M.R.O. 14-5,450--22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 357 Press ~~Mis.~~

136.137

Dated 12-2-1867.

Not to be folded or roughly handled

No. 136. Read the following Proceedings of the Board of Revenue, dated 13th December 1866, No. 8,848.

Read again the following:—

Board's Proceedings, dated 17th January 1865, No. 280.
" " " 6th March " " 1,270.
" " " 30th June " " 3,673.
" " " 28th August " " 5,255.
" " " 31st " " " 5,381.
" " " 18th October " " 6,600.
" " " 27th " " " 6,933.
" " " 20th December " " 8,167.
" Endorsement, dated 9th January 1866, on letter from Captain Fuller, dated 5th January 1866.
Board's Proceedings, dated 8th January 1866, No. 118.
" " " 23rd " " " 546.
" " " 29th " " " 685.
" " " 15th February " " 1,075.
" " " 2nd March " " 1,467.
" " " 8th " " " 1,620.
" " " 26th " " " 2,118.
" " " 15th May " " 3,376.
" " " 30th " " " 3,718.
" " " 13th June " " 4,057.
" " " 21st July " " 5,004.
" " " 7th September " " 6,383.
" " " 28th " " " 6,980.

Read also the following letters :—

From the Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 2nd October 1866, No. 262.

1. I have received Proceedings of the Board of Revenue, dated 21st July 1866, No. 5,004.

2. The directions of the Board, as conveyed in paragraph 5 of their Order, have been complied with, and the different parties interested informed of the Board's views.

3. As requested by Messrs. Hunter and Allan, I forward an original letter addressed by them to the Board.

4. With reference to the sketch, Captain Fuller agrees to the following boundaries, which I recommend should be adopted, namely, the dotted line starting from K. on the lower limb of the new ghaut to G. R. F. N. E. D. O. 4 P.

5. At E. a small piece of land, on which some buildings belonging to Captain Fuller stand, should be included.

6. With reference to paragraph 6 of Captain Fuller's letter of 25th June, I recommend that the land between the western boundary of his estate (through which

the Hoolicul road passes) should be reserved by Government, and not given to any one, the small channel made by Mr. Allan being allowed to stand.

7. The line 4 P. should run along the middle of the rocky nullah, ten feet of the bed being reserved for the water to flow along.

8. The only piece of land remaining is that between H. H. and K. K. in which Mr. Allan's manure tank and channel stand. To these Mr. Allan refuses to give up his claim, and Captain Fuller is willing that he shall have three feet round the manure tank, and three feet on each side of the channel. This settlement I recommend to the consideration of the Board.

9. With reference to the road alluded to by Captain Fuller in paragraph 6 of his letter, embodied with the Board's Proceedings under reply, I recommend that, if made, it should follow Captain Francis's trace, in which case it will come into the new ghaut about S. and not M. The Superintending Engineer should verify the trace, so that Captain Francis's trace may be adhered to. To these propositions Captain Fuller agrees.

10. With this explanation, and the rough trace before them, I trust the Board will be able to follow what has been written above, and understand the boundaries proposed for Captain Fuller's estate.

11. The Board, in their order, seem to have fallen into error on one or two points, which I deem it right to point out.

Paragraph 1.—With regard to the land H. H. and K. K., the lower portion of it lying below Captain Francis's trace, did, I believe, belong to the Glenmore Estate.

Paragraph 2.—Messrs. Hunter and Allan have improved the road, but it is the Hoolicul, and not a private road.

Paragraph 4.—The road widened by Messrs. Hunter and Allan was their private property before they widened it, and their plan shows that they have a strip of land along its upper side. The exact width of this strip it would be difficult to determine, but it must be some few feet. I may as well remark with regard to this road, with reference to the remarks contained in paragraph 2 of Captain Fuller's letter of the 25th June, that when I went along it first, it had not been widened, but some rocks and stones were being blasted. I was guided by my eye in judging of the width of the road.

12. With reference to the following remarks in paragraph 4 of Captain Fuller's letter above adverted to, "I have already explained to the Board, how the twelve "yards Mr. Grant wishes to reserve for Messrs. Hunter & Co. came to be cleared "and fitted by me, and trust that my explanation has been deemed satisfactory." I beg to inform the Board that I have failed to find any such explanation in their Proceedings, and I confess I was not a little astonished when I heard that the twelve yards above the road were being fitted. I trust, however, that the Board will approve of the settlement now proposed, and recommend it for the sanction of Government. Before closing this report, which I trust may prove to be the last I shall ever be called on to make on the same subject, I deem it due to myself to submit a few remarks on paragraph 4 of the Board's Order, communicated with their Proceedings of the 15th February 1866.

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12th February 1867.

13. Having heard that Mr. Williams had surveyed the land held by the Burghers, and sold to John Mahomed, and now Captain Fuller's property, I asked him if such was the fact. He replied that he had surveyed it. I, therefore, resolved to ask him to accompany me to Coonoor, and point out the boundaries. He accompanied me to Coonoor, and after going round the greater part of Messrs. Hunter and Allan's land, and a portion of Captain Fuller's, he told me that Captain Fuller's boundaries were correct. I then asked him about the survey, when to my astonishment and disappointment he informed me that he had only measured two straight lines, one line east and west, and one line north and south, and multiplied their lengths together to satisfy his mind that the Burghers had their full quantity of land. My limited knowledge of practical surveying was sufficient to satisfy my mind, especially when the conformation of the land in question was borne in mind, that the determination of the boundaries of an irregularly shaped estate from such a survey was simply absurd and of no value. I therefore said nothing about Mr. Williams's opinion to the Board, as, if quoted, I would have had to expend time and paper in giving my reasons for setting it aside. In the course of my official experience, I have also had reason to distrust the accuracy of Mr. Williams's surveys and the correctness of his memory.

14. The Board may recollect that a survey by Mr. Williams of a piece of land adjoining the Adderly Coffee Estate, purchased by Mr. Stanes, turned out, on survey by Major Hessey's Department, to contain some sixteen acres more than Mr. Williams's Survey exhibited.

15. As to the correctness of Mr. Williams's memory, I may mention that when General Cleveland was the owner of the properties now held by Captain Fuller, his son-in-law, he applied for certain land adjoining his properties. This land was surveyed by Mr. Williams, but ultimately refused by my predecessor. However, on a question arising as to the boundaries of Captain Fuller's properties, some of which had been formerly surveyed by Mr. Williams, Mr. Williams was deputed to survey the properties and to include them all in one Survey. This he did, and the matter was settled. Months afterwards, on going over some old records, I discovered the original Survey of the land applied for by General Cleveland, and was much astonished to find that no small portion of the land has since been included in Mr. Williams's Survey of Captain Fuller's property.

16. This explanation, I trust, will suffice to disabuse the mind of the Board of the idea that I did not attach to Mr. Williams's statement as to the boundaries, that weight which it seemed to deserve.

From Messrs. HUNTER and ALLAN, to the Secretary to the Board of Revenue, dated Coonoor, 8th August 1866.

On Sunday last we received Mr. Grant's letter, No. 238, of 4th instant, enclosing copy of the Board's Proceedings of 21st ultimo, with respect to Captain Fuller's compensation land.

It is evident to us that the Board by no means understand the case or its merits, probably from their having only heard a one-sided statement. But to shew this more clearly, we think it better to reply seriatim to their Proceedings.

In reply to paragraph 1—

The Board are wrong in stating that the two acres never formed part of the Glenmore Estate. A considerable portion was Glenmore property, and is included in the plan. Moreover, when

given up to Government, it was clearly agreed with Mr. Grant that the manure pit and shoot, which were then existing, were to be preserved intact as part of the bargain in our compensation question. We are, therefore, surprised that the Board should now think of granting to Captain Fuller, what is most clearly a part of our property.

In paragraphs 2 and 3—

Are not very clear, more particularly as we have no copy of Captain Fuller's letter of 25th May 1866.

In reply to paragraph 4—

The road which the Board refer to has existed for at least ten years, is in the original plan of the property, and has never been touched by us, with the exception of lately being widened two yards out of the three yards to which we are entitled, as clearly laid down in the Government plan of our property.

The Board have, therefore, most unjustly charged us with appropriating Government land and taking that to which we have no right, and it is with pain we feel compelled, in justice to ourselves, to give a most emphatic and unqualified denial to this charge, as we had occasion to do to a similar statement put forth by Captain Fuller in his letter to the Board, dated 5th January 1866, and to which we replied in our letter of 16th January 1866.

We would refer the Board again to this letter, and we must say we are extremely surprised that, after so distinct a denial on our part of having at any time taken Government land, the Board, without having any proof, should again try to fasten upon us so serious a charge.

It is unnecessary for us at present to follow Captain Fuller through his long letter of 25th June to the Board, beyond repeating and giving our flat denial to the charge in his No. 3 paragraph, "that we have already encroached on Government land," as also to his statement in No. 7 paragraph, that the barracks are "most decidedly built on Government land," which is not the case, for it was clearly agreed with Mr. Grant, when we gave up the five to six cawnies for the Government road, that our boundary line was to fall back to the said road, and the barracks are well inside that boundary.

We have written to Mr. Grant, requesting that he should name any convenient time to meet us on the ground, and finally and clearly to point out and fix Captain Fuller's boundaries, and can assure the Board that nothing will be wanting on our part to bring about a speedy settlement of this matter.

From the Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 9th October 1866, No. 271.

With reference to my letter of the 2nd instant, No. 262, I beg to forward, for the information of the Board of Revenue, a letter from Colonel Walker, bearing on the subject of the new ghaut in connection with the land proposed to be granted to Captain Fuller as compensation.

From the Superintending Engineer, 7th Division, to the Collector of Coimbatore, dated Coonoor, 18th August 1866, No. 20.

1. I have the honor to submit, for your information, as requested in letter No. 100 of 10th August, the following remarks on Proceedings of the Revenue Board, No. 5,004 of 21st July herewith returned, together with three other enclosures.

Enclosures 4.

2. In paragraph 1, the Board state that no portion of the ground between K. K. and H. H. ever formed portion of the Glenmore estate. I can certify that the lower half of it, under Colonel Francis's old trace, formed portion of a tract of land between that trace and the lower ghaut trace now adopted, ceded by Messrs. Hunter and Allan for other land on the opposite side of the valley, with the express understanding that they were to be allowed the right of running their liquid manure through it. I now strongly object, on public grounds, to the alienation from Government

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of that piece of ground, and still more of the narrow strip up to the zigzag at 6, such alienation being likely hereafter to lead to claims of compensation for damages to crops, and making away with ground which will hereafter be much required as sites for a toll bar, and other purposes of general and departmental utility.

3. For the same reasons I trust that the two pieces of ground alluded to in paragraphs 2 and 3 of the Board's Proceedings will always remain Government property. Had I known in time of the proposed alienation of the rest of the land between the zigzag and Mr. Hunter's road, I should have proposed to you to give the compensation elsewhere, as, in my opinion, a considerable bazaar would (and should be encouraged to) grow up at the zigzag if ground were reserved, as it will be the meeting place of roads to Coonoor, Metapolliem, Kartairy, and Ootacamund direct.

4. On paragraph 4, I have to express my opinion that the Board are quite wrong in assuming that Messrs. Hunter and Allan have carried a road through Government land. I may be mistaken, but if the survey of their land be referred to, I am under the impression that it will be found to include this *private* road, which I have little doubt of their having had a legal right to widen according to their necessities.

5. In conclusion, I take the liberty of expressing my surprise at the absence of all authenticated Government Surveys of the properties interested in these questions, and I beg to state that until I shall have been afforded an opportunity of seeing such documents, if they exist, I shall retain my present opinion, founded on good knowledge of the subject, that neither party has any claim for compensation, either on account of land taken up for the ghaut, or for the Sapper Barrack; but that all they are to receive will be given them by Government as a matter of favor.

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1. Resolved that the claim preferred by Captain Fuller, for compensation on account of land taken from his Coffee plantation at Coonoor for the new ghaut road leading from Coonoor to Metapolliem, be submitted for the decision of Government.

2. The Board observe that, unfortunately, this claim has led to very protracted proceedings, and that, to put the case clearly before Government, it is necessary to advert to the more important points referred to in the correspondence, which Mr. Grant, the Collector of Coimbatore, and the Board, have held on the subject.

3. Captain Fuller's claim was brought before Mr. Grant so far back as the 14th February 1864. On that date Captain Fuller represented to the Collector, that a piece of land which he had purchased from John Mahomed in May 1863, for a Coffee plantation, measuring about forty cawnies, had been encroached on for the new ghaut road from Coonoor to Metapolliem, and he prayed that in lieu of the land cut off by the new road, the Collector would give him a certain piece of land adjoining, measuring about four acres.

4. On the 17th January 1865, Captain Fuller complained to the Board that he could not obtain a settlement of this claim from Mr. Grant. In reply to the Board's call for explanation, Mr. Grant stated (under date 8th February 1865, No. 24), that the area of Captain Fuller's plantation had never, as he believed, been correctly ascertained, "but was simply entered in the Puttah according to the Curnum's "estimate, a practice which formerly obtained very generaly on the hills;" that he had one day, in 1862, inspected the same land, when it was still held by the Burghers (from whom John Mahomed bought it); that he thought, if his memory served him correctly, that the land pointed out to him on that occasion as the property of the Burghers, did not include all the land now claimed by Captain Fuller; and that, in his opinion, Captain Fuller's boundary should be allowed to run within a few feet of the catch-drain of the new ghaut road, but no further.

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5. On this the Board pointed out to Mr. Grant that Captain Fuller claimed to hold all the land included within certain boundaries, which, as he alleged, had been officially inspected by the Revenue Officers in 1863; and that if no objection was then taken to the boundaries, as pointed out by Captain Fuller, (embracing land on the south side beyond the new ghaut road,) Captain Fuller's claim to compensation could not be equitably disputed. Mr. Grant was, therefore, requested to make a definite proposal for meeting Captain Fuller's claim.

6. Mr. Grant then stated that to enable him to submit the required report on Captain Fuller's claim, a previous survey of his land was necessary. The Board, on the 28th August 1865, remarked that this proposed survey, if still necessary, should be made at once; but they at the same time desired to know why, under the circumstances referred to above, Mr. Grant thought a survey was still needed.

7. Mr. Grant in his letter dated 4th September 1865, No. 188, explained on what grounds he considered a survey was required, but he omitted to notice the fact alleged by Captain Fuller, and previously referred to by the Board, that at the time Captain Fuller was making his purchase in 1863 he wrote to the Collector to ascertain whether any objection existed to his having the land described in that letter. The reasons which Mr. Grant gave for thinking a survey needed were, that the Burghers were only entitled under their Puttah to a right of grazing over a definite number of acres, and that Captain Fuller seemed "to have fixed on an arbitrary boundary of his own choosing."

8. In the same month (letters dated 2nd and 23rd September 1865, Nos. 187 and 203) Mr. Grant submitted the plan of a survey made by the Revenue Survey Office. From this survey it appeared that the land, as claimed by Captain Fuller, measured Acres 52-95 above the Coonoor ghaut road, and Acres 6-0-8 below the upper limb of the new ghaut, making in all 59-0-3. As this survey proved that Captain Fuller's land, without allowing for any ground below the new road, exceeded in extent the number of acres entered in his Puttah, Mr. Grant was of opinion that Captain Fuller's claim to compensation should not be admitted.

9. The Board were, however, still uninformed as to the correctness of Captain Fuller's statement, that he had described his boundaries, as he understood them, when applying for information to Mr. Grant in May 1863, before completing his purchase. Mr. Grant was, therefore, requested to explain under what authority, and for what purpose Captain Fuller's land was inspected in 1863 by the Tahsildar and the other persons referred to in paragraph 2 of Captain Fuller's letter, dated 11th January 1865.

10. It appeared from Mr. Grant's reply (dated 14th November 1865, No. 237), that Captain Fuller's statement on the above point was quite correct. Captain Fuller wrote to Mr. Grant on the 11th May 1863, stating "that he intended to "purchase from John Mahomed and Co., about forty cawnies of land, (within certain "boundaries specified in his letter,) and requesting Mr. Grant to ascertain whether "this estate was registered in the name of John Mahomed and Co., or not, whether "its extent was forty cawnies, and whether the Burghers had a right to sell it." On the 21st of the same month the Tahsildar was directed "to report whether the land belonged to the Burghers, &c.," and on the 9th July the Tahsildar, "without send-"ing a distinct reply to the above questions, forwarded a Razeenamah on the part

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"of John Mahomed in favor of Captain Fuller as purchaser of the land." It further appeared from Mr. Grant's report that Captain Fuller himself wrote to Mr. Grant on the 10th idem, adverting to the inspection made by the Tahsildar and the Curnum of the district, and to their having said that the boundaries which he had pointed out were correct, except that he had built two sheds about thirty yards above his boundary, and for this he offered to pay additional assessment. Mr. Grant did not state that he made a reply to this latter letter from Captain Fuller or to his previous one, dated 11th May 1863. He however proceeded to remark that the Tahsildar repudiated the idea that he ever had admitted the correctness of the boundaries, the Curnum (since dead) having been the only person who went round the boundaries with Captain Fuller when he pointed them out. To prove what his own intentions were on the same point, Mr. Grant referred to a letter which he wrote to Major Farewell on the 26th August 1863, as evincing that he did not expect the settlement of the boundaries to take place till the completion of the survey of the estate. In this letter Mr. Grant wrote as follows: "I request that the land "purchased by Captain Fuller at Coonoor from John Mahomed may be surveyed "in its regular course. It will be necessary that the boundaries be attested by the "Tahsildar, and perhaps it will be well that Captain Fuller be called on to put "distinct boundary marks ere the survey be attempted, as time will thereby be "saved."

11. The Board now requested Mr. Grant to inform them whether Captain Fuller, when pointing out his land to the Revenue Survey Officer, had adhered to the boundaries specified in his letter to the Collector, dated 11th May 1863, for it appeared from some remarks in Mr. Grant's letter, dated the 2nd September 1865, No. 187, that Captain Fuller had not adhered to the same boundaries when describing on different occasions what his boundaries were. The Board were satisfied, on receiving Mr. Grant's reply, that Captain Fuller had kept throughout to his original statement as to what he believed were his boundaries. (The boundaries as described by the previous owner, John Mahomed.)

12. The Board having these facts before them, continued of opinion that Captain Fuller's claim to compensation ought to be admitted. The Tahsildar's denial (recently made) that he ever certified to the correctness of the boundaries was, in their judgment, deserving of no weight, the Tahsildar having been specially deputed to inspect the land and its boundaries. Moreover, if Mr. Grant was not prepared to endorse the Tahsildar's action as to that point, (as reported in Captain Fuller's letter of the 11th July 1863,) he ought to have written at once to Captain Fuller to that effect. Instead of doing this, Captain Fuller had no possible means of knowing that any objections would be raised on Mr. Grant's part till he saw Mr. Grant's letter to the Board, dated 8th February 1865, No. 24, when he expressed, for the first time, doubts as to Captain Fuller's boundaries extending so far as Captain Fuller alleged. Mr. Grant's letter to Captain Farewell really afforded no evidence that Mr. Grant intended to keep any question about the proper limits of the land still open; and as to the excess found when the land was surveyed, the Board remarked that the Burghers had evidently occupied a fixed portion of land from a distant period, so that if on measurement the real extent of the land so occupied proved to be larger than the extent entered in the Puttah, the Collector's proper course was in the usual manner to charge assessment for the excess, and not to

reduce the extent of the holding. On this occasion the land, as held by the Burghers, had passed from their hands into the possession of John Mahomed, who was registered in the Collector's Office as the owner, and who, in his turn, sold the same land to Captain Fuller. They, therefore, in Proceedings dated 15th February 1866, No. 1,075, directed the Collector to report, without further delay, how Captain Fuller's claim could be met.

13. Mr. Grant, in reply, dated the 13th March 1866, No. 65, proposed that Captain Fuller should be allowed to have, as compensation, a piece of land lying on the south side of his plantation (the same, or part of the same, land which he at first applied for), and another portion situated on the north and north-east sides, provided the boundaries in one or two places were adjusted so as to preclude any clashing between Captain Fuller's interest and those of Messrs. Hunter and Allan, who are the owners of the adjoining property. Captain Fuller applied, in the first instance, for only the four acres. On what grounds he afterwards applied for more is explained in his letter of the 27th June 1865, recorded in Board's Proceedings dated the 30th June 1865, No. 3,673. These grounds were that the Karteri road had since been carried through the four acres, and that he was entitled to compensation for "having lost the use of the land for the long time that had since elapsed," (*i. e.*, since he first preferred his claim). It was necessary to refer Mr. Grant's letter to Captain Fuller for explanation on one point, and after some further correspondence as to the way the respective interests of Captain Fuller on the one side, and of Messrs. Hunter and Allan on the other, could be properly adjusted, the Board, in Proceedings dated 21st July 1866, No. 5,004, recorded their approval of the arrangements proposed by Mr. Grant, and informed him that they would submit them for the sanction of Government on Mr. Grant's reporting that the several persons interested therein were ready to accept them.

14. Mr. Grant, in his letter dated 2nd October 1866, No. 262, submits his final proposals for adjusting the boundaries of the land to be made over to Captain Fuller.

15. The land situated on the south side of the plantation is, the Board believe, under four acres. The extent of the land on the north side is not stated, but a great portion of it is described as "steep and rocky, and not fit for cultivation." It is explained that Captain Fuller wishes to take up additional land on that side, chiefly to connect the plantation purchased from John Mahomed with another property in the same vicinity.

16. The interest exhibited by Messrs. Hunter and Allan in this case proceeds, in part from their having desired to obtain the same land as Captain Fuller applied for, measuring about four acres, and in part from Captain Fuller having complained that certain portions of land which Messrs. Hunter and Allan held adjacent to his did not properly belong to them. The Board understand that Mr. Grant is now able to adjust these details so as to obviate all further cause of dispute between the owners of the two properties.

17. Mr. Grant, in paragraph 11 of his letter, has pointed out that the Board were mistaken on one or two questions of fact when discussing the above-mentioned details. He also forwards a letter from Messrs. Hunter and Allan, repudiating (in stronger terms than were at all necessary) the "charge" against them that they had

made a private road on the Government land, &c. The Board did not intend to make any charge, and they readily admit that, in the instances referred to by Mr. Grant, the facts were incorrectly stated. Two of these mistakes are referred to by the Superintending Engineer, Lieutenant-Colonel Walker, in his letter to Mr. Grant, dated the 18th August 1866, No. 20, paragraphs 2 and 4.

18. In this letter, which Mr. Grant sent to the Board on the 9th October 1866 for their information, Lieutenant-Colonel Walker submits his remarks, as requested by Mr. Grant, on the Board's Proceedings dated 21st July last, No. 5,004.

19. In paragraph 2, Lieutenant-Colonel Walker strongly objects, on public grounds, to the alienation from Government of the piece of ground between K. K. and H. H. (in the rough sketch plan prepared by Mr. Grant, and "still more of "the narrow strip up to the zigzag at 6, (on the same plan,) such alienation being "likely hereafter to lead to claims of compensation for damages to crops, and "making away with ground which will hereafter be much required as sites for a "toll bar, and other purposes of general and departmental utility." The Board, in deference to these objections, would in any case advise that the ground thus described should be reserved.

20. Lieutenant-Colonel Walker remarks in paragraph 3, that the two pieces of land referred to in paragraphs 2 and 3 of the Board's Proceedings, dated the 21st July last, ought always to remain Government property; and that had he "known in time of the proposed alienation of the rest of the land between the zig-"zag and Mr. Hunter's road," he should have proposed to Mr. Grant to give the compensation elsewhere, as in his opinion "a considerable bazaar would (and should "be encouraged to) grow up at the zigzag if ground were reserved, as it will be the "meeting place of roads to Coonoor, Metapolliem, Kartairy, and Ootacamund, "direct." In this case the Board believe that Mr. Grant has not proposed to make over either of the two pieces of land referred to in paragraphs 2 and 3 of the Board's former Proceedings. The remaining piece (that described by Lieutenant-Colonel Walker as the rest of the land between the zigzag and Mr. Hunter's road) is, they believe, the land which Captain Fuller originally applied for on the south of his plantation.

21. In paragraph 5, Lieutenant-Colonel Walker expresses his surprise at the absence of authenticated Government Surveys of the properties interested, and remarks that until he shall have seen such documents, if they exist, he shall retain his present opinion, founded on good knowledge of the "subject, that neither "party has any claim for compensation, either on account of land taken up for the "ghaut, or for the Sapper Barrack, but that all they are to receive will be given "them by Government as a matter of favor."

22. The Board must observe on the subject of this letter generally, that the Superintending Engineer ought to have been consulted by Mr. Grant before he submitted his proposals in his letter of the 13th March last, No. 65. The Board had then decided that Captain Fuller was entitled to compensation, and that the proper course would be to let him have the land for which he had first applied, this being available as land still belonging to Government, and the objections made to his having it by Messrs. Hunter and Allan being untenable. The Board had in view only the rival claims of two private parties. Mr. Grant was, therefore,

directed to consult Captain Fuller's wishes, "as far as practicable," as to what land he was to have, and in his reply he stated that he saw no objection to the lands pointed out by Captain Fuller being granted to him, provided the boundaries in one or two places were adjusted, &c., (paragraph 1).

23. As the question now stands, in every case but one in which Lieutenant-Colonel Walker wishes to see the land reserved, the Board have recommended that his views should be acted on. The exception is the piece of land referred to at the end of paragraph 20 above. (The land for which Captain Fuller originally applied on the south side of his plantation.) Mr. Grant placed Captain Fuller in possession of this piece of land in or before March last, in anticipation of sanction, as stated in paragraph 3 of his Report, dated 13th March 1866, No 55, and it is not, the Board think, right that Captain Fuller should now be required to withdraw from this land on account of a possible contingency, (put forward at so late a date,) that the land might hereafter be used for the purpose described by Lieutenant-Colonel Walker.

24. The Board do not agree with Lieutenant-Colonel Walker's concluding remarks. On what grounds they consider Captain Fuller has a good claim to compensation have been already stated. If a survey of the land had been in existence when Captain Fuller purchased it from John Mahomed, the present discussion would no doubt have been avoided, but the land had already passed by purchase through one person's hands before Captain Fuller acquired it, and he was himself at liberty to purchase such property in his turn, though no survey existed. If the new Coonoor Ghaut road was subsequently carried over part of this land, he was justified by the usual practice in applying for other land, to make good any loss or damage he had sustained, and for the Government to deal with such claims in a liberal spirit is not a difficult matter, the land newly made over on such occasions being always charged with the usual rates of assessment.

25. The Board now recommend that Captain Fuller be allowed to have the two portions of land described by Mr. Grant, with such limitations as he proposes; provided that the several parts which Lieutenant-Colonel Walker desires to see reserved be reserved, with the one exception referred to in paragraph 23 above.

26. The Board will make the other claim referred to by Lieutenant-Colonel Walker (*vide* paragraph 21 above) the subject of a separate report.

No. 337. ORDER THEREON, 12th February 1867, No. 354.

Miscellaneous.

1. The Government sanction the arrangement recommended by the Board in paragraph 25 of the above Proceedings.

2. It is understood that the regular assessment will be charged on the land to be made over to Captain Fuller.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 280.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 17th January 1865.

Read the following letter from W. H. T. FULLER, Esq., to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Coonoor, 11th January 1865:—

1. I have the honor to request you will lay before the Board of Revenue this my petition, that compensation be granted to me in lieu of land taken up by Government for the new ghaut road leading from Coonoor to Mettapolliem. I am compelled to petition the Board, as I find it perfectly fruitless and waste of precious time to look for redress from the "Collector of Coimbatore," who on a former occasion delayed, for upwards of eighteen months, granting me a Deed of Assignment for land purchased of Government at public auction by General Cleveland some seven or eight years ago, and it was only after a great deal of trouble, anxiety, loss of time, and incessant writing, that I at last got the deed.

2. As regards this petition, it is with reference to a Coffee Plantation belonging to me situated at Coonoor, and known by the name of "Pulponey" or "Cleveland Estate;" the piece of land formerly was held in Puttah by "Badaghers," and sold by them to "John Mohomed," a Musselman, from whom I purchased it in or about May 1863; the registered area of the Puttah is, I believe, forty Cawnies, or nearly sixty acres; but from what fell from the Collector's lips, I fancy no specification of the boundary marks exist, and the land has been bought and sold with the understanding that certain stones, pathways, trees, &c., were the limits of the land in different directions. On my purchasing the land of John Mohomed, the Tahsildar of Ootacamund, the Curnum, the Sub-Magistrate of Coonoor, and other native officials, came to inspect the land, (I suppose by order,) and on that occasion the boundary marks that I now state bound my land were pointed out to them, and to which at that time no objections were raised with the exception of about one-eighth of an acre, which had been inadvertently taken in and built upon by me, regarding which I wrote to the Collector.

3. On the 10th instant, the Collector of Coimbatore came to inspect the portion of land that I stated had been cut off by the new ghaut road, and also to see the piece of land I applied for as compensation (being about four acres). After inspection the Collector said that he did not *think* the ghaut road had cut off any portion of my land, although I pointed out to him my boundary marks standing on the further side of the ghaut road, and mentioned to him that these marks were pointed out to his officials, and no objection raised thereto.

4. I have now reason to believe that the Collector of Coimbatore contemplates making a road through the portion of the land I have applied for, as compensation, to do which I beg most respectfully to inform the Board would not only be a wanton waste of Government money, but an injury to myself, as two roads leading to the point that the Collector is thinking of making the road to already exist, and both of which are practicable for man and beast, as well as being more than a mile shorter. If the Board has any doubt regarding the above assertion, may I beg that they will put a veto on the road being proceeded with until a plan is made of my estate of the piece of land applied for as compensation of the roads now in existence, and of the portion of land cut off by the new ghaut road, and which I claim as my property.

5. In conclusion, I beg most respectfully to bring to the notice of the Board, that on the 14th of February 1864, I wrote to the Collector of Coimbatore regarding the new ghaut road cutting off a portion of my land, and up to this moment I believe I am as far off obtaining satisfaction as I was then, and it is on this account I have been forced to petition the Board of Revenue to grant my request (viz., about four acres of land), by doing which I shall obtain my just rights without injury being done to either Government or private individuals.

Forwarded to the Collector of Coimbatore for early report, with sketch of the locality.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To P. Grant, Esq., Collector of Coimbatore.

Copy to Mr. W. H. T. Fuller.

Exd. J. Wright.

1865. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 17*th January* 1865.

Despatched

Received

No. 280.

Forwarding for report letter from Mr. Fuller, applying for compensation in lieu of land taken up by Government for the new ghaut road leading from Coonoor to Mettapolliem.

No. 1,270.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 6th March 1865.

Read the following letter from P. GRANT, Esq., Collector of Coimbatore, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Coonoor, 8th February 1865, No. 24:—

1. I have received the Board's Proceedings of the 17th January 1865, No. 280.

2. The land now occupied by Captain Fuller and planted out with Coffee by him, formerly belonged to Javarun and ten other Burghers, and was held by them on Puttah. On the 25th October 1862, they sold the land to one John Mohomed for Rupees 400, who sold it to Captain Fuller on 16th June 1863. The extent of land entered in the Puttah is Bullahs 13-9, or Acres 51, Roods 3, Yards 48, Feet 11¼.

3. The area of the land, I believe, was never correctly ascertained, but was simply entered in the Puttah on the Kurnum's estimate, a practice which formerly obtained very generally on the Hills. In 1862, before the Burghers sold their land, I one day inspected it, and if my memory serves me correctly, the area of the land now planted out by Captain Fuller is in excess of what was then pointed out to me as the property of the Burghers; whether it is in excess of the quantity entered in the Puttah, I cannot say, but I should think it is. The accompanying rough sketch will assist the Board in understanding the question. The blue line represents the new ghaut line, now twenty feet broad, traced and opened by Captain Law. The red line shows Captain (now Colonel) Francis's trace, two and three feet broad, made about 1856; this trace, for Engineering reasons I believe, was rejected, and the blue line trace adopted. Now, I maintain, that Captain Fuller's land does not extend below Captain Francis's trace. In fact, according to my impression of the land in 1862, it did not even extend to Captain Francis's trace. Suppose Captain Francis's trace had been adopted, does Captain Fuller mean to say that he would have claimed compensation, hardly I think; and yet he now alleges that his land extends to the lower line of Captain Francis's trace, a portion of which he pointed out to me as his boundary. To my mind the upper line of Captain Francis's trace might, with greater propriety, have been adopted by him. I would allow Captain Fuller's boundary to run within a few feet of the catch drains of the new ghaut, but no further; and if additional land is to be given to him at any time, the necessity of which as a matter of right I doubt, it can be given from waste land situated on the east side of his plantation, and above the new ghaut. With regard to the new line of road to Kartari which I wish to have traced, and marked off in view to future construction when funds are available, I beg to enclose a letter from Colonel Walker, Superintending Engineer; he, the Board will observe, holds a very different opinion from Captain Fuller regarding its utility. It would run for about seventy yards through the land applied for by Captain Fuller, and the objections raised by him to its construction show how necessary it is for Government to reserve land for roads. The proposed new line of road will lead to Kartari, a point of rendezvous for the estates in that part of the Hills, and when made will be on a very easy gradient, and I believe, that a moderate sum of money only will be required to make it available for wheeled traffic. There is a bridle-path now in existence to Kartari, but why Government should be obliged to take a road over hills with steep gradients, and at considerable expense, when they can get a beautiful line with easy gradients, and through their own lands, simply because a private party wants some of the land to add to his Coffee estate, and does not wish to let any one through it, I do not understand.

4. The actual area of Captain Fuller's land cannot be ascertained without a survey, which cannot be made until Surveyors are detached from the Revenue Survey Department; but whether it turns out that Captain Fuller has more or less land than is shown in his Puttah, the decision of this question should not, I consider, be allowed to interfere with the construction of a road which will prove of such general utility.

—

ENCLOSURE No. 1.

From Lieutenant-Colonel G. W. WALKER, R. E., Superintending Engineer, 7th Division, to P. GRANT, Esq., Collector of Coimbatore, dated Coonoor, 2nd February 1865.

As requested by you, I have the honor to report on the line of road by which you have proposed to connect Kartari with the Coonoor Ghaut.

I have devoted two mornings to a reconnoissance of the valley of the Kartari river, and have been much surprised by the comparatively easy nature of the ground which will be traversed by the line you have suggested. Every abrupt and precipitous feature of the valley occurs at a level far above that which a road would take, and whether the object of that road be to connect Kartari and its neighbourhood with the low country, or with Coonoor, the route in question will be the nearest and cheapest for wheel traffic that could be constructed, and by the neighbourhood of Kartari, I mean not only the adjacent slopes of Hoolikul Droog, but the whole Mailoor plateau. I reckon the distance by the proposed line from the Kartari saddle to the first zigzag on the new Coonoor Ghaut, at five miles only, to open which as a bridle-path, cut one yard out of the solid, will cost 2 Annas per running yard, or Rupees 220 a mile, say Rupees 1,200 in all, including tools and superintendence. Of this sum, one-half might be spent within the current official year, and as the "Hill roads" sanction is already appropriated, I recommend immediate application for special sanction of that sum to enable Captain Law to lay out the line. I am sorry to say that its junction with the new Coonoor Ghaut *must* unavoidably run through the land to which Captain Fuller has lately laid claim, and which he is planting. The severance would not amount to more than two acres at the utmost. I have alluded to the trace being undertaken by Captain Law; and I can vouch for his readiness to work it in addition to the Coonoor Ghaut, as he has already undertaken the new line between Coonoor and Kotagherry, and from Kotagherry to the seven mile tope in Kodanaad. In no better hands can be placed the outlay of the "Hill roads" annual sanction. But I must take this opportunity of noting that the extra work has entailed on him extra expense; to meet which, I think, Government should be solicited to grant him the travelling allowances of an Assistant Engineer, on the understanding that his services shall be available wherever required on the Neilgherries.

(True Copy.)

(Signed) P. GRANT,
Collector.

ENCLOSURE No. 2

ABSTRACT.—Rough plan showing the line alluded to in Captain Fuller's complaint.

From the remarks made by Mr. Grant in the foregoing letter, and by Colonel Walker in its enclosure, the Board are satisfied that it would not be advisable to grant to Captain Fuller, or any one else, so much of the land for which he applies as is required for the Kartari road, for which purpose it should be strictly reserved. Mr. Grant will, however, with as little delay as possible, and after due inquiry, make a definite proposal for the disposal of Captain Fuller's claim to compensation. It is observed that he states that the boundary marks to the south of the new Ghaut trace were pointed out to the Revenue Officials when the land was purchased by him, and if so, it seems clear that he has a just claim to the land contained within the boundary acknowledged by the Revenue authorities as the land entered in the Burghers' holdings, from whom it was originally purchased.

(True Copies and Extract.)

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

To P. Grant, Esq., Collector of Coimbatore.

Considering it inadvisable to grant to captain Fuller, or any one else, the land required for the Kartari road, and directing that a definite proposal be made for the disposal of Captain Fuller's claim to compensation for land taken up for the new Ghaut road from Coonoor to Mettapolliem.

Exd. J. Wright.

Dated 6th March 1865.

No 1,270.

PROCEEDINGS OF THE BOARD OF REVENUE,

No.

1865. Department

No. 3,673.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 30th June 1865.

Read the following letter from Captain W. FULLER, 4th Regiment Madras Native Infantry, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Coonoor, 27th June 1865:—

1. With reference to my letter, dated the 11th January 1865, I beg you will bring to the notice of the Board that I have not yet received the compensation to which I am entitled for the land cut off from my property for the new Ghaut road running from Coonoor to Metapolliem.

2. I have only heard from the Collector, in a letter dated so far back as the 13th March last, (a copy of which I now submit to the Board,) that he has been desired to make a definite proposal for the disposal of my claim to compensation *as soon as possible.*

3. As more than *three* months have elapsed since I received that letter, as Mr. Grant has been to Coonoor more than once since he thus wrote to me, and has now gone to "Coimbatore," and as it is of very great consequence to me that my claim should be settled before I have to leave Coonoor to return to my duty, I trust the Board will excuse me if I again complain that my claim should still continue unsettled.

4. Mr. Grant in the letter which I now lay before the Board, states that the land required for the Kateri road is not to be given to any one; but this road will only take up a portion of the land which I have applied for, and it would still suit me to have the remaining portion as *part* of my compensation.

5. As Mr. Grant has not, I believe, complied with the Board's instructions to have a sketch made of the locality, I now beg to submit a rough plan made by myself showing the portion of my land cut off for the Ghaut road, and the two pieces of land which I now want as an equivalent for the land I have been deprived of; and as compensation for loss of time, I hope this plan of mine will satisfy the Board that my claim is one that might be disposed of without very great delay. My first application for compensation was made on the 14th February 1861; since which time the Kateri road has been made through the piece of land I applied for, and as an equivalent for which road, I have now applied for the upper piece, I having sustained serious loss from my having lost the use of the land for the long time that has since elapsed.

ENCLOSURE No. 1.

From P. GRANT, Esq., Collector of Coimbatore, to Captain W. FULLER, Coonoor, dated 13th March 1865.

With reference to your letter to the Board of Revenue, dated 11th January 1865, I beg to inform you that the Board have decided that the land required for the Kateri road starting from the new Coonoor Ghaut is not to be granted to any one. I am, however, directed with as little delay as possible, and after due inquiry, to make a definite proposal for the disposal of your claim to compensation. This question I shall take up on the occasion of my next visit to the Hills. A survey of your land will most probably be required, but the carrying out of this step must in a great measure depend on when the services of Surveyors can be obtained.

Forwarded to the Collector, who will at once submit the report called for in the Board's Proceedings, dated 6th March 1865, and will explain the delay which has taken place in carrying out the Board's orders.

(True Copies and Extract.)

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

To P. Grant, Esq., Collector of Coimbatore,
with a plan (to be returned).

Copy to Captain W. Fuller.

Exd. J. Wright.

No. 5,255.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 28th August 1865.

Read the following letters :—

From Captain W. FULLER, 4th Regiment Madras Native Infantry, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Inkerman, Coonoor, 2nd August 1865.

1. I have the honor to request you will lay before the Board this letter, as well as the enclosed copy, by which the Board will see that I am called upon by the Collector of Coimbatore to point out the boundary marks of my land, so that it may be surveyed with a view to adjusting my claim to compensation.

2. I beg most respectfully to petition the Board to protect me from any unnecessary expense, annoyance, and delay; all three of which evils I shall most likely be subject to should the Collector's present intentions be carried out; for I rest my claim to compensation on the grounds that a portion of my land has been cut off by the new ghaut road, and consider all land within certain boundary marks as my property, without reference to the extent of land that may be contained therein, so that a survey cannot possibly tend to an early adjustment of my claim to compensation, but rather cause still greater delay and expense. May I beg that the Board will call upon the Collector for a precedent for what he now demands of me; for, as far as I can learn, when compensation was granted to a native by the name of Nungapah Row, he (the native) was not called upon to point out his boundary marks, or to have his land surveyed, although I fancy his extent of land and boundary marks are as little known to the Collector as mine. If what I have stated should prove to be the case, I sincerely trust the Board will see that I am not treated in a less liberal manner than either the native or Messrs. Allen and Hunter (proprietors of the Glenmore Estate) who have also had compensation granted to them.

2. The land I have applied for is Government waste land; it adjoins my property, and can only, with the exception of myself, interest Messrs. Allan and Hunter, to whose property it is also contiguous; but as they have already received compensation, and have obtained the piece of land they applied for, I trust the Board will first consider my claim before anything that they or the Collector on their behalf may bring forward as an obstacle to my getting the land in question; for if my getting the land injures their estate, how is it that it has been allowed to lie waste such a number of years, I being the first person that ever applied for it, and that was as far back as 1863.

3. The land that Messrs. Allan and Hunter have obtained as compensation adjoins Mr. Stones' and the Carnatic Coffee Company's Estates, and it is as injurious to their interests, Messrs. Allan and Hunter getting the piece of land as compensation they now have possession of as my getting the land, &c, applied for.

4. I have already quite as many obstacles to contend with as I well can manage without any more being placed in my way. I entered into Coffee cultivation with a view to make a provision for my family, but if illiberal measures are countenanced, innumerable obstacles placed in my way, together with most incomprehensible delay in settling matters, I fear my chance of success is small indeed.

5. My claim to compensation was sent in to the Collector of Coimbatore in February 1864, nearly eighteen months ago; but still matters are in *statu quo*.

From F. H. WILKINSON, Esq., Assistant Collector of Coimbatore, to Captain W. H. FULLER, Coonoor, dated Camp Coonoor, 2nd August 1865, No. 136.

I have the honor to inform you that I have been directed by the Collector to cause your estate to be surveyed in order to the adjustment of your claim to compensation, and request that you will name an early day on which to point out the boundaries of the same to myself and the Surveyor.

(True Copy.)

(Signed) W. H. FULLER.

Received the Board's Proceedings, dated 28th August 1865. Department.

Read and Recorded 1st September 1865.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 30th June 1865.

No 3,673.

Requesting Collector to submit at once report called for regarding Captain Fuller's claim to compensation for land belonging to him taken up by new ghaut road, and calling for explanation of delay in carrying out Board's orders.

From P. GRANT, Esq., Collector of Coimbatore, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated 5th August 1865, No. 153.

1. In reply to Proceedings of the Board of Revenue, dated 30th June 1865, No. 3,673, I beg to state that, to enable me to submit the necessary report on Captain Fuller's claim to compensation, a survey of his land is necessary. This survey I now expect shortly. The Surveyor has been hitherto engaged on other work, and consequently his services have not been available.

2. Since the receipt of the Board's Proceedings under reply, I have visited Coonoor for the special purpose of pointing out the land to be surveyed. Unless my eye has deceived me very much, I think it will be found that Captain Fuller has his full quantity of land; but this point the actual survey must determine.

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1. The Board observe that the survey of Captain Fuller's land, if still considered necessary, should be made with as little further delay as possible; but on this point Mr. Grant should have replied to the Board's concluding remark in their Proceedings, dated 6th March 1865, No. 1,270, and explained why, under the circumstances there referred to, any survey of Captain Fuller's land is requisite.

2. Mr. Grant will submit an explanation on this point at once, and in doing so, will notice Captain Fuller's objections to the proposed survey.

3. The Board much regret that Captain Fuller's claim has been allowed to stand over for so long a time as eighteen months.

(True Copies and Extract.)

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

To P. Grant, Esq., Collector of Coimbatore.

Copy to Captain W. Fuller, Coonoor.

Exd. J. Wright.

Requesting to explain why any survey of Captain Fuller's land is necessary, and to notice that gentleman's objections to the proposed survey.

No. 5,255.

Dated 28th August 1865.

PROCEEDINGS OF THE BOARD OF REVENUE,

No.

1865.

Department.

No. 5,381.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 31st August 1865.

Read the following letter from Captain W. FULLER, 4th Regiment, Madras Native Infantry, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Inkerman, Coonoor, 9th August 1865:—

As I have placed before the Board my claim to compensation for the piece of land that has been cut off my property, (the Cleveland Estate,) situated at Coonoor by the new ghaut road leading from Coonoor to Mettupolliem, I think it advisable to keep the Board acquainted with all correspondence that relates in any way to it, and beg, therefore, to forward a copy of a letter addressed by me to P. Grant, Esq., and request you will lay it before the Board.

(*Copy.*)

From Captain W. FULLER, 4th Regiment Madras Native Infantry, to P. GRANT, Esq., Collector of Coimbatore, dated Coonoor, 9th August 1865.

1. I have the honor to inform you that Messrs. Allan and Hunter have taken in land far beyond the boundary of the land formerly the property of Basham Naidu, and this, I believe, they have done knowingly; may I, therefore, request that the above piece of land be surveyed, as I have applied for, as compensation, the piece of land bounded on the east by it; this survey will also show the amount of land that has been cut off by the new ghaut road, and as compensation for which they have obtained a piece of land about five or six times the area of the piece that has been cut off, and moreover it is desirable to know what actually belongs to the Glenmore Estate, and what to Government, for it appears the proprietors of the Glenmore Estate claim almost all the land in the Katery valley which is adjacent to this Estate.

2. If the Glenmore Estate was re-surveyed in the same way as my Estate is being surveyed, there will no doubt be found an area far exceeding in proportion the area laid down in the plan of the Estate than the area of my land exceeds (if it does so at all) the extent for which I pay quit-rent, although the Glenmore Estate has been surveyed, and a plan exists of its boundary marks while my property is Puttah land, and of which there is no official plan existing for my guidance.

3. I observe that Mr. Fraser, the Revenue Surveyor, is showing in the plan that he is making of my Estate, the trace of a ghaut road that was made about fifteen or twenty years ago, and as he shows nothing but what is public in his survey, and as the trace cannot be for public purposes, I suppose it is with a view of bounding my land by it, this could hardly in any case be my boundary mark, as it would be a very remarkable coincidence if my land, which has been *Puttah land for about forty or fifty years*, should be bounded by so uniform a boundary as a trace of a gradient of about one foot in twenty, and which was made about twenty years after! the Puttah was granted.

4. I believe it is the custom to grant to natives, through whose land a public road is taken, very liberal compensation without reference to the amount of land taken off, and that as a rule, on their Puttah being surveyed, the area held by them, according to their boundary marks, far exceeds their registered area, yet still no objection is raised to granting them compensation. I trust I may not receive less liberal treatment at your hands than Native Puttah holders.

5. Mr. Fraser is, I believe, surveying my land without specifications to guide him, so that I cannot see how a fair conclusion can be arrived at.

Recorded.

(A true Copy and Extract.)

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

To Captain W. Fuller.

Copy to P. Grant, Esq., Collector of Coimbatore.

Exd. J. Wright.

Enclosure No. 1 to Mr. Fuller's letter No. 153 dated 13 August 1865.

Rev. 1568/65

1565. Extract.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 31st August 1865.

No. 5,381.

Recording letter from Captain W. Fuller forwarding copy of a letter addressed by him to the Collector of Coimbatore regarding his claim to compensation for certain land taken up for public purposes.

From Captain W. H. L. FULLER, 4th Regiment, Madras Native Infantry, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Coonoor, 6th September 1865.

1. I have the honor to inform you for the information of the Board, that the Special Assistant Collector, accompanied by the Revenue Surveyor, came to survey my land on the 3rd of August last, and as no Specifications, records, or plans, had been furnished by the Collector for the Surveyor's guidance, I was obliged, before he could proceed with his work, to point out to him my boundaries, this appeared to me a needless piece of labour as well as waste of time, I having some time back pointed out to Mr. Grant my boundaries, which it appears he has up to this time ignored, it therefore rested with the Collector to point out what he fancied were my boundaries, and to prove them as such by official documents of some kind; there would then be some chance of a speedy settlement.

2. On the 4th, 5th, and 7th of August last, my boundaries were surveyed, and on the 9th of the same month the survey was completed, so that Mr. Grant must ere this have received the plan, and ample time I fancy has elapsed for it to have been forwarded to the Board, together with the long promised report.

3. In the second paragraph of Mr. Grant's letter, dated 5th August 1865, No. 153, in reply to the Proceedings of the Board, dated 30th June 1865, he says, "since the receipt of the Board's "Proceedings under reply, I have visited Coonoor for the special purpose of pointing out the "lands to be surveyed; unless my eye has deceived me very much, I think it will be found that "Captain Fuller has his full quantity of land." I respectfully beg that the Board will call upon the Collector to produce copies of all official and demi-official correspondence that has passed between himself and his Special Assistant that relates in any way to the survey ordered by him, and to state if he was guided by any Specifications, plans, or records, when he pointed out the *portion* of land to be surveyed, or if he took in with his eye the extent of my registered area, and directed *that* extent only to be surveyed, and in either the one case or the other, under what circumstances was he warranted in ignoring my boundary marks.

4. I beg to draw the Board's particular attention to the fact, that from the first I claimed compensation, *not* on the grounds that I had a less quantity of land than my registered area, but that a portion of my land, contained within certain boundary marks, had been taken up by the new ghat road; so that supposing even Mr. Grant's eye to be right, yet still I hold that my claim to compensation would be as good as ever.

5. I trust that the Board (taking into consideration the unreasonable time) nearly nineteen months (that Mr. Grant has taken to settle this very simple matter) will permit of no further delay in the settlement of my just claim to compensation.

6. I beg to forward a copy of a letter received from Mr. Grant in which he calls upon me for the area of my land, contained within certain boundary marks, as well as for the area of the land for which I have applied. Mr. Grant never having, as far as my knowledge goes, asked for the same information from other parties to whom compensation has been granted, I therefore am curious to know why a distinction should be made in my case. General Cleveland some time back applied to the Board for a lease in perpetuity for the property, known as the Crimea, situated at Coonoor (and now belonging to me) in the place of lease granted for only ninety-nine years, General Cleveland having at the same time stated his reasons for applying for the new lease. As no reply has yet been received regarding General Cleveland's Petition, may I beg that you will bring it to the notice of the Board.

ENCLOSURE No. 1.

From P. GRANT, Esq., Collector of Coimbatore, to Captain W. H. L. FULLER, Coonoor, dated 13th July 1865, No. 300.

In your letter to the Board of Revenue, dated 27th ultimo, you forwarded a sketch exhibiting the boundaries of your estate. If you will be good enough to let me know the area of the

land contained within these boundaries, as well as the area of the additional land for which you apply, distinguishing between the land below the Kartery road and that on the upper side of the estate, the information will assist me in making my report to the Board, and thereby facilitate matters

(True Copy.)

(Signed) W. H. L. FULLER,
Captain 4th Regt. M. N. I.

ENCLOSURE No. 2.

From Captain W. H. L. FULLER, to P. GRANT, Esq., Collector of Coimbatore, dated Coonoor, 16th July 1865.

1. I have the honor to acknowledge the receipt of your letter, No. 300, dated 13th instant, and regret I cannot assist you any further in making out your report to the Board of Revenue regarding my claim to compensation, I having already personally, as well as by letter, acquainted you with and pointed out to you my boundary marks, as well as the land I want as compensation.

2. I have lost no time in answering, your letter, as I am most anxious that the matter should be speedily settled, more than sixteen months having elapsed since I first made my application to you for compensation.

(True Copy.)

(Signed) W. H. L. FULLER,
Captain 4th Regt. M. N. I.

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1. Before the Board can come to any definite opinion in this case, they must request the Collector to explain, under what authority and for what purpose Captain Fuller's land was inspected in 1862 by the Tahsildar and the other persons, referred to in paragraph 2 of Captain Fuller's letter, dated the 11th January 1865. They also wish to know what correspondence passed between Captain Fuller and Mr. Grant on the subject of the one-eighth of an acre, to which Captain Fuller refers in the same paragraph. Captain Fuller states, that exception was taken to his including this small portion of land with the rest pointed out by him, and he refers to what passed in regard to this one-eighth of an acre as proving that his right to the rest of the land was tacitly, if not directly, assented to. The Board are disposed to concur with Captain Fuller on this point. If the facts be as supposed, they think that his right to hold the land then claimed, as included in his purchase, could not now be equitably disputed.

The Board also desire to be further informed on another point: Mr. Grant has explained in his letter, dated 4th ultimo, No. 188, on what ground it was necessary to have Captain Fuller's land surveyed:

2. It would seem from this explanation, that the Burghers, through whom Captain Fuller claims his title, did not acquire by their Puttah any right to hold a fixed portion of land within stated boundaries. The Board cannot reconcile this view of the case with the facts, that in the present instance the fractional portion of a Bullah was shown in the Puttah, the entire extent of land entered therein being Bullahs 9-13, or Acres 51-3-43-11$\frac{3}{11}$; nor do they understand how the land claimed could so nearly correspond as to its actual area with the extent specified in the Puttah, if, when the Burghers originally occupied it, the village, or the taluk servants, did not make any attempt to measure out a fixed portion equivalent to the extent specified in the Puttah, and to give the holders possession of the land so measured. The Board are aware that the old measurements, as made by the Village Curnums, were inaccurate, and that on the Neilgherry Hills the Burghers were allowed, under the Burty system, to shift their cultivation from one locality to another so long as they paid for as much land as was entered in their Puttahs; but this latter practice would not justify the Government in depriving those who had chosen to retain possession of a fixed extent of land of a part thereof, on the plea that the land actually occupied somewhat exceeded in measurement the area specified in the Puttah. The course

usually followed in other parts of the country, where this kind of discrepancy is found to exist, between the extent of land held and the extent entered in the Puttah, is to make an additional revenue charge proportionate to the excess whatever, it may be: provided the excess is above 10 per cent. The Collector will, therefore, be so good as to state on what grounds, or under what Orders, he would deem it right to act on a different principle on the present occasion.

3. The Board do not quite understand the force of Mr. Grant's remarks in regard to Captain Francis's trace. Whether Captain Fuller could have fairly claimed compensation, if that trace had been adhered to, would have depended, the Board infer, on the question whether or not the trace was taken within the land held by the Burghers. The Survey now made shows apparently that if the limits had been confined to Captain Francis's trace, Captain Fuller's area would have fallen considerably short of the extent entered in the Burgher's Puttah.

Mr. Grant will see from the foregoing remarks, that the Board are as yet by no means satisfied that Captain Fuller has not a just claim to compensation. They agree with him that the land lying between Captain Fuller's land and the Glenmore Estate should be reserved; but they would see no objection to land on the north side being given to Captain Fuller in exchange for what, according to his statement, he has lost, if Mr. Grant can admit at all that Captain Fuller's claim to some compensation is not altogether untenable.

(True Copies and Extract.)

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

To P. Grant, Esq., Collector of Coimbatore.
Copy to Captain W. H. L. Fuller, Coonoor.

Exd R. H. Lee.

Requesting information on certain points connected with Captain Fuller's claim to compensation for land cut off from his property by the new Coonoor Ghat.

No. 6,600.

Dated 18th October 1865.

PROCEEDINGS OF THE BOARD OF REVENUE,

No.

1865. Department.

No. 6,600.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 18th October 1865.

Read the following letters :—

From P. GRANT, Esq., Collector of Coimbatore, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated 2nd September 1865, No. 187.

1. In continuation of my letter of the 5th ultimo, No. 153, I beg to submit the following observations regarding Captain Fuller's claim to compensation for the land said to have been cut off his property by the new Conoor ghat. A survey of Captain Fuller's estate lying above the new Conoor ghat has been made, and is now in the Revenue Survey Office. To save time, however, I have obtained a pencil tracing of it, which is herewith transmitted for the information of the Board.

2. The extent of Captain Fuller's land, according to his Puttah, is Acres 51, Roods 3, Square-yards 48, Feet 11¼, or close on Acres 52, whereas by the survey, in which the calculations for the offsets have not been taken into account, it appears that he now holds Acres 5,803, or Acres 6 more than he is entitled to. The area of the offsets I am informed will bring the total area up to more than Acres 60, or Acres 8, in excess of the land to which Captain Fuller is legally entitled, but from this, 3 Acres, the estimated area of the land claimed by him below the Conoor new ghat, and which has been entered in the survey, must be deducted, leaving him really in possession of Acres 57, or five more than are entered in his Puttah. Under these circumstances, I do not quite see on what grounds he can claim compensation. As stated in my letter of 8th February, I do not think that his land ever extended below Captain Francis's trace. Certainly when I saw it before it passed into Captain Fuller's hands, the cultivated land, to the best of my recollection and belief, did not extend to Captain Francis's trace. Since Captain Fuller got the land a number of trees between Captain Francis's trace and the new Conoor ghat have been cut down by Captain Fuller, and the land on which they stood planted with coffee. The fact of the existence of these trees goes to show that the land was Government property. There can be no objection to Captain Fuller's land being allowed to extend to the catch-drain of the new Conoor ghat; but that whilst he holds five acres in excess of what he is entitled to, he should urge a claim to more land I do not understand. Captain Fuller is anxious to obtain the piece of land which lies between the Karteri trace (vide Captain Fuller's plan) and Mr. Hunter's estate, he asks for it as compensation for loss of land, to which, I trust the Board are now satisfied he never had the remotest title. You will observe by the accompanying letter from Mr. Hunter of the Glenmore estate that he and Captain Fuller had agreed that the land for which the latter now applies should be looked on as neutral ground between their plantations so far as they were concerned. My own opinion is, that this strip of land lying between the two estates should be reserved, it is limited in extent and is the only piece of Sholah in that quarter, with the exception of the other small corner, marked on Captain Fuller's plan (portion of land cut off by Government ghat road) below the new ghat in which a few trees stand and protect the water below them. I am decidedly of opinion that this latter piece of land also should be reserved for the sake of these trees which afford shelter to persons going along the road. Another reason why it should be reserved is, that Mr. Allan Mr. Hunter's partner, asked my permission to form a place on the lower side of the road on which to deposit manure, in view to it being washed down to his estate below by a small stream which runs by. Here Mr. Allan has formed a small reservoir some 10 or 15 feet in diameter, in which the manure is deposited and mixed up with the water, after which it is allowed to flow to the estate in the shape of liquid manure. The formation of the tank, as it may be called, is perfectly unobjectionable, and before it was made I had not the remotest idea that the land in which it stands was claimed by any one: if the property of Captain Fuller, it is remarkable that he did not object to what Mr. Allan was doing. That which is termed on Captain Fuller's plan as a pathway bounding the Glenmore Estate is the lower limb of Captain Francis's trace, and if we accept Ca ptain Fuller's dictum that his land extended to

it, we must be prepared to allow that the upper part of the trace was cut through his land and that had the Engineers adopted it, Government would have to pay him compensation. The position of Government to say the least of it, if it is allowed that Captain Fuller's land extends to the lower limb of Captain Francis' trace, is anamolous, but if I have satisfied the Board, as I think I probably have, that it is doubtful whether it ever extended even to the upper part of Captain Francis's trace, the whole matter becomes simple and intelligible. I have no wish to curtail Captain Fuller's rights; but when I see claims advanced for which I believe there is no foundation, it becomes my duty to resist them. If I have failed to satisfy the Board that Captain Fuller has no real claim to compensation, and they are inclined to give him more land in addition to the five extra Acres held by him, I recommend that he be allowed to extend towards the north, where there is Government waste land lying between his Coffee estate, (under reference,) and his other properties on top of the hill, on the south face of which this Coffee estate is situated. With regard to the remark that the boundary marks below the new ghat trace were pointed out to the Revenue authorities, I can state that the Tahsildar of Ootacamund holds pretty much the same idea on the subject as I myself do; and it is surely reversing the order of things that the the Revenue authorities should have had the marks pointed out to them; whereas it is they who should have appointed them out to Captain Fuller. I may further add, that Captain Fuller on the 10th January pointed out to me what he considered to be one of his boundary marks on the lower limb of the Coonoor new ghat. This boundary would embrace more land even than he now claims. In his letter to the Board dated 11th January, he refers to this subject in the following words:—

"On the 10th instant, the Collector of Coimbatore came to inspect the portion of land that "I stated had been cut off by the new ghat road, and also to see the piece of land I applied for "as compensation, (being about Acres 4). After inspection the Collector said that he did not *think* "the ghat road had cut off any portion of my land, although I pointed out to him my boundary "marks standing on the further side of the gha road, and mentioned to him that these marks "were pointed out to his officials, and no objection raised thereto."

One reason for my doubting the correctness of the boundary marks was, that the Maistry of the Glenmore estate had previously pointed out the boundaries of that estate, and they took in a portion of the land pointed out by Captain Fuller; subsequent inquiry satisfied me that the boundary pointed out by the Maistry was correct. If the Board will refer to Captain Fuller's plan, they will observe on the north side of his property a new road marked, "road made by Captain Fuller." This road, I beg to point out, was lately made by him through Government land, without sanction so far as I know. It is about nine feet wide and three-fourths of a mile long, and is of importance to Captain Fuller, whilst it will be useful to the public. My object in adverting to it is, simply to remark that supposing Government have gone through Captain Fuller's land he has got a *quid pro quo* in this road.

It may save future trouble and correspondence if I here remark with regard to the water channel which I see marked on Captain Fuller's plan, that previous to his purchase of the Pulpoory, or Cleveland property, John Mahommed, who sold it to him, asked permission to divert a little water to it from a stream in an adjoining valley; this I granted, it being understood at the time that Government retained their entire right over the water. Before granting the leave, I personally inspected the land over which the water was to go, and found that a new water channel had been commenced to convey the water. What the extent of the additional land asked for by Captain Fuller is I do not exactly know; but it may be roughly estimated at three or four Acres, this quantity, *plus* the five Acres already held in excess of what is entered in his Puttah, gives a total of eight or nine Acres. The Board will observe that Captain Fuller has adopted Captain Francis's trace as the lower boundary of the land which he claims below the new Conoor ghat. Why I ask does he not adopt the same boundary for his land above the new ghat? This course would be consistent. On what grounds he throws up Captain Francis's trace where it joins the Conoor new Conoor ghat, and then adopts this latter for the southern boundary of his land, I cannot understand.

The fact is, to the best of my belief, that all Captain Fuller's boundaries have been arbitrarily settled by himself to suit his own convenience.

When the Government Surveyor surveyed his land, the boundary marks were pointed out to him by Captain Fuller, and yet if Captain Fuller's plan, sent to the Board, and the Government Survey are compared, it will be observed that the boundaries on the latter, of the piece of land below the new Conoor road, are very different from the boundaries on the former, and that they embrace a greater extent of land.

The two Surveys have only to be placed together to show the discrepancy. To a person acquainted with the locality it is notorious.

The east part of Captain Fuller's plantation was some months ago in its normal waste state. I walked over a portion of it with him one morning, and he expressed a wish to have some Acres (three or four, I think he said) of that very land which he now claims as his property, and which is, I believe, now under coffee; how he got the land I don't know, I merely mention the fact as one reason for my concluding that his boundaries have been arbitrarily fixed. I informed Captain Fuller that there would be no difficulty in his procuring the land he applied for. I shall only further remark that the want of a survey of Captain Fuller's plantation has prevented me from replying earlier to the Board's requisition. I have not yet been informed of the cost* of the survey, but shall be so shortly; and I request sanction to include it in my contingent bill.

* Bill since received for Rupees 65-13-7.

ENCLOSURE No. 1.

From J. HUNTER, Esq., Glenmore Plantation, to P. GRANT, Esq., Collector of Coimbatore, dated Coonoor, 29th July 1865.

1. Having just been given to understand that Captain Fuller has applied for a small piece of land, say five or six Acres, and lying immediately below the new Karteri road, as compensation for what he states to have been taken by Government out of his land for the new ghat road

2. I have the honor to inform you, that should this piece be granted to Captain Fuller, it will be a very serious injury to the interests of the Glenmore plantation, and I have urgently to request that in justice to the interests of all parties you will kindly arrange for the said piece of land being put up to public auction; the more so, as it was distinctly and mutually agreed with Captain Fuller that the piece of Government land which lies between the two estates at that point should be considered neutral ground by both proprietors, and a boundary line was cut accordingly with Captain Fuller's approval. He has, however, not only since then much encroached on his own neutral side, but now wishes to get mine in compensation. A moment's glance at the aplace would show you how injurious that would be to Glenmore interests.

3. I have only further to add, that should Government feel disposed to grant Captain Fuller compensation, there is ample room for so doing in any of the three other directions than the one indicated, which will not clash with the interests of any party, so far as I am aware; but doubtless you are well aware of this yourself also.

(True Copy.)

(Signed) P. GRANT, Collector.

From the same office dated 4th September 1865, No. 188:—

In reply to the Proceedings of the Board of Revenue, dated 28th ultimo, No. 5,255, and their Order communicated with the same, I beg to remark that the land purchased by Captain Fuller from John Mahommed was held in "Ain" grass tenure, and had never been demarcated before he got it. The Burghers, to whom the land formerly belonged, held Puttahs entitling them to so many Acres of grazing land, or perhaps, more properly speaking, to the right of grazing over so many Acres of land in a jungly locality, partly open and partly forest. Holdings of this kind on the hills were and are even now common; but I have been doing my best to have them demarcated and defined. When Captain Fuller purchased the land forming his plantation, it was not demarcated, and he seems to have fixed on an arbitrary boundary of his own choosing. This

boundary embraces the land through which Captain Francis's trace runs, and consequently that through which part of the new Coonoor ghat runs. Holdings these views, and being satisfied that Captain Fuller had not only taken as much land as he was entitled to, but that he never had the remotest title to any land below the new Conoor ghat, the only way in which I could place the matter before the Board in an intelligible manner was by having a survey made. This has now been done, and the matter fully reported on in my letter of the 2nd instant.

I can hardly conceive that Captain Fuller was aware of the existence of Captain Francis's trace when he applied for compensation, as the upper and lower limbs of this trace are not above 120 yards from each other, and he would have felt satisfied that the land between them (for a portion of which he now claims compensation) did not form part of his Puttah lands. Captain Fuller takes exception to the survey, on the grounds that he will thereby be subjected to unnecessary expense, delay, and annoyance, and I am called on to notice his objections.

(1.) With regard to the expense,—it remains to be determined whether he or Government are to bear it. It may be a question whether it should not be shared by both.

(2.) As to the delay—this was unavoidable, the Surveyor being engaged on other work.

(3.) The annoyance.—this whole matter may have been to Captain Fuller, as well as to myself, a subject of considerable annoyance, but why the survey of the land should prove a special cause of annoyance to Captain Fuller I cannot say. For my part I should be glad to see a course followed which places the subject under reference clearly before those who have to decide on its merits. A copy of a letter received this morning from Mr. Hunter in connexion with his previous one of the 29th July 1865, a copy of which was transmitted to the Board with my letter of the 2nd instant, is herewith transmitted. The Board will observe by it, that it is a matter of no small importance to Mr. Hunter that the land below the Kateri road should not be given to Captain Fuller.

ENCLOSURE No. 1.

From J. HUNTER, Esq., to P. GRANT, Esq., Collector of Coimbatore, dated Coonoor, 2nd September 1865.

Referring to my letter of 29th July last, I should feel much obliged by a reply, at your early convenience, so that I may be enabled to come to some decision with regard to your Circular Letter, No. 367 of 10th ultimo, touching the Karteri road; for unless the piece of land applied for be purchased for the Glenmore estate, which will thus connect it with the said road, you are doubtless well aware that the estate could derive little if any benefit from it.

(True Copy.)

(Signed) P. GRANT,
Collector.

From the same Officer, dated 23rd September 1865, No. 203.

1. In continuation of my letters of the 4th and 2nd September, regarding Captain Fuller's land, I beg to transmit the original Survey of the land. The Board will observe that the correct calculations, as laid down in the Survey, are more in favor of Captain Fuller than those given in my former letter.

2. Captain Fuller's land is, according to his Puttah, A. 51 R. 3 Square-feet 48.

3. That portion of his estate which lies above the Coonoor new ghat, and to his enjoyment of which no reasonable objection can be urged, is Acres 52·95, or more than one Acre in excess of the extent entered in the Puttah.

4. The portion of land claimed below the upper limb of the new ghat is Acres 6·08; but, as remarked in my letter of the 4th, the boundary shown to the Surveyor by Captain Fuller embraces more land than is exhibited in the plan of his estate sent by Captain Fuller to the Board of Revenue.

No. 6,933.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 27th October 1865.

Read the following Telegram from P. GRANT, Esq., Collector of Coimbatore, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated 27th October 1865 :—

ABSTRACT.—Requesting to return the Surveys of Captain Fuller's land.

Ordered accordingly.

(A true Extract.)

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

To P. Grant, Esq., Collector of Coimbatore, Ootacamund,
with your plans.

Exd. J. Wright.

No. 8,167.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th December 1865.

Read the following letters:—

From P. GRANT, Esq., Collector of Coimbatore, to R. A. DALYELL, Esq, Acting Secretary to the Board of Revenue, dated 14th November 1865, No. 237.

1. I have received the Board's Proceedings, dated 18th October 1865, No. 6,600, and beg to submit the following remarks in reply.

2. The year entered in the Board's Proceedings should have been 1863, not 1862.

3. On the 11th May 1863, Captain Fuller wrote to me stating that he intended to purchase, from John Mahomed and Co., about forty cawnies of land, bounded, "according to John Mahomed and Co.'s statement," on the north, by Bekadoo channel, north-east to a large tree below Woodcote house; on the south, by Basheam Naidoo's land; west, by a great rock; and east, by Sholapett, and asked me to ascertain whether the estate was registered in the name of John Mahomed and Co. or not, whether its extent was about forty cawnies, and whether the Burghers had a right to sell it. On the 21st of the same month, orders were sent to the Tahsildar to report whether the land belonged to the Burghers who had sold it to John Mahomed, and whether it was registered in his (John Mahomed's) name. On the 9th July, the Tahsildar, without sending a distinct reply to the above questions, forwarded a Razeenamah on the part of John Mahomed in favor of Captain Fuller as purchaser of his land, amounting to $13\frac{9}{16}$ Bullahs. In reply to an order which had been sent to the Tahsildar on the 30th of June, to inspect the piece of land now asked for by Captain Fuller as compensation, which he then proposed to purchase, but subsequently deferred doing so, the Tahsildar casually mentioned that Captain Fuller had built two sheds on Government land beyond his limits, and that he had informed him of the fact, on which Captain Fuller told him that he would write to me on the subject. This he did in a letter dated July, 10th in which he wrote as follows:—

"I have the honor to inform you that the Tahsildar of Ootacamund, according to your instructions, came to my plantation with the Kurnum of the District, to whom I pointed out the boundaries, and which they said were quite correct with the exception of two sheds which I had quite by mistake built about thirty yards above my boundary, but which extent of ground I shall be happy to pay for." No further correspondence about this piece of land took place. With regard to the boundaries having been pointed out to the Tahsildar, it is true that the were mentioned generally to him; but this took place on the upper portion of the estate from which a great part of the boundary on the south is not visible; and was still less visible before the trees on the lower part of the estate had been cut down. The Tahsildar repudiates the idea of having admitted their correctness, and Captain Fuller admits that he did not go round the boundaries with him, and told me that the Kurnum alone did so. The following letter written to Major Farewell on the 26th August 1863, will show that the settlement of the correct boundaries was only expected to take place on the completion of the survey of the estate:—"I request that the land purchased by Captain Fuller at Coonoor from John Mahomed may be surveyed in its regular course. It will be necessary that the boundaries be attested by the Tahsildar, and perhaps it will be well that Captain Fuller be called on to put up distinct boundary marks ere the survey is attempted, as time will thereby be saved."

Enclosure No. 2 to Rev. Letter to the Govt. of Fort St. George, dated 13 Dec. 1865.

No.

Rec'd 15 Dec. 1865

PROCEEDINGS OF THE BOARD OF REVENUE.

1865. Department.

Dated 27th October 1865.

Despatched

Received

No. 6,933.

Returning the Surveys of Captain Fuller's land on the Neilgherries, as requested by the Collector of Coimbatore.

4. With regard to the Board's remark in paragraph 2 of their Proceedings, I beg to state that the fractional portion of a Bullah being entered is accounted for by the fact that the quantity of grass land a Ryot holds bears a certain proportion to his whole holding; for instance, if a Ryot pay Rupees 40 per acre on his arable land, he can then hold grass land bearing an assessment of Rupees 10; but the actual extent of the grass land must depend on the rate of assessment which the land bears. The extent may be a round number as thirteen Bullahs, or it may, as in the present instance, contain the fractional part of a Bullah as 13-9.

5. The Board seem to be surprised that the land claimed by Captain Fuller corresponds in its actual area so closely with the area entered in his Puttah. This circumstance is, I think, explained by the fact that Captain Fuller's estate was surveyed by Mr. Williams, and it was on my knowledge of this fact, that I wrote my letter of the 13th July 1865, embodied in the Board's Proceedings under reply to Captain Fuller. The sketch sent to the Board by him was, I then believed as I do now, based on Mr. Williams's survey; and if Captain Fuller had only given me the information I asked, much time would have been saved.

6. According to the survey made by the Government Surveyor, of Captain Fuller's estate, the boundaries of which were pointed out to him by Captain Fuller, the estate contains Acres 59·03, whereas the area of Mr. Williams's survey is Acres 70.

7. With the concluding remarks of the Board, I fully coincide; but I allege that Captain Fuller's land was never defined by any fixed boundaries. If I felt satisfied that it had been so, I would not for a moment hesitate to recommend that he should be handsomely compensated, as I did in the cases of Messrs. Herklots, Allan, and Nunjapa Row.

Vide correspondence noted below:—
1. Collector's letter to Government, dated 8th July 1865, No. 82, embodied in their Proceedings, Public Department, dated 19th idem, No. 769.
2. Collector's letter to Board, dated 11th January 1865, No. 3, embodied in the Board's Proceedings of 19th January 1865.
3. Collector's letter to Board, dated 11th March 1865, No. 38, embodied in their Proceedings of 22nd idem, No. 1,616.

8. If Captain Francis's trace goes through the Burghers' land, without doubt Captain Fuller is entitled to compensation; but what I advance is that the Burghers' land extended to the north, and that it did not come down the hill to Captain Francis's trace. It is to be recollected that the Burghers' Puttah was for grass, and that on the side of the Hill to the north, there is still an abundance of waste land fit for grazing. I am strengthened in my view that the Burghers' land did not extend below the upper part of Captain Francis's trace, by the fact that the boundary of the land for which compensation was given to Mr. Allan, and which was purchased in auction in 1857, extended close to but not above the lower part of Captain Francis's trace. This trace, which, as I stated in a previous letter to the Board was made in 1856, was, it would seem, adopted as the boundary line, the land within which was to be reserved as being required for the new ghat.

9. Having given every consideration to the claim advanced by Captain Fuller for compensation, I am still of opinion that his claim is untenable. Such is my conviction. It now only remains for the Board to issue their instructions, which shall be at once attended to. If the Board come to a conclusion different from that arrived at by me regarding Captain Fuller's claim, I am of opinion that he should be liberally compensated; and if they think of granting the land below the Kateri trace about which Mr. Hunter wrote, I think it would be well, before doing so, to hear any objections he may have to urge against the step. The Superintending Engineer should also be called on to mark off on the land any land he wishes to have reserved for the new Coonoor ghat and the Kateri new road.

Before Mr. Pelly.

10. With reference to a complaint urged by Captain Fuller, that Messrs. Hunter and Allan were clearing a portion of the land asked for by him as compensation, I beg to state that on Saturday last the 11th instant, I inspected this land with Mr. Pensioned Surveyor Williams. That Messrs. Hunter and Allan have encroached slightly on the Government land is, I think, true; but as Mr. Williams had no compass with him, he could not say exactly what the extent of the encroachment was. He, however, agreed with me in estimating it at from three-quarters of an acre to one acre. Messrs. Hunter and Allan have evidently looked on a small stream forming a good natural boundary, as the boundary between their estate and the Government land, and I should recommend that this boundary be adopted. Their estate is some 150 acres in extent and an acre more or less to ensure a good boundary is a matter of small moment to Government. To lay down the exact boundary, actual survey would be necessary.

From Captain W. FULLER, 4th Regiment, Madras Native Infantry, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Coonoor, 4th November 1865.

I beg to submit, for the information of the Board, the following answer to Mr. Grant's statements, contained in his letters to the Board, dated the 2nd September 1865, No. 187, the 4th September 1865, No. 188, and the 23rd September 1865, No. 203.

Extracts of Mr. Grant's letters, dated 2nd September 1865, No. 187.

Commencing, "The extent of Captain Fuller's land;" ending, "I do not quite see on what grounds he can claim compensation."

Mr. Grant in his letter of the 2nd September 1865, No. 187, states to the Board, that I have five acres in excess of my registered area above the Coonoor ghaut, and that only three acres have been cut off; instead of which, I have only a little more than one acre in excess above the ghaut road, and more than six acres have been cut off by it.—Vide Mr. Grant's letter of 23rd September 1865, No. 203.

Mr. Grant having argued from false premises, can hardly have arrived at a right conclusion.

I beg most respectfully to submit to the Board, whether Mr. Grant ought not to be more careful in the statements he makes *more particularly* when those statements might prove most prejudicial to my interests.

Commencing, "As stated in my letter of the 8th February;" ending, "below Captain Francis's trace."

Mr. Grant now arrives at a conclusion about which he is not at all certain; for he says, "I do not think that his land ever extended below Captain Fancis's trace," and this conclusion must, I submit, be totally wrong, simply because if my land did not extend below Captain Francis's trace, I should have a much less quantity of land than my *registered* area! Upon this the Board have already passed their remarks.

Commencing, "Certainly when I saw it before it passed into Captain Fuller's hands, the cultivated land; ending, "extend to Captain Francis's trace."

When I purchased the land, only *three* coffee trees had been planted out, so that the then cultivated land did not nearly extend to Captain Francis's trace; but Mr. Grant *must* be aware that fifty acres or so of land can hardly be brought into cultivation *instanter*.

Commencing, "Since Captain Fuller got the land;" ending, "goes to show the land was Government property"

Since I have been in possession of the land, I have cut down *a number* of trees all over my plantation, the stumps of which are still to be seen. As to the trees between Captain Francis's trace and the Coonoor ghat, there was less timber there (at least not more) than in many other parts of my plantation.

There is, I *think*, an inconsistency in some of Mr. Grant's statements; for instance, he says in his letter of the 2nd September, No. 187, "the existence of trees goes to show that the land "was Government property;" then in his letter of the 4th September, No. 188, he states, "The "Burghers, to whom the land formerly belonged, held Puttahs entitling them to so many acres "of grazing land; or perhaps, more properly speaking, to the right of grazing over so many

"acres of land in a *jungly locality.*" I have italicised the words "jungly locality" to point the contradiction in Mr. Grant's statements; in the one he says, "the existence of trees, &c., &c.;" and in the other he says, the Burghers held land in a jungly locality! and as the land on the upper part of my plantation was quite as jungly and had quite as many trees on it as the land Mr. Grant says must be Government property from the existence of trees, I maintain that Mr. Grant might with just as much reason ignore my right and title to any of the land I have cultivated.

Commencing, "There can be no objection to Captain Fuller;" ending, "I do not understand."

I obtain, by extending to the Coonoor ghat catch-drain, about one acre in excess of my *registered area*, from which must be deducted one-eighth of an acre, (I having alluded in my letter to Mr. Grant, dated last year) that that amount of land had been inadvertently taken in by me; I have, therefore, seven-eighths of an acre in excess to this *vast* extension. Mr. Grant says there can be no objection, and which no doubt would be a very liberal act on his part, provided the land belonged to Government; but as I claim it as my property, I cannot see by what right Mr. Grant even appears to make the concession: as to the five acres in excess, this has been shown to be an error.

I have asserted from the first that I claim land within certain boundaries irrespective of the area contained therein, and therefore, if I had 100 acres within those boundaries, I should consider that I had a fair right and title to them, and that if one acre of the 100 was cut off by the Government road, I should have a just claim to compensation.

Commencing, "Captain Fuller is anxious to obtain;" ending, "remotest title."

I am anxious to obtain the piece of land that lies between the Katery trace and Messrs. Allan and Hunter's estate, as there is no other land adjacent to my property so good, and no land that I could cultivate with so little expense.

I am aware that Messrs. Allan and Hunter are also anxious to have the said land; but as they have not the *remotest claim* to the land, (having received as compensation, about say ten times as much land as was cut off their property by the ghat road,) and have encroached to the extent of about four or five acres on to the land that I have applied for as compensation, and have also had every consideration shown them in the way of land being reserved for Mr. Allan to heap his manure on, make a channel through, and to manufacture liquid manure on, I submit that I might with justice look for a little consideration at the Board's and Mr. Grant's hands, and that before the convenience of Messrs. Allan and Hunter is further studied, justice should be rendered to me.

Commencing, "You will observe by the accompanying letter from Mr. Hunter;" ending, "so far as they were concerned."

There are, I believe, always two sides to a question. Mr. Grant, it appears, is satisfied with one; but as I think it right that the Board should hear my version of the story, I beg to inform them that I have had nothing to say to Mr. Hunter regarding the land I have applied for as compensation.

I was the original applicant for the land in question, and on Mr. Dawson informing me that he would oppose me, I thought it *then* good policy to withdraw my application, and Mr. Dawson and I agreed to keep the land as neutral; but this arrangement I submit was absurd, as the land was Government property, and a third party was at perfect liberty to apply for it. But to return to the subject, a short time after Messrs. Allan and Hunter had got possession of the Glenmore estate, I observed, one day, Mr. Allan and a friend going through the neutral piece, and on going up to them found that they contemplated making a road through it. I immediately reported the circumstance to the Collector, and the contemplated road was put a stop to; this was the first step Messrs. Allan and Hunter took to annul any arrangements that might have existed between Mr. Dawson and myself. The Kartery trace was after this made, and in conversation with Mr. Allan one day, I found that they (Messrs. Allan and Hunter) contemplated getting the whole of the land below the Kartery trace (in fact till the neutral ground) added on to the Glenmore estate, and that Mr. Hunter was very strong on that point; but unfortunately I was very strong on that point too, but still, was willing to meet them half way, so as to settle matters in a friendly way, and proposed that on my getting the piece below the Kartery road, I would hand it over to them, provided the Glenmore partners handed over to me a piece of land. I mentioned further up the Kartery valley; to this Mr. Allan, after *due consideration* and consulting with his partner, agreed; but not long after, thinking better of it, I suppose, proposed that I should fix upon some sum as an equivalent. I mentioned 1,000 Rupees, so that matters might be amicably settled between us, this was refused, I, therefore, considered (I having done my best to meet Messrs. Allan and Hunter half way, although it was against my interest so to do) that all negotiations between us regarding the land were at an end, and that henceforth I was at perfect liberty to act as I pleased (of this they were fully aware) in the matter, and determined if I got the land to keep it. This is as clear a statement as I am able to give regarding any arrangements that existed between the proprietors of the Glenmore estate and myself.

I am at a loss to understand what private arrangements I have to do, with the adjustment of my claim to compensation; for the land was and *is* solely Government property, and it is of course to the benefit of Government that the land should be cultivated, instead of being allowed to lie waste.

Commencing, "My opinion is;" ending, "to persons going along the road."

Mr. Grant recommends that the piece of land I have applied for, and which the Glenmore proprietors want, should be reserved. I maintain that the Government would not be injured in the slightest degree by granting that land to me; in fact quite the reverse, and the only parties that would be benefited by its being reserved would be the proprietors of the Glenmore estate; for if I got the land *all chance* of their getting it would be at an end; but if it is reserved, there would still be the chance of their getting it at some future day when I was not at hand to prevent them; but as Messrs. Allan and Hunter have not only received *very liberal compensation* at Mr. Grant's hands, and have also taken in about four or five acres of land, to which *they have* not the *remotest* title, and for which land I have applied as part compensation, I trust the Board will first take into consideration my claims to compensation before their (Messrs. Allan and Hunter's) convenience is studied; for I have not yet received compensation for the land that Government has taken up for the Coonoor ghat, I having now waited two and twenty months to obtain my just rights; whereas Messrs. Allan and Hunter have had compensation granted to them sometime back, and as they will most probably bring forward some plea to the effect that they want for *their convenience* a road through the piece of land I have applied for, I beg to submit that they have plenty of land of their *own* through which they can make any kind of road they please, to join either the ghat or Kartery trace, without encroaching or cutting up the land I want as compensation, and thereby rendering it worthless to myself, themselves, and Government. I may here state that they have communication with the ghat road and Kartery trace, and I do not see why *their* convenience should invariably be studied, without any consideration being shown to my claims.

Commencing, "The other small corner marked on Captain Fuller's plan."

This piece of land Mr. Grant recommends should also be reserved for the sake of the trees that afford shelter, &c., and *because* Mr. Allan has a manure depot *there* (or is to have one); *because* Mr. Allan has made a reservoir *there*, and is going to manufacture liquid manure *there*; for all these reasons, Mr. Grant recommends that the corner should be reserved, and I am sure I should be very sorry to interfere with Mr. Allan's harmless amusements; but as I claim that land as my property (it being now cut off by the ghat road, and for which I am asking compensation), I have either the right of retaining it, or getting compensation for it; but even if I have to retain it, I should yet be still entitled to compensation on account of the piece of land the ghat road takes up.

Commencing, " I am decidedly of opinion ;"
ending, " for the sake of the trees which."

With regard to Mr. Grant's solicitude for trees, I would here observe that he has given a large extent of sholah skirting the ghat road to a native of the name of Nunjapah Row, and has allowed Mr. Allan, without let or hindrance, to exceed his boundary, by, I should say, four or five acres on to land that I have applied for as compensation, and on which land there stood a fair number of trees. Now if Mr. Grant's anxiety for the preservation of trees was so great, I maintain he would have put a stop to Mr. Allan's proceedings when I wrote and acquainted him of them in my letter, dated 9th August 1865, a copy of which was forwarded to the Board by me.

Commencing, " If the property of Captain Fuller ;"
ending, " Mr. Allan was doing "

I raised no objections to Mr. Allan making a manure channel, reservoir, liquid manure, &c.. simply because that portion of my land had already been cut off the upper portion of my estate by the Coonoor ghat, and as I had made my claim to compensation in lieu of it, I had virtually waived my right to it ; but I had then every confidence in Government granting me liberal compensation, in the same way as Colonel Woodfall, Nunjapah Row, Mr. Herklots, and Messrs. Allan and Hunter have been treated. Mr. Grant may now see that there was nothing very extraordinary in my silence with reference to Mr. Allan's proceedings.

Commencing, " That which is termed on Captain Fuller's " plan ;"
ending, " simple and intelligible."

I confess I cannot follow Mr. Grant in this argument ; nor can I see the force of it in the slightest degree. In fact, I must say that to me it is unintelligible, and yet Mr. Grant says he probably has satisfied the Board !

Commencing, " I have no wish ;"
ending," to resist them."

11. Mr. Grant states he has no wish to curtail my rights, if so may I ask why he has acted as *he has done* ; for he has not once said *positively*, I am not entitled to compensation ; but has contented himself with stating, " I do not think," " I do not believe," and has thus delayed my obtaining compensation for two and twenty months ! Even supposing that there was a doubt (which in my opinion there never was) regarding my claim, surely Government could have afforded to have given me the benefit of the doubt without suffering in the slightest ; whereas now, month after month has elapsed, and that time lost to me for ever. If Mr. Grant had at once said (I am speaking on the receipt of my first letter to him regarding compensation, dated 14th February 1864), that I was not entitled, and could have shown me my boundary marks, and have satisfactorily proved them as such, instead of shirking the question in toto for one year, (at the end of which time, I was compelled to appeal to the Board now nearly ten months ago,) my claim would not have remained unadjusted ; but merely on account of Mr. Grant not making matters clear, raising arguments without point, making groundless assertions, and arriving at conclusions that are perfectly unintelligible to any one but himself, I have been put to considerable annoyance, have wasted much time in fruitless correspondence, and still my claim remains unadjusted !

Commencing, " I can state that the Tashildar."

12. I am not in the least surprised at any native official agreeing with his immediate superior, and I think the Board will agree with me in this.

Commencing, " Whereas it is they who should have."

To this I have only to remark, that I pointed out my boundaries to show that I knew them, and when I was in error I was corrected ; for instance, the one-eighth of an acre was pointed to me as land that did not belong to me in all my other boundary marks. I was consequently quite right. I may also observe that Mr. Grant himself through his Acting Special Assistant, has requested me to point out my boundaries. A copy of this official document has been furnished by me to the Board.

Commencing, " I may further add ;"
ending, " in his letter to the Board, 11th January 1865 "

Since the ghat road has been made, so many trees have been cut, so many of my landmarks have been and are daily being removed, that it was with difficulty I could exactly point out my lower boundary, and, therefore, it is most likely that less land has been shown in the Revenue Survey than actually belongs to me. What I stated in my letter to the Board, dated 11th January 1865, is strictly correct. I can still, if Mr. Grant pleases, point out my boundary marks standing on the further side of the ghat road.

Commencing, " One reason for doubting ;"
ending, " the Maistry was correct."

May I beg of the Board to call on Mr. Grant to point out the portion of land that the Maistry of the Glenmore property pointed out to him as belonging to that estate, and which portion I claimed as my property, as it is only by making distinct and clear charges that I shall have it in my power to refute them.

Commencing, " If the Board will refer to Captain Fuller's " plan ;" ending, " quid pro quo."

Mr. Grant states that the road I have made, nine feet wide and three-quarters of a mile long, goes through Government land, thereby leading the Board to infer that I have taken the road through three-quarters of a mile of Government property ; whereas the fact is that the whole land is not more than 600 yards long ! ! (not half a mile), one end of which is in Government land, and another small portion, which connects two pieces of my land, is also in Government land, but the remaining portion, say 400 yards, is in my own land, this road does not seem to be objected to ; but Mr. Grant raises the question, whether the land I have taken up for my road should not be a *quid pro quo* for what Government has cut off my property, this arrangement I must object to, *especially* as other parties have done the same to a much greater extent, but never as a *quid, &c., &c.*

Commencing, " The Board will observe ;"
ending, " I cannot understand."

I beg most respectfully to inform the Board, that I have *not* adopted Captain Francis's trace as the lower boundary of my land ; it happened that going from the large rock on the one side of the hill to a tree on the other side, the trace came in most conveniently, and although it curtailed the extent of my land, yet I thought the survey would be expedited by its being used. I beg again to state that my boundary marks are stones and trees, and that my land is not bounded by any pathways whatever, because the Puttah I hold was in existence long before any trace was made. Mr. Grant's argument on this point falls to the ground.

Commencing, " The fact is ;"
ending, " to suit his own convenience."

This is incorrect, and a mere groundless assertion. I think I might more justly say that Mr. Grant had tried to arbitrarily fix my boundaries.

Commencing, " When the Government Surveyor;"
ending, " greater extent of land."

Mr. Grant is pleased to call the rough sketch I forwarded to the Board " a plan !", and requests that it may be compared with the plan made by the Government Surveyor. The rough sketch I forwarded was *not* drawn to any scale, nor was any scale sent, " there were no angles taken, in fact it was nothing but what I called it" a sketch of the locality ; yet Mr. Grant has most unfairly stated that the area embraced in the one is greater than the area in the other, notwithstanding that the Government survey is complete to a fraction of a square foot.

I should much like to know how Mr. Grant computed the area of my sketch without a scale or angle to guide him?

I merely sent the sketch to the Board, in my anxiety to expedite matters, as three months had elapsed since the Board had ordered Mr. Grant to forward one *without* his responding thereto.

In my sketch, I only tried to show what the Board wanted to know, viz., the position of the different pieces of land, so that it might be seen how the land I wanted as compensation was situated with respect to my estate, and not to show the area. As, if I had wished to do so, I should most certainly have sent a scale (as I have never yet met a person who could compute the area without one, with the exception of Mr. Grant.)

When I purchased the Puttah, it was bounded by certain rocks and trees; and I paid for it the large sum of Rupees (4,000) four-thousand.

I being under the impression that the area contained within those boundaries was nearer seventy or even eighty acres than the registered area, and that the land shown as mine was suitable for coffee; but I beg to inform the Board that it would not be worth my while to take any land on the north side of my estate as compensation, it being rentable rubbish compared to the land cut off my property by the ghat road, which portion I consider as being the best piece of my estate, it being both a lower elevation and far superior soil, and as an equivalent for which, the piece of land I have applied for is the only portion at all suitable, it being the only piece of land adjacent to my property that comes up to the part I relinquish.

After what I have stated, I need scarcely add that my rough sketch and the survey have only to be compared together to show that any comparison between the two plans is *simply absurd*, and Mr. Grant's deduction equally so.

Commencing, "The east part of Captain Fuller's plantation;" ending, "having been arbitrarily fixed."

The portion of land I pointed out to Mr. Grant, and expressed a wish to have, *is still in its normal state!* and is, I think, marked in my rough sketch as the portion of land I want as compensation, it is bounded on the north by a road made by myself about a year ago, and if I had, according to Mr. Grant's statement, taken in four or five acres more than actually belonged to me *above the ghat road*, it is *certain* that I must have land belonging to me below the ghat road (even if I went only by my registered area, which I don't), from the very fact that I have, with those four or five acres; Mr. Grant imagines I have taken in only seven-eighths of an acre in excess, so that deducting those four or five acres that would be due to me, even, to make up the registered area, four or five acres *minus* the seven-eighths of an acre.

Mr. Grant's letter of the 4th September 1865, *No.* 188.

I have already mentioned to whom the arbitrary measures belong. I beg to draw the Board's particular attention to the remark contained in the last sentence of the letter noted in the margin.

Mr. Grant says, "the Board will observe by it that it is a matter of no small importance to "Mr. Hunter, that the land below the Katery trace should not be given to Captain Fuller."

With reference to the above, I am at a loss to know how it is that Mr. Grant seems unable to view the importance of that piece of land to me, and why greater consideration should be shown to Mr. Hunter's interests than to mine, *especially* as Messrs. Allan and Hunter have already received *all the compensation* they wanted (not a small amount the Board may guess) for the encroachment of the Coonoor ghat on their property; not satisfied with this, have also exceeded their boundary (shown on a plan, which plan is in their possession) by four or five acres, much to my detriment, without any notice being taken of the encroachment by Mr. Grant, although I wrote him officially on the subject on the 9th August 1865. Moreover, a piece of land has been recommended by Mr. Grant should be reserved, that Mr. Allan might build a reservoir *there*, and manufacture liquid manure, thereby throwing his water on it. Notwithstanding all these favours, fortune is still determined to smile on them, and their conveniences studied, although I am a sufferer thereby; for if the land I have applied for is reserved, there is no other land adjacent to my property worth my while taking up, in adjustment of my claim, and, no doubt that when I have joined my Regiment, which I must do shortly, and Mr. Grant leaves the District, the land I have tried so hard to get, and which is of so much importance to me, will fall into their (Messrs. Allan and Hunter's) hands. I would therefore, merely ask why I may not be given the land, for which Government can possibly have no use, in adjustment of my claim, the only parties, as I have said more than once before that would be benefited, by the land being reserved, would be Messrs. Allan and Hunter; while both Government and myself would be the sufferers. Government only until the opportunities offered itself to the Glenmore properties of getting the land without opposition. I should of course suffer without a chance of redress.

I have endeavoured, in as respectful a tone as I could command, to reply to all the statements that Mr. Grant has made, I mean all those statements that were intelligible to me.

I now leave the matter in the hands of the Board to grant to me the same consideration that has been shown to every planter, European and Native, who have had their land encroached upon by the Coonoor ghat road, most of whom have had very *liberal compensation* granted to them, with (in comparison with my case) very little delay whereas I have waited ten and twenty months, and have had much of my time (which I could ill spare) taken up in correspondence.

I beg the Board will, in awarding me compensation, take into consideration all the circumstances connected with my case, and I sincerely trust that when compensation is granted to me I may not be left to the tender mercies of Mr. Grant, who would no doubt be happy to give me all the large slabs of rock in the District to cultivate!

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1. The Board request Mr. Grant will inform them whether the Survey, submitted with his letter, dated 23rd September 1865, No. 203, was made in accordance with the boundary described by Captain Fuller, in his letter, dated the 11th May 1863, (paragraph 3 of Mr. Grant's letter); or whether Captain Fuller pointed out different boundaries when the land, was about to be surveyed by the Revenue Surveyor.

2. The Board are compelled to put this question, with reference to the remarks made by Mr. Grant in the last four paragraphs of his letter to the Board, dated 2nd September 1865, No. 187.

3. Mr. Grant will also be so good as to state what reason he has for believing that the Survey made by Mr. Williams contained seventy acres.* He will apply to Captain Fuller for Mr. Williams's Survey plan (to be submitted to the Board if Captain Fuller has no objection) and will ascertain from Captain Fuller at what time this Survey was made. If it should appear, on comparing Mr. Williams's plan with the Government Survey Plan, that the boundaries followed were not in both instances the same, Captain Fuller should be requested to explain why they differ.

* Vide paragraph 6 of letter now recorded.

4. The Official Survey is returned for reference.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To P. Grant, Esq., Collector of Coimbatore,
with a plan to be returned.

Copy to Captain W. Fuller, Ootacamund.

Exd. R. H. Lee.

No. 118.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th January 1866.

Read the following letters :—

From Captain W. FULLER, 4th Regiment Native Infantry, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Coonoor, 2nd January 1866.

1. In reply to the Board's Proceedings, dated 20th December 1865, No. 8,167, regarding Mr. Williams's survey, I beg to forward a true copy of correspondence between Mr. Williams and myself, by which the Board will see that the survey was strictly a private one; paid for out of my own pocket; for my information alone, and never referred to in my official correspondence.

2. I cannot see on what grounds Mr. Grant has even the right to refer to a strictly private paper—any true information regarding which he could only have obtained by a breach of trust on Mr. Williams's part.

3. As I know Mr. Williams would not have given the information mentioned by Mr. Grant for nothing, may I ask what sum was paid by Mr. Grant for it.

4. I paid Rupees 70 for the survey made by Mr. Williams, and will, with pleasure, forward it to Mr. Grant, (from whom I have not yet heard,) provided he pays into Messrs. Arbuthnot and Co.'s hands, to my credit, the sum I had to pay for the information now asked for by him.

5. As the boundary on the south is the only one disputed by Mr. Grant, I will confine myself to that point, and trust I shall be able to prove beyond doubt that my claim to compensation is a just one.

6. I declare that my south boundary marks have never been changed by me; they are the same that I pointed out to Mr. Grant, to the Revenue Surveyor, to Mr. Williams, and to the Native officials. There may be some slight difference in the measurement between the boundaries, as the line between is not defined; but this would not in any case effect my claim to compensation.

7. In my letter to Mr. Grant, dated 11th May 1863, my land is most clearly described as being bounded on the south by Basham Naidoo's land; this land now belongs to Messrs. Allan and Co., and is the north boundary of their Estate. According to Mr. Grant's own showing, *vide* paragraph 7, three last lines of his letter, dated 14th November 1865, No. 237, (to which letter I shall have to refer throughout this communication,) Messrs. Allan and Co.'s land (that is, Basham Naidoo's) extends close to but not above Captain Francis's *lower* trace.

8. No doubt the Board are aware that the upper part of the ghat road is far above Captain Francis's *lower* trace, and it must therefore go through my land, if, as I will still more clearly prove to the Board, my south boundary is either Basham Naidoo's land, or Captain Francis's *lower* trace.

9. It is either stated in my Puttah, or Transfer Deed, that my property is bounded on the *south* by Basham Naidoo's land. I state this from the fact that unless it had been so, I (then a perfect stranger as regards the Puttah) could not have mentioned the boundaries in my letter to Mr. Grant, dated 11th May 1863, and which boundaries were never gainsaid, or disputed by him until 1865, and then only, if I remember rightly, on the grounds that I had more than my registered area, and not with reference to the boundaries; as Mr. Grant's argument *then* was, that I was only entitled to the registered area; whereas I held out, I was entitled to all land within certain boundaries irrespective of the area contained therein.

10. My land, I believe, was registered in my name in the Collector's office at Coimbatore, and I fancy the boundaries mentioned in my letter of the 11th May 1863 must have been inserted in the register. I cannot, therefore, understand how Mr. Grant can, with the slightest pretensions to justice, state that my boundary on the south is Captain Francis's upper trace.

11. From papers which ought to be in Mr. Grant's possession, and from Mr. Williams's statement to him regarding my boundary and claim to compensation, (which curious enough Mr. Grant makes no mention of when he relates to the Board Mr. Williams's remarks regarding the

Public Department.

1865.

No.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 20th *December* 1865.

Despatched

Received

No. 8,167.

Requesting further information respecting Captain Fuller's complaint.

extent of Messrs Allan and Co.'s encroachments), I cannot help feeling that Mr. Grant must have from the very first been fully aware that my claim to compensation was a just one, and that my *south* boundary extended at least to Captain Francis's *lower* trace.

12. In paragraph 7 of Mr. Grant's letter, dated 14th November 1865, No. 237, he states, "but I allege that Captain Fuller's land was never defined by any fixed boundaries," this I think the Board will allow is a very extraordinary assertion for Mr. Grant to make, considering he has stated in writing over and over again, that my *south* boundary is the upper part of Captain Francis's trace!! And moreover if my land never had any fixed boundaries, why were the boundaries mentioned in my letter of 11th May 1863 never gainsaid? As it was for the purpose of finding out the correctness of the boundaries, before I concluded the purchase, that I wrote to Mr. Grant on the subject.

13. With reference to paragraph 10 of Mr. Grant's letter, quoted above, I again most positively assert that Messrs. Allan and Co. have encroached to the extent of at least four or five acres.

14. The original area of Basham Naidoo's land was fifteen cawnies, a portion of which has been cut off by the *lower* part of the ghat road, (the upper part of that road having been made through my land), in lieu of which they have received compensation, without reference being made to the proprietors of the two estates, adjoining whose land the price Messrs. Allan and Co., received as compensation is situated.

15. I am perfectly convinced that if Messrs. Allan and Co.'s land (including the encroachment and the land cut off by the ghat road) was surveyed, it would be found to be in area much nearer twenty-five than fifteen cawnies.

16. Mr. Grant recommends that the piece of land Messrs. Allan and Co. have taken illegal possession of should be given to them!—although he knows full well it would be injurious to my interest, I having applied for it as part compensation.

17. I earnestly solicit the Board's instructions to prevent such injustice being done for putting aside the area encroached on by Messrs. Allan and Co.: the justice of the question remains the same whether the area is one acre or one hundred.

18. Mr. Grant has admitted that Messrs. Allan and Co. had not the slightest claim to the land; they knew right well it was Government property, and yet forsooth, because they have extended to a boundary that is a natural one in Mr. Grant's eyes they are to have the land.

19. I beg most respectfully to inform the Board, that if I extended my land to natural boundaries, I should be able to make the area of my estate about 200 acres!

20. The only means of ascertaining the extent of land taken up by Messrs Allan and Co. would be to have a Revenue survey made.

21. Mr. Grant did not hesitate to have *my* land surveyed in furtherance of justice. I cannot, therefore, see why Messrs. Allan and Co. should escape the ordeal, particularly when both Government and *myself* are interested in the result.

22. Trusting I have made clear, without a doubt, my claim to compensation, and have given sufficient reasons against Messrs. Allan and Co., having the land granted to them, that Mr. Grant recommends, I have &c.

From Captain FULLER, to Mr. WILLIAMS, dated 25th December 1865.

Mr. Grant having mentioned to the Board of Revenue a certain conversation that passed between you and himself on 11th November 1865, regarding the extent of certain encroachments made by Messrs. Allan and Hunter, I shall feel extremely obliged if you will give me a detailed account, in writing, of what took place not only as regards Messrs. Allan and Co.'s encroachment, but also as to any conversation that may have passed with reference to my land. I would not have applied to you for information, if Mr. Grant had not only brought your name in, but had made use of certain information that certainly was quite private regarding the area of the land you surveyed for me.

From Mr. WILLIAMS, to Captain FULLER, dated Ootacamund, 27th December 1865.

In reply to your letter of the 25th instant, I accompanied Mr. Grant at his request on the 11th of last month to point out the boundaries of the land I measured some time ago for the Badaghers, and which you have since purchased. Captain Fancis's trace was the boundary of that portion of the land now in dispute, which I pointed out at the time to Mr. Grant, also an encroachment made by some one on Government land whom I learnt from Mr. Grant were Messrs. Hunter and Allan. The survey made by me in April last for you was only a private trial survey to ascertain the area of your own and certain other portions of land you intended applying for and expected as compensation. I can't see the use of this survey to any party but yourself as it was not exclusively that of your present property. The survey plan Mr. Grant brought out with him on the occasion was one by the Revenue survey, and exactly corresponded with your holding, of course inclusive of the piece of land cut off by the new ghat, and, therefore, told Mr. Grant that I considered your claim for compensation was a just one.

From Captain FULLER, to Mr. WILLIAMS, dated 31st December 1865.

In your letter of the 27th instant, you state that Captain Francis's trace was the boundary; do you mean the upper or the lower portion of the trace? Can you tell me the original extent of Basham Naidoo's land and what is your opinion as to the extent of Messrs. Allan and Hunter's encroachment.

From Mr. WILLIAMS, to Captain FULLER, dated 31st December 1865.

I mean Captain Francis's lower trace. The extent of Mr. Allan's encroachment may be about an acre or so; the extent of Basham's land was fifteen Cawnies.

From Captain W. FULLER, 4th Regiment Native Infantry, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 4th January 1866.

I have the honor to inform you that I find I have made a mistake in stating that the price charged by Mr. Williams for the survey of my estate was Rupees 70, the sum paid by me was Rupees 45.

Ordered to be communicated to the Collector of Coimbatore, to whom it should have been addressed, and whose reply to the Proceedings of 20th December 1865 the Board await.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To P. Grant, Esq., Collector of Coimbatore.

Copy to Captain W. Fuller.

Lxd. R. H. Lee.

adhering to the boundaries therein defined, and also explained to us by the late proprietor, Mr. G. Dawson, of which we shall of course be most happy to give yourself, or any party you may depute, full and ample proof. As, however, the accusations uttered by Captain Fuller would be so seriously damaging to our character if allowed to pass unchallanged before taking further steps in this matter we have, in justice to ourselves, to request that you will name any day most convenient to yourself, and insist on Captain Fuller pointing out, if he can, the boundaries of the said five acres or more, &c., which he states we have illegally taken possession of, and when, of course, we shall take care to be present.

(True Copy.)

(Signed) HUNTER and ALLAN.

---

1. Forwarded to the Collector of Coimbatore for the necessary report and notice in connection with Captain Fuller's case.

2. The Board desire to have before them an accurate plan of the ground, showing the boundaries claimed, and the land sought by all the parties.

3. The above requisition must not delay the submission of the reply to the Board's Proceedings, dated 20th December 1865, No. 8,167.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To P. Grant, Esq., Collector of Coimbatore.

Copy to Messrs. Hunter and Allan, Proprietors of the Glenmore Estate.

Exd. R. H. Lee.

Dated 23rd January 1866.
Despatched
Received

No. 546.

Forwarding to the Collector of Coimbatore, for report, letter from the Proprietors of the Glenmore Estate requesting that a portion of the land in dispute between them and Captain Fuller may be made over to them as compensation for their land required for the Sappers' Barracks.

1865. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

24

No. 685.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 29th January 1866.

Read the following letter from Captain W. FULLER, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Inkerman, Coonoor, 26th January 1866 :—

1. I trust the Board will not think me importunate if I again solicit an early decision on my case.

2. I *must* rejoin my Regiment by the 1st of May next, and if my claim had been adjusted should have done so much earlier, as I am losing both pay and service by remaining here.

3. Every day is now of great importance to me, (of this Mr. Grant must be fully aware,) for should any further delay take place the season for felling will have passed, and another year will be lost to me, I having already waited *two years*! Mr. Grant has been allowed most ample time to argue the inadmissibility of my claim, and yet up to this time I do not think he has brought forward a single proof or reason to show on what grounds he has opposed it.

4. My first year's correspondence was with Mr. Grant, and a most fruitless one it was, for he neither said one thing or the other, that is to say, when he answered my letters, which I can assure the Board was at very long int[illegible].

5. My second year's correspondence was with the Board, during which Mr. Grant began by opposing my claim on the grounds that I had more than my registered area, and to show such was the case put the Government to expense, and caused me much annoyance by having a survey made.

6. On Mr. Grant finding that his argument regarding area would not do, tried then in a hesitating sort of way to dispute my boundaries! although as far back as May 1863 he had (tacitly at all events) allowed me to conclude the purchase of the Puttah by not gainsaying the boundaries described by me in a letter dated 11th May 1863.

7. I most earnestly solicit an early adjustment, for every day's delay is of serious inconvenience, as well as serious loss.

The Collector of Coimbatore will be requested to expedite his reply to the Board's last Proceedings in this case.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To P. Grant, Esq., Collector of Coimbatore.

Copy to Captain W. Fuller.

Exd. J. Wright.

No. 1,075.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 15th February 1866.

Read the following letter from P. GRANT, Esq., Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 25th January 1866, No. 20 :—

1. I have received Proceedings of the Board of Revenue, dated 20th December 1865, No. 8,167, and 8th January 1866, No. 118.

2. In order to make matters clear, at least so far as I am able, I send a rough trace of the Government Survey, on which are marked, as correctly as I know them, the general boundaries named by John Mahomed of the land purchased by Captain Fuller.

A. Becadoo stream : this position is, I think, correctly put down.

B. The large tree between Woodcott: this tree is, I should say, a little above the boundary of the Government Survey.

C. Basheam's land : entered on the south-eastern limit of Captain Francis's trace.

D. I am not sure which is Solapett ; but I believe it to be the Sholah at D. marked with pencil lines.

With regard to the great rock said to mark the western boundary, I confess I am somewhat at a loss. I cannot speak with certainty on the point ; you will observe that I have marked two great rocks $\frac{E \& E}{1\text{-}2}$

E 1. Is the western boundary ; a great rock easily known by a stunted tree growing out of or on it.

E 2. Is a rock on the upper side of the new ghaut pointed out by Captain Fuller.

3. The latter part of paragraph 3 of my letter of the 14th November 1865 will show that my conception of the boundaries named by John Mahomed was very indefinite. The boundaries were mentioned to the Tahsildar in general terms. The Curnum (since dead) alone, as Captain Fuller told me, inspected them with him (Captain Fuller), whether, therefore, the boundaries pointed out to him (Curnum, and which boundaries I conclude were those named by John Mahomed) and those shown by Captain Fuller to the Revenue Surveyor subsequently, when he made the Survey, submitted to the Board by me on the 23rd September 1865, are the same I cannot say.

4. In their general features they are probably correct, but in their details between the different points they will be found to vary a good deal I believe, in some places including, and in others excluding land, which would not be included or excluded by straight boundary lines ; indeed Captain Fuller in the 6th paragraph of his letter of the 2nd January 1866, says that such may be the case. On the extent of these variations depend, in a great measure, the correctness or otherwise of the views advanced by me. Under any circumstances it will be difficult for the Board, I conceive, to come to a satisfactory decision on the subject of Captain Fuller's claim. I shall, therefore, be glad if they give him the advantage of the doubt, and award him compensation. Believing that Captain Fuller's claim was untenable, I resisted it ; but I think that it will be to the advantage of all parties that the correspondence about it, which has extended over so many months, be brought to an end. Whether the Board have been addressed by Messrs. Hunter and Allan I know not ; but as already stated in my letter of the 14th November 1865, No. 237, paragraph 9, I think that in the event of any of the land which Captain Fuller wishes to get being parted with, their case should first be heard ; it was Captain Fuller himself, I think, who first told me that they wanted a part of the land, and that he and they had agreed to divide it ; in fact if I am not much mistaken a boundary line dividing the two lots is in existence.

5. Mr. Williams, when riding with me on the date on which I inspected Messrs. Hunter and Allan's property, the Government land, and Captain Fuller's property, told me that Captain Fuller's Survey contained seventy acres, and afterwards, when looking over the Government Survey, he showed me the copy of the Survey he had made for Captain Fuller.

Entered the Proceedings of the Board of Revenue
13 January 1866

Rec'd 1,568/866

1866. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 29th January 1866.

Despatched

Received

No. 685.

Requesting to expedite reply to Board's last Proceedings on the subject of Captain Fuller's claim to compensation for certain land on the Neilgherries.

6. On the 6th instant, I wrote as directed in paragraph 3 of the Board's Proceedings of the 20th December to Captain Fuller, requesting that if he did not object to the step, he would let me have his Survey for the purposes indicated by the Board; but no reply has been received from him, and judging from paragraph 4 of his letter to the Board, dated 2nd January 1866, I conclude that he will not send the Survey. The official Survey received from the Board is herewith returned.

7. With reference to Captain Fuller's letter of the 2nd instant to the Board, by whom it has been transmitted to me, I shall merely remark that Mr. Williams, when looking over the Government Survey, produced, unsolicited, the Survey of Captain Fuller's land, and placing it by the Government Survey (on a table I think) before me compared the two Surveys.

8. With regard to the words in paragraph 11 of the letter "from papers which ought to be in Mr. Grant's possession" I was puzzled, until I recollected that Mr. Williams had sent to me, through the Ootacamund Tahsildar, a paper dated the 13th November 1865, containing the following words:—"As the area of land purchased by Captain Fuller agrees with the Survey made by "Mr. Surveyor Fraser, inclusive of the land cut off by the new ghaut road for which Captain "Fuller is entitled to compensation in land."

Why this paper was sent I could not at the time imagine, and I do not even now know, as I did not ask Mr. Williams his opinion as to Captain Fuller's claim to compensation. I, however, directed that it should be placed on record, and I now conclude that this is the paper to which reference is made.

9. With regard to Captain Fuller's letter of the 5th instant to the Board, transmitted to this office, I have to inform you that on its receipt, I at once addressed Messrs. Hunter and Allan, and beg to annex copy of their reply, from which you will observe that they indignantly repudiate the idea of trespassing on Government land. The Sub-Magistrate of Coonoor has been directed to place himself in communication with Messrs. Hunter and Allan, and to report officially on the question.

ENCLOSURE No. 1.

From Messrs. HUNTER and ALLAN, Proprietors of the Glenmore Estate, to the Collector of Coimbatore, dated Coonoor, 16th January 1866.

1. We have the honor to acknowledge receipt of your No. 12 of the 13th instant, yesterday, with enclosed extract of a letter addressed by Captain Fuller on the 5th instant to the Board of Revenue.

2. The charges conveyed in the said letter are of an unjustifiable and extraordinary a nature that we don't deem it here necessary to take any further notice of them beyond stating *emphatically* that they are quite untrue, and that we have not illegally taken possession of any Government land whatever.

3. We have a Government plan of our property, and have been most careful in adhering to the boundaries therein defined and also explained to us by the late proprietor, Mr. G. Dawson, of which we shall, of course, be most happy to give yourself, or any party you may depute, full and ample proof.

4. As, however, the accusations uttered by Captain Fuller would be so seriously damaging to our character, if allowed to pass unchallenged, before taking further steps in this matter we have, in justice to ourselves, to request that you will have any day most convenient to yourself, and insist on Captain Fuller pointing out, if he can, the boundaries of the said five acres or more, &c. which he states we have illegally taken possession of, and when of course we shall take care to be present.

(True Copy.)

(Signed) P. GRANT,
Collector.

ENCLOSURES Nos. 2, 3 and 4.—Plans.

1. The Board, after a careful consideration of all the correspondence connected with this subject, are satisfied that all the land claimed by Captain Fuller, as contained within the boundaries specified in his letter to the Collector, dated the 11th May 1863, must be considered as Captain Fuller's property, and that consequently he is entitled to compensation for so much of this land as the Government have since cut off for the new ghaut road.

2. The fact that to the best of Mr. Grant's "recollection and belief" the land claimed by Captain Fuller does not exactly correspond (as to its limits) with what was shown Mr. Grant in 1862, as the Burghers' land, is not a sufficient ground for concluding that Captain Fuller wrongly described the boundaries in his letter of the 11th May; nor can Captain Fuller's claim be fairly contested on the plea that the total area within those boundaries is in excess of the area entered in the Puttah.

3. If Captain Fuller had claimed a greater extent of land than was held by John Mahomed, the previous owner of the property, or by the Burghers who sold it to John Mahomed, his claims might have been fairly disputed; but it is clear that he had no such object in view. His having, when making his purchase requested the Collector to inform him whether the Burghers were at liberty to sell the land, at the same time describing the boundaries as fixed by the previous owners, is conclusive evidence as to the perfect fairness of his intentions; and if after his land had been inspected no objections were offered he had a right to assume that the Government Officers saw no ground for interfering with his possession. It may be true that the Tahsildar, when deputed to inspect the land, did not himself go round with Captain Fuller to view the boundaries, but for this negligence the Tahsildar was to blame. He was desired to ascertain whether the land sold by the Burghers belonged to them or not, and then was the time for him to report if the given boundaries embraced land that had not belonged to the Burghers, or to make any other objections he might consider proper. He, however, raised no objections, except that Captain Fuller had built two sheds "beyond his proper limits:"* this exception of course implying that as to the remainder of the land the Tahsildar had no objections to offer.

* *Vide* paragraph 3 of the Collector's letter, dated 14th November 1865, No. 237.

4. The Board are also satisfied that the boundaries pointed out by Captain Fuller to the Government Surveyor were the same as those described in his letter to the Collector of the 11th May, and that he did not arbitrarily settle all his boundaries to suit his own convenience.† The boundaries described in that letter were, as he explained, those specified by John Mahomed; and now it appears from Mr. Williams's letter, dated 27th December 1865, (one of the enclosures in Captain Fuller's letter to the Board, dated 2nd January 1866) that the land in question while still in possession of the Burghers was measured on their behalf by Mr. Williams, and that the land as then measured had the same boundaries as the land now claimed by Captain Fuller. The paper to which Mr. Grant refers in paragraph 8 of his letter, dated 25th January 1866, No. 20, as having been sent to him by Mr. Williams, without any apparent cause, was dated two days after Mr. Williams accompanied Mr. Grant to point out the boundaries of the land as measured by him for the Burghers. It is, therefore, natural to suppose that Mr. Williams wished to explain in writing some parts of his previous conversation with Mr. Grant on that point; and if, as stated in his letter to Captain Fuller, Mr. Williams formerly measured the land for the Burghers, his statement as to the boundaries, or limits then shown to him, should have been viewed by Mr. Grant as valuable evidence on a very important question of fact. Mr. Williams's letter explains in a satisfactory manner how it happened that the two Surveys, the one made by Mr. Williams for Captain Fuller, and the other by the Government Surveyor for Mr. Grant, did not correspond.

† *Vide* Collector's letter, dated 2nd September 1865, No. 157.

5. With regard to paragraphs 4 and 5 of the Collector's letter, dated 14th November 1865, No. 237, the Board observe that the Burghers may, as explained by Mr. Grant in paragraph 4, have been registered as holding fractional portions of a Puttah, though no land taken up for grass was actually measured or assigned; but there is still reason to believe that the first holders

(the Burghers) occupied a fixed portion of land from a distant period, and in that case Mr. Grant was at liberty to charge assessment for any excess, if such existed, but not to reduce the extent of the holding.

6. With regard to the nature of the compensation to be allowed, the Board find that Captain Fuller is indisposed to accept such compensation exclusively from land on the north of his estate—all the land on that side being of inferior quality. He also urges as to the land for which he first applied, viz., the land lying between Captain Fuller's land and Messrs. Allan and Hunter's estate, (about 4* acres,) that this land being Government property is available for the required purpose, and that Messrs. Allan and Hunter can have no better claim to such land than himself. The Board consider that his remarks on this point are sound, and that the best course for Government to follow, in order to award a sufficient compensation in kind to Captain Fuller, is to give him the land for which he at first applied. The Collector will, therefore, be so good as to consult Captain Fuller's wishes on the above point as far as practicable. Captain Fuller should be allowed to point out the land which he desires to have, and fair compensation should be granted to him, in the same manner as compensation was allowed in the cases of Messrs. Herklots, Allan and Rungapah Row.

* *Vide* his letter to the Board, dated 11th January 1865, paragraph 3.

7. As to the land below the Karteri trace, the Collector will of course see that as much land as can be properly required for the new Conoor ghaut and the Karteri road is reserved; but the Board do not see that any of this land need be reserved merely for the sake of the trees growing on it. With regard to the encroachment made by Mr. Allan, which Mr. Grant has estimated at from three-fourths an acre to one acre, the Board would not object to the Collector's allowing this land to be united to Mr. Allan's estate, provided this can be fairly allowed consistently with Captain Fuller's prior claim to compensation; but before giving their final sanction to that concession, the Board wish to be further informed as to the latter point, and at the same time to be assured that the actual extent of the encroachment is no more than Mr. Grant has supposed.

8. Mr. Grant should at once place himself in communication with Captain Fuller, and should report, with as little further delay as possible, how the [illegible] be adequately met. They trust that the matter will be disposed of at once.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To the Collector of Coimbatore,
with 5 Sketches.

Copy to Captain W. Fuller.

Exd. R. H. Lee.

Passing Orders on the subject of Captain Fuller's claim to compensation for land taken up for the new Ghaut road in the Coimbatore District.

Dated 15th February 1866.
Despatched
Received

No. 1,075.

PROCEEDINGS OF THE BOARD OF REVENUE.

No.

1866. Department.

No. 1,467.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 2nd March 1866.

Read the following letter from Captain W. FULLER, to the Secretary to the Board of Revenue, dated Inkerman, Coonoor, 17th February 1866:—

1. As I think it absolutely necessary that I should place beyond all doubt, that the charge I have brought against Messrs. Allan and Co. is well founded, with reference to their having taken illegal possession of Government land, I beg, herewith, to forward another document in proof of my assertion [illegible] has stated that Messrs. Allan and Co. have encroached on Government land.

2. Mr. Williams, the original Surveyor of the Glenmore Estate, has distinctly stated in writing to the same effect. I now forward a copy of correspondence between Mr. Sanderson and myself which speaks for itself, and I have no doubt, that if Mr. Sanderson was called upon professionally, he could clearly prove to the Board that Messrs. Allan and Co. have even exceeded Mr. Dawson's boundaries.

3. I have been round, in company with Mr. Dawson, the boundaries of Basham Naidoo's land, and I know, for a fact, that a triangle has been taken in, that Mr. Dawson himself acknowledged did belong to the Glenmore Estate, and which portion Mr. Sanderson did not touch, during the time he rented the land.

4. I have now brought three witnesses forward in support of my charge: it now only rests with the Board to have a revenue survey made of Basham Naidoo's land, showing the piece taken illegal possession of by Messrs. Allan and Co., and the piece cut off by the ghaut road, the area of the whole of which, I again assert, will be found to be nearer twenty-five cawnies, than the proper quantity, viz., fifteen cawnies.

5. If I am wrong in my assertions regarding the encroachment made by Messrs. Allan and Co., (putting the area aside,) I shall be most willing to pay the expenses of the survey; but, on the other hand, if it is found that the charge I have made is correct, I maintain Messrs. Allan and Co. ought to be made to pay.

6. I observed, to-day, that a portion the land, taken illegal possession of by Messrs. Allan and Co., is being cleared for the accommodation of some Sappers, and I have no doubt that, as Messrs. Allan and Co. have had the boldness to take possession of Government property, they will not hesitate to ask for compensation for the land taken up for the Sapper lines, but which land in truth belongs to Government!

Copy of Correspondence.

From Captain W. FULLER, to C. SANDERSON, Esq., dated Inkerman, Coonoor, 16th February 1866.

1. As you formerly rented the land known as Basham Naidoo's land of Mr. G. Dawson, the late proprietor of the Glenmore Estate, as well as of the present proprietors, Messrs. Allan and Co., you must, of course, be fully aware of its boundaries; I therefore write to ask you to state, whether or no you consider Messrs. Allan and Co. have exceeded those boundaries, and have thereby encroached on Government land.

2. I write to ask you for this information, as I have most positively asserted in writing to the Board of Revenue, that Messrs. Allan and Co. have exceeded the boundaries of Basham Naidoo's land, (being the piece you rented,) and I am, of course, anxious to have as many witnesses as possible, to prove that my assertions are true.

3. I may here state, that both Mr. Grant the Collector, and Mr. Williams the original Surveyor of the Glenmore Estate, have distinctly stated in writing, that Messrs. Allan and Co. have encroached on Government land.

4. I know, I have not the slightest right to demand the above information of you, but I trust you will, in furtherance of justice, give it.

From C. SANDERSON, Esq., to Captain W. FULLER, dated Brooklands, 17th February 1866.

1. There can be no doubt that the piece of land I rented of Mr. G. Dawson, (and the boundaries of which he pointed out personally to me,) is in excess of the Government plan.

2. Perhaps Mr. Allan may not claim up to those boundaries so described by Mr. Dawson. I made a survey of the piece rented, and placed it in juxta-position with the plan in the possession of Mr. Dawson: but such evidence I must decline to give unless paid for professionally, as I have no time to make gratuitous surveys or plans, being already overwhelmed with daily work.

Forwarded to the Collector of Coimbatore for notice in his report on the subject of the compensation sought by Messrs. Allan and Hunter.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To the Collector of Coimbatore.

Copy to Captain W. Fuller.

Exd. J. Wright.

Forwarding for notice a letter from Captain Fuller, on the subject of compensation sought by Messrs. Allan and Hunter, for certain land on the Neilgherry Hills.

No. 1,467.

Received

Despatched

Dated 2nd March 1866.

PROCEEDINGS OF THE BOARD OF REVENUE,

No.

1866. Department.

No. 1,620.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th March 1866.

Read the following letter from P. GRANT, Esq., Collector of Coimbatore, to the Acting Secretary to the Board of Revenue, dated 15th November 1865, No. 240:—

I beg to annex copy of a letter, received by this day's post from Mr. Allan, regarding the land asked for by Captain Fuller as compensation at Coonoor, and of my reply to the same. I presume that my inspection of Mr. Allan's land, on Saturday last, with Mr. Surveyor Williams, has alarmed him.

ENCLOSURE No. 1.

From A. ALLAN, Esq., to the Collector of Coimbatore, dated Glenmore, Coonoor, 14th November 1865.

1. Referring to a letter of 29th July last, written by Mr. Hunter in respect to a piece of Government land, lying between the new Kartary road, and this estate, I now write to ask, whether this land is likely to be put up to public auction or not? As owing to the delay in receiving any definite reply, I feel anxious lest any decision should have been adopted prejudicial to the interest of this estate. If convenient I shall be happy to wait upon you, and have little doubt I shall be able to satisfy you, how excessively injurious it would be in many ways to this plantation, not to say unjust also on the part of Government, if the said land should be granted to Captain Fuller in compensation. I have taken the liberty of writing this unofficial letter, not only to save time, but also to avoid any unnecessary or lengthened official correspondence.

2. An early reply to the above will oblige.

(True Copy.)

(Signed) P. GRANT,
Collector.

ENCLOSURE No. 2.

From P. GRANT, Esq., Collector of Coimbatore, to A. ALLAN, Esq., Coonoor, dated Coimbatore, 15th November 1865.

In reply to your letter of yesterday, received this day, I beg to inform you that my final reply to the Board of Revenue, regarding the compensation demanded by Captain Fuller, left by this day's post. I should, therefore, recommend you at once to address the Board, stating any objections you may have to the transfer of the land to Captain Fuller.

(True Copy.)

(Signed) P. GRANT,
Collector.

Recorded.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To the Collector of Coimbatore.

Exd. J. Wright.

Recording letter from Collector of Coimbatore annexing copy of one from Mr Allan objecting to grant of land applied for by Captain Fuller at Coonoor.

No. 1,620.

Dated 8th March 1866.

PROCEEDINGS OF THE BOARD OF REVENUE,

No.

Fort St. George, 1866. Department.

Read the following letter from Captain W. FULLER, to the Secretary to the Board of Revenue, dated Madras, 10th March 1866 :—

1. With reference to the indignant denial of Messrs. Hunter and Co. to the distinct charges I made against them of having encroached on Government land (which I had specially applied for as part compensation, but to which *conditionally*, and to meet Mr. Grant's wishes, I have since withdrawn my claim.) it occurs to me, on re-consideration, that I expressed myself more strongly than was necessary in my letter of 25th February last. I had already forwarded to the Board with my letter of 2nd January 1866, documentary evidence substantiating my charges. Mr. Grant himself admits that Messrs. Hunter and Co. had encroached, and he also, in my presence, informed one member of the Board of the fact when going round my land, from a note of the conversation *taken at the time*; this was on the 2nd November 1865.

Vide Messrs. Hunter and Co.'s letter to the Board, dated 16th January 1866.

Vide paragraph 7 of Board's Order, No 1,075, dated 15th February 1866.

2. Messrs. Hunter and Co. deny that they have taken possession of *any* Government land whatever, and as they complain of serious damage to their character, should my accusations remain unchallenged, the Board will, I trust, favour them with a copy of this correspondence. To mark more distinctly the land encroached on by Messrs. Hunter and Co., I beg to inform the Board that it is the piece on a portion of which the huts for the Sapper Camp are being built.

Vide Messrs. Hunter and Co.'s letter to the Board, dated 16th January 1866.

3. I now respectfully solicit the Board's permission to withdraw my letter of the 25th February last, and leave the matter entirely in the Board's as to whether or no Messrs. Hunter and Co. have *any grounds* for repudiating my charge.

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1. The Board are glad that Captain Fuller has adopted this course.
2. His former letter will be destroyed.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To Captain W. Fuller.

Copy to the Collector of Coimbatore.

Exd. J. Wright.

No. 2,118.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 26th March 1866.

1866. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 26th March 1866.

No. 2,118.

Approving course adopted by Captain Fuller in withdrawing letter dated 25th February 1866, relating to certain Government land in Coimbatore district.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 15th May 1866.

Read again the following letters:—

From P. GRANT, Esq., Collector of Coimbatore, to the Secretary to the Board of Revenue, dated Cottamungalum, 13th March 1866, No. 65.

1. I have received the Board's Proceedings of the 15th February 1866, No. 1,075, and in reply beg to inform them that on Saturday, the 3rd instant, the earliest date on which I could manage to go to Coonoor, (as when I received the Proceedings I was about to start for Poolachy on Jummabundy) I met Captain Fuller by appointment, and inspected the land he wishes to have as compensation. Captain Fuller pointed out the lands, and I see no objection to their being granted to him, provided the boundaries in one or two places are adjusted so as to preclude any chance of his and Messrs. Hunter and Allan's interests clashing.

2. The accompanying rough sketch will assist the Board in understanding the boundaries, &c., of the land Captain Fuller wishes to have.

3. Captain Fuller, instead of raising the question as to the excess land taken in by Messrs. Hunter and Allan, wishes to have what he considers the deficiency made up to him, in land, on the north and north-east of his plantation, and this seems to me to be the most expedient way of settling the question. Captain Fuller's compensation land below the Karteri trace is the piece which Messrs. Hunter and Allan wanted. I have put Captain Fuller in possession, and authorized him to begin felling, as the season is passing away. The land is marked on the plan by a dotted line; on the east the small nullah adopted by Messrs. Hunter and Allan is to be the boundary. The west portion of the land marked red, should, I think, be reserved, as to enable carts to get down to the bridge from the Karteri road a new zig-zag road must be made, and for this purpose land is required. The Superintending Engineer might determine the quantity of land required. I don't suppose that more than sixty yards east and west will be required. From the upper side of Messrs. Hunter and Allan's road, on the south of Captain Fuller's compensation land, for a distance of twelve yards, the ground is to be reserved by Government, as thereby all chance of future clashing on the part of the respective proprietors will be avoided. From the centre of the Karteri road, for a distance of thirty feet on either side, the land will be reserved by Government. This rule holds good along the whole line of the ghaut road. From the south-west point, D., a rock with a tree on it, of Captain Fuller's plantation, the boundary should, I think, run down the hill direct to the Karteri road. From Captain Fuller's letter, dated 3rd instant, copy of which, with my reply, is transmitted for the Board's information, it seems that Captain Fuller wishes to take his boundary from the point D. to the junction of the Karteri and Hoolicul roads, the piece of land embraced by this boundary is so rocky and steep that I do not think it is worth for cultivation; whilst its transfer will deprive Mr. Allan of a small channel which he cut with a view to running liquid manure down the hill to his estate below; however, this point I leave for the consideration of the Board.

4. From the north-west point, E. the boundary of the additional land is indicated by the dotted line which runs up the hill along the channel and road until it meets Captain Fuller's property at top of the hill, and runs on to F., the lowest part of his boundary on the east, where it descends to G. on the lower part of the Coonoor ghaut road. Captain Fuller wishes to have all the land between the upper and lower portions of the Coonoor ghaut, as far as H. H., a bridge; but I think he should not go further than K. K., this piece of land (marked red) in fact embraces most of the land for which the Board have sanctioned compensation to Captain Fuller, and on it stands Mr. Allan's liquid manure tank, alluded to in previous correspondence. With these reservations, I see no objection to the land asked for by Captain Fuller being granted to him. A great portion of the land on the north of his plantation, between it and his property on top of the hill, is steep and rocky and not fit for cultivation; but its possession gives him a good boundary and makes his property compact. The Sketch sent is rough, and not drawn to scale; but it

exhibi's the various properties and pieces of land to which allusion is made in this letter. The small triangle B., on the east side of Captain Fuller's compensation land below the Karteri trace, is the land said to have been taken up by Messrs. Hunter and Allan in excess of their legitimate property. I went over it with Captain Fuller the other day, and I am still of opinion that its extent is not more than an acre. Mr. Allan, with whom I have also gone over it, told me that he had taken the boundary pointed out to him by Mr. Dawson, the late proprietor. The question depends on which of the two big stones on the upper side of the road the boundary starts from. Five honest men might point out one stone, and five ditto the other stone, and they would, in all probability, do as Mr. Hunter has done, and adopt that boundary which is the most natural, viz, the nullah which I now recommend for adoption, especially as the parties most interested are satisfied with it. The sholah and grass land now recommended to be made over to Captain Fuller, will, I conclude, be assessed at Rupees two and one respectively. In other words, Captain Fuller will be allowed to occupy so much Government land on payment of the usual assessment without being subjected to the ordeal of having to purchase it at public auction.

ENCLOSURE No. 1.

From Captain W. FULLER, to the Collector of Coimbatore, dated Inkermann, Coonoor, 3rd March 1866.

1. With reference to our conversation a few minutes ago, I write to say that I shall be willing to meet your wishes and give up twelve yards in breadth of the piece of land lying between the Karteri road and Messrs Hunter and Allan's plantation, the twelve yards to be measured upwards commencing from the public road bounding Messrs. Hunter and Allan's estate on the north, and will also not seek for any further compensation for any damage that may be done *inadvertently* by Government (while making the Karteri road) to my land, and furthermore am willing to give up my claim to the land belonging to Government, and which Messrs. Hunter and Allan have cleared and planted, *provided* you give the land I pointed out to you, and which you said you would recommend the Board of Revenue to grant to me.

2. The land I pointed out to you is bounded on the north by the Crimean property, on the south by the lower trace of the new ghaut road, on the east by a ridge near which the public pathway exists, leading to Mr. Haines' plantation, on the north-west by Woodcote property, on the west by water channel, on the south-west from a tree on my west boundary in a straight line until it cuts the Hoolicul road at its junction with the Karteri trace.

3. I shall be happy to point out the above boundaries to the Sub-Magistrate of Coonoor, or any official you may appoint to-morrow morning, and am sorry I am unable to fix upon a more convenient day, as I have to leave for Madras the day after.

4. I, according to your permission granted me this day, shall commence felling and clearing the land lying between the Karteri trace and the public road bounding Messrs. Hunter and Allan's estate on the north, on Monday next the 5th instant.

5. Considering the time I have had to wait for compensation, and the loss I have been put to thereby, I do not think you will consider that I am asking too much if I apply for the four or five acres of land facing Alman, so as to put my property as it were in a ring fence, and to prevent any further disputes.

6. I shall feel obliged by your giving me an answer per bearer, as promised.

(Signed) W. FULLER,

(True Copy.)

(Signed) P. GRANT,
Collector.

ENCLOSURE No. 2.

From P. GRANT, Esq., Collector of Coimbatore, to Captain W. FULLER, Coonoor, dated 4th March 1866.

1. In reply to your letter of the 3rd, received last night, regarding our conversation as to the settlement of the long-pending question about your land claim, I beg to inform you that you are generally correct as to the boundaries of the land I said I would recommend the Board to grant, and I hereby authorize you to commence felling on the land below the Karteri road. There is one piece of land I wish to reserve, namely, that piece included by the new ghaut zig-zag and a line drawn from the point on which we stood talking on the upper part of the ghaut road to the lower part of the ghaut road. This land consists of a narrow strip, within which is Mr. Allan's liquid manure tank. It is also of such limited extent, when the usual reservation for the road below the upper and above the lower portions is made, that it would be almost useless to a private individual, whilst its transfer would open the door to dispute. The north-west boundary I propose is the road along which we rode to where it meets your property which I presume it does close to where we separated.

2. The water channel on the west, referred to by you is, I presume, your new channel as far as your cooly lines. With this explanation, if you feel satisfied, I shall, as personally stated to you; write to the Board, any slight difference as to details of boundaries, I think you may leave to me; for the result of our meeting yesterday must, I think, convince you that I am not illiberal in my views as to compensation.

(True Copy.)

(Signed) P. GRANT,
Collector.

ENCLOSURE No. 3.—Rough Sketch.

From the same Officer, dated Suttimungalum, 19th March 1866, No. 73.

In continuation of my letter of the 13th instant, No. 65, I beg to transmit for the consideration of the Board, a letter, dated 14th instant, received yesterday, Sunday, from Captain Fuller in reply to mine of the 4th instant, which it appears I forgot to date when sending it to him. Captain Fuller, you will observe, takes exception to the reservation of the piece of land situated between the upper and lower portions of the Coonoor trace, and lying to the east of the bridge. He will also, I conclude, take exception to the boundaries proposed by me on the south-west corner of his property. I have stated my reasons to the Board for making the reservation, and it now rests with them to say what course is to be followed. The whole of the correspondence is before them. Perhaps it will be well to submit my letter of the 13th instant to Captain Fuller for his observations ere the Board pass any Orders on the subject.

ENCLOSURE No. 1.

From Captain W. FULLER, to the Collector of Coimbatore, dated 14th March 1866.

1. With reference to your letter without date, in reply to mine of the 3rd instant, I regret to find that you are not now satisfied with my concessions.

2. I relinquished *conditionally* all claims in the Government land which Messrs. Hunter and Co. illegally annexed and planted beyond Basham Naidoo's boundary, and to which the Board decided I had a prior claim; Messrs. Hunter and Co. having already received most ample compensation.

3. I also *conditionally* relinquished 36 feet along the whole length of my southern boundary below the Karteri trace, and now you say you further wish to reserve the piece of land which was *actually my property* when you permitted Messrs. Hunter and Co. to deposit their manure on it.

I cannot tell you with what concern I now find, that instead of the whole question being finally settled, there is every chance of a lengthened correspondence ensuing regarding the two acres of land you wish to reserve, as I cannot consent willingly to this land being reserved for Messrs. Hunter and Co. at my expense, or if such is your intention, I shall certainly petition the Board to do justice to me regarding the land those gentlemen have illegally annexed.

4. The land you would now reserve does not join any portion of the Glenmore Estate, its withdrawal from me would give my estate a most patchy appearance, and bringing me into close contact with the Glenmore proprietors at a part where we are now separate, and thus increase the chances of future disputes, which I am always most anxious to avoid. I confess it does appear to me exceedingly unfair that after all my anxiety for the past two years, the great difficulties I have experienced in obtaining a decision on my case, that instead of showing me the liberal consideration which, under all the circumstances my case might fairly elicit, instead of proposing that those who illegally annexed Government land should disgorge it, you now actually suggest that they should have more in addition, and *that* at *my* expense!

5. The land is of trifling extent, probably not quite two acres; but it is of more importance to me than it can be to any one else, and I trust you will give my claims your favorable consideration. I would remind you that in deference to your wishes, I reluctantly consented to your cutting off the 36 feet to make a neutral ground between the Glenmore and my estate, and this was quite against my own views; for I *did not* and *do not* see the necessity when a broad road already defines the boundary between the two estates along the whole course of this line, and as I now find that this concession instead of obtaining a quiet and amicable adjustment, as I had hoped, has only subjected me to a demand that is all to benefit those whose interests have throughout been considered to the entire exclusion of mine. I hereby withdraw my consent to any portion of the land below the Karteri trace which the Government have given me being cut off.

6. In the hope that you will favor me with an early reply, I shall take no further steps at present.

From the same Officer, dated Suttimungalam, 21st March 1866, No. 78.

1. On the 3rd instant, as directed by the Board, I saw Captain Fuller, and went over the land and saw what land be wanted as compensation. I then rode into Ootacamund, and on the same evening received his letter of that day's date. Captain Fuller having told me that he was to leave Coonoor on Monday, and wished previous to his doing so to arrange about the felling of the jungle on the land given to him, I replied to his letter on Sunday morning, the 4th, both letters are before the Board. I told Captain Fuller that I was anxious to retain fifteen yards of the lower portion of theSholah running along Messrs. Hunter and Allan's road; fifteen yards, Captain Fuller said, he thought was too much. It was then agreed that twelve yards should be retained, and I told Captain Fuller at the time that the reservation of this belt would obviate the chance of future trouble between him and his neighbours. As for months past I had avoided meeting Messrs. Hunter and Allan until Captain Fuller's matters were settled, I thought that on the 7th instant, on my way to the low country, I might meet them. I accordingly called on Mr. Hunter, and accompanied by him and Mr. Allan, I inspected the land they were thought to have encroached on. Mr. Allan, if I remember correctly, told me that he had taken the boundary pointed out to him by Mr. Dawson; he also told me of the manure shoot near the Hoolicul road to the west and south-west of Captain Fuller's property, and of the proposed new zig-zag to improve the Hoolicul road from the bridge to the Karteri trace. I told him that twelve yards had been reserved between his road and the land given to Captain Fuller; these, I believe, were the leading points of our conversation, we then parted about 5 P. M. and I came on to Matoopolliem. This day's post has brought me a letter, dated 16th instant, from Messrs. Hunter and Allan, an extract of which is annexed.

2. The Board have now all the papers in the case before them; on receipt of their decision I shall be able to reply to Messrs. Hunter and Allan.

"We beg to bring to your notice that instead of leaving the reserve of twelve yards you told 'us you had set aside last week, Captain Fuller has not only cut away the jungle right down to 'our road, but has also absorbed the dotted margin as left us in our plan for the necessary road 'repairs. We shall feel obliged by your letting us know, as early as possible, how we are to 'act in this matter; for we cannot of course submit to such encroachment. Please also let us 'know if our right to the manure shoots has been reserved."

From the same Officer, dated 18th April 1866, No. 103.

I beg to forward for the Board's information, a communication received this day from Messrs. Hunter and Allan. The correspondence alluded to by them refer to the land asked for in exchange for that portion of their estate required for this site for the Sappers' Barracks. It appears that the twelve yards of land which I recommended in my letter to the Board, dated 13th March 1865, No. 65, should be reserved between Messrs. Hunter and Allan's road, and the compensation land to be given to Captain Fuller is being planted out by him, (Captain Fuller.) Of the impropriety of this step, I leave the Board to judge. On no account, according to my judgment, should this land be given to any one.

ENCLOSURE No. 1.

From Messrs. HUNTER AND ALLAN, to the Collector of Coimbatore, dated Coonoor, 17th April 1866.

Referring you to our letters of 13th February and 8th and 16th March last, we have the honor to request you will favor us with an early reply, and as any further delay will put us to great inconvenience, the more so, as Captain Fuller is going on coolly absorbing, felling, and killing, the reserve or margin you assured us had been set aside.

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1. The Board are willing to recommend to Government that the land, as described and limited by the Collector, be made over to Captain Fuller, on the usual terms as to assessment, in compensation for the land cut off by the new Coonoor ghat from Captain Fuller's property, purchased from Jan Mahomed, as admitted in the Board's Proceedings, dated 15th February.

2. The reservation of the piece of land between H. H. and K. K. in the Sketch, in which Messrs. Allan and Hunter's manure tank is situated, can give Captain Fuller no cause for complaint, inasmuch as it forms part of the land cut off by the ghaut, for which he is to receive compensation.

3. The reservation of the west end of the plot—below the Kartairy trace and above the road along the north side of Messrs. Allan and Hunter's property, and of the slip of land along the north side of that road and the south side of the same plot, which plot Captain Fuller has been allowed to occupy in anticipation of sanction—seems reasonable and necessary, in order to make a cart track to connect the Kartairy line with the bridge on the Hoolicul road, and to avoid disputes hereafter as to boundaries, and to afford materials for road repairs, and space for improving the line; but as it would appear from the later letters that Captain Fuller has cleared down the road, the papers must be sent to him for explanation.

4. The space between the south-west corner of Captain Fuller's plantation, (marked D. in the Sketch,) and the junction of the Kartairy trace and Hoolicul road had better be left unoccupied.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To the Collector of Coimbatore,
with two original letters, and a Rough Sketch.

Copy to Captain J. Fuller.

Ixd. R. H. Lee.

Passing remarks on letters from Collector of Coimbatore on subject of compensation to be granted to Captain Fuller for his land cut off by new Coonoor ghat.

No. 3,376.

Dated 15*th May* 1866

PROCEEDINGS OF THE BOARD OF REVENUE,

No.

1866. Department.

No. 3,718.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 30th May 1866.

Read the following letter from Captain W. FULLER, to the Secretary to the Board of Revenue, dated Inkerman, Coonoor, 25th May 1866:—

1. In reply to the Proceedings of the Board, No. 3,376, dated 15th May 1866, I respectfully beg to be furnished with a copy of the Sketch forwarded by Mr. Grant, as I cannot otherwise understand, clearly, what land he is willing to let me have, and what he is anxious to reserve for Messrs. Hunter and Co.'s benefit.

2. I left the Hills on the 5th March last, since which time Mrs. Fuller has had two interviews with Mr. Grant, and from what passed, Mrs. Fuller was led to suppose that Mr. Grant intended to recommend to the Board that I should have all the land I wanted, with the exception of the hill in front of Alma Cottage, and on this understanding, Mrs. Fuller gave instructions to the Superintendent to have all the land cleared, which has in a great measure been carried out.

3. As regards the twelve yards Mr. Grant wishes to reserve all along my south boundary, (which has been cleared and partly pitted during my absence,) I beg to inform the Board, that *during the time* the question of compensation was under reference, Messrs. Hunter and Co., with their usual coolness, cut the bank away right along the whole length of my south boundary, and made a wide bandy road for their private use, which road, I think the Board will allow, is quite a sufficient and well-defined boundary mark between the two estates, without twelve yards more in width, and I do not know how much in length, being cut off my property.

4. Mr. Grant, I observe, wishes to curtail the land he at first consented to let me have on the west, to enable Messrs. Hunter and Co. to make a bandy road to their bridge, beyond which I beg to point out to the Board, no bandy road exists; in fact, it is bad travelling even for a pony, so that, for public purposes, the road is utterly useless. I beg to assure the Board, that if Mr. Grant's wishes are carried out, and a piece of land cut off here, and a piece there, just to suit Messrs. Hunter and Co.'s convenience, the compensation granted to me will in a great measure be worthless, as it will give my estate a most patchy appearance.

5. The manure channel made by Messrs. Hunter and Co., before it enters their estate, must go through land that the Board have decided *is*, and was, my property from the first; so that Mr. Grant's permission to Messrs. Hunter and Co. to make a channel, could hardly have been legal and right. Messrs. Hunter and Co. can as easily, and without detriment to themselves, have the above channel on their own land, instead of taking it through a long strip of ground that does not belong to them; but it is, no doubt, their policy to make channels and roads through any other land but their own, and I must say, I think, Mr. Grant supports them as far as he is able, for even now he wants to reserve at least three pieces of land for them, although these reservations, if permitted, will be most injurious to my interests.

6. If Messrs. Hunter and Co. have a right to the channel above referred to, and the Board are willing to allow them still to make use of it, I trust that, after giving Messrs. Hunter and Co. five yards or so in width along the length of the channel, the Board will allow me to take the two acres on the south-west side (part of which has been cleared); by so doing, two acres of land will be brought into cultivation that will, most probably, otherwise remain waste, and be of no use to either man or beast.

7. Mr. Grant appears very anxious that I should pay a quit-rent of Rupees 2 per acre for some portions of the compensation land, but I leave it to the consideration of the Board, whether I ought to pay more per acre, for the compensation land, than I did for the land taken up by Government (not at my request) for the new ghaut road; and I think it is an open question, whether I am liable for any extra quit-rent (beyond what I formerly paid) for land which has been granted to me as compensation, in lieu of that which has been taken up by Government for the new ghaut road, without my being consulted in any way by the Collector of the District,

8. As regards Mr. Dawson pointing out to Messrs. Hunter and Co. the Government land they have encroached on, as belonging to the Glenmore Estate, I think it will be found, on Mr. Dawson being questioned on this point, that Messrs. Hunter and Co. are labouring under a delusion; moreover, Messrs. Hunter and Co. had the plan to guide them, so that it is difficult to understand how they could have made a mistake.

9. If there is no objection, I should much like to know by whom the plan or sketch was made that was forwarded by Mr. Grant to the Board. In conclusion, if the Board will allow me to have a copy of the Sketch above referred to, I shall be able to answer Messrs. Grant, Hunter, Allan, and Co.'s letters in full, and give every information upon any point the Board may require connected with the case in question.

The Collector of Coimbatore, to whom the Sketch was improperly returned from the Board's Office, instead of being sent to Captain Fuller as was intended, will be requested to send it back to the Board, for transmission to Captain Fuller.

(A true Copy and Extract.)

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

To the Collector of Coimbatore.

Copy to Captain W. Fuller.

Exd. J. Wright.

No. 4,057.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 13th June 1866.

Read the following letter from P. GRANT, Esq., Collector of Coimbatore, to the Secretary to the Board of Revenue, dated Ootacamund, 5th June 1866, No. 149:—

As directed in the Proceedings of the Board of Revenue, dated the 30th May 1866, I beg to forward the Sketch alluded to.

ENCLOSURE No. 1.—Sketch.

The Sketch received with the above letter will be forwarded to Captain Fuller, with reference to his letter, dated 25th May 1866, and with the request that it may be returned when done with.

(A true Copy and Extract.)

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

To Captain W. Fuller,
with a Sketch to be returned.

Copy to the Collector of Coimbatore.

Exd, J. Wright.

Dated 30th May 1866.

Despatched

Received

No. 2,718.

PROCEEDINGS OF THE BOARD OF REVENUE.

1866. Department

No.

Requesting Collector of Coimbatore to return Sketch of land proposed to be granted to Captain Fuller as compensation for his land cut off by new Coonoor Ghaut.

1866. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 13*th June* 1866.

Despatched

Received

No. 4,057.

Forwarding to Captain Fuller sketch of land applied for by him, with reference to his claim for compensation for land cut off by new Coonoor ghaut.

No. 5,004.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 21st July 1866.

Read again Captain Fuller's letter, dated 25th May 1866, in Board's Proceedings, dated 30th May 1866, No 3,718.

Read also Board's Proceedings, dated 15th May 1866, No. 3,376.

Read the following letter from Captain W. FULLER, to the Secretary to the Board of Revenue, dated Coonoor, 25th June 1866 :—

1. I have the honor to return Mr. Grant's sketch, and to draw the Board's attention to the errors contained therein.

2. I find that the road described by Mr. Grant as belonging to Messrs. Hunter and Co., and only five or six feet wide, is actually in some parts sixteen feet wide ! and on an average about twelve feet wide ! It is now for the Board to decide, whether twelve feet more ought to be cut off my land, so that Messrs. Hunter and Co. may still further widen their road, and whether such a road as already exists is not a sufficient and well-defined boundary mark between the two estates, without Mr. Grant reserving more land *at my expense*, all for the benefit of Messrs. Hunter and Co.,

3. The Board, no doubt, recollect Mr. Grant's recommending (in a previous letter, when referring to my claim,) that a small piece of land, through which I had taken a road so as to connect my estate with the ghaut, should be given to me as a *quid* for the land taken up by Government. Yet now he recommends, that land should be reserved *at my expense*, for the purpose of repairing and improving a private road of Messrs. Hunter and Co., who have already encroached on Government land ; this hardly seems to be consistent with the policy pursued by Mr. Grant with reference to myself, and I beg, therefore, to draw the Board's particular attention to it.

4. I have already explained to the Board, how the twelve yards Mr. Grant wishes to reserve for Messrs. Hunter and Co. came to be cleared and pitted by me, and trust that my explanation has been deemed satisfactory. In the plot situated between K. K. and H. H., is situated what Mr. Grant calls Messrs. Hunter and Co.'s liquid manure tank, and the Board no doubt are impressed with the idea, that Messrs. Hunter and Co., quite regardless of expense, have built a brick and chunam tank there, and that it would be a great loss to them if they had to give it up ; but when the Board learn that this tank is only a pit, which could hardly have cost more than two or three Rupees in making ; that there are far better positions for the pit on Messrs. Hunter and Co.'s own land ; that if made thereon, all chances of our clashing would be obviated ; that this pit is far away from the Glenmore Estate ; that it comes right in the middle of my property ; and that on its account Mr. Grant wishes to reserve two or more acres of land ; I feel sure the Board will hardly consent to Mr. Grant's proposition, and allow the pit and channel to remain in its present position. Mr. Grant is anxious to reserve no less than three separate pieces of land for the use of Messrs. Hunter and Co., viz., on the east, two or more acres on account of a pit ! on the west, I don't know what amount of land, as I've no scale to guide me, on account of another manure channel, and a zig-zag that may perhaps be wanted to Messrs. Hunter and Co.'s bridge, on the opposite side of which only a bad bridle-path exists. On the south, twelve yards more in breadth, (Messrs. Hunter and Co. having taken a good slice off it already,) so that they may still further widen their private road, which Mr. Grant calls five or six feet wide ; but fear in this measurement he must have been guided entirely by his eye.

5. I fear that, if such a precedent is once established, as reserving acres of land on account of the manure pits of private individuals, there will be no end to the manure tanks, channels, and zig-zag all over the country.

6. If Messrs. Hunter and Co.'s manure pit is allowed to remain in its present position, it will, I am sure, always be a source of future disputes, and, moreover, I shall be unable to make a road through my land that is contiguous to it without crossing it, as the entrance of the road must be somewhere near M., to enable me to make it at a proper gradient. With reference to the boundary line from E. to D., I would beg to be allowed to have it from E. to Z. As this line is a natural ridge, on the other side of which is some land belonging to a Maistry of mine, which I intend eventually to purchase and add on to my property, I may here state that a year ago or so, the Karteri trace was made through the above Maistry's land, and although he has personally petitioned the Collector three times, yet still no compensation has been granted him.

7. Mr. Grant in his sketch has marked a plot B.; this will be found, on examination of the Government plan, to be quite wrong, as it carefully excludes the plot occupied by the Sapper huts, which are most decidedly built on Government land, and not, as Mr. Grant lays it down, on Messrs. Hunter and Co.'s property. No doubt Mr. Grant has in this, also, been entirely guided by his eye, and which has deceived him much.

8. I now respectfully beg the Board to grant me compensation according to the undermentioned boundaries:—

From E. on the west to Z, from Z. to 4 on the east, this makes the south boundary, from 4 to P., from P. to G. on the right, from P. to 6 on the left, this being the lower trace of the ghaut; from 6 to R. on the extreme right, this being the upper trace of the ghaut, from R. to G. on the south, from R. to F. on the north, and then, according to Mr. Grant's sketch, until the line meets E. again on the west.

9. This, in connexion with my letter of the 25th May last, is all I have to say. It now rests with the Board to settle the question.

Read also the following letter from P. GRANT, Esq., Collector of Coimbatore, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 7th July 1866, No. 177.

With reference to the nullah which is claimed by Messrs. Hunter and Allan, but repudiated by Captain Fuller as the boundary of the Glenmore Estate, I beg to transmit in original, a letter with enclosure, received from Mr. Hunter yesterday. More than a fortnight ago, Mr. Hunter mentioned to me that Mr. Dawson always looked on the nullah as the boundary of his estate. I then told him that the best thing he could do, under the circumstances, would be to write to Mr. Dawson, and get him to say so in writing. This he has now done. Mr. Dawson was the former Proprietor of the Estate, and sold it to Mr. Hunter.

ENCLOSURE No. 1.

From Messrs. J. HUNTER and ALLAN, Proprietors of the Glenmore Estate, to the Collector of Coimbatore, dated Coonoor, 5th July 1866.

1. We have the honor to enclose a letter from Mr. G. Dawson, received yesterday, showing that the rocky nullah is the boundary of the Glenmore Estate, at the place where Captain Fuller stated it was not. We trust you will find it satisfactory, and be enabled to get a speedy settlement of this most unpleasant matter, as also the compensation in the barrack question, for which the Board has kept us long waiting.

2. Should you require, we have no doubt we could get you another letter from Major Hunter, the previous Proprietor of Glenmore, in the matter of the rocky nullah boundary, and equally confirmatory with the enclosure.

ENCLOSURE No. 2.

From G. A. R. DAWSON, Esq., Bilikul, to A. ALLAN, Esq., Coonoor, dated 3rd July 1866.

MY DEAR ALLAN,—In reply to your's of the —, I beg to state that the "rocky nullah" you refer to was always held to be, and considered as one of the boundaries of the Glenmore Estate: it was pointed out as such to me in 1857 by my predecessor, Major Hunter, and I am much surprised that there should be now any dispute about it; but trust it will now be satisfactorily settled. * * * *

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1. The Board having re-considered the proposals made by Mr. Grant in his letter to the Board, dated 13th March 1866, for granting compensation to Captain Fuller, and having received from Captain Fuller his subsequent letters submitting remarks, and taking certain objections to the particular points in Mr. Grant's proposal, are of opinion that Captain Fuller has shown good reason why that piece of land, which lies between K. K. and H. H. in Mr. Grant's rough sketch, should not be made over permanently to Messrs. Hunter and Allan. This portion of land comprising as it would seem about two acres, never formed part of the Glenmore Estate; Mr. Allan has erected no permanent work on it for storing manure; and to include it in Captain Fuller's property, to which it before belonged, is certainly necessary, in order to give his estate a proper boundary on the side in which it is situated.

2. Mr. Grant proposes to reserve a spot marked with red chalk, as this piece of land is needed for improving a private road belonging to Messrs. Allan and Hunter; and secondly, to carry the boundary of Captain Fuller's land from the point marked D. in a direct line to the Karteri road, instead of taking his boundary from D. to the junction of the Karteri and Hoolicut roads, with the view of securing to Mr. Allan a small channel which he has cut "with a view to "running liquid manure down the hill to his estate below."

3. The Board will not object to these two concessions in favor of Mr. Allan, though it should be borne in mind that Mr. Allan, in seeking to obtain these advantages, is not in the same position as Captain Fuller, who has a claim to compensation for the land taken up by Government, and that the land, from which he desired to obtain his compensation, was the undisputed property of Government. Mr. Grant will, at the same time, consider whether any objections exist to the two acres referred to in paragraph 6 of Captain Fuller's letter, dated 25th May 1866, being occupied; and if not, will include this portion in Captain Fuller's land.

4. The Board are also of opinion that Messrs. Hunter and Allan may be allowed to retain the road which they have carried along the same Government land on the south boundary of Captain Fuller's property, but the width of this road should be limited to twelve feet at the widest part, and the breadth of the land reserved at the side should be six feet, instead of twelve yards, as proposed by Mr. Grant. They cannot see any advantage in reserving so much land as twelve yards at the side of a private road, in order to prevent future disputes; for this road as Captain Fuller urges, forms a very good boundary line between the two estates, while, as in the other cases, the land taken up for the road was occupied by Messrs. Allan and Hunter without their having any rights to appropriate it for a road, or for any other purpose.

5. The Board see no objection to Mr. Grant's proposals, except on the points specially referred to in the present Proceedings. They are not quite clear as to the boundaries which Captain Fuller has noted in the concluding part of his letter of 25th June last. But the Collector will carefully examine them, and if unobjectionable allow them to stand. Captain Fuller should clearly understand that he will have to pay the usual assessment for all extra land now; (should the Government confirm the Board's Proceedings,) to be included in his estate as compensation for the land taken up and the inconvenience occasioned by the new Ghat road passing through his estate. Mr. Grant will be so good as to inform the several persons interested of the views now expressed by the Board, and will also inform them that no further discussion on the points in issue can be permitted.

6. On receipt from Mr. Grant of a report stating that all have acquiesced in the arrangements now approved by the Board, the Board will be prepared to address Government in view to sanction being given to them. The question of Mr. Allan's compensation, for the piece of land taken for the Sapper Barrack, will be submitted for the orders of Government at the same time.

(True Copies and Extract.)

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

To the Collector of Coimbatore,
with a rough sketch and two original letters returned.

Copy to Captain W. Fuller.

Fxd. J. Wright.

Passing orders on subject of compensation to be granted to Captain Fuller for land taken up for new Coonoor Ghaut, and requesting Collector to report if arrangements now approved are acceptable to parties concerned.

No. 5,004.

Dated 21st July 1866.

PROCEEDINGS OF THE BOARD OF REVENUE,

No.

Revenue Department.

1866.

No. 6,383.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th September 1866.

Read the following letter from Captain W. FULLER, to the Secretary to the Board of Revenue, dated Coonoor, 5th September 1866 :—

I have the honor to inform you, for the information of the Board of Revenue, that up to this time I have not heard a word from Mr. Grant, regarding the carrying out of the Board's orders, dated 21st July 1866, nor has Mr. Grant taken the slightest notice of my letter to him, dated 21st August 1866, a copy of which is herewith annexed. My anxiety to get matters settled will, I trust, be a sufficient excuse for again troubling the Board.

ENCLOSURE No. 1.

From Captain W. FULLER, to the Collector of Coimbatore, dated Coonoor, 21st August 1866.

1. On the 21st July 1866, a month ago now, the Board of Revenue requested you to carefully examine the boundaries pointed out by me in my letter of the 25th June last, and in paragraph 6 of their order called upon you for a report as to whether all parties acquiesced in the arrangements approved of by the Board.

2. Having waited upwards of thirty months, I am naturally anxious that my claim to compensation should be finally adjusted, and request you will kindly let me know when it is your intention to carry out the Board's instructions, as I should not like to be from home when you come to inspect my boundaries.

Forwarded to the Collector of Coimbatore for report.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To the Collector of Coimbatore.

Copy to Captain W. Fuller.

Exd. T. Cartledge.

No. 6,980.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 28th September 1866.

Read the following letter from P. GRANT, Esq., Collector of Coimbatore, to the Secretary to the Board of Revenue, dated Outacamund, 15th September 1866, No. 231 :—

In reply to Proceedings of the Board of Revenue, dated 7th September 1866, No. 6,383, I beg to inform you that I have been in correspondence with Mr. Hunter about the land in question, but that I have not been able as yet to visit Coonoor; 1, because my time has been partially taken up with the Special Test Examination; 2, because for some days I was ill; 3, because I have deemed it necessary to be present in Outacamund during the presence of the Right Honorable the Governor whom I have, on several occasions, accompanied to different parts of the Hills. His Lordship leaves the Hills on Monday next, on which day I hope to be able to visit Coonoor with the Executive Engineer, Major Farewell.

The Board await the Collector's further report.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To the Collector of Coimbatore.

Exd. J. Wright.

1863. Departme

No

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 7th September 1866.

No. 6,383.

Forwarding to Collector of Coimbatore fo
report letter from Captain Fuller stating tha
nothing has yet been done towards carryin
out Board's instructions in regard to gran
of compensation for his land cut off by nev
Coonoor Ghaut.

Board's Rec: 17 Jan 67, 280

Memo

On the 14th Feb. 1865
Capt Fuller wrote to the
Collr of Coimbatore
Remarking complaint
for the part of the Ch
Road separated
the New Coonoor
Road. He marked
have a piece of land
on the Coonoor
Salt, Attesam
Gleanings
Referring
& Khan Sahib,
about 4 acres.
On the 11th Jan 1867

Encl in letter from the Bd of Rev
to the Govt to Govt dated
13 Dec 1866 No 8848.

1866. Department.

Nov 1, 5 68/66
Dec 13 - Feby 16 2 2 136

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 28th September 1866.

No. 6,980.

Awaiting further report from Collector of Coimbatore in regard to grant of compensation to Captain Fuller for his land cut off by new Coonoor Ghaut.

P. 19 Dec 1866
B 13 Dec 66

complaining that his demand for compensation was still unsettled, & that the Colr was stopping the Compensation Land by making a useless road to Kaiteri through it.

The Collector at first disputed the fact that Capt Fuller had any claim to compensation at all. He believed that Capt Fuller fixed his boundaries arbitrarily, & that he had already more land than the area estimated in his scrip.

The Collector also showed that the Kaiteria road was required by the Board

Board Prs 6 Mar 65, 1270
18 Oct 66
30 June 3673
20 Dec 816
&c

In the course of the correspondence which ensued it appeared that the piece of compensation land had always been a bone of contention between the owners of the Cleveland & Clemmow Estates, between which it lies.

It turned out, also that the Collector had allowed Messrs Allan & Hunter to make a manure pit, & channel in land included within the boundaries pointed out by Capt Fuller. The Colr brought forward the fact that Capt Fuller had not complained about the pit as proving that he did not claim the land

Boundaries when the
plot was made: Capt
Fuller replied that the
was part of the land
he wanted compensation
for, & that the plot
was not misdirected
after his application
for compensation
had gone in.

Inquiry showed
that the extent of
the Cleveland Estate
nearly corresponded
with the area entered
in the Jubbah, & that
the boundaries pointed
out by Capt. Fuller
had been pointed out
by him at the time
he purchased the
Estate, & could not
be equitably disputed
hence, although

land cut off by the
Ghaut, Capt. Fuller
still has more land
than is entered in his
Jubbah, his claim
to compensation, rests
as it does on the Boundaries, is good.

There is no reason
moreover why Messrs
Allen & Hamilton should
yield to the point of
the piece of land
between the two Lakes should be
allowed weight.

In order to add
weight to it, they
took advantage of
a scheme to build Cap
her Barracks on their
land & agreed to give

Sundry sets in case
this fourteen lots of
land could be granted
in compensations.

The Board do not
allow themselves to
be influenced by
this ~~fact~~ plea threat.

The Board finally
pronounced in favor
of Capt Fullers claim
to compensation, &
to the piece of ground
between his estate
& Glenmore in their
proceedings of the 15th
Feb 1866 N° 1075.

Capt Fuller then
claimed more land be
cause part of the piece
wh he had asked
for - as compensation
was taken up by

This claim to compensation has not as yet been settled by the Board.

& because he had
been kept out of the
land so long.

He also claimed the
cultivatable parts
of the land, including
the piece containing
the manure pit, which
had been cut off
by the ghaut, & for
which he had de
manded compensation.

The manure pit, land
& the necessity of reserving
land between the two
Estates appeared some
to disputes, & on the
part of the disputed
compensation land
for a gig road pathway
to ghaut, was de
ferred by Allen & Hunter
caused endless difficulty
whilst they were
still pending the Col

possession of the disputed compensation land, reserving enough for the Kaikai road, V. 129 ft on the Southern boundary as mutual ground between the two estates.

The Supt Engineer has since urged that two pieces of land should be reserved, one including the mission pah, & the other the proposed [illegible] the Bunds that the whole of the land ought to be reserved as a good site for a bazaar which may be expected to spring up in the neighbourhood

As Capt Fuller has been just in possession of the land it cannot now be reserved for a bazaar.

in public grounds

× It is not quite clear that he means the whole of it; but the Board thd so

to give Capt Fuller the land applied for by him South of his sch (the disputed compensation land) with the exception of two parts which the Supt Engineer particularly wishes to be reserved (viz one part 4 3/95 sq ft & a narrow strip along the Southern Boundary disputed Boundary; — as well as an additional piece along the N & NE Boundary of the estate.

The whole extent of the land in dispute seems to be not more than 5 or 6 acres, & as there has been so much delay in the matter already

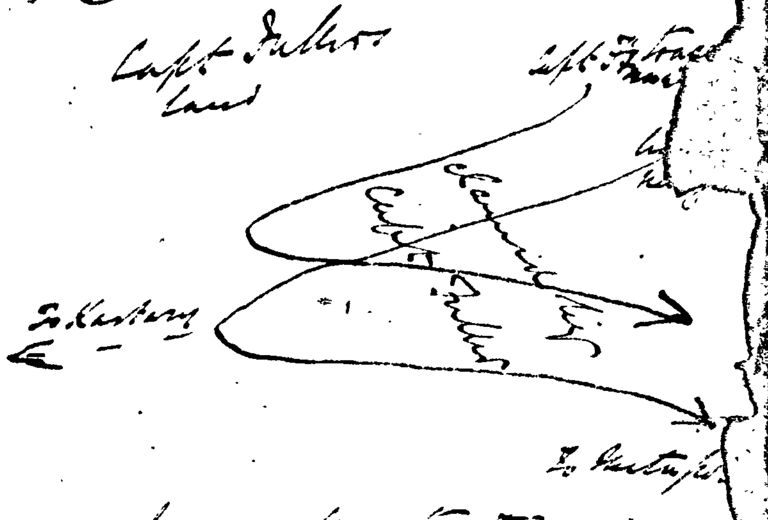
will be for Govt simply to accept the Board's recommendation.

[illegible signature]

I also think the Bd's recommendn had better be accepted. The case is very complicated & has been very fully considered by them.

My own view is that Capt. Fuller had a right to a grant of the land tho' the grant [illegible] has been carried [illegible]. The land had never been [illegible] but land in that [illegible] was said to be included in the grazing permit of certain [illegible]. The transfer of his right [illegible] was to one Jan [illegible] who sold it to Capt. Fuller who declares that on taking possession in the presence of the Inspr. he walked round what he claimed to be the boundary in company with the [illegible] & that no objection was then raised. I think his statement must be accepted as correct & that he was in possession tho' I believe the land remained as right of [illegible] the [illegible]

There is no doubt that many years ago (I think before the date of the transfer to Jan [illegible]) Capt. Francis had traced out a new line of that part of his claim this the grassland claimed by Capt. Fuller as his. The position of the land is somewhat thus



Thus the new grant lies below Capt. Francis' trace & if the question of this trace is to be established prior occupation of the land for Govt. purposes then Capt. Fuller can have no right in the land tho' the new grant [illegible] Capt. his accepted possession without objection of the local officials [illegible] walked the boundary.

In any case I think he [illegible] be required to pay the assessment due for the extent of land that [illegible]

I think the adjustment proposed by the Board shld be carried out at once. N.

Captain Fuller's claim seems to be rather a doubtful one but on the whole I think the adjustment proposed by the Bd. is the best that can be made.

[illegible signature]

I agree. He should have paid assessment for the land taken from him these should be [illegible] N.

[illegible]

his Majesty's subjects proceeding either
from or to his Spanish dominions.

6. January 1807.

No. 35.

The Spanish Ambassador
to arrangement agreed
to between the Ministers in part
2 of the above proceedings.
It is understood
that the regular assessment
will be charged on the Land &
be made over to Capt. Fuller.

12th. January 1807.

14 Copies to the Privy Council dd 13th