

DRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

No. 3	Press
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Dated 3 — 1 — 1860.	

to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
for the month of January 1860.*

No. 8. Read the following letter from A. MONTCLAR, Esq.; to the Right Honorable SIR CHARLES TREVELYAN, K. C. B. Governor of Fort St. George in Council, dated 20th December 1859.

EXCELLENCY,

My object, in memorialising your Excellency, is not to enter at any length into the question of right, as to my claim for compensation, but rather to submit for the information of Government *some* particulars of sufficient importance to deserve their notice.

2. When I resolved to seek assistance from Government, I addressed myself in the first instance to his Excellency Lord "Harris," in a letter dated May 25th 1858.

3. In answer to that petition, the Government adopted the Minute No. 877, Revenue Department—Extract from the Minutes of Consultation under date the 25th June 1858.

4. Under date of 14th July 1858, I received a letter No. 630 from the Collector of Rajahmundri, requesting me to furnish him with certain particulars, required by Government for their information.

5. A few days after, I replied to the Collector and furnished him with a full and clear account of every particular connected with this transaction.

6. Under date of November 9th 1858, (No. 1037) the Collector of Rajahmundri advised me that Government had been led to take a favourable view of my case, and he requested me to furnish him with certain additional informations.

7. In a *second* letter, I immediately forwarded to the Collector the additional particulars he required of me.

8. On the 21st December 1858, I received from the Revenue Department, a copy of the following resolution, (No. 4683)—Extract from the Proceedings of the Board of Revenue, dated 20th December 1858. Read letter from the Collector of Rajahmundri, dated 4th December 1858, No. 171.

(In Con. 20th December 1858, No. 5542.)

1st. "The Board approve of the proposed security as set forth in paragraphs 2, 4 and 6 of "the Collector's letter, on the understanding that the Life Assurance is duly kept up, until the "loan is repaid"

2nd. "The Collector can disburse the sum sanctioned by Government, viz. 30,000 Rupees, "on Mr. Montclar's executing the necessary engagements in due form, making the relinquish- "ment noted in paragraph 5 of Extract Minutes Consultation 14th October last, Revenue De- "partment, (No. 1397.)"

9. It is impossible for me, to execute the necessary engagements, if you refuse to inform me of their nature.

10. On the 18th January 1859, I received another letter (No. 48), from the Collector of Rajahmundri, to this, with my answer dated 26th January, I would draw a *special* attention, as being important.

11. I received no further communications from the Collector of Rajahmundri, until the 24th August 1859, when he wrote me to this effect: "*that the Government acting under the ad- "vice of their Solicitor, had declined advancing me the Rupees 30,000, on account of my inability "to give PROPER security !*"

12. I will now explain for the information of your Excellency, certain transactions not altogether creditable to the Solicitor of Government.

13. On the 15th December 1858, in a conversation with Mr. Vans Agnew of the firm of Arbuthnot and Co., he reproached me with having informed Government, that I was paying to them interest for money, at the rate of 20 per cent. per annum and told me, that I should find it difficult to obtain the Rupees 30,000 of Government, as their Solicitor, who was also Solicitor to Government would be consulted in the matter.

On the same day, Messrs. Arbuthnot and Co., rejected the proposals I made to them, to take over the whole of the Valagatoodoo estate, *which at that time, was in a promising condition.*

My proposals, providing that the *first* mortgage on the estate, should be executed to Government for their advances.

After rejecting my proposals, their Solicitor Mr. Boyson, in a letter dated December 24th 1858, summoned me to return forthwith to Valagatoodoo.

14. At that time, I was debtor to the firm of Arbuthnot and Co., in a sum of Rupees 5,000, therefore, had I received the Rupees 30,000 from Government, I should have been released from my liability to the great monopolists, and in possession of a capital of Rupees 25,000 to work my estate. I had also already provided my machinery.

15. On the 28th January 1859, I received this astounding letter from my Solicitor.

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DEAR SIR,

"Boyson" says, Arbuthnot and Co., will give "you a release from all claim they may have against you and Rupees 1,000.0-0. If you will give them a release for all claim you may have against them."

Your's truly,
(Signed) WILKINS and SHAW.

I forwarded an answer, declining to accede to their proposal.

16. From the commencement of the differences between Messrs. Arbuthnot and myself, the estate had deteriorated in value, until at this time, it was entirely ruined!

As my object is to elucidate matters, I give copy of a letter written by me to Messrs. Arbuthnot and Co.

This will serve as a specimen of the many letters, I have addressed to these gentlemen, numbering about 40.

From A. MONTCLAR, Esq., to Messrs. ARBUTHNOT, and Co., Madras; dated Valagatoodoo, Estate, 27th April 1859.

"Referring to all the telegrams and letters which I have sent to you since 11th instant, with regard to the denial of my signature for funds required for the wants of the estate. I have now to tell you that, notwithstanding all my trouble and exertions to keep my laborers at work, I see that I cannot hold it out any longer!

"The coolies, on account of their not being paid, have lost all confidence and respect for me and my assistants. All discipline is gone, and I cannot longer exercise my authority over them, because I am unable to pay them. I feel sure that even, if they were paid, now it would be very difficult or rather impossible to recover our authority here.

"I daily write to your Agent here (Mr. Duminy) for funds, but it unfortunately appears that that gentleman is acting upon the same principle as you, viz.—not to answer any letters, saying very justly, that no answer at all, can of course not be a compromising answer.

"I think it useless to repeat here that I hold you responsible for all that has occurred already, and that may yet occur."

P. S. I here enclose copy of a telegram forwarded to you this morning by me:
To Arbuthnot and Co.,
From Montclar,
Daulaeshwaram,
To Madras.

"Since the eleventh, no funds. I telegraphed and wrote to you, but no answer. Estate goes to ruin."

(Signed) A. MONTCLAR.

THEN! . . . As if to indemnify them in part for their losses, Mr. Boyson in his twofold capacity! . . . as Solicitor to Government and to Arbuthnot's firm, was making great exertions to secure for his clients the Government grant of Rupees 30,000!!!

As consistency appears to be the principle upon which Messrs. Arbuthnot and Co. acts, I submit a copy of a letter received from my Solicitors under date of 16th May 1859, referring to a verbal proposal made by Mr. Boyson, and which he refused to commit to writing.

From Messrs. WILKINS and SHAW, to A. MONTCLAR, Esq., Valagatoodoo, Rajahmundry, dated Madras, 16th May 1859.

"We have your's of the 30th ultimo, and have been in communication with Messrs. "Boyson" and "Miller" on the subject. "They inform us that Messrs. Arbuthnot and Co., are determined not to have any thing more to do with the estate, and propose parting with it to you, on the following terms: the 30,000 Rupees, which you expect to receive from Government, to be paid to Arbuthnot and Co. immediately you receive it, and to be applied first in payment of your private account with Arbuthnot and Co., and the balance to go towards payment for the estate.

"The estate to be mortgaged first, to Government for the 30,000 Rupees; and secondly, to Arbuthnot and Co., for the value of the block, less the balance of the Rupees 30,000.

"Should you not agree to this, Messrs. Arbuthnot and Co., will proceed with the winding up of the concern, under the power given to them by the 19th clause of the Deed of 27th August 1857, as already notified to you.

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"Should you have any suggestions to make, as to the best way of doing this, Messrs. Arbuthnot and Co., will be happy to take them into consideration.

"Messrs. "Boyson" and "Miller," inform us that instructions have been given to furnish you with sufficient funds to keep up the concern in the mean time."

17. In reply, I informed my Solicitors that the estate was now ruined, and not worth ten Rupees! I would now beg your Excellency to obtain copies of the following letters, which I here specify:—

- 1st. From myself to the Collector of Rajahmundry, dated 26th April 1859.
- 2nd. From myself to the Secretary to the Board of Revenue, dated 29th April 1859.
- 3rd. From myself to the Collector of Rajahmundry, dated 17th May 1859.
- 4th. From the Collector of Rajahmundry to myself, No. 381, dated 18th May 1859.
- 5th. From myself to the Collector of Rajahmundry, of 29th June 1859.

18. During the months of May, June, July, Messrs. Arbuthnot and Co., (with their Solicitor,) made strenuous efforts to obtain for themselves the Rupees 30,000, as losses were falling in on them from every direction!!

I declined all participation in their reputable schemes!

Finally, Mr. Boyson advised the Government to decline my application, because of the insufficiency of the security offered.

19. And now, as to the question of security in this case, I again call your Excellency's attention, to my first letter of July 1858, to the Collector of Rajahmundry, in which I state:

"What kind of security can a poor wretched man give?

- 1st. "I am here established on a soil which belongs to Government! . . .
- 2nd. "I irrigate that soil with a water which belongs to Government! . . .
- 3rd. "Even the fishes of my canal belongs in fact to Government! . .
- 4th. "Only the air which I respire is my own and entire property! . ."

20. My property consisted in the crops; such being the product of my own labour, skill and energy, expended on a soil not my own. Such crops, have been carried away by the breach of the ancient!

It was for this very reason, that the Government determined to accede to Mr. Montclar's application for a grant, which would have freed him from Messrs. Arbuthnot's hands, would have allowed him to recover from his losses, and place him in a position to pay back the advances of Government.

I would here observe that, had I consented to the proposals of Messrs. Arbuthnot and Co., and Mr. Boyson, I should altogether have precluded the possibility of my repaying to Government the amount of their advances, for I was to hand over to Messrs. Arbuthnot the Rupees 30,000 immediately I receive them from Government, for which, I was to receive a ruined estate of 475 acres! . . already mortgaged to Government!!

This will prove beyond a doubt the fallacy (to make the best of it) of Mr. Boyson's opinion, as to the value of my security. Either Mr. Boyson is very very innocent, or any thing but scrupulous, he would have me obtain a loan from Government, knowing at the same time, that I should be unable to repay it!! . .

He, who was so particular in securing the Government, and who condemned my security as insufficient, would have me execute in favor of Government a mortgage worth nothing, for the soil, water, (etc.) which I should mortgage, are already the property of Government. The crops, representing the real value of the estate, having been destroyed, and I am unable to reproduce them! . .

I need say nothing more, I lay these facts before the Government of your Excellency, and leave my case in your hands, trusting to receive the impartial treatment which always characterise your Excellency's decision.

No. 9. ORDER THEREON, 3rd January 1860, No. 3.

1. The Government have already definitively declined to make Mr. Montclar the loan which he solicited.

2. The greater part of this letter is taken up with charges against Mr. Boyson of not dealing fairly towards the Government. The Governor in Council sees no reason to take up the investigation of these charges.

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

Copy in a letter to Aug 26
 of 18th May/60. 1846.

Revenue 1839 Copy
 No. of Govt. 10th May/60.
 No 2412

From A. Johnston Esq

Noted 20? November 1839
 Dec 21st

Advise for the form
 - add consideration of the
 - and certain practice:
 - hard connected with
 the advance of money
 sought by him.

With one letter
 of 3.3.3? January/60.

Johnston Esq
 No 3

1. The Government have
 already definitely decided to
 make the alteration the loan
 which he solicited.

2. The greater part of
 this letter is taken up with
 charges against Mr. Boyce
 & not dealing fairly towards
 the Government. The Governor
 in Council also we reason to
 take up the investigation of
 these charges.

Noted 24th Jan 2
 3rd Jan 1860

Copy to A. Johnston Esq

Handwritten signature

MS 49

Handwritten mark