No. 121. Read the following letter from Colonel F. J. B. PRIESTLEY, Superintendent of Revenue Survey, to the Hon. R. A. DALYELL, Acting Secretary to Government, Revenue Department, dated Bangalore, 6th September 1873, No. 2,108-68:—

In reply to the call made in G. O., dafed 13th August 1873, No. 842, for a report whether the trial-line due north of Nilgiri Peak intersects or falls to the west of any land actually in the occupation of Captain Godfrey, I have the honour to state that—

"The north line runs through heavy forest from Nilgiri Peak to Glenvan's boundary, then through Glenvan's coffee. After it leaves Glenvan's estate, it passes through grass and open forest land with bamboo until intersected by the west line from Gudalur Malai. Neither on the line itself nor on the adjoining land were pits, cultivation of any kind, buildings, or felling of timber, or other sign of occupation, noticed by the Sub-Assistant who surveyed the line. It is believed that the north line passes through waste, save the above-mentioned portion of Glenvan's estate.

"About 20* chains to the *east* of the north line, a small patch of ground is cultivated by Mr. Wapshare's coolies, and is called 'the Raggy fields;' a hut is also built there. About 25 chains to the *west* of the line, there is a small patch of coffee and a few fruit-trees surrounding a hut in Captain Godfrey's possession."

* 2,000 feet.

2. It would thus appear that the trial-line falls to the west of none of Captain Godfrey's occupied land, there being no mark of occupation whatever to the east of the line, unless the squatter settlement of Mr. Wapshare's coolies at "the Raggy fields" be deemed such. Captain Godfrey, however, is of a different opinion as will be seen by the enclosed letter, which I presume it is my duty to lay before Government.

No. 122. Order thereon, 14th October 1873, No. 1,108.

Miscellaneous.

In the G. O., 9th August 1872, the Government determined that no titles to land held under grants from the Nilamboor Tirupad should be recognized east of a line from Nilgiri Peak to Gudalur Hill. In G. O., dated 28th September 1872, they reviewed the rival claims of Mr. Ouchterlony and Captain Godfrey to lands to the west of this line, and finally observed that though it was desirable that the Court should decide between them as to Captain Godfrey's rights and Mr. Ouchterlony's under his *second* lease, there was no objection to the Survey Department demarcating the boundaries of Mr. Ouchterlony's property under his *first* lease, which was prior to that obtained from the same Tirupad by Captain Godfrey on which the High Court had decided that Captain Godfrey must base his claim. This boundary was accordingly to be demarcated at once, and on the south-east was to be that already noticed from Nilgiri Peak to Gudalur Hill, on the west a line due north from the former point till it met a line due west from the latter, which would form the northern boundary.

Proceedings of the Madras Government, Revenue Department,
14th October 1873.

2. Upon receipt of these Proceedings, Captain Godfrey objected to the decision of Government observing that Mr. Ouchterlony's first deed only gave him a title to land as far west as Mukarichi Hill, which was not, as supposed, the same as Nilgiri Peak and Yellamalay Peak, and that he believed the proposed western boundary of Mr. Ouchterlony's first grant would intersect some of his plantations and cut off a considerable part of his property. The Government, in their order on Captain Godfrey's appeal (dated 18th October 1872), observed that Mr. Ouchterlony's plan and deeds left no doubt as to what constituted his western boundary under his first grant, but that no permanent demarcation need take place until a trial-line of survey had been run along this line, and in the event of its then being found to fall to the west or to intersect any land actually in the occupation of Captain Godfrey, that he might obtain an injunction of Court suspending action.

3. Colonel Priestley now reports that the trial-line does not intersect or fall to the west of any land in Captain Godfrey's *actual occupation*; but he submits a letter from Captain Godfrey in which that gentleman asserts that the line does intersect his property.

4. Under all the circumstances of the case, the Governor in Council does not deem it necessary to proceed any further at present with the demarcation in question.

(True Extract.)

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

Revenue Dept.

Memo for Orders on No. 2808

Supt. Revenue Survey
Replying to G.O. calling upon him to report whether the trial line 1828th of Nilgherry Peak intersects Capt. Godfrey's Estate &c.

6 Sept. 1873, No. 2108/68

In the G.O. 9 August 1872 the Govt. determined that title, no claims to land held under grant, Deeds from the Nilamboor Zemindar should be recognised east of a line from Nilgiri Peak to Gudalur Hill. In G.O. dated 28 Sept. 1872 they reviewed the rival claims of Mr. Ouchterlony and Captain Godfrey to lands to the west of this line, and finally observed that though it was desirable that the Court should decide between them as to Captain Godfrey's rights, and Mr.

Unless it be necessary for Govt. for Supt to survey these disputed lands. C.E. to mention or relate the settlement thereon, I would leave matters as they are until the parties settle their rival claims in the Courts of Law - or such necessity arises as I have indicated S. D. L.

Mr. Ouchterlony's under his second lease, there was no objection to the Survey Dept. demarcating the boundaries of Mr. Ouchterlony's property under his first lease which was prior to that obtained from the same Tirupad by Captain Godfrey on which the High Court had decided that Captain Godfrey must base his claim. This boundary was accordingly to be de= =marcated at once, and on the south east was to be that already noticed from Neilgherry Peak to Gudaloor Hill, on the west, a line due north from the former point, till it met a line due west from the latter which would form the northern boundary.

2. Upon receipt of these Proceedings Captain Godfrey objected to the decision of Govt. observing that Mr. Ouchterlony's first Deed only gave him a title to land as far west as Mukurichi Hill which was not, as supposed, the same as Neilgherry Peak and Gellamallay Peak, and that he believed the proposed western boundary of Mr. Ouchterlony's first grant would intersect some of his plantations and cut off a considerable part of his property. The Govt. in their Order on Captain Godfrey's appeal (dated 18th October 1872) observed that Mr. Ouchterlony's plan and deed

deeds left no doubt as to what constituted his western boundary under his first grant, but that no permanent demarcation need take place until a trial line of survey had been run along this line, and in the event of its then being found to fall to the west or to intersect any land actually in the occupation of Captain Godfrey, that he might obtain an injunction of Court suspending action.

3. Colonel Priestley now reports that the trial line does not intersect or fall to the west of any land in Captain Godfrey's actual occupation, but he submits a letter from

He merely says that there was none under cultivation but his in charge Forest Ranger to locate apart from occupation - the fenced track he objected the trial line was run may very possibly

Le in Cap Godfreys occupation
Such is usual in Malabar and is the case under both Gs & Bs claims Both have fenced other than cleared wh never may have not cleared

See Para 2 of his letter and the G.O to which he refers - He had actually cultivated lands "actually in occupation" and was about to put more expl. Both have fenced

Had business Law Dept to decide except to settle Govt Bs boundary No State interest involved

from Captain Godfrey in which he asserts that the line does intersect his property.

4. The questions to be determined are (1) whether the permanent demarcation of Mr Ouchterlony's first grant is to be proceeded with (2) If so, whether Captain Godfrey is to be allowed time to obtain an injunction of Court against this demarcation.

5. It is submitted that matters may be left as they are, for in reality the demarcation of the trial line will not at all settle Mr Ouchterlony's western boundary for under his second lease he has a large extent of property to the west

west of the line, and the only matter in dispute is how much of this property belongs to him and how much to Captain Godfrey - The permanent demarcation of his south eastern and northern boundaries may however, it is submitted, be carried out.

The action of Govt in this matter is quite unintelligible to me - What the State has to do with the boundaries of rival properties is not clear - In Malabar - for practical purposes this ground to be treated as a tract of waste Malabar revenue rules applied - The assessment with which alone Govt has to do, is levied on the cultivated & planted land about

which there is no dispute - and for this purpose the delineation of great undetermined forest boundaries is not necessary - Govt works drawn for the line although the is fairly correct for all this detail - line is wrong?

22/9 WBL

I have always opposed ~~understood~~ that the operations of the Survey Dept in this matter, which have led to much disappointment and disparity, were absolutely unnecessary for revenue purposes. - In so far as they are absolutely not necessary for such purposes, the sooner they are put an end to the better.

23/23

Revenue Department

Mis

No. 1108

Proceedings of the Madras Govt.
dy. 14 Octr. 73

Read the following letter from
the Supt. Revenue Survey.

Replying to G.O. dated
13th August 1873, No. 842. calling for
a report whether the trial line North
of Neilgherry peak intersects
Captain Godfrey's Estate &c.

} No. 6 dy. 6th September 1873 No. 2100/68

In the G.O. of 4th August
1872, the Government determined
that no titles to land held
under grants from the Nilam-
boor Limpad should be recog-
nized East of a line from Nilgiri
Peak to Gudalur Hill. In G.O.
dated 28th September 1872, they
perused the rival claims of
Mr. Rochfortbury and Captain
Godfrey to lands to the west-

J

L. D.S.

Memo. for Orders

Report of Supt. Rev. Survey
whether the trial line north
of Neilgherry Peak intersects
Capt Godfrey's land &c.

1108

Copy for Nilgiri Jones
of the Trans no mistake
and add
4 Under all the
circumstances of the
case the Govt does
not deem it necessary
to proceed any further
at present, with the
demarcation in question

c. 16 Sept 73 R. 24 Sept-C. 9/10 R. 13/10

of this line and finally observed that though it was desirable that the Court should decide between them as to Captain Godfrey's rights and Mr. Auchterlony's under his second lease, there was no objection to the Survey Department demarcating the boundaries of Mr. Auchterlony's property under his first lease which was prior to that obtained from the same Limpad by Captain Godfrey on which the High Court had decided that Captain Godfrey must have his claim. This boundary was accordingly to be demarcated at once and on the South East was to be that already noticed from Neilgherry Peak to Gudaloor Hill, on the West, a line due North from the former point, till it met a line due West from the latter which would form the Northern boundary.

2. Upon receipt of these Proceedings Captain Godfrey objected to the decision of Govt observing that Mr. Auchterlony's first Deed only gave him a title to land as far West as Mukarichi Hill which was not, as supposed, the same as Neilgherry Peak and Gellamalay Peak and that he believed the proposed Western boundary of Mr. Auchterlony's first grant would intersect some of his plantations and cut off a considerable part of his property. The Government in their order on Captain Godfrey's appeal (dated 18th October 1872) observed that Mr. Auchterlony's plan and deeds left no doubt as to what constituted his Western

Western boundary under his first grant but that no permanent demarcation need take place until a trial line of survey had been run along this line, and in the event of its then being found to fall to the West or to intersect any land actually in the occupation of Captain Godfrey, that he might obtain an injunction of Court suspending action

3. Colonel Priestley now reports that the trial line does not intersect or fall to the West of any land in Captain Godfrey's actual occupation, but he submits a letter from Captain Godfrey in which that gentleman asserts that the line does intersect his property.

4 Under all the circumstances of the case, the Governor in Council does not consider it necessary to proceed any further, at present, with the demarcation in question

13 To the Supt of Rev Survey - dtd 24th Oct 73

14 " Board of Revenue - " -

4/55

Western Boundary

Interpretation of Act

Lands by Natural

Line Settg Stg Lang Park

c. 7 Oct 73 h. 13 Oct.