Proceedings of the Madras Government, Revenue Department, 16*th May* 1873.

No. 112. Read the following letter from Captain T. H. GODFREY, to the Hon. R. A. DALYELL, Acting Secretary to Government, Revenue Department, dated Ootacamund, 9th May 1873:—

In accordance with the request contained in the Proceedings of Government dated the 1st instant, I herewith beg to submit a list of the expenses incurred to have the decision of the Assistant Superintendent of Revenue Survey set aside, and in connection therewith. I would, with reference to this list, observe that I adopted the most economical course practicable. Not having a knowledge of law myself, and not being in a pecuniary position to employ Counsel, who demanded 300 Pagodas for every appearance, I engaged the services of Mr. Kenrick as my Agent, he having practised in the Local Courts for some time, and being acquainted with Procedure. In attending to my case, Mr. Kenrick had to relinquish his own pursuits, and his absence from Ootacamund during the two visits he paid to Madras and the four to Calicut (the latter involving several appearances before the Court on each occasion) ranged from ten to sixteen days. I do not think the remuneration he received from me was more than circumstances rendered necessary.

PAPERS ACCOMPANYING.

A. List of expenses.
B. Receipt from Mr. Kenrick.
C. Copies of Mr. Kenrick's letters to Colonel Priestley in connection with his visits to Madras, of March and May 1872.
D. Order of Calicut Court, dated 10th January 1873.
E. Order of do., dated 5th February 1873.
F. Petition to Magistrate of Malabar, dated 22nd March 1873.
G. Letter of Deputy-Magistrate of Wynaad, relative to petition of 22nd March 1873.

No. 113. ORDER THEREON, 16th May 1873, No. 494.

Miscellaneous.

THE Government resolve to refer Captain Godfrey's schedule of expenses for the opinion of the Acting Government Solicitor, together with a file (to be returned) of the papers connected with the case.

2. Mr. Barclay will be requested to report confidentially what he considers a proper sum to pay under all the circumstances of the case.

(True Extract.)

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

To the Government Solicitor.

Exd. F. R. Bantleman.

4a

3a

End Jury v Ochterlony

Dear Sir

with reference to Cor.

Order 14 March 1870

In 372, I have perused

for the Crown Officers as

was also perused the Caveat

Cor. proceedings 5 Feb

1873, & also Cor. of 1873

4a

5a

Referred to the Military Secretary

16 Nov 1875.

Gen Custer's Letter
then in the Office
Also a copy of the
Letter of Captain
[illegible] Lieuts dated
[illegible]

As this matter has been
already subject of
Com[unication] which I could have avoided,
I put in place of them
papers with the least
possible delay

Geo Custer
A Clarkson

Wyckoff Mc Sayer

The papers that

Mr Cunningham

wants are all in

the Rev. dept. will

you Kindly have What

he wants collected &

Sent to them. He says

he wants them

without



very
Urgent

F. D. Gregory Esq.

Ootacamund, 9th May 1873.

To The Secretary to Government,
Ootacamund.

Sir,

In accordance with the request contained in the Proceedings of Government dated the 1st Instant, I herewith beg to submit a list of the expenses incurred to have the Decision of the Assistant Superintendent of Revenue Survey set aside, and in connection therewith. I would with reference to this list observe, that I adopted the most economical course practicable. Not having a Knowledge of Law myself, and not being in a pecuniary position to employ Counsel, who demanded 300 Pagodas for every appearance, I engaged the services of Mr Kenrick as my Agent, he having practised in the local Courts for some time, and being acquainted with Procedure. In attending to my case Mr Kenrick had to relinquish his own pursuits, and as his absence from Ootacamund during the two visits he paid to Madras, and the four to Calicut, (the latter involving several appearances before the Court on each occasion), ranged from 10 to 16 days, I do not think the remuneration he received from me was more than circumstances rendered necessary.

I have the honor to be Sir,
Your Most Obedient Servant,

H Lyttleton

Papers accompanying.

A. List of Expenses.
B. Receipt from Mr Kenrick.
C. Copies of Mr Kenrick's letters to Collector in connection with his visits to Madras of March and May 1872.
D. Order of Calicut Court dated 10th Jany 1873.
E. Order of Calicut Court dated 5th Feby 1873.
F. Petition to Magistrate of Malabar dated 22nd March 1873.
G. Letter of Deputy Magistrate of Wynaad relative to Petition of 22nd March 1873.

D & E sent to the Advocate General - Vide his letter attached 19/4/56

Recd 1873 Sept
No. 1303

From
Captain J H Godfrey

Dated 9th }
Recd. 12th } May 1873.
Encls. 7.

Submitting list of
expenses incurred by him

No. 112–113

480

IX.

List of Expenses.

March 1872 -	Remuneration to Mr Kenrick for a visit to Madras to see Colt Priestly regarding Captain Sargeant's decision in	Rs	300-0-0
May 1872 -	Do. Do. Do.	"	300-0-0
Novr 1872 -	Remuneration to Mr Kenrick to file suit in Calicut against Decision of Capt[n] Sargeeant -	"	400-0-0
	※ Court returned Plaint for amendment.		
Jany 1873 -	Remuneration to Mr Kenrick for presenting amended Plaint -	"	400-0-0
	※ Court returned Plaint for further amendment, and passed order dated 10[th] Jany 73.		
Feby 1873 -	Remuneration to Mr Kenrick for presenting suit both by Plaint and in form of Memo of appeal.	"	1000-0-0
	※ Court passed order dated 5[th] February 1873.		
March 1873.	Remuneration to Mr Kenrick for presenting Petition against trespass and mischief of Mr Wapshare to Magistrate of Malabar	"	1000-0-0
	※ The Magistrate referred the case to his successor, who referred it to the Deputy Magistrate of Wynaad.		
	Stamps, Copies, & Translations	"	60-0-0
	Telegrams	"	50-0-0
	Paid Mr Rozario, Pleader, for Opinion	"	50-0-0
	Paid Mr O'Sullivan, Barrister, for do	"	86-0-0
	Captain Godfrey's expenses to Calicut in Jany 73 to see Magistrate about Mr Wapshare trespassing on Land on strength of Capt[n] Sargeeant's decision -	"	200-0-0
	Captain Godfrey's visits to Manantody in Feby & March 1871 to see Deputy Magistrate on same subject	"	200-0-0
Ordered amount 9[th] May 1873. 3	Total, Rupees -		4346-0-0

H Godfrey

B.

Copy.

15-12

Volcaemund 9th May 1873

Recived from Captain J.H. Godfrey at various times from march 1872 to March 1873, the sum of Rupees Three thousand four hundred, for two Visits to Madras in march and may 1872, and four Visits to Calicut in Nov 1872, and January, February and march 1873.

(Signed) J.H. Kinrick.

Copies.

No 1.

Ootacamund, 15th April 1872.

To Colonel Priestly,
Superintendent of Revenue Survey,
Madras.

Sir Referring to the conversation I had with you this day month, regarding the demarcation of Captain T. H. Godfrey's Gellamullay lands in Wynaad as Mr J. Ouchterlony's; I now beg the favor of your acquainting me with the decision at which you have arrived after consulting Counsel, and which you ~~[illegible]~~ me to expect I should have. Captain Godfrey has been seriously inconvenienced by the delay that has occurred in this matter, and it will be necessary for him to have an authorized disavowal of your intention to proceed with the demarcation aforsaid, to enable him to retrieve in some measure the severe losses he has sustained, and for which he instructs me to say he may eventually be disposed to hold the Survey Department responsible.

I am Sir,
Your Obedient Servant,
(Signed) T. H. Kinrick.
Agent for Capt. T. H. Godfrey.

No 2.

Ootacamund, 30th April 1872.

To Colonel Priestly,
Superintendent of Revenue Survey,
Madras.

Sir. Referring to my last, I have again to urge upon you the necessity of your immediately informing me of the course of conduct you have resolved upon adopting, after consulting Counsel, in the case of the demarcation of the lands in Wynaad of Messrs. Godfrey & Ouchterlony. I need scarcely repeat that the getting abroad of the report that it was your intention to demarcate Captain Godfrey's lands as Mr Ouchterlony's, in the face of the Decree of Court placing the former in possession, has materially affected his interests and crippled his resources, so that it would be a simple act of justice to replace Captain Godfrey in the position he occupied before the intention of the Revenue Survey Department became known. I am instructed to add that Captain Godfrey will resort to every measure in his power, to obtain a declaration of his Proprietorship.

I am Sir,
Your Obedient Servant
(Signed) T. H. Kinrick.
Agnt for Capt. T. H. Godfrey.

No 3.

Madras 17th May 1872.

To Colonel Priestly,
Superintendent of Revenue Survey,
Madras.

Sir. Captain Godfrey has this time sent me to Madras to obtain the reply promised at our interview

of

of the 10th March last.

I shall be much obliged by your informing me if I shall call for it.

I have made up my mind to leave by next Tuesday morning's train.

I am Sir,
Your Obedient Servant,
(Signed) J. H. Kenrick.
Agent for Capt. T. H. Godfrey.

F. 19 to

Copy.

To The Magistrate of Malabar.

The Petition of Thurlow Hovel Godfrey, Captain in the Bombay Army, and Proprietor of the Doda Gudda Sholah and Arrala Para Lands, and the Yellamullay Coffee Estate in Wynaad — Sheweth —

First — That your Petitioner was left in possession of the Doda Gudda Sholah Land by the Decrees of the Civil Court of Calicut passed in 1863 and 1864, in suits brought against your Petitioner by Mr James Ouchterlony.

Second — That your Petitioner was left in possession of the Arrala Para Land by the Proceedings of the High Court of Madras on the 14th of March 1864, and by the Order thereon by the Deputy Magistrate of Wynaad dated the 28th of March 1864.

Third — That Mr Henry Wapshare, the agent of Mr James Ouchterlony, has trespassed on both the above mentioned Lands, and committed serious injury & mischief.

The Petitioner therefore prays that Mr Wapshare may be repelled from his Lands, and made amenable according to the provisions of the Law, for the damage and mischief he has committed —

And the Petitioner shall ever pray.

(Signed) T. H. Godfrey.

Recommend
22d March 1873.

I Thurlow Hovel Godfrey the Petitioner named in the above Petition do declare that what is stated therein is true to the best of my information and belief.

(Signed) T. H. Godfrey.

G.

Copy.

In 170.

Wynaad Deputy Magistrate's Court
on Circuit
Vythery 28th April 1873.

To Captain Thurlow Hovel Godfrey
Officiating.

Sir,

Your petition of the 22nd march last to the Magistrate of Malabar with other papers were forwarded here for disposal. I have also this day received your petition addressed in this month to the Magistrate on the same subject and also a letter from a Mr J. H. Kenrick dated 16th april 1873 your authorized agent

with reference to your claim to certain lands on the Neilgherries in dispute with Mr Turpehare agent to Mr Ouchterlony I decline to interfere. I have before intimated to you there were no grounds on which I could do so. It was open to you to urge your claims in the Civil Courts. Interference by the magistrate on either side would be vexatious. For any injuries damage or wrong done by the parties against whom you have complaint you must seek redress in the Civil Court.

I have the honor to be
Sir
Your most obt Servant
(Signed) W. E. Underwood.
Deputy Magistrate.

No 1303

In accordance with the permission given in G.O. 1st May 1873 No 440, Captain Godfrey submits a Schedule of the expenses he has incurred in connection with the demarcation of his boundary by the Rev. Survey Dept. It will be observed that some of the charges of Mr Kennedy appear high

Mr Kennedy to be found only certain stakes & the necessary Rx hunters, & camp. The life hunt in Seven Rx excessive. I think the best course is to send it to our Solicitor - in the absence necessary

for instance Rs 1000 for
presenting a petition to
the Magistrate of Malabar
in March last, also Rs 1000
for presenting memo of appeal
to the Court in July - both
are requested

J.D.S.

papers - and
on the line to
State, can be
done readily, and
he considers
how soon to
buy, under
all the circ
cumstances
of the case

L.D.S

W.C.

Memo for order

Expenses incurred by
Capt Godfrey in the Examination of his Estate by the
Rev. Survey Dept.

Special
Case

Under
Act of the
Legislature
in this case
Memo

Please see folio of Spec
Act matter

Oct 13th May/73 R. 16 May

Ootacamund
9 May 1873

To The Secretary to Government
Ootacamund

Sir,

In accordance with the request contained in the Proceedings of Govt dated the 1st Instant I herewith beg to submit a list of the expenses incurred to have the decision of the Asst Supt of Revenue Survey set aside and in connection therewith. I would with reference to this list observe that I adopted the most economical course practicable. Not having a knowledge of law myself and not being in a pecuniary position to employ Counsel, who demanded 300 Rupees for every appearance, I engaged the services of Mr Kenrick as my Agent, he having practised in the Local Courts for some time, and being acquainted with Procedure. In attending my case Mr Kenrick had to relinquish

his

Capts. C. B. Gorfuy
19 May 1873

S.O. No 494 — 16 May/73

S. O on ho 1303

No 494

The Govt resolve to refer Captain Goldfrap's schedule of expenses for the opinion of the Govt Solicitor, with all the papers connected with the case.

Mr Barclay will be requested to report confidentially what he considers a proper sum to pay, under all the circumstances

D Blue returned

of the case

AAS

16th May 1873.

Lett from
order in Council

Desp.s in Ad.l & Govt. Schools
17 May 1873.
with letter from Capt. Gregory & ors
Encl: in triplicate, & a file of papers
4 S.C. to Govt Solicitor des 23 May/73

G.O.
Capt. Gorgas's
Co. Compensation

Boothroyd

Lt. H.S. Turpin

Le. 112-113