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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	1646.	Press
B.P. No.		Mis.

Dated 16-11-1875 196.

Not to be folded or roughly handled

Proceedings of the

No. 199. Read the following
State for India:—

Revenue,

No. 20.

SIR,—The despatch of y
(No. 9 of 1875), relative to
Godfrey, has been considered b
Proceedings of the Civil Court
consequence of those Proceedi
statements of Mr. Ouchterlony
importance in the case.

2. That gentleman, in a
May 1873, wrote as follows:—
stands good, since it has not bee
the express words of the Act) ‘
it may be observed, is by the s
‘by regular suit;’ and no such s
a memorial addressed to this Office
Mr. Ouchterlony states: “That, u
Captain Godfrey appears to have
decision to the Civil Court at Calicut
ment, and eventually presented on
the same day, rejecting it for reason
any way to these proceedings, and
of the Court”.

In another part of this memor rges that “he was made no party to the
proceedings that elicited the remark

3. In requesting that the n just cited may be forwarded to the
Secretary of State for India in C. r. Ouchterlony somewhat later (25th
November 1873) requested that the ment would cause to be forwarded there-
with certain papers, of which a list ned, and the contents of which had
not been communicated to him. In t ragraph of the list, he asserts that “in
this case there appears to have been n suit but only an appeal and a Court’s
Order”.

These assertions have not been no r Government in forwarding to this
Office the documents in which they ained; nor does it appear that their
accuracy has been inquired into. Th however, a material bearing upon the
effect due to the order of the Court c t and upon the legality of the action

4. I request, therefore, that you ire into the truth of Mr. Ouchterlony’s
allegation that Captain Godfrey never ed a regular suit to set aside Captain
Sargeaunt’s decision, and that Mr. Ouch y was not made a party to the proceed-
ings in the Civil Court of Calicut; and ot, after the facts have been ascertained,
you will consult your Advocate-General ns whether the requirements of
the Madras Boundary Marks Act have whether the order of

Revenue Department,

Right Honorable the Secretary of

INDIA OFFICE, LONDON,

24th June 1875.

ouncil, dated the 6th April last
Mr. Ouchterlony and Captain
Without discussing at present the
orders which have been passed in
to call your attention to certain
m, if substantiated, to be of great

by him to your Government on 2nd
unt’ decision, in all its integrity,
the only way in which it can be under
of a Civil Court’. This formal decree,
of the Act made to follow an appeal
stituted”. On the 21st July 1873, in
ed through the Government of Madras,
ission given by Government, the said
an appeal against Captain Sargeaunt’s
appeal, it stems, was returned for amend-
bruary 1873, when an order was passed
That your memorialist was no party in
could not be bound by any remarks

Proceedings of the Mac

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the Court of Calicut of 5th Febr
• afford a legal sanction to all the
relative to the execution of Captai

To His Excellency the Honorable
The Governor in Council, P

No. 200.

ORDER THEREON, 16

Miscellaneous.

(Here enter No. 30

(T)

Revenue Department,

arly passed, and was such as to
een issued by your Government
on.

I have, &c.,
(ed) SALISBURY.

875, No. 1,646.

ERED that the following despatch
rded to the Secretary of State:—

November 1875.)

L. A. CAMPBELL,
Under-Secretary to Government.

3/1646

India Office, London

24th June 1875

Revenue
No. 20

Sir,

1. The Despatch of
your Excellency in Council
dated the 6th April last (No. 9
of 1875) relative to the disputes
between Mr. Ouchterlony and
Capt. Godfrey, has been
considered by me in Council
without discussing at present
the Proceedings of the Civil Court
of Calcutta and the Orders
which have been passed in
consequence of those Proceedings.

His Excellency

The Honorable

The Governor in Council

Fort St. George



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Govt. of 1875

REVENUE

NOVEMBER
Nos. 199-200

Despatch, Despatch, Despatch, Mr. Ouchterlony and
Capt. Godfrey. — Ordering the transmission of
a despatch to the Secretary of State replying to
the statements made by Mr. Ouchterlony in the
matter of the dispute with Captain Godfrey.

I am desirous to call your attention to certain statements of Mr. Dichterlong which would seem, if substantiated, to be of great importance in the case.

2. That gentleman in a letter addressed by him to your Government on 2 May 1873, wrote as follows, "Capt. Sargeant's decision in all its integrity stands good since it has not been set aside (in the only way in which it can be under the express words of the act) by a formal decree of a Civil Court." This formal decree it may be observed, is by the same sect. 25 of the Act, made to follow an appeal "by regular suit," and no such suit has been instituted."

On the 31st July 1873, in a memorial

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addressed to this Office and transmitted through the Government of Madras, Mr. Dichterlong states "That under the permission given by Govt. the said Capt. Godfrey appears to have presented an appeal against Capt. Sargeant's decision to the Civil Court at Calcutta, which appeal it seems was returned for amendment and eventually presented on the 5th Feb 1875, when an order was passed the same day, rejecting it for reasons stated. That your memorialist was no party in any way to these proceedings and therefore could not be bound by any remarks of the Court."

In another part of this Memorial he urges that "he

"
was made no party to the
"proceedings that elicited the
"remarks."

3. I am requesting that the
Memorial just cited may be
forwarded to the Secretary of
State for India in Council.
Mr. Ducketlongy somewhat later
(25 Nov. 1873) requested that
the Government would cause
to be forwarded therewith, certain
papers of which a list was
subjoined, and the contents
of which had not been
communicated to him. In
the 8th para. of the list he
asserts that "in this case
"there appears to have been
no regular suit but only an
"appeal and a Court's order."

These

5/1646 3
These assertions have not been
noticed by your Government in
forwarding to this Office the
documents in which they are
contained; nor does it appear
that their accuracy has been
inquired into. They have
however a material bearing
upon the effect due to the Order
of the Court of Calcutta, and
upon the legality of the Action
which has been taken upon
that order.

4. I request therefore that
you will inquire into the truth
of Mr. Ducketlongy's allegations
that Capt. Godfrey never
instituted a regular suit to
set aside Capt. Sargeant's
decision, and that Mr. Ducketlongy
was not made a party to the
Proceedings in the Civil Court.

of Calcutt; and also that after
the facts have been ascertained,
you will consult your Advocate
General on the questions
whether the requirements of the
Madras Boundary Marks Act
have been fully satisfied, and
whether the order of the Court of
Calcutt of 5th Feb^y 1873 was
regularly passed, and was such
as to afford a legal sanction to
all the orders which have been
issued by your Government
relative to the execution of Capt-
Pargament's Decision.

I have the honor to be,

Sir,

Your most obedient

humble servant

Sir J. J. J.

No 11.

Revenue
24th June 1875.

The
Letter to Fort St George
No 20.

Recd 23rd July 75

No 1646

ordered that
the following
despatch be
forwarded to
the Sec: of State

Leve
16th Nov^r 1875.

Calling attention (with refer^{ce} to Despatch
from Madras for 26th April 75 regarding dispute between Mr. Orellana
& Capt. (retired) & certain statements of Mr. Orellana which were
seen, if substantiated, & of great importance in the case; regarding
that suggesting he made into the truth of the allegations; and that, as to
ascertaining the facts, the Secy. Genl. may be consulted as to whether
the requirements of the Madras Boundary Commission have been fully
satisfied, and whether the orders of the Col. (ret.) have been fully
passed &c.

No 1646. 16 November 1875

In the order



Recd at Fort 17 July 1875

C. 15th Nov 1875