

Revenue Department

Nº 409

Integ 26-3-1859

Fort Saint George, Revenue Consultation of 1st April 1859.

No. 39. Read the following Extract from the Proceedings of the Board of Revenue, dated 11th March 1859, No. 849.

Read letter from the Collector of Rajahmundry, dated 12th February 1859, No. 19.

(In Con. 17th February 1859, No. 634.)

In their Proceedings dated 11th September 1858, No. 3436, the Board reported on Mons. Montclar's application to Government for a loan of Rupees 30,000, and recommended, not as a matter of mercantile business but on grounds of general policy, that the temporary assistance sought by him might be accorded "on his personal security with a lien on his estate, if not otherwise encumbered."

2. In Extract Minutes Consultation 14th October last, Government accordingly sanctioned the loan "on the approval by the Board of the security offered" by Mons. Montclar. The Board instructed the Collector to communicate with Mons. Montclar in regard to the security he could give for re-payment of the loan.

In Con. 28th October 1858, R. D. No. 1397.

3. Mr. Purvis reported on the 4th December, that Mons. Montclar had offered to insure his life for 30,000 Rupees and with the money advanced to him to settle with Messrs. Arbuthnot and Co., and having released his estate from the lien which that Firm had on it, to tender it as security for re-payment of the loan. These terms will be found stated in Mons. Montclar's letter to the Collector dated 17th November last.

Enclosure in from Rajahmundry 4th in Con. 20th December 1858.

Pro. to Collr. and to Mons. Montclar 20th December 1858.

4. The Board expressed themselves satisfied with the security proposed, viz. a Policy of Insurance to be kept up till the debt was repaid, and a lien on the property and its produce.

5. In the letter above recorded Mr. Purvis states that Mons. Montclar has transmitted a Policy of Insurance, with an undertaking from Messrs Gnyot and Co. of Madras to keep it up for two years, and that he has also executed a document (as required in para. 5 of Extract Minutes Consultation, 14th October last,) relinquishing all claims against Government in consequence of the breaching of the Anicut.

In Cons. 28th October 1858.

6. Mr. Purvis adds that Mons. Montclar had not been able to give the Bond in the form prescribed by him (copy of which is appended to his letter) in consequence of the condition requiring that the produce of the estate should be answerable for the due re-payment of the advance. The estate is, as already stated, now mortgaged to Messrs. Arbuthnot and Co. and Mons. Montclar urges that until he has cleared off this encumbrance, he cannot pledge it to Government. This however he is willing to do as soon as he has freed it from Messrs. Arbuthnot and Co's lien.

7. As Mons. Montclar cannot therefore give an immediate lien on his estate, the Board consider it right to solicit the further instructions of Government as to whether the loan may be made to Mons. Montclar on his engaging in his Bond to keep up the Policy of Insurance, to apply the loan to the clearance of his estate from the lien with which it is now encumbered, and immediately thereafter to pledge it, and its produce to Government for re-payment of the loan.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 40. ORDER THEREON, No. 409; dated 26th March 1859.

The Government authorize the Board of Revenue to direct the Collector to disburse the advance in question to Mr. Montclar, after having obtained the opinion of the Government Solicitor that the security now tendered is sufficient. Mr. Montclar's interest in the property offered as security will be fully ascertained.

(Signed) J. D. BOURDILLON,
Secretary to Government.

IN CON. 17TH FEBRUARY 1859, No. 634.
From A. PURVIS, Esq., Collector of RAJAHMUNDRY,

dated Alamoore, 12th February 1859, No. 19.

1. I have the honor, with reference to the Proceedings of the Board of Revenue of the 20th December 1858, to report that Mr. Montclar duly transmitted to me a policy of insurance on his life for Rupees 30,000, and an undertaking from Messrs. Guyot and Co. to pay the sum due for keeping up the same, for two years. He has also executed a document relinquishing any claim he may suppose himself to have against the Government in consequence of the breach of the anicut.

2. He has not however been able to give the bond according to the form prepared by me, copy of which is submitted for the information of the Board, in consequence of the condition requiring him to hold the produce of the estate answerable for the due re-payment of the advance. Mr. Montclar explains, as indeed was stated in my letter of the 4th December last, that his estate of 75 acres is at present mortgaged to Messrs. Arbuthnot and Company, and therefore he cannot honestly give any other party a lien on it, or the produce, till he has released it from Messrs. Arbuthnot & Co's. mortgage. He is willing to give this lien immediately he has cleared himself with the Gentlemen named, and mean time he proposes to deliver over to me a, as he describes it, "splendid 10 horse power sugar mill" which has lately arrived at Coconada. He does not state the value of this piece of machinery, and I am not myself able at present to supply the information.

3. Under the above circumstances I request the instructions of the Board for my guidance, and to be informed whether I may pay the amount of the loan to Mr. Montclar on his executing a bond of re-payment by instalments, with interest at the rate of 5 per cent, and giving over for the present the Sugar mill just referred to. The policy of insurance on his life he, as above explained, has already deposited with me. A certain risk undoubtedly attends this course, as it may be years before the life insurance policy has any realizable value, and we have no positive assurance that the money, when paid, will be employed in releasing the Estate from the mortgage now held on it. I have however no reason to distrust Mr. Montclar, on the contrary he has, from the first, stated the circumstances, under which he is placed, openly and unreservedly.

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ENC. 1.

I, Jean Marie Armand Montclar, do hereby acknowledge to have received the sum of Rs. 30,000 thirty thousand through the Collector of Rajahmundry being the amount of a loan granted to me by Government to enable me to recover the loss sustained by me in the sugar plantation established by me in the above District, from a breach in the Godavery anicut, and I do hereby promise and agree to repay the aforesaid sum of thirty thousand Rupees within five years in five equal annual instalments with interest at 5 per cent per annum. The first instalment to be paid on the 1st January 1860, I also engage to hold the produce, from time to time grown on the seventy five acres of sugar cane plantation now held by me at Velgatode and its vicinity, answerable for the due payment of the annual instalments as above.

No. 849.

EXTRACT from the PROCEEDINGS of the BOARD of REVENUE, dated 11th March 1859.

Read letter from the Collector of Rajahmundry, dated 12th February 1859, No. 19.

(In Con. 17th February 1859, No. 634.)

In their Proceedings dated 11th September 1858, No. 3436, the Board reported on Mons. Montclar's application to Government for a loan of Rupees 30,000, and recommended, not as a matter of mercantile business but on grounds of general policy, that the temporary assistance sought by him might be accorded "on his personal security with a lien on his estate, if not otherwise encumbered."

In Con. 28th October 1858, R. D. No. 1397.

2. In Extract Minutes Consultation 14th October last, Government accordingly sanctioned the loan "on the approval by the Board of the security offered" by Mons. Montclar. The Board instructed the Collector to communicate with Mons. Montclar in regard to the security he could give for re-payment of the loan.

3. Mr. Purvis reported on the 4th December, that Mons. Montclar had offered to insure his life for 30,000 Rupees and with the money advanced to him to settle with Messrs. Arbuthnot and Co., and having released his estate from the lien which that Firm had on it, to tender it as security for re-payment of the loan. These terms will be found stated in Mons. Montclar's letter to the Collector dated 17th November last.

In Con. 20th December 1858.

Enclosure in from Rajahmundry 4th in Con. 20th Decr. 1858.

4. The Board expressed themselves satisfied with the security proposed, viz. a Policy of Insurance to be kept up till the debt was repaid, and a lien on the property and its produce.

5. In the letter above recorded Mr. Purvis states that Mons. Montclar has transmitted a Policy of Insurance, with an undertaking from Messrs. Guyot and Co. of Madras to keep it up for two years, and that he has also executed a document (as required in para. 5 of Extract Minutes Consultation, 14th October last,) relinquishing all claims against Government

in consequence of the breaching of the Anient.

6. Mr. Purvis adds that Mons. Montclar had not been able to give the Bond in the form prescribed by him (copy of which is appended to his letter) in consequence of the condition requiring that the produce of the estate should be answerable for the due re-payment of the advance. The estate is, as already stated, now mortgaged to Messrs. Arbuthnot and Co. and Mons. Montclar urges that until he has cleared off this encumbrance, he cannot pledge it to Government. This however he is willing to do as soon as he has freed it from Messrs. Arbuthnot and Co's lien.

7. As Mons. Montclar cannot therefore give an immediate lien on his estate, the Board consider it right to solicit the further instructions of Government as to whether the loan may be made to Mons. Montclar on his engaging in his Bond to keep up the Policy of Insurance, to apply the loan to the clearance of his estate from the lien with which it is now encumbered, and immediately thereafter to pledge it, and its produce to Government for re-payment of the loan.

(A true Extract.)

L. A. M.

Secretary.

To

J. D. BOURDILLON, Esq., Secretary to Government, R. D.
Copy to Collector of Rajahmundry.

Enclosure
Copy to Rajahmundry
21st Feb 1859
21st Feb 1859

Dec 19th Oct 2/58 A
25th July 159. 43-44
Copy in letter to B.
of 9th Nov 27 1859 at 63.

Revenue 1859 Report
Extract from the Proceedings of the Board of Revenue.

Dated 11th March 1859.
Recd L. }
1. Ind. No 849.
from B. 1st Dec 9/58 July 159.
12/288. Com. 129-6-1649

Submitting a letter from the Collector of Rajahmundry regarding the security tendered by Messrs. Montclau for the repayment of the loan which he seeks to obtain from Govt. and desiring the further instructions of Govt. on the subject.

No 409

The Government authorize the Board of Revenue to direct the Collector to disburse the advances in question to Mr. Montclau after having obtained the opinion of the Government Directors that the security now tendered is sufficient. Mr. Montclau is to be in the possession of the security until he fully overpays.

26 March 1859
Col. to the Secy of War 28th July 159.
" to the Secy of War 28th July 159.
" to the Secy of War 28th July 159.
" to the Secy of War 28th July 159.

10409. 28th March 1859.

15th March 1859.