor, to J. H. MASTER, Esq., Collector of Bellary, dated Sundoor, 10th July 1875, No. 31.

In reply to your letter, No. 751, dated 4th ultimo, I have the honor to submit the following remarks on Mr. Wright's proposed settlement of the Sundoor boundary :—

1. Mr. Wright enunciates no general principle on the basis of which a settlement could be made. I presume, therefore, he has none to offer. He seldom assigns any reasons for the boundary which he proposes, nor does he attempt to controvert the principles laid down by me in my letter, No. 11, dated 20th March last, though I cannot but regard them as worthy of careful attention. In every case in dispute his proposed settlement appears to me most arbitrary, and therefore anything but satisfactory.

2. To begin at the junction of Rajahpur, Mysore, and Sundoor, I would observe that the hill named Patcharayana Konda is a continuation of the same range which forms the boundary between Mysore and Sundoor; and, as the pynaish of Rajahpur runs along the foot of its slopes, I am at a loss to understand why the continuation of the boundary should at once assume such an eccentric sweep as that proposed by Mr. Wright, the more especially as until we met on the ground no claim on the part of the villagers of Rajahpur had been made for more than the whole of the outer slopes of Patcharayana Konda. Their present claim, like many others, appears to have been set up simply with the view of getting as much as they could of what was hitherto considered to be a part of Sundoor and with the knowledge that they incurred no risks however extravagant their claims might be.

3. The same remarks are more or less applicable to the proposed Wobligundi boundary. Mr. Wright's view of what constitutes the main range seems to me a narrow and contracted one. At this point, as at many others, the main range comprises a block chain cut up, I admit, by deep valleys parallel to the run of the hills, but the ridges formed being connected at both ends with what Mr. Wright calls the main range. The pymaish limits here as at Rajahpur skirt the foot of the outer slopes. Mr. Wright states that the Government villagers have a *strong* claim to that portion of the hills for grazing purposes; but, beyond the consideration that such an arrangement would be convenient for the villagers, he does not venture to hint at any grounds for such a claim. I myself can see no reason why, if that portion of the hills formed a part of British territory when the pymaish was made, it should not have been included in it. On the south and west of Sundoor hills quite as high, but of far less value in point of fact, are included in the pymaish measurements. The claim of Sundoor is to the pymaish limits, but half the outer slopes were conceded on the basis of negotiation. I may mention that the Veerabudra pass, the sole entrance to the block, part of which is claimed by Mr. Wright, is one of the boldest and most rugged of the numerous passes which lead into the main chain of hills by which Sundoor is bounded.

4. In describing my proposed boundary onwards from Hanamappana Goodda in my letter to Mr. Wright, No. 19, under date 1st May 1875, I used the words "thence along the pymaish limits of Linganhully." In doing so I considered Ayanhully and Linganhully as one pymaish. Ayanhully has been for many years in ruins and uninhabited. The pymaish here as at Linganhully does not touch the hills at all, a fact, I respectfully submit, which it will be hard to account for except on the supposition that the pymaish was and is the true boundary. Yet even here Mr. Wright proposes to give the whole of the outer slopes to the ruined village of Ayanhully. My proposed line here, therefore, must be considered as the actual limits of the pymaish and *not* as represented by Mr. Wright on the sketch map along the foot of the hills.

5. Proceeding westwards from the junction of Gouripur and Yettinhutty, my proposal is to cede from our claim the half of the outer slopes of the hill to the stone marked A of the Joga

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3rd December 1875.*

Settlement of 1869, the pymaish running along or near the base. In one or two places there is some cultivation up to the foot of the range, the remainder, for a long distance from the hills, being immemorial waste. Mr. Wright refuses to recognise the stone marked A as part of the settlement of 1869 on the grounds that the villagers of Joga repudiate it. But I was a party to that settlement, and accompanied Mr. Clogstoun's munshi at the Collector's request when the stone was placed. I should have thought that the principle ought to be assumed that on that occasion *omnia rite acta*. But I maintain that the repudiation of the Joga villagers ought to go for nothing, as I had to report to the Collector at the time that they, one and all, refused to attend, accompanying their refusal with a threat to the effect that the stones should not long be there, a threat which was subsequently partly verified by the utter demolition of several of the stones since replaced by order of the Collector and at the expense of Government. As to the allegation that the stone marked A is not mentioned in Mr. Clogstoun's report, I would merely observe that only *three* stones of the six are actually mentioned by Mr. Clogstoun, the direction only of the line in which two others are placed being given, and that the stone A, though agreed upon and put up at the same time, being of less importance than the others as regards the main question then at issue, might easily have been overlooked. Mr. Wright's line here is so eccentric and so improbable as a boundary that I can hardly imagine it will ever be adopted as a final settlement.

6. I now approach a block range of considerable difficulty ; but, although the line proposed by me from Hirigungadi Kolla may seem to concede the question as to the limits of the pymaish being the boundary, I am not the less of the opinion that even here such was the intention of Sir Thomas Munro, and I take the same objection which I have before urged to Mr. Wright's view of what constitutes the main chain. The great distance of the outlying portion of the chain from any of our villages, and the facts that the seigniorage, for sake of convenience, was usually subrented to the villagers on that side without any adequate supervision, and that the sub-contracts were expressed in the vaguest terms, have led here to a state of things that would now make it difficult to press the claim to the pymaish limits. Mr. Wright grounds the claim to his proposed boundary first on the fact that the villagers of Papanaikehully have a considerable amount of cultivation in the Shettikeri valley, the same being entered in the pymaish. I am at a loss to conceive how that circumstance can affect the question as the line proposed by me excludes the said cultivation. His second argument is that the Jugligi villagers have cultivated about ten acres of land behind Karidikolla for twenty years—eighteen years if I remember the accounts correctly. Mr. Wright, however, omits to mention that the said cultivation was *falsely* entered as part of a pymaish number, which in the pymaish book is said to be bounded on the south by the Sundoor hill. On actual measurement, however, the said number extends only to the foot of the outer slopes of the hill, the same mentioned in the pymaish accounts as the Sundoor Hill. It is clear, therefore, that the cultivation in question is on the Sundoor Hill, that it has been irregularly cultivated, and that it ought either to be resigned, or the kist paid to the Sundoor State in future. This cultivation is in a valley of the main range ending both ways in a *cul de sac*, and is only approachable by men and bullocks through a rugged pass at considerable elevation. Mr. Wright's sneer as to the main chain of hills being considered by us as "an important line of defence," I pass over with the simple remark that it is a perversion of what I said to him in reference to the absurd claims of the villagers, who, if they had their way, would leave a mere shell instead of the territory of Sundoor intact, *viz.*, that in former times the Sundoor Hill territory formed its principal line of defence, but that, had the entire water-shed belonged to another power, the hill territory would only have been a source of weakness.

7. We are agreed as to the boundary of the Ramandroog range, which I regret to learn is the sole result of our four months' labors and of the expense incurred.

8. I pass on now to the two Manna Dibbas, which are simply lower plateaus of the main range. It appears to Mr. Wright that boundaries of States ought to run as nearly as possible in straight lines, but in the majority of instances nature seems to repudiate the theory. The sketch given by him of the part in dispute gives but a very inadequate idea of the real state of the question. I append to the margin a *fac simile* of the sketch showing the actual measurements in chains at various parts, from which it will be seen that the sketch too obviously favors the claim now set up. There is no actual cultivation between the two plateaus, nor does there appear ever to have been any. On the site of Angadi Eeranahully there are only traces of the foundations of three or four houses: whether they were ever actually built and inhabited seems a question that remains to be solved. With regard to Mr. Wright's proposed boundary, I would merely observe that, judging from the practice which obtains in other parts around the Sundoor State of including hills however worthless, it is altogether inexplicable that the two Manna Dibbas should have been omitted except on a supposition which is fatal to the claims.



9. There is no existing village of Maladevanhully, nor has there been for many years past. With regard to the proposed boundary from the junction of Malludevanhully and Swamyhully to Bommalagunda, until the receipt of Mr. Wright's report I was under the impression that my proposal was generally agreed to. Our claim was made and marked along the extreme foot of the spurs, where run the limits of the pynaish; but, with the view of a settlement, I afterwards drew the present line along with Mr. Wright, to which not a single objection was made at the time, or, if made, was then obviated, until we came to Nir Kolla, which Mr. Wright demanded to be excluded. I thereupon said that if, after making such considerable concessions all along, his demand should be insisted on, I should forthwith consider myself at liberty to withdraw all that I had conceded. I am sorry, therefore, to think that there is an apparent want of candor in the report, which, in the absence of any explanation, leaves it to be inferred that my

second line was not an attempt at negotiation, but simply represents our original claim. My letter to Mr. Cardozo from Ramadroog, written under the impression that the negotiation was then to close, and requesting that it should be allowed to go on, and which was seen by Mr. Wright before being posted, clearly shows what was then my belief as to what had been already done. I now find that Mr. Wright not only claims Nir Kolla, but proposes a still higher line along the whole of the hill, and that no part of what we had gone over had been settled. With regard to Nir Kolla, I venture to affirm that it is not included in No. 140 of the pynaish settlement, that my line wholly excludes No. 140, and that it does not include any cultivation at that part. The produce of the mango trees (amounting to thirty or more) has been long enjoyed by the inhabitants of Kombatharavoo for the support of the village temple. That the produce of thirty full-grown trees should be rented to any one at four annas per annum seems to me absurd. Besides, the putta of Bomanta Raz merely mentions mango trees in No. 140, which only reaches to the foot of Nirkolla, and does not include the mango trees in question. Along the Golarlinganhully lands a similar measure of concession was made from our boundary as originally claimed and marked out in hope of meeting Mr. Wright's views and thus facilitating future negotiation.

D. O.—April.

10. I was sanguine enough to hope that Mr. Wright would resile from his hastily-formed and injudiciously-declared opinion as to the Motalakunti boundary. As, however, he now continues to adhere to it, I am laid under the disagreeable necessity of representing the matter fully. His proceedings as a negotiator on the morning on which we went out to try and demarcate the boundary were so extraordinary as to throw grave doubts on the probability of any successful negotiation afterwards. Accompanied by certain of the villagers of Golarlinganhully and Motalakunti—our people being ordered to stay behind on the ground that they were not wanted—he ascended the hill, and, after a cursory survey of the lie of the hills, came down to me at the point where we had left off on the preceding day, when, without a word of discussion or argument, he began to state loudly how he would carry his line, thus totally setting aside the Sundoor claims, though only *ex-parte* evidence had been received and recorded. Taken by surprise, I replied that he might draw his line where he pleased, but that I should expect ours to be marked, and that, if such was to be his procedure, there could be no further necessity for my remaining on the field. Against Mr. Wright's opinion, I have to point out that the pynaish, after embracing rocky and utterly worthless ground, stops short of the hill by ten chains or thereabouts, and that the intervening portion would certainly have been included in the pynaish had it been then regarded as a part of British territory, and that, as Hiri Jolada Raz is included in the pynaish of Bomalagunda, it is difficult to understand why Chinna Jolada Raz in the same line and contiguous should not have been so entered on the supposition that Chinna Jolada Raz belonged to the same village; that on the south side of the latter hill a raised platform still exists under an old tree, where the Sundoor hill contractors collected the seigniorage in former years when wood was more plentiful, and finally that behind the same hill part of the valley was formerly cultivated by ryots of Appayanhully.

11. In conclusion, I presume that the parts still in dispute will be finally settled by arbitration, and am authorized to state that the Rajah, if the Government approve of such an arrangement, is perfectly willing that every matter in dispute should be determined finally, and without appeal, by Mr. Clogstoun as sole arbitrator, in whose equity and judgment he has every confidence.

ENCLOSURE No. 7.—Summary of Evidence.

ENCLOSURE No. 8.—Map.

G.O., 10th Jan. 1874, No. 40.
" 1st April " " 409.
" 1st Sep. " " 1,120.

SUBMITTED to Government with
reference to the Orders noted in the
margin.

2. These papers relate to a boundary dispute between Sundoor and the adjacent villages belonging to Government. The Rajah, of late years, rented the border forests which had become valuable to a contractor. This led to the recurrence of frequent disputes between the renter and the ryots of the Government villages, the former alleging infringement of his rights and the latter complaining of improper interference with privileges which they had enjoyed from time immemorial. In view to a final settlement of the matter the demarcation of the Sundoor territory by the Revenue Survey Department as a separate work was suggested by the Collector as a course acceptable to all parties, and, on the recommendation of the Board, the suggestion was approved by Government (G.O., dated 10th January 1874, No. 40).

3. It was accordingly proposed to the Rajah's Agent that the matter should be settled by arbitration under Act XXVIII. of 1860. To this arrangement the Agent objected and proposed settlement by negotiation according to previous custom. This course was approved in G.O., dated 1st September 1874, No. 1,120, and Mr. Wright, First Assistant Superintendent, Revenue Survey, was empowered to negotiate on behalf of Government on the understanding that the result of the negotiation should be submitted for the ratification of Government.

4. Operations were accordingly commenced, and Mr. Wright and the Rajah's Agent, Mr. Macartney, accompanied by subordinate Revenue Officers, inspected the whole boundary. Commencing at Rajapuram, the settled junction of Sundoor and the Mysore territory, and terminating at Motalakunta, the other settled junction of the same territories, they made a complete circuit of Sundoor, taking evidence as they proceeded and preparing a sketch map. The plain red line on this map shows the portion of the boundary which was settled by mutual agreement. The line B C D E F was settled by Mr. Clogstoun in 1869 (G.O., 2nd June 1869, No. 190). The plain black line is the boundary proposed by the Rajah's Agent. The portions colored yellow are still in dispute. The black dotted line is the boundary claimed by the adjoining Government villages. The red line between the plain black and dotted lines is the boundary Mr. Wright would propose in the disputed portions.

5. After the inspection of the boundary, the Rajah's Agent wrote to Mr. Wright explaining his views in respect of the Rajah's claim. He stated that about the time Sundoor was restored to its owner by Sir Thomas Munro an inscription on stone was made in a Muttum mentioning the fact of the restoration and defining roughly its boundary at salient points, and that, though this inscription does not by name refer to the Pymaish settlement of 1803-4, it refers to portions of it, and is not inconsistent with it on the whole. He further states that when the present Rajah succeeded in 1863, it was with the understanding that the limits of the State had been defined by the revenue settlement of Sir Thomas Munro in 1803-4, and that since then the Rajah has exercised civil and criminal jurisdiction within such limits as far as ascertainable, without any objection being raised by Government, the only question arising occasionally being whether he

had exceeded those limits. It is, therefore, assumed by Mr. Macartney that the Rajah's claim is not contested by Government. As to the claims of enjoyment on the part of surrounding villagers, it is admitted that there has been *quasi-enjoyment*, but not such as to establish a prescriptive right against the Rajah. In support of the assumption that the Pymaish limits are the true boundary, it is urged that it is improbable that Sir Thomas Munro would in his settlement fix the boundary at parts and leave it to be determined in other places by the villagers and curmains; that in many places where the Pymaish limits are the true boundary almost unlimited enjoyment is claimed; that formerly the main cordon of hills around Sundoor was considered to be its principal defence, whereas they would be its chief source of weakness if the real boundary had been on the tops of the hills as now claimed, instead of being generally at their base according to the Pymaish. In support of this view, the opinion of Mr. Clogstoun as to the general run of the Sundoor boundary is referred to.

6. In conclusion, Mr. Macartney stated, that to prevent a "dead lock" he had in the beginning made concessions against his opinion as to the justice of the case, but that he would in future adhere to the Pymaish as the boundary.

7. Upon this Mr. Wright applied to the Collector for instructions as to whether the Pymaish limits should be adopted as the basis of settlement as insisted on by Mr. Macartney. The Collector replied that the question was one to be settled by Government, and asked Mr. Wright to submit his report on the dispute. This report, with Mr. Macartney's observations thereon, have now been submitted by the Collector.

8. An agreement has been effected as regards the demarcation of the Raman-droog range, but in other respects no settlement has been come to. It is to be regretted that the attempt at settling the dispute should have resulted in so little. The Board observe that the map should have been clearer, and the Collector's report should have been much fuller.

9. Without necessarily going into detail with regard to each particular locality, he should have expressed his views as to the justness or otherwise of accepting the Pymaish accounts as the limits of the British claims, which seems to be the principle advocated by Sundoor. He should have discussed the question of tracts claimed and apparently, in some cases at least, long enjoyed by British villagers, though not included in the Pymaish, and given his opinion as to the effect of these facts on the respective claims. He should also have given some information as to the description and value of the disputed territory.

10. It seems to the Board that there is some force in what Mr. Macartney urges with regard to the general principle of keeping the boundary near the line that would be indicated by following the Pymaish accounts. These are not always safe guides, but, controlled by other indications, often afford evidence of great value.

11. The principle of being guided to a great extent by them was followed by Mr. Clogstoun and adopted by Government* in a former settlement

* G.O., 2nd June 1869, No. 190.
of a similar dispute, and on the whole the Board are of opinion that, with the concessions which Sundoor seems willing to grant if the principle is generally acknowledged, it should be adopted now.

*Proceedings of the Madras Government, Revenue Department,
3rd December 1875.*

12. It is clear, however, from the tone which the correspondence has assumed, that Messrs. Wright and Macartney are not likely to arrive at agreement on the matter. As the Rajah of Sundoor is willing that the dispute should be settled by Mr. Clogstoun as sole arbitrator, and as it appears from his report on a similar dispute that he is well qualified for the work, the Board recommend that, as soon as his services can be spared, which they cannot be at present, he should be deputed to settle the matter by arbitration as proposed by the Rajah.

(True Copies and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 55. ORDER THEREON, 3rd December 1875, No. 1,745.

Miscellaneous.

THE Board's proposal (paragraph 12)
is approved.

(True Extract.)

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

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

Exd. F. R. Bantleman.

No. 3,041.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 5th November 1875.

Read the following letter from J. H. MASTER, Esq., Collector of Bellary, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 26th August 1875, No. 329:—

I HAVE the honor to submit the papers connected with the dispute regarding the boundary between the Sundoor State and British Territory.

2. In G.O., No. 1,120, of the 1st September 1874, sanction was given to the matter being negotiated by an officer of the Revenue Survey Department. Mr. Wright, in company with the Rajah's Agent, Mr. Macartney, went round the whole boundary; and in the month of March last, when he had completed the tour, Mr. Wright addressed a letter to me asking whether the question that the limits of our "pymaish" or old survey accounts were to be accepted as the boundary was to be considered settled as the Rajah's Agent would consent to nothing else.

3. I replied that the matter could only be settled by a reference to higher authority, and that I did not think it advisable to make the reference at that stage of the proceedings as, if admitted, it would be yielding *in toto* to the claims of the Sundoor State without inquiry into the claims put forth by the surrounding villagers. I, therefore, requested him, after inquiry as to the enjoyment of the villages lying contiguous, to furnish a detailed report, with plans, showing the line he might decide upon and that claimed by the Rajah's Agent.

4. This report he furnished in May last; but, as it had not been seen by Mr. Macartney, I referred it to him in order that he might make his remarks upon it. These he has now furnished.

5. It will be observed by the map which has been prepared that in most of the cases in dispute Mr. Wright has proposed a line of boundary giving about half to either side. This decision Mr. Macartney calls arbitrary and not grounded on any general principle.

6. It would be useless for me to go through the remarks of either gentlemen with reference to each particular locality in dispute, suffice it to say that, although Mr. Macartney has, in certain instances, ceded the claim of our villages to a small portion of the outer slopes of the Sundoor Hills, as a general rule he claims that the limits of the land mentioned in our pymaish or old survey accounts should be the utmost which can be claimed by the Government, and that all land beyond those limits must be considered to be the Rajah's. The matter, except only the Ramandroog Range, in the demarcation of which an agreement has been effected, is therefore, I regret to say, as far-off settlement as ever.

7. The fact is that the Government have, in the decision of a former boundary dispute—that between Sundoor and Jog,—admitted, upon the recommendation of Mr. Clogstoun, the principle now

Vide G.O., Political, No. 190, dated 2nd June 1869.

REVENUE.

Obdt. of 1875; 300000

Original

THE BOARD OF REVENUE.

No. 3,041.

5th December, 1875.

G. O., 3rd December 1875, No. 1,745.

DECEMBER.

Nos. 54-55.

Boundary between Sundoor State and British Territory.—Approving the proposal of the Board of Revenue to depute Mr. Clogstoun to settle the same by arbitration as soon as his services can be spared.

put forward, and Mr. Macartney, on behalf of the Rajah, now states his willingness that the matter should be left to the arbitration of that gentleman.

Copy of letter from the Agent to the Rajah of Sundoor, No. 11, 20th March 1875, to the First Assistant Superintendent, Revenue Survey.

Letter from the First Assistant Superintendent, Revenue Survey, No. 8, dated 22nd March 1875, to the Collector of Bellary.

Copy of Collector's letter, No. 397, dated 24th March 1875, to the First Assistant Superintendent, Revenue Survey.

Letter from the Agent to Rajah of Sundoor, No. 19, dated 1st May 1875, to the First Assistant Superintendent, Revenue Survey.

Summary of Evidence regarding the Sundoor Boundary, dated 8th May 1875, taken by the first Assistant Superintendent, Revenue Survey.

Report of the First Assistant Superintendent, Revenue Survey, on the proposed settlement of the Sundoor Boundary, 13th May 1875.

Letter from the Agent to the Rajah of Sundoor, No. 31, dated 10th July 1875, to the Collector of Bellary.

Map of the disputed boundary.

ENCLOSURE No. 1.

From J. MACARTNEY, Esq., Agent to the Rajah of Sundoor, to J. H. WRIGHT, Esq., First Assistant Superintendent, Revenue Survey, Bellary District, dated Golurlinganhully, 20th March 1875, No. 11.

HAVING now completed our circuit of the Sundoor State, I have the honor to explain to you what are the claims put forth on the part of Sundoor and my views generally as to the validity of those claims.

2. The present Rajah succeeded to his paternal inheritance in 1863 with the understanding that its limits had been defined by the Revenue Settlement of the late Sir Thomas Munro in 1803-4. Subsequently to the last-mentioned dates the State was taken possession of by the Honorable East India Company on behalf of the last of the Peishwas, who soon after broke faith with the Company. The State, therefore, was not handed over to the Peishwa, but some years later, on the accession of Sir Thomas Munro to the Governorship of Madras, one of his first acts was to have it restored to its original owner, who was reinstated in the enjoyment of all his former rights, privileges, and immunities. About that time an inscription appears to have been made on a stone in a small muttum or mausoleum at Chicka Sundoor mentioning the fact of the restoration of the State and in a rough way defining its boundary at salient points. Though this inscription does not refer by name to the pymaish settlement of 1803-4, yet it contains references to portions of it and is not inconsistent with it on the whole.

3. Since 1863 the Rajah has exercised the civil and criminal jurisdiction handed down to him to the fullest extent within the aforesaid limits as far as they were ascertainable by him and without let or hindrance on the part of the highest local Government authorities, the only question arising from time to time being as to whether he had exceeded those limits, and, on proof being given that he had not, the matter was forthwith dropped. He has, therefore, clearly a right to assume that, on the part of Her Majesty's Government, his claims are not contested. As regards all others whatsoever, it is for them to prove their title as against him and not for him to prove his against them.

4. This brings me to notice the claims of enjoyment on the part of surrounding villagers. The extravagance and absurdity of many of these claims must be as apparent to you as they are

8. I think that, under the circumstances, notwithstanding that that gentleman may in a manner be committed to a certain opinion, his appointment as arbitrator would be the only way of settling the matter satisfactorily to the Rajah, and I therefore recommend that the Government be requested to sanction it. Mr. Clogstoun would simply have to go over the ground with the map, record of evidence, &c., which have already been prepared.

9. The correspondence, as per margin, is enclosed. I request that it may be returned eventually. A map also accompanies.

to myself. That there has been a *quasi-enjoyment* is not denied by the Rajah. Sundoor is mainly hill territory, though there would not be much of it left were the claims of the British villagers admitted, and it would be utterly impracticable for the Rajah to prevent frequent trespass. Besides, the hills are farmed out yearly to contractors, who in their turn sublet portions to others and not unfrequently to the villagers themselves. Now it is evident that any privileges whatsoever allowed on the Rajah's estate by persons of this class could never be a ground for establishing a prescriptive right if indeed such a right can, under any circumstances, be established against a Sovereign State, a supposition which I very much question. Then again to constitute any title by prescription even under the most favorable circumstances, there must have been an uninterrupted user, exercised *nec vi, nec clam, nec precario*, which cannot be proved to have existed in reference to the present claims.

5. That there are *prima facie* reasons for assuming the pymaish limits to be the true boundary of Sundoor appears, I submit, from the following considerations, *viz.* :—

(a.) It is very unlikely that Sir Thomas Munro would in his settlement fix the boundary at parts and leave it to be determined in other places by ignorant and rapacious villagers and cunning and unscrupulous curmashers. I use these epithets advisedly and as the result of my knowledge of many of them.

(b.) That in many places the limits of the pymaish are, in point of fact, the true boundary, though even in such places almost unlimited enjoyment is claimed, and in many others the said limits approach very near the same hill which the accounts call the Sundoor Hill, leaving a margin of cultivable land at the extreme slope, and that, if such land had then belonged to British territory, it would have certainly been included in the pymaish.

(c.) That formerly the main cordon of hills around Sundoor was considered to be its principal defence, but they would have been its chief source of weakness if the real boundary had been on the tops of the hills as now claimed and not as generally at the pymaish limits near the base. In substantial corroboration of the opinions which I have here expressed, allow me to refer you to Mr. Clogstoun's report on the settlement of the Jog dispute, where, after personal examination and inquiry, he expresses his confident opinion as to the general run of the Sundoor boundary.

6. In conclusion, I cannot but express my regret that you should have so hastily this morning come to the conclusion you did in reference to the Sundoor claims as regards the Motalacoonta boundary, the question never having been discussed by us, nor even the evidence on the part of Sundoor called for. In order to prevent a dead lock at the very threshold of our demarcation work, I made concessions beyond my opinion of the justice of the case, but in future I shall adhere to the pymaish as the boundary until it has been proved not to be so.

(True Copy.)

(Signed) J. H. MASTER,
Collector.

ENCLOSURE No. 2.

From J. H. WRIGHT, Esq., First Assistant Superintendent, Revenue Survey, to J. H. MASTER, Esq., Collector of Bellary, dated Golurlinganhully, 22nd March 1875, No. 8.

I HAVE the honor to enclose an original letter, No. 11 (to be returned), dated 20th March 1875, from the Sundoor Rajah's Agent, and request you will be good enough to inform me how I am to act with reference to paragraph 6 of his letter as he will admit no boundary but the limits of our pymaish, which, if admitted by you, will have to be carefully measured up by the Revenue Inspectors all round the estate and then be demarcated with stones.

2. I presume, if the boundary demanded by the Agent is admitted, all further negotiation must cease, but I may here remark the Government villages strongly protest against such proceedings.

3. With reference to the Agent's remark regarding my hasty conclusion, I beg to inform you I merely stated, after inspecting the boundary from the top of the hills, I could not admit the narrow chains of hills running between Motalakunta and Bummagunda, both Government villages, belonged to Sundoor, as, in my experience of such cases, the top of the hills formed the boundary between the two villages, but the Agent will not admit any enjoyment by the Government villages beyond their pynaish.

ENCLOSURE No. 3.

From J. H. MASTER, Esq., Collector of Bellary, to J. H. WRIGHT, Esq., First Assistant Superintendent, Revenue Survey, dated Ramandroog, 24th March 1875, No. 397.

In acknowledging your letter, No. 8, dated the 22nd instant, and its enclosure herewith returned, I have the honor to state that the question as to whether the limits of our pynaish accounts are to constitute the boundary of Sundoor can only be settled by Government.

2. I do not think, however, that at this stage of the inquiry it would be advisable to refer this question only if agreed to, as it would in fact be yielding *in toto* to the claims of the Sundoor State with regard to the fixing of the boundary.

3. The Government will only be able to decide upon your detailed report with maps and plans of the whole length of the line in dispute, which should show exactly the limits you have found on inquiry to have been in the enjoyment of the villages lying contiguous, and the limits claimed by the Rajah's Agent, *viz.*, the pynaish.

(True Copy.)

(Signed) J. H. MASTER,
Collector.

ENCLOSURE No. 4.

From J. MACARTNEY, Esq., Agent to the Rajah of Sundoor, to J. H. WRIGHT, Esq., First Assistant Superintendent, Revenue Survey, No. 2, Bellary, dated Sundoor, 1st May 1875, No. 19.

In reply to your demi-official note of the 25th ultimo, I have the honor to furnish you with a statement of the boundary which, on behalf of the Rajah, I am prepared to accept and as to considerable portions of which we are agreed.

2. Commencing with the trijunction of Rajahpur, Mysore, and Sundoor, a line drawn across the entrance of Raghala Kolla and passing along the outer slope of Patcha-rayana tattoo at the foot of the hill rounding the end of the hill in the same form and proceeding to Toombre Marada Kolla, then bending outwards and passing along the outer slope of Ur-hindina tattoo at about half the slope, thus crossing Veerabhadrada Gundi and proceeding in the same way along the outer slope of Hanamappana Goodda, thence along the pynaish limits of Linganhully to the Yettinhutty lands ranging with those of Bunnyhutty and Gouripur, the line proceeds in a slanting direction to the Murarpur Hill. From the point of its junction with the hill it then proceeds along the middle of the outer slope of the Murarpur hill to a stone at the end of the same. Thence the boundary is already settled up to the mouth of Hiri-Gungadi Kolla, from which point it proceeds along Kanigin Marada Kolla, crossing a saddle called Addi Dibba and proceeding along a kolla nearly in the same line to Hadi Dhone, thence along the boundary of the Shettikeri cultivation towards the north-west and crossing another saddle at the lowest point and proceeding along the foot of the inner block of hills close to Jogappana Kolla, and on in a similar way past Kurdi Kolla, from which point the line runs along the face of the hill at about half the slope to the wall called Mikada Kotta, running from the top of the hill to the Hospett road. A straight line from the point of its junction with this part of Mikada Kota on to Sujji-haravoo, thence to Belladachina Kanavi and on to Bella Murada Kanavi, and so over the Droog range to Hali Kalavi, the junction of Sundoor, Yessankeri, and Dhanapur. The line then takes a southern direction at a uniform distance

from the Ramandroog range, to wit, the distance of the stone called Katana from the foot of Ramandroog on as far as to Tattigina Mardi, then in a westerly direction along the rising ground forming the water-shed for the Rajahpur tank and Garg, and so on to Bode Bande, thence to a large banyan tree and along the cultivated lands of Somalapur, and back to the foot of the main range thence along the Ankamanhall and Sanyasihully lands as marked out by my curnams, rounding "Jiggenhully Manna Dibba" at the base, and proceeding, as marked, partly on the slope of Manna Dibba eastward as far as to a series of small hills running south and joined to the Toomergudi Manna Dibba. I would observe that I use the distinctive terms "Jiggenhully" and "Toomergudi" merely to mark the respective dibbas; the line proposed runs along the aforesaid series of small hills to the Toomergudi Manna Dibba, turns again to the west and proceeds along the slope of the latter Manna Dibba at a distance of half the slope; rounds it and proceeds eastward along the southern base of the Dibba to the foot of Boodhala Gundina Kolla; then southwards along the foot of the main chain to the beginning of the Swamyhully boundary, thence the line runs again eastward, cutting the numerous Kollas at the entrance, and the corresponding spurs at a varying distance from the pynaish limits below along the Swamyhully and Tonashigherry lands. At Badayana Goodda (No. 140 of the pynaish of Tonashigherry) the line bends in a southerly direction between Badayana Goodda and the main range, a stream of water there being the boundary on to the mouth of Nir Kolla. The spurs and kollas along the Golarlinganhully boundary are all passed similarly at about an average distance of one-third of the outer slope of the main chain, and the same distance from the pynaish limits on to Chinna Jolada Rasi; it then passes in a north-easterly direction between the hills of Hiri and Chinna Jolada Rasi; then eastwards along a kolla between the former and Bande-haravina Goodda; rounds the latter along Ashina Marida Kolla, and proceeds along the lower slopes of Bande-haravina Goodda at about an equal distance from the pynaish limits and the hill proper on to Bande Kolla at the entrance, whence the line proceeds eastwards to the last of the Mysore Baunds, *viz.*, the trijunction of Palyanhully, Motalacoonta, and Sundoor.

ENCLOSURE No. 5.

Report on the Proposed Settlement of Sundoor Boundary as directed in the Order of Government, No. 1,120, of 1st September 1874.

I have inspected the whole of the boundary in company with Mr. J. Macartney, Agent for the Rajah of Sundoor; also the Tahsildars of the Hospett and Kudlighi Taluqs with their Revenue Inspectors were present.

2. It was deemed advisable to go right round the boundary of the Sundoor territory before coming to any decision. We commenced operations at Rajapuram in the Hospett Taluq from the already-settled junction of Sundoor and the Mysore territory and closed at Motalakunta, Kudlighi Taluq, on the other settled junction of Sundoor and the Mysore territory, taking the evidence of the different villagers connected with the disputed boundary, at the same time preparing a rough sketch. On the sketch map the portion of the boundary settled by mutual agreement is indicated by a plain red line, and the line B C D E F was settled by Mr. Clogstoun in 1869 as per Order of Government, No. 190, dated 2nd June 1869. The plain black line is the boundary proposed by the Agent of Sundoor. The portions colored yellow are still in dispute.

3. The black dotted line indicates the boundary claimed by the adjoining Government villagers.

4. The red line between the plain black and dotted lines indicates the boundary I would propose in the disputed portion.

5. *Rajahpuram and Ubbalagandi.*—At Rajahpuram and Ubbalagandi the main chain of hills of Sundoor lie next to Nowlooty and Matkalpenta at Gungalalunchi Gudda, and run on to the Yettinhutty pass; in the front on the east side of the main chain of hills are small ranges of hills lower in elevation. The cultivation extends to the foot of the outer range of hills in both these

villages. The Agent of Sundoor proposes his boundary should run from the settled point at Raganakallathahallah along the foot of the outer slopes of the hills up to Tumbramratha Kollah, from thence half the outer slopes up to the pynaish of Linganhally next to the Yettinhally land as per his letter No. 19.

6. As I consider the Government villagers have a strong claim to a portion of the hills for grazing, &c., I would propose their boundary should run from the settled point at Raganakallathahallah to the top of Patcharayanakonda and along the tops of the hills to Vobamattina-aravu Konda across the second inner range of hills to the foot of the main chain of hills. Gungalalunchi Gudda, along the same valley up to a saddle of the hills near the mango trees (but excluding the latter) to Anumappana Konda, and so on along the tops of the ridge of the outer range of hills next to Ayanahully to the undisputed boundary of Linganhally next to Yettinhally.

7. *From Yettinhally to Joga*.—From the junction of Yettinhally and Gouripuram cultivation at the foot of the hills. The Agent of Sundoor proposes his boundary should go along half the outer slopes of the hills to a stone marked A next to Joga said to be already settled by Mr. Clogstoun in 1869.

8. I would propose the boundary should run from the junction of Yettinhally and Gouripuram to a saddle on the hills next to Morarpur, thence to Hirayettinagudda along the tops of these hills to the end at Mausenavadevu Gudda, then round on the tops of the hills opposite to and down the slopes to the stone B at Huvanihavi. Though there is a stone at A on the ground near Joga and claimed by the Agent of Sundoor as part of the boundary settled in 1869, it is not mentioned in the settlement by Mr. Clogstoun, but the stones from B at Huvanihavi to F at Hiragungadi are entered, and the same are owned by the Joga villagers as the boundary settled, but they know nothing about the stone at A.

9. *From Joga to Koriganur*.—The Agent of Sundoor proposes his boundary should go from the stone F at Hiragungadi along the valley up Kaniginamarathu Kollah next the Joga and Kakhall hills to Adda Dibba, then along the valley to the foot of the hills at Atakomtribe, and along the foot of the hills at Shettikeri, skirting the cultivation of Papanackenhally to a saddle on the hills and crossing the saddle goes along the foot of the eastern slopes to Jogapana Kollah, so on along the foot of the slopes of the outer range of hills to Karidi Kollah, and from this point along half the slopes of the outer range of hills to Mikathakota, next to Kaniganur and up the hill to Sudja-aravu next to Kulhully.

10. I would propose the boundary should run from the stone F at Hiragungadi to the top of the lower range of hills on to the upper part of Adda Dibba. So on along the hills to the foot of Ambasamudram Kollah, which is the foot of the main chain of hills, then along the tops of the lower range of hills to the foot of Jogapana Kollah, from thence across the top of a lower range of hills to the foot of the main chain of hills skirting the same. Then up a ravine to Tamaratha Matti near Sudja-aravu.

11. I consider the Government villagers have a claim to this boundary, for the Papanackenhally villagers have nearly 100 acres of cultivation in Shettikeri valley, which is also in the pynaish. Also the Jugligi villagers have cultivated about 10 acres of land in the valley behind Karidi Kollah for twenty years without any dispute, though it is not included in the pynaish, which account extends only to the foot of the outer slopes of the hills. Between Kalhally in the Hospett Taluq and Madarhally in Sundoor there is no dispute.

12. The above boundary still gives to Sundoor what is called the main chain of hills and what they consider an important line for defence.

13. *From Danapuram to Konanikally*.—The Agent of Sundoor proposes his boundary should run from the hill called Bellamaratha Kovini Gudda down the hill to Hulikalavi about 800 feet from the foot of the hills, which is the distance the Katana stone is from the foot of the big hills near the Nagalapuram Ghaut, and to be continued at the same uniform distance to the boundary of Kaminihally, then along the water-shed to Boda Bandi, the junction of the Hospett and Kudlighi Taluqs.

14. I quite agree with this boundary, and the Revenue Inspector informed me the villagers also concurred, and will be very glad to have the limits demarcated as soon as possible to put an end to the continual quarrels which have been going on for a number of years past.

15. There is no dispute along the boundary of Bandri and Somalapuram next to Kaminihally of Sundoor up to a stone at the foot of Muttumaridi.

16. *From Somalapuram to Samhully*.—The Agent of Sundoor proposes his boundary should run from the stone at Muttumaridi along the foot of the hills as indicated by the black line on the sketch map up to the foot of Mamidimoratha Kollah, then round the outside of Jingemhally Manna Dibba to the foot of the big hills, again near Angadihiranhally, so on round the Tummaragudi Manna Dibba along the foot of the hills to Nuchandratha Kollah next to Samhully.

17. *Samhully to Bomalagunda*.—From the junction of Maladevanahally and Samhully at the foot of the big hills, the Agent of Sundoor marked out roughly with sticks and small bamboos his boundary which runs on the slopes of the spurs from the big hills about one-fourth of the slopes to within a certain distance of Neera Kollah where the stream is made the boundary till it turns towards Honimaratha Kollah up the slopes to about one-third of the outer slopes, and so continues up to the end of Gollalinganahully boundary next to Bomalagunda.

18. *Bomalagunda and Motalakunta to the Mysore Boundary*.—The Sundoor boundary then goes round the outside of Chinna Joladarasi, crosses a saddle, and so on down the drainage on the north side of Pedda Joladarasi up Ashinamarida Kollah round the foot of the outer slopes of Bandi-aravana Gudda to the foot of Bandi Kollah, then up the rising ground to the point already settled at A next to the Mysore territory.

19. I would propose the boundary of Sundoor should go from the stone near Muttumaridi up the hills to Bodulagundu to Kirabkalagudda; cross the saddle between Kanganadattagudda and the main range of hills and be continued along half the outer slope of the main range of hills up to Sambravikolah at Bomalagunda, then up the hills to the top at Bandi Kollah, across to the watershed near and at the settled point A next to the Mysore territory.

20. The pynaish of Akkanahully and Ankamanhal extends on both sides of Kangaradattagudda.

21. The two blocks of land called Manna Dibba are table lands unfit for cultivation, but covered with brushwood and in the rainy season with grass rising from an elevation of about 40 feet to 100 feet at the foot of the main range of hills.

22. The pynaish of Angadi-hiranhally comes up to nearly the foot of the outer slopes of Sillah Kollah.

23. The cultivation of Samhully is carried on up to the foot of the hills. It is evident from the long period the mango trees in Neera Kollah have been enjoyed under a putta in Tanasagedy that land belongs to Government and not to Sundoor, also they have some inam land at the foot of the same kollah.

24. The cultivation of Golurlinganhally extends all along the foot of the hills.

25. The land belonging to Bomalagunda is situated on one side of Bandi-aravana Gudda and that of Motalakunta on the other side, which causes me to conclude the hills belong to them.

26. The Agent of Sundoor proposes the parts of the boundary remaining unsettled should be settled by arbitration.

27. The following documents accompany this report:—

One Summary of Evidence regarding Sundoor boundary.

One Letter, No. 19, of 1st May 1875, from the Agent of Sundoor.

One Report on the boundary from the Kudlighi Taluq Tahsildar.

One Arzi from the Hospett Taluq Tahsildar regarding the Ayanahully boundary.

One Sketch map.

BELLARY,
13th May 1875.

(Signed) J. H. WRIGHT,
First Assistant Superintendent,
No. 2, Revenue Survey.

ENCLOSURE No. 6.

From J. MACARTNEY, Esq., Agent to the Rajah of Sundoor, to J. H. MASTER, Esq., Collector of Bellary, dated Sundoor, 10th July 1875, No. 31.

In reply to your letter, No. 751, dated 4th ultimo, I have the honor to submit the following remarks on Mr. Wright's proposed settlement of the Sundoor boundary :—

1. Mr. Wright enunciates no general principle on the basis of which a settlement could be made. I presume, therefore, he has none to offer. He seldom assigns any reasons for the boundary which he proposes, nor does he attempt to controvert the principles laid down by me in my letter, No. 11, dated 20th March last, though I cannot but regard them as worthy of careful attention. In every case in dispute his proposed settlement appears to me most arbitrary, and therefore anything but satisfactory.

2. To begin at the junction of Rajahpur, Mysore, and Sundoor, I would observe that the hill named Patcharayana Konda is a continuation of the same range which forms the boundary between Mysore and Sundoor; and, as the pymaish of Rajahpur runs along the foot of its slopes, I am at a loss to understand why the continuation of the boundary should at once assume such an eccentric sweep as that proposed by Mr. Wright, the more especially as until we met on the ground no claim on the part of the villagers of Rajahpur had been made for more than the whole of outer slopes of Patcharayana Konda. Their present claim, like many others, appears to have been set up simply with the view of getting as much as they could of what was hitherto considered to be a part of Sundoor and with the knowledge that they incurred no risks however extravagant their claims might be.

3. The same remarks are more or less applicable to the proposed Wobligundi boundary. Mr. Wright's view of what constitutes the main range seems to me a narrow and contracted one. At this point, as at many others, the main range comprises a block chain cut up, I admit, by deep valleys parallel to the run of the hills, but the ridges formed being connected at both ends with what Mr. Wright calls the main range. The pymaish limits here as at Rajahpur skirt the foot of the outer slopes. Mr. Wright states that the Government villagers have a *strong* claim to that portion of the hills for grazing purposes; but, beyond the consideration that such an arrangement would be convenient for the villagers, he does not venture to hint at any grounds for such a claim. I myself can see no reason why, if that portion of the hills formed a part of British territory when the pymaish was made, it should not have been included in it. On the south and west of Sundoor hills quite as high, but of far less value in point of fact, are included in the pymaish measurements. The claim of Sundoor is to the pymaish limits, but half the outer slopes were conceded on the basis of negotiation. I may mention that the Veerabudra pass, the sole entrance to the block, part of which is claimed by Mr. Wright, is one of the boldest and most rugged of the numerous passes which lead into the main chain of hills by which Sundoor is bounded.

4. In describing my proposed boundary onwards from Hanamappana Goodda in my letter to Mr. Wright, No. 19, under date 1st May 1875, I used the words "thence along the pymaish limits of Linganhully." In doing so I considered Ayanhully and Linganhully as one pymaish. Ayanhully has been for many years in ruins and uninhabited. The pymaish here as at Linganhully does not touch the hills at all, a fact, I respectfully submit, which it will be hard to account for except on the supposition that the pymaish was and is the true boundary. Yet even here Mr. Wright proposes to give the whole of the outer slopes to the ruined village of Ayanhully. My proposed line here, therefore, must be considered as the actual limits of the pymaish and not as represented by Mr. Wright on the sketch map along the foot of the hills.

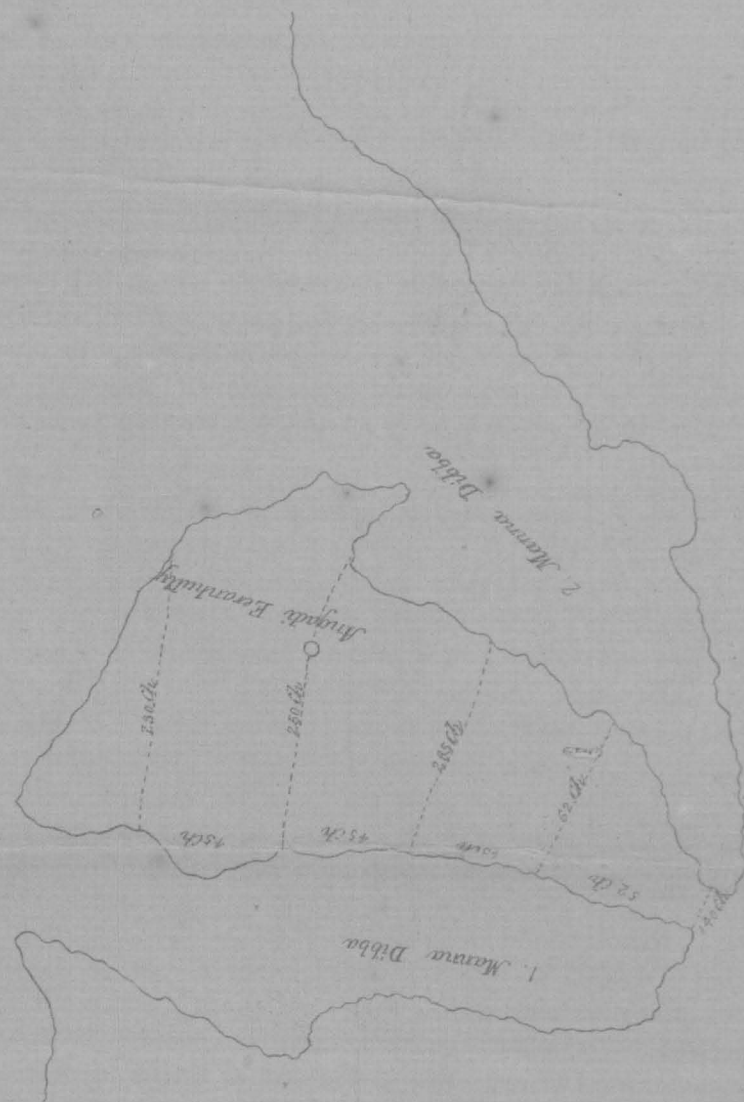
5. Proceeding westwards from the junction of Gouripur and Yettinhutty, my proposal is to cede from our claim the half of the outer slopes of the hill to the stone marked A of the Joga

Settlement of 1869, the pymaish running along or near the base. In one or two places there is some cultivation up to the foot of the range, the remainder, for a long distance from the hills, being immemorial waste. Mr. Wright refuses to recognise the stone marked A as part of the settlement of 1869 on the grounds that the villagers of Joga repudiate it. But I was a party to that settlement, and accompanied Mr. Clogstoun's munshi at the Collector's request when the stone was placed. I should have thought that the principle ought to be assumed that on that occasion *omnia rite acta*. But I maintain that the repudiation of the Joga villagers ought to go for nothing, as I had to report to the Collector at the time that they, one and all, refused to attend, accompanying their refusal with a threat to the effect that the stones should not long be there, a threat which was subsequently partly verified by the utter demolition of several of the stones since replaced by order of the Collector and at the expense of Government. As to the allegation that the stone marked A is not mentioned in Mr. Clogstoun's report, I would merely observe that only three stones of the six are actually mentioned by Mr. Clogstoun, the direction only of the line in which two others are placed being given, and that the stone A, though agreed upon and put up at the same time, being of less importance than the others as regards the main question then at issue, might easily have been overlooked. Mr. Wright's line here is so eccentric and so improbable as a boundary that I can hardly imagine it will ever be adopted as a final settlement.

6. I now approach a block range of considerable difficulty ; but, although the line proposed by me from Hirigungadi Kolla may seem to concede the question as to the limits of the pymaish being the boundary, I am not the less of the opinion that even here such was the intention of Sir Thomas Munro, and I take the same objection which I have before urged to Mr. Wright's view of what constitutes the main chain. The great distance of the outlying portion of the chain from any of our villages, and the facts that the seigniorage, for sake of convenience, was usually subrented to the villagers on that side without any adequate supervision, and that the sub-contracts were expressed in the vaguest terms, have led here to a state of things that would now make it difficult to press the claim to the pymaish limits. Mr. Wright grounds the claim to his proposed boundary first on the fact that the villagers of Papanaikehully have a considerable amount of cultivation in the Shettikeri valley, the same being entered in the pymaish. I am at a loss to conceive how that circumstance can affect the question as the line proposed by me excludes the said cultivation. His second argument is that the Jugligi villagers have cultivated about ten acres of land behind Karidisecond argument is that the Jugligi villagers have cultivated about ten acres of land behind Karidisecond argument is that the Jugligi villagers have cultivated about ten acres of land behind Karidi- ever, omits to mention that the said cultivation was *falsely* entered as part of a pymaish number, which in the pymaish book is said to be bounded on the south by the Sundoor hill. On actual measurement, however, the said number extends only to the foot of the outer slopes of the hill, the same mentioned in the pymaish accounts as the Sundoor Hill. It is clear, therefore, that the cultivation in question is on the Sundoor Hill, that it has been irregularly cultivated, and that it ought either to be resigned, or the kist paid to the Sundoor State in future. This cultivation is in a valley of the main range ending both ways in a *cul de sac*, and is only approachable by men and bullocks through a rugged pass at considerable elevation. Mr. Wright's sneer as to the main chain of hills being considered by us as "an important line of defence," I pass over with the simple remark that it is a perversion of what I said to him in reference to the absurd claims of the villagers, who, if they had their way, would leave a mere shell instead of the territory of Sundoor intact, viz., that in former times the Sundoor Hill territory formed its principal line of defence, but that, had the entire water-shed belonged to another power, the hill territory would only have been a source of weakness.

7. We are agreed as to the boundary of the Ramandroog range, which I regret to learn is the sole result of our four months' labors and of the expense incurred.

8. I pass on now to the two Manna Dibbas, which are simply lower plateaus of the main range. It appears to Mr. Wright that boundaries of States ought to run as nearly as possible in straight lines, but in the majority of instances nature seems to repudiate the theory. The sketch given by him of the part in dispute gives but a very inadequate idea of the real state of the question. I append to the margin a *fac simile* of the sketch showing the actual measurements in chains at various parts, from which it will be seen that the sketch too obviously favors the claim now set up. There is no actual cultivation between the two plateaus, nor does there appear ever to have been any. On the site of Angadi Eeranahully there are only traces of the foundations of three or four houses: whether they were ever actually built and inhabited seems a question that remains to be solved. With regard to Mr. Wright's proposed boundary, I would merely observe that, judging



from the practice which obtains in other parts around the Sundoor State of including hills however worthless, it is altogether inexplicable that the two Manna Dibbas should have been omitted except on a supposition which is fatal to the claims.

9. There is no existing village of Maladevanhully, nor has there been for many years past. With regard to the proposed boundary from the junction of Malludevanhully and Swamyhully to Bommalagunda, until the receipt of Mr. Wright's report I was under the impression that my proposal was generally agreed to. Our claim was made and marked along the extreme foot of the spurs, where run the limits of the pymaish; but, with the view of a settlement, I afterwards drew the present line along with Mr. Wright, to which not a single objection was made at the time, or, if made, was then obviated, until we came to Nir Kolla, which Mr. Wright demanded to be excluded. I thereupon said that if, after making such considerable concessions all along, his demand should be insisted on, I should forthwith consider myself at liberty to withdraw all that I had conceded. I am sorry, therefore, to think that there is an apparent want of candor in the report, which, in the absence of any explanation, leaves it to be inferred that my

second line was not an attempt at negotiation, but simply represents our original claim. My letter to Mr. Cardozo from Ramadroog, written under the impression that the negotia-

tion was then to close, and requesting that it should be allowed to go on, and which was seen by Mr. Wright before being posted, clearly shows what was then my belief as to what had been already done. I now find that Mr. Wright not only claims Nir Kolla, but proposes a still higher line along the whole of the hill, and that no part of what we had gone over had been settled. With regard to Nir Kolla, I venture to affirm that it is not included in No. 140 of the pymaish settlement, that my line wholly excludes No. 140, and that it does not include any cultivation at that part. The produce of the mango trees (amounting to thirty or more) has been long enjoyed by the inhabitants of Kombatharavoo for the support of the village temple. That the produce of thirty full-grown trees should be rented to any one at four annas per annum seems to me absurd. Besides, the putta of Bomanta Raz merely mentions mango trees in No. 140, which only reaches to the foot of Nir Kolla, and does not include the mango trees in question. Along the Golarlinganhully lands a similar measure of concession was made from our boundary as originally claimed and marked out in hope of meeting Mr. Wright's views and thus facilitating future negotiation.

10. I was sanguine enough to hope that Mr. Wright would resile from his hastily-formed and injudiciously-declared opinion as to the Motalakunti boundary. As, however, he now continues to adhere to it, I am laid under the disagreeable necessity of representing the matter fully. His proceedings as a negotiator on the morning on which we went out to try and demarcate the boundary were so extraordinary as to throw grave doubts on the probability of any successful negotiation afterwards. Accompanied by certain of the villagers of Golarlinganhully and Motalakunti—our people being ordered to stay behind on the ground that they were not wanted—he ascended the hill, and, after a cursory survey of the lie of the hills, came down to me at the point where we had left off on the preceding day, when, without a word of discussion or argument, he began to state loudly how he would carry his line, thus totally setting aside the Sundoor claims, though only *ex-parte* evidence had been received and recorded. Taken by surprise, I replied that he might draw his line where he pleased, but that I should expect ours to be marked, and that, if such was to be his procedure, there could be no further necessity for my remaining on the field. Against Mr. Wright's opinion, I have to point out that the pymaish, after embracing the rocky and utterly worthless ground, stops short of the hill by ten chains or thereabouts, and that the intervening portion would certainly have been included in the pymaish had it been then regarded as a part of British territory, and that, as Hiri Jolada Raz is included in the pymaish of Bommalagunda, it is difficult to understand why Chinna Jolada Raz in the same line and contiguous should not have been so entered on the supposition that Chinna Jolada Raz belonged to the same village; that on the south side of the latter hill a raised platform still exists under an old tree, where the Sundoor hill contractors collected the seigniorage in former years when wood was more plentiful, and finally that behind the same hill part of the valley was formerly cultivated by ryots of Appayanhully.

11. In conclusion, I presume that the parts still in dispute will be finally settled by arbitration, and am authorized to state that the Rajah, if the Government approve of such an arrangement, is perfectly willing that every matter in dispute should be determined finally, and without appeal, by Mr. Clogstoun as sole arbitrator, in whose equity and judgment he has every confidence.

ENCLOSURE No. 7.—Summary of Evidence.

ENCLOSURE No. 8.—Map.

G.O., 10th Jan. 1874, No. 40.
" 1st April " " 409.
" 1st Sep. " " 1,120.

SUBMITTED to Government with
reference to the Orders noted in the
margin.

2. These papers relate to a boundary dispute between Sundoor and the adjacent villages belonging to Government. The Rajah, of late years, rented the border forests which had become valuable to a contractor. This led to the recurrence of frequent disputes between the renter and the ryots of the Government villages, the former alleging infringement of his rights and the latter complaining of improper interference with privileges which they had enjoyed from time immemorial. In view to a final settlement of the matter the demarcation of the Sundoor territory by the Revenue Survey Department as a separate work was suggested by the Collector as a course acceptable to all parties, and, on the recommendation of the Board, the suggestion was approved by Government (G.O., dated 10th January 1874, No. 40).

3. It was accordingly proposed to the Rajah's Agent that the matter should be settled by arbitration under Act XXVIII. of 1860. To this arrangement the Agent objected and proposed settlement by negotiation according to previous custom. This course was approved in G.O., dated 1st September 1874, No. 1,120, and Mr. Wright, First Assistant Superintendent, Revenue Survey, was empowered to negotiate on behalf of Government on the understanding that the result of the negotiation should be submitted for the ratification of Government.

4. Operations were accordingly commenced, and Mr. Wright and the Rajah's Agent, Mr. Macartney, accompanied by subordinate Revenue Officers, inspected the whole boundary. Commencing at Rajapuram, the settled junction of Sundoor and the Mysore territory, and terminating at Motalakunta, the other settled junction of the same territories, they made a complete circuit of Sundoor, taking evidence as they proceeded and preparing a sketch map. The plain red line on this map shows the portion of the boundary which was settled by mutual agreement. The line B C D E F was settled by Mr. Clogstoun in 1869 (G.O., 2nd June 1869, No. 190). The plain black line is the boundary proposed by the Rajah's Agent. The portions colored yellow are still in dispute. The black dotted line is the boundary claimed by the adjoining Government villages. The red line between the plain black and dotted lines is the boundary Mr. Wright would propose in the disputed portions.

5. After the inspection of the boundary, the Rajah's Agent wrote to Mr. Wright explaining his views in respect of the Rajah's claim. He stated that about the time Sundoor was restored to its owner by Sir Thomas Munro an inscription on stone was made in a Muttum mentioning the fact of the restoration and defining roughly its boundary at salient points, and that, though this inscription does not by name refer to the Pymaish settlement of 1803-4, it refers to portions of it, and is not inconsistent with it on the whole. He further states that when the present Rajah succeeded in 1863, it was with the understanding that the limits of the State had been defined by the revenue settlement of Sir Thomas Munro in 1803-4, and that since then the Rajah has exercised civil and criminal jurisdiction within such limits as far as ascertainable, without any objection being raised by Government, the only question arising occasionally being whether he

had exceeded those limits. It is, therefore, assumed by Mr. Macartney that the Rajah's claim is not contested by Government. As to the claims of enjoyment on the part of surrounding villagers, it is admitted that there has been *quasi-enjoyment*, but not such as to establish a prescriptive right against the Rajah. In support of the assumption that the Pymaish limits are the true boundary, it is urged that it is improbable that Sir Thomas Munro would in his settlement fix the boundary at parts and leave it to be determined in other places by the villagers and curnains; that in many places where the Pymaish limits are the true boundary almost unlimited enjoyment is claimed; that formerly the main cordon of hills around Sundoor was considered to be its principal defence, whereas they would be its chief source of weakness if the real boundary had been on the tops of the hills as now claimed, instead of being generally at their base according to the Pymaish. In support of this view, the opinion of Mr. Clogstoun as to the general run of the Sundoor boundary is referred to.

6. In conclusion, Mr. Macartney stated, that to prevent a "dead lock" he had in the beginning made concessions against his opinion as to the justice of the case, but that he would in future adhere to the Pymaish as the boundary.

7. Upon this Mr. Wright applied to the Collector for instructions as to whether the Pymaish limits should be adopted as the basis of settlement as insisted on by Mr. Macartney. The Collector replied that the question was one to be settled by Government, and asked Mr. Wright to submit his report on the dispute. This report, with Mr. Macartney's observations thereon, have now been submitted by the Collector.

8. An agreement has been effected as regards the demarcation of the Raman-droog range, but in other respects no settlement has been come to. It is to be regretted that the attempt at settling the dispute should have resulted in so little. The Board observe that the map should have been clearer, and the Collector's report should have been much fuller.

9. Without necessarily going into detail with regard to each particular locality, he should have expressed his views as to the justness or otherwise of accepting the Pymaish accounts as the limits of the British claims, which seems to be the principle advocated by Sundoor. He should have discussed the question of tracts claimed and apparently, in some cases at least, long enjoyed by British villagers, though not included in the Pymaish, and given his opinion as to the effect of these facts on the respective claims. He should also have given some information as to the description and value of the disputed territory.

10. It seems to the Board that there is some force in what Mr. Macartney urges with regard to the general principle of keeping the boundary near the line that would be indicated by following the Pymaish accounts. These are not always safe guides, but, controlled by other indications, often afford evidence of great value.

11. The principle of being guided to a great extent by them was followed by Mr. Clogstoun and adopted by Government* in a former settlement of a similar dispute, and on the whole the Board are of opinion that, with the concessions which Sundoor seems willing to grant if the principle is generally acknowledged, it should be adopted now.

* G.O., 2nd June 1869, No. 190.

12. It is clear, however, from the tone which the correspondence has assumed, that Messrs. Wright and Macartney are not likely to arrive at agreement on the matter. As the Rajah of Sundoor is willing that the dispute should be settled by Mr. Clogstoun as sole arbitrator, and as it appears from his report on a similar dispute that he is well qualified for the work, the Board recommend that, as soon as his services can be spared, which they cannot be at present, he should be deputed to settle the matter by arbitration as proposed by the Rajah.

(True Copies and Extract.)

[Signature]

Acting Secretary.

To the Acting Secretary to Government, Revenue Department, with a map and *Summary of his*

Copy to the Collector of Bellary.

„ to the Superintendent of Revenue Survey.

„ to the Director of Revenue Settlement.

Exd. J. W. Fischer.

14. To the Board of Revenue
13. The Superintendent of Revenue Survey
12. The Director of Revenue Settlement

[Handwritten notes and dates]
10. 1875
11. 1875
12. 1875
13. 1875
14. 1875

894432

Nov 1875. *[Signature]*

BOARD of REVENUE,
MADRAS.

PROCEEDINGS, 5TH NOVEMBER 1875, No. 3,041

[Signature]

Encl. 3

Received 16. Nov 75

NOVEMBER.
No. 3,041.

Boundary—between Sundoor State and British Territory.—Submitting to Government, with Board's observations, certain papers received from Collector of Bellary regarding settlement of —, and recommending that Mr. Clogstoun be deputed to settle the matter by arbitration as soon as his services can be spared.

[Vertical handwritten note]
25/11/75 11:29 AM/75

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The Board proposed 15/12/75
13/11/75. 1875