M.R.O. 1—20,002—12-8-65.

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(3) Initials of the Referencer

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Rev DEPARTMENT

G.O. No. 1550	Press
B.P. No.	Mis.
Dated 31.10.1876	196 .

Not to be folded or roughly handled

1550/1

No. 311. Read the following Endorsement of the Chief Secretary to Government, Fort St. George :—

Read the following letter from Messrs. BARCLAY and MORGAN, Solicitors, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated High Court-house, Madras, 19th October 1876.

We have the honor to request, on behalf of Captain T. H. Godfrey and Messrs. G. A. Ouchterlony and H. Wapshare (the Executors with Probate of the Will of the late James Ouchterlony, Esq.), that the land mentioned in the accompanying Agreement of Compromise may be demarcated and surveyed by the Revenue Survey Officers.

2. We wrote to Colonel Hessey, the Acting Superintendent of Revenue Survey, on the 4th instant, requesting him to undertake the survey, who, in reply, referred us to paragraph 39 of the G.O. of the 28th of September 1872, and stated that he could not act in the matter without the order of Government. We pointed out in answer to his objection that the order in question was made in consequence of certain disputes between the late Mr. Ouchterlony and Captain Godfrey, and that as those disputes were now at an end, and the application for a survey was made at the instance of all parties interested, that we thought that the survey might be proceeded with without reference.

3. Colonel Hessey has, however, requested us to obtain the sanction of Government to the survey, and we request therefore that this may be given as soon as practicable. You will observe that, by the terms of compromise, the long standing disputes in reference to the various grants given by the late Raja of Nellamboor to Captain Godfrey and the late Mr. Ouchterlony are settled, and it is with a view of making this settlement as binding and definite as possible that the survey is desired.

4. Mr. Wapshare will furnish all the necessary coolies for making lines, &c., on the spot.

Transferred to the Revenue Department for disposal.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 312. Order thereon, 31st October 1876, No. 1,550.

Miscellaneous.

Communicated to the Superintendent of Revenue Survey with reference to G.O., 17th October 1876, No. 1,497.

2. The Superintendent's report should be forwarded through the Board of Revenue, for their opinion as to the propriety of complying with this request.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

To the Superintendent of Revenue Survey.
„ the Board of Revenue.
„ the Government Solicitor.

Exd. F. R. Bantleman.

21st Sept. 1876. 1550/21

Notes of Compromise

We the Executors of the late Mr. Jas: Auchterlony and J. Thurlow Harvel. Godfrey Captain for being mutually desirous of putting an end to the vexatious and long standing dispute regarding the position and extent of the Yellamulley and Amalla Paray properties, have mutually entered for ourselves, and our heirs escrs admrs and assigns into an amicable settlement of all disputes and mutually agree to accept and abide by the following terms and conditions.

1 The parties interested will mark out the boundaries as follows:

2 From the Poon Tree to the centre of the Coar Coollee Swamp (Arrowroot Swamp) (that is the Swamp lately visited and agreed on between Mr. J. A. Auchterlony Mr. Ed. Wapshare and Mr. C. Godfrey on the part of Captn Godfrey; where Mr Godfrey planted sugar cane and which is crossed by a now abandoned road to Caliaut.

3 From the centre of the Coar Coollie swamp a line due North to the Pandy River.

From the Poon Tree to the centre of dod Gudda Nillum Swamp (alias Jewelle Gudda) (that is the swamp into which Mr. Wapshare cut the line from the Poon tree) and from that centre of the Swamp a line due North to the Pandy river.

4 The course of the Pandy River from point to point where the parallel lines above mentioned intersect it.

5 The boundary marks will however follow any Survey marks laid down by the Survey authorities from the point where they diverge from the lines now agreed on, to the point where they again join it, and the case of the Montrose estate, or any other cultivated land, that found any portion already opened out.

6. Right of grazing shall be allowed to Captn Godfrey (and his heirs escrs admrs and assigns) and such others (and their heirs &c) on whom Captn Godfrey may have previously conferred a right, in any portion of land outside of the boundaries now agreed on, provided it be not cultivated, and this grazing right is not to debar the Vears (their heirs &c) from opening out any portion or any amount of

of the grazing land they may choose to cultivate.

7 With reference to the land called Anata Paray, beyond the Pondy river Captain Godfrey leaves it to the sense of justice of the executors that he should have one hundred acres of uncultivated land to be mutually agreed upon out of the block of 800 acres or there-abouts that he claims.

8 With regard to the above Paray. The escars are willing to give up 100 acres of uncultivated land out of the parcel of land called the Anata Paray block to Capt. Godfrey (his heirs &c.) but it cannot on any consideration be taken out of the block of land called by the escars the "First Grant" the line of which can be pointed out by Mr Wapshare or the Survey authorities. The escars in India are willing to allow Capt. Godfrey (his heirs &c.) 100 acres in the "Second Grant" so long as it is in the Anata Paray block, North of the Pondy river giving a part of that river as Southern boundary or else Capt. Godfrey's road to Goodaloor as one boundary.

9 The cutting of any fresh roads or water courses to be left to mutual agreement.

10 The boundaries above agreed on and also of the 100 acres when selected are to be substantially marked as soon as practicable, and the expenses of doing this and drawing out a simple legal document of this amiable arrangement to be equally shared by both parties.

Sd/. G. A. Ouchterlony } Escars & Trustees
" Henry Wapshare } of the late. Jas. Ouchterlony

" R. H. Godfrey. Capt.
Bombay Army

1550
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Jas: Ouchterlony dec
Exo. parte Godfrey

Motion of Compromise

Rem 4529/76

4
1550

Barclay & Morgan
Attys for the Exors

4
1551

1552

British Coast Wastes.

Madras 19th October 1876.

From

Messrs Barclay and Morgan

Solicitors

1550/5

To

The Honorable W. Huddleston

Chief Secretary to Government.

Sir

We have the honor to request on behalf of Captain J. H. Godfrey and Messrs L. A. Ouchterlony and H. Marshall (the Executors under Probate of the Will of the late James Ouchterlony Esqre) that the land mentioned in the accompanying agreement of Compromise may be demarcated and Surveyed by the Revenue Survey Officers.

We wrote to Lol: Hossey the Acting Superintendent of Revenue Survey on the 4th instant requesting him to undertake the Survey, who in reply referred us to para 39 of the G.O. of the 28th of September 1872 and stated that he could not act in the matter without the Orders of Government. We pointed out in answer to his objection, that the Order in question was made in Consequence of certain disputes between the late Mr. Ouchterlony and Captain Godfrey and that as those disputes were now at an end and the application for a Survey was made at the instance of all parties interested, that we thought that the Survey might be proceeded with, without Reference.

Lol: Hossey has however requested us to obtain the Sanction

of

of Government to the Survey and we request therefore that this may be given as soon as practicable. You will observe that by the terms of Compromise the long standing disputes in reference to the various Grants given by the late Rajah of Nellamboor to Captain Godfrey and the late Mr. Quchterlony are settled and it is with a view of making this Settlement as binding and definite as possible that the Survey is desired.

Mr. Warehare will furnish all the necessary coolies for making lines &c. on the Spot.

We have the honor to be

Sir

Your most obedient Servants

Barclay & Morgan

(Comm. Pl. & the Lieut. Gov. Asst.
for Disposal &c

E. Brudenell
Ch. Lee:

150/b

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60 2nd Lyttelton
17 October 76 - 207

Revenue 1876 Depts
No 4529
From No 1226

Messrs. Barclay & Moorhouse
Solicitors
of Capt. Godfrey & Messrs. Cracklethorpe
& Wapshare -

Dated 19 Oct. 1876
Recd. 23d
Encl 1

1550

Requesting on behalf of Captain
J. Godfrey & Messrs. S. A. Cracklethorpe
& H. Wapshare that orders may
be issued to the Survey Dept
for the Survey & demarcation
of lands specified in the Agree-
ment of Compromise submitted
herewith &c &c

Order No 1550 - 31 October 76

Communicated to the Dept.
Rec. Survey with reference
to W.A 17th Oct 1876 No 1,497 -
The Dept's report rec'd
& forwarded this
to the Sec. for Rev 26.10.76
opinion as to the propriety of complying with the request.

Lyttelton 26/10/76
Sec. for Rev
Dept of Survey
Wellington
21 Oct 1876

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