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Proceedings of the Madras Government, Revenue Department,
13th August 1873.

No. 89. Read the following letter from Captain T. H. GODFREY, to the Hon. R. A. DALYELL, Acting Secretary to Government, Revenue Department, Ootacamund, dated Calicut, 1st August 1873:—

I HAVE the honour to acknowledge receipt of the order of Government of the 18th July 1873, No. 744, and beg to tender them my grateful thanks for the same.

2. With reference to paragraph 1 of the order, I beg to state that I am informed that the "trial line" referred to will run through a portion of my "Arrattaparra" land; and although I have no objection to such survey as an experimental measure, I hope it may not be understood that I acquiesce in such land being at any future time included in the lands which may be demarcated as the property of Mr. Ouchterlony.

3. With reference to paragraph 3 of the order, I regret to find that the dispute between myself and Mr. Ouchterlony should have been termed a "boundary-dispute." He disputes the *extent* of my holding under a title obtained in 1846, confirmed by unchallengeable possession, and secured to me by decrees of the Civil Court of Calicut in Original Suit No. 4 of 1862 and Appeal Suit No. 260 of 1863, which now have the force of law, and cannot be called in question or impeached.

4. The illegal and vexatious proceedings of the Revenue Survey Department have been set aside by the District Court of Calicut, not merely for the reason quoted in the order of Government referred to, namely, "owing to the decision failing to show that the officer passing it had been specially authorized to adjudicate") but upon other legal grounds, of which the fact of "the Revenue Survey Department having nothing to do with a claim by one party to land within the boundaries of another" seems to me to be the most cogent.

5. I venture most respectfully to submit these remarks for the consideration of Government, with the view that the Government may be pleased to see that their order shall have the effect contemplated, and be liable to no chance of any misconstruction hereafter.

6. It is with no ordinary regret and reluctance that I have taken the liberty of troubling Government again; but the injury I have sustained by the action of the Revenue Survey Department is so unreparative that I am compelled to continue seeking their kind aid and protection in endeavouring to right myself as regards the lands of which I have been in possession for a period of twenty-seven years.

No. 90. ORDER THEREON, 13th August 1873, No. 842.

Miscellaneous.

THE Governor in Council observes that the trial survey line due north from Nilgiri Peak has no connection with Captain Sargeaunt's invalid decision regarding Captain Godfrey's claims. The circumstances under which the Government directed this trial line to be run are recorded in G. O., 18th October 1872, No. 1,446, copy of which was furnished to Captain Godfrey. The Superintendent of Revenue Survey will now be requested to report whether it intersects or falls to the west of any land actually in the occupation of Captain Godfrey.

Proceedings of the Madras Government, Revenue Department,
13th August 1873.

2. With advertence to paragraphs 3 and 4 of his letter, Captain Godfrey will be referred to the recorded decision of Captain Sargeaunt, of which he has a copy, and to the final clause of the Proceedings of the Civil Court of Calicut, dated 5th February 1873, copy of which was submitted to Government with his letter, dated 20th February 1873.

(True Extract.)

(Signed) R. A. DALYELL,
Offg. Chief Secretary.

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Calicut, Malabar, 1st August 1873

To

The Secretary to Government,
Revenue Department,
Madras.

Sir,

I have the honor to acknowledge receipt of the order of Government of the 18th July 1873, No. 744, and beg to render them my grateful thanks for the same.

2. With reference to para 1 of the order, I beg to state that I am informed that the "trial line" ~~repsed~~ to will run through a portion of my "Arrattaparra" land, and altho' I have no objection to such survey as an experimental measure, I hope it may not be understood that I acquiesce in such land being at any future time included in the lands which may be demarcated as the property of Mr. Ouchterlony.

3. With reference to para 3 of the order, I regret to find that the dispute between

between myself and Mr Cuchtelooney should have been termed a "boundary dispute". He disputes the extent of my holding under a title obtained in 1846, confirmed by unchallengeable possession, and secured to me by decrees of the Civil Court of Calicut in Original Suit No. 4 of 1862 and Appeal Suit No 260 of 1863 which now have the force of law, and cannot be called in question or impeached.

4. The illegal & vexatious proceedings of the Revenue Survey Department have been set aside by the District Court of Calicut, not merely for the reason quoted in the order of Govern-ment referred to (viz "owing to the "decision failing to shew that the "officer passing it had been "specially authorized to adjudicate") but upon other legal grounds, of which the fact of "the Revenue "Survey Department having nothing "to do with a claim by one party "to land within the boundaries of "another" seems to me to be the most cogent.

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he requested to report whether or fall to the west of it intersects any land cultivated in the occupation

5. I venture most respectfully to submit these remarks for the consideration of Government with the view that the Government may be pleased to see that their order shall have the effect contemplated and be liable to no chance of any misconstruction hereafter.

It is with no ordinary regret and reluctance that I have taken the liberty of troubling Government again, but the injury I have sustained by the action of the Revenue Survey Department is so unreparative, that I am compelled to continue seeking their kind aid and protection in endeavoring to right myself as regards the lands of which I have been in possession for a period of 27 years.

I have the honor to be,
Sir,
Your most Obedient Servant,
Godfrey

be requested to report whether or [illegible] to the work &
it interests any lands
eventually in the occupation

Captain T. H. Godfrey
Submitting certain remarks
with reference to G. O. regarding
the demarcation of his lands.

August 1873

No. 842. 13th Aug. 73

The Govt Surveyor observes that
the trial survey line due
North from Heitzberg Peak
has no connection with
Captain Sergeant's invalid
decision regarding Captain
Godfrey's claim. The circumstances under which
the Govt directed the trial
line to be run are recorded
in G. O. 18 Oct 1872 No 1446
copy of which was furnished
to Captain Godfrey. The
Supt of New Surveys will now
be requested to report whether
or falls to the west of
it intersects any land
actually in the occupation

No. 18 Encl in Govt Let No 859 - 90

Rec'd 1873
No 2343

From
Captain T. H. Godfrey

Dated Wynaad
13th August 1873

859-90

Captain Godfrey
Submitting certain
remarks with reference to
G.O. 18th Oct 1872 No 1446
in explanation of his claim
to lands held by the aborigines
of the Wynaad
Requesting that the demarcation
of the Wynaad lands
may be carried out
Forwarded
Recommending that
Captain Godfrey's claim
be referred to the Supt
of Land Surveys

of Captain Godfrey.

With adventures to
Parras 3rd & 4th of his letter.
Captain Godfrey will be
referred to the recorded
decision of Captain Sargent
of which he has a copy;
and to the 2nd clause of
the proceedings of
the Civil Court of Cabinet
dated 5 Feb 1823 copies of
which were submitted to
Govt with his letter dated
20 Feb 1823.

Desp^d in ltr to Capt. Godfrey
& Supt Revenue Survey—
not to go to Mr. Wapshare

To Capt J. H. Godfrey
Supt of Rev. Survey

Pkt 89-90

Capt. Gordon's letter submitting certain accounts with refce to the G.O. regarding the disencumbrance of his lands

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C. S. Accts 83 R 13 Accts