No. 157. Read the following letter from Captain T. H. GODFREY, to the Secretary to Government, Stone House, Ootacamund, dated 14th October 1872:—

I HAVE the honour to request you will do me the favour to lay my Memorial before His Excellency the Governor.

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ENCLOSURE No. 1.

Memorial from Captain T. H. GODFREY, (Bombay Army,) Proprietor of the Yellamullee Coffee Estate and Lands in Wynaad, to His Excellency the Governor of Madras, Ootacamund, dated 14th October 1872.

SHEWETH,

That your memorialist having perused the Proceedings of Government of the 28th of September 1872, begs to represent that Mr. Ouchterlony never obtained any legal title to any land within your memorialist's boundaries by his first deed from the Rajah of Nellamboor.

2. That Mr. Ouchterlony's first deed only gave him a title as far as Mookerjee Mulley, to the immediate south of which is the Pandy river, your memorialist's northern boundary.

3. That Yellamullee and Nilgiri Mulley are not identical with Mookerjee Mulley, but widely separated mountains, perfectly well known, and south of the Pandy river.

4. That Mr. Ouchterlony did endeavour, through a suit at law in the Civil Court of Calicut, No. 183 of 1862, to oust your memorialist from off this land, but failed on appeal No. 260 of 1863, and your memorialist has since been in quiet possession.

5. That Mr. Tod's report and plan were rejected as evidence in the trial of No. 260 of 1863. That Mr. Tod was a stranger unacquainted with the country, and was completely deceived by false representations.

6. That the demarcation ordered to be made in the Proceedings of Government will cut off about one-half of your petitioner's land he believes, and doubts if it will not go through his plantations.

7. That your memorialist has been twenty-seven years in tried lawful possession of all the land within his boundaries, excepting that portion occupied by the defendants in the late suit No. 8 of 1866.

And your memorialist, as in duty bound, will ever pray.

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No. 158. ORDER THEREON, 18th October 1872, No. 1,446.

Forests No. 9.

CAPTAIN Godfrey will be informed that the Government cannot go farther into the arguments adduced in support of his claim, all which it is open to him to urge in the Civil Court—

that the High Court having decided that Captain Godfrey must base his claim on the title obtained from the late Tirupad in 1848, it does not appear possible that this claim can affect Mr. Ouchterlony's title to the land obtained from the same Tirupad in 1845, but that the earlier title must have superior force;

that the deeds executed to Mr. Ouchterlony on this occasion and the plan thereto attached leave no doubt as to what constituted the western boundary of the land conveyed;

that from the plans and maps submitted to Government it appears to be impossible that this western boundary can touch any land actually dealt with by Captain Godfrey, except prior to the date of Mr. Tod's inquiry in 1856;

*Proceedings of the Madras Government, Revenue Department,*
*18th October 1872.*

but that as the Government is anxious by no act of theirs or their officers to prejudice the claim of either party by anticipating the judgment of the Court, the Governor in Council resolves to direct the Survey Officers to run a trial line of survey, and in the event of its being found to intersect or fall to the west of any land actually in occupation by Captain Godfrey, then to suspend further action on that part of the G. O. dated 28th September 1872, No. 1,363, Revenue Department, which permits them to demarcate Mr. Ouchterlony's western boundary under his first grant or lease, until after 31st December 1872, which will enable Captain Godfrey, if he thinks fit, to obtain an injunction from the Civil Court in which his appeal must be filed by that date, still further suspending the action of the Survey Department.

(True Extract.)

(Signed) W. HUDLESTON,
*Secretary to Government.*

To Captain T. H. Godfrey.
,, ,, Sargeaunt, Assistant Superintendent, Revenue Survey.
,, Mr. H. Wapshare, Attorney for Mr. J. Ouchterlony.
,, the Board of Revenue.
,, the Commissioner of the Nilgiris.

Copy of letter from Capt Godfrey
to the Secretary
dated Oct 18th 1872

37

To
The Hon'ble W. Hudleston
Secty to Govt
Fort House

Dear Sir

In the memorial I sent the other day I have made a mistake in saying Our Lords Report and plan has reported in the trial of No 4 of 1862 I intended to have written 260 of 1863 I am very much pressed at the mistake and trust you will be so kind as to explain the Circumstances

It is inexcusably careless and stupid

I remain
Dear Sir
Yours very truly
T H Godfrey

Ootacamund
18th Octr 1872

A. 0892

To

His Excellency the Governor of Madras
&c &c &c

The Memorial of Captain Godfrey
Proprietor of the Gellamullee Coffee Estate and
Lands in Wynaad

Sheweth

That your Memorialist
having perused the Proceedings of Government of the
28th of September 1872 begs to represent that Mr
Auchterlony never obtained any legal Title to any
land within your Memorialists boundaries ~~by~~
by his first deed from the Rajah of Nellemboor

That Mr Auchterlonys first deed only gave
him a title as far as Mookerjie Mullee, to the
immediate South of which is the Sandy River
your Memorialists Northern boundary

That Mr Auchterlony's and Mayson Mullay
are not identical with Mookerjie Mullay, but
widely seperated Mountains, perfectly well
known, and South of the Sandy river

That Mr Auchterlony did endeavour through
a suit at law in the Civil Court of Calicut
No 183 of 1862 to oust your Memorialist from off
this land, but failed on appeal 260 of 1863 and
your Memorialist has since been in quiet
possession

That Mr Fods report and plan were re
jected as evidence in the trial of No ~~4 of 1862~~ 269 & 1873

That Mr Fod was a Stranger unacquainted with
the Country and was completely deceived by
false representations

That the Demarkation ordered to be made
in the proceedings of Government will cut off

Copy.

Corrected
& sent-D
15 Oct. 73
E.K.S.

5 H

about one half of your petitioners land lie between
and doubts if it will not go through his plan
lations
That your Memorialist has been 27 years in
sion and quietly possessing all the land within
his boundaries excepting that portion occupied by
the Defendants in the late suit No 8 of 1866

Dated Camp
14th October 1872

Have your Memorialist
as in duty bound
will ever pray

H. Godfrey Captain
Boundary Survey

Rec: 3309/72 . 9th

From Capt. T. H. Godfrey

Rec: 3309/72.

Rec'd 14. Oct. 72

G. O. No 1446 of 18
187

Revenue 1872 Sept
No 2309

From
Capt J. H. Godfrey.

Dated 4th Oct. 72
Recd

Requesting that
his Memorial may be
laid before Govt

S.O. No 1446 - 18th Oct 72

No 157

Revenue Department.

No. 1446

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 18th October 1872.

Read the following Letter from Capt
J. H. Godfrey.

Submitting a Memorial to be laid before Govt in regard to Rao: of Govt relative to the boundary between his Estate & that of Mr Buchterlony.

H. E. 14th October 1872

Captain Godfrey will be informed that the Govt cannot go further into the arguments adduced in support of his claim, all which it is open to him to urge in the Civil Court—

— that the High Court having decided that

Capt

Capt. Godfrey must base his claim on the title obtained from the late Tirupad in 1838, it does not appear possible that this claim can affect Mr. Onchterlony's title to the land obtained from the same Tirupad in 1845, but that the earlier title must have superior force —

— that the deeds executed to Mr. Onchterlony on this occasion and the plan thereto attached leave no doubt as to what constituted the western boundary of the land conveyed —



— that from the plans and maps submitted to Govt it appears to be impossible that this western boundary can touch any land actually dealt with by Capt. Godfrey, except prior to the date of Mr. Todd's enquiry in 1856 —

— but that as the Govt is anxious by no act of theirs or their officers to prejudice the claims of either party by anticipating the judgment of the Court, the Governor in Council resolves

Resolves to direct the
Survey Officers to suspend
further action on that part of
the G. O. dated 28. Sept.
1872 — No 1363, Rev. Dept.
which permits them to
demarcate Mr. Cuchterlony's
western boundary under
his first grant or lease
until after 31. Dec. '72,
which will enable Capt.
Godfrey if he thinks fit
to obtain an injunction
from the Civil Court in which
his appeal must be filed
by that date, still further
suspending the action of
the Survey Department.

(I am a trial line of survey. & in the event of it being found interfered with the work of any land actually in occupation by Capt Godfrey - then

Depts in M. I. 6
Capt Godfrey.
Capt. Sargeaunt. Asst Insp. R. I.

1 To Capts J. H. Godfrey dec 25 Oct/72
1 - C.C. Sargeaunt, Asste Inspr Rly Survey, do 25 Oct/72
1 - Hon H. Wapshare, Attorney for Mr J. Cuchterlony
14 - Winnipeg Revenue
3 - Commissioner of the Dominion

15

Govt. of {1872} Madras.

REVENUE.

To

CAPTAIN T. H. GODFREY,

&c., &c., &c.

*Dated October 18th.*

*Recd.* Encl.

*G. O., 18th October 1872, No. 1,446.*

**OCTOBER.**

**Nos. 157-158.**

*Captain Godfrey's Estate on the Nilgiris.*—Captain Godfrey informed that the Government cannot go further into the arguments adduced in support of his claim, all of which it is open to him to urge in the Civil Court.