M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1121. 1122.	Press / ~~Mis.~~
388. 398	
Dated 21 — 5 — 1862.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 21st May 1862.

No. 388. Read the following Proceedings of the Board of Revenue, dated 17th April 1862, No. 2,546:—

Read the following letter from W. FISHER, Esq, Collector of North Canara, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Honore, 29th March 1862, No. 28.

SIR,

1. I have the honor to report the following circumstances for the information of the Board, and request that they will be pleased to obtain sanction for the disbursement of Rupees 77-8-0, being extra rent for the Dispensary at Honore, at the rate of Rupees 2-8-0 per mensem from the 1st August 1859 to 28th February 1862; and further recommend the payment of Rupees 8-8-0 per mensem, as rent for the building in question from the last mentioned date, and for such period as it may continue to be occupied as a Government Dispensary.

2. The building was hired from the 1st July 1856, at a rent of Rupees 6 per mensem, and this rate of rent was, it appears, sanctioned by Government on the 23rd July 1856, the sanction being communicated to the Collector in the Board's orders, dated 7th August of that year.

3. This rent was paid up to 8th April 1858, to one Bhaskar Joishy, from whom the building was hired.

4. On the following day the building was sold under a decree of Court, and on the 29th July 1859, more than a year afterwards, one Andrew Saldanna put in a claim for rent for this building at the rate of Rupees 8-8-0 per mensem from date of purchase.

5. On this and subsequent occasions references were made to the Honore Tahsíldár, and to South Canara also, for the original agreement, but it could not be found; and the owner of the building, who had never drawn the sanctioned rent, filed a suit for the rent at Rupees 8-8-0 from date of purchase.

6. In point of fact there ought to have been no difficulty about the matter, as the claim made is fair and moderate, and the former agreement terminated when Bhaskar Joishy's mortgage on the building was satisfied. Unfortunately the fact that the building was rented from the mortgagee was overlooked, and under the impression that the agreement would show that Government was entitled to hold the building at a rent of Rupees 6 per mensem, a fruitless search was made for that document.

7. On notice of action being received, the circumstances above stated came to light, and as it was clear that the purchaser of the Dispensary was entitled to raise his rent, or require that the building should be vacated; and the rent asked was moderate and fair, I proposed, should the plaint be withdrawn, to recommend the payment of enhanced rent at Rupees 2-8-0 per mensem, not from date of purchase, but from that on which the claim was made.

8. To this arrangement Plaintiff consented, and the plaint having been withdrawn, I have made this application. In the event of objection being made to my proposition, I of course hold myself responsible to the owner of the building for the back rent claimed in excess of the sanctioned amount.

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1. Resolved that the above letter be submitted for the consideration and orders of Government, with the Board's recommendation that under the Collector's explanation, he may be authorized to disburse to the owner of the building in question Rupees 77½, being the aggregate amount of extra rent due to him at 2½ Rupees per mensem for the two years and seven months, commencing 1st August 1859 and ending 28th February 1862, provided the charge can be met from his Budget Estimate.

2. The circumstances under which the building was rented at 6 Rupees per mensem for a Dispensary at Honore were fully explained in the Board's letter to Government, No. 2,402, dated 16th July 1857, and it is considered unnecessary to recapitulate them here, but the Board will merely observe that the sanction of Government was accorded to the arrangement in Extract from Minutes of Consultation Public Department, No. 1,006, dated 23rd July 1857, and not 1856 as is incorrectly stated in paragraph 2 of the Collector's present letter.

In Cons. 7th August 1857, No. 3,006.

3. The rent to be paid for the building from 1st March of the current year is Rupees 8½ per mensem, and for the payment of this amount monthly, pending the transfer of the District to the Bombay Presidency, the sanction of Government is requested.

4. The Board cannot but view with much dissatisfaction the excessive delay which has occurred in disposing of the claim now admitted; but in the disposal of which, as the Collector states in paragraph 6, there should have been no difficulty whatever had proper inquiries been instituted in the matter when the claim was first raised in July 1859.

(A true Copy and Extract.)

(Signed) R. A. DALYELL, *Sub-Secretary.*

No. 389. ORDER THEREON, 21st May 1862, No. 1,121.

1. The Government concur with the Board and had the District of North Canara not been transferred to Bombay, would have sanctioned the proposed disbursements. The matter must now be referred to the Bombay authorities.

2. The Government remark that the Board's Proceedings though dated 17th April were only despatched on the 1st May. The Board will prevent such inordinate delays in future.

(Signed) J. D. SIM,

Secretary to Government.

Ordered that the following letter be despatched:—

No. 390. From J. D. SIM, Esq., Secretary to the Government of Fort Saint George, to the Secretary to the Government of Bombay, dated 21st May 1862, No. 1,122.

SIR,

I am directed to forward for the consideration and orders of the Government of Bombay, the accompanying Proceedings of the Board of Revenue, dated 17th April 1862, No. 2,546, submitting a letter from the Collector of North Canara regarding the rent to be paid for a building at Honore in that District, occupied as a Government Dispensary. The order of Government on these papers also accompanies.

No. 2,546.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 17th April 1862.

Read the following letter from W. FISHER, Esq., Collector of North Canara, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated Honore, 29th March 1862, No. 28:—

1. I have the honor to report the following circumstances for the information of the Board, and request that they will be pleased to obtain sanction for the disbursement of Rupees 77-8-0, being extra rent for the Dispensary at Honore, at the rate of Rupees 2-8-0 per mensem from the 1st August 1859 to 28th February 1862; and further recommend the payment of Rupees 8-8-0 per mensem, as rent for the building in question from the last mentioned date, and for such period as it may continue to be occupied as a Government Dispensary.

2. The building was hired from the 1st July 1856, at a rent of Rupees 6 per mensem, and this rate of rent was, it appears, sanctioned by Government on the 23rd July 1856, the sanction being communicated to the Collector in the Board's orders, dated 7th August of that year.

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4. On the following day the building was sold under a decree of Court, and on the 29th July 1859, more than a year afterwards, one Andrew Saldanna put in a claim for rent for this building at the rate of Rupees 8-8-0 per mensem from date of purchase.

5. On this and subsequent occasions references were made to the Honore Tahsildar, and to South Canara also, for the original agreement, but it could not be found; and the owner of the building, who had never drawn the sanctioned rent, filed a suit for the rent at Rupees 8-8-0 from date of purchase.

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7. On notice of action being received, the circumstances above stated came to light, and as it was clear that the purchaser of the Dispensary was entitled to raise his rent, or require that the building should be vacated; and the rent asked was moderate and fair, I proposed, should the plaint be withdrawn, to recommend the payment of enhanced rent at Rupees 2-8-0 per mensem, not from date of purchase, but from that on which the claim was made.

8. To this arrangement Plaintiff consented, and the plaint having been withdrawn, I have made this application. In the event of objection being made to my proposition, I of course hold myself responsible to the owner of the building for the back rent claimed in excess of the sanctioned amount.

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1. Resolved that the above letter be submitted for the consideration and orders of Government, with the Board's recommendation that under the Collector's explanation, he may be authorized to disburse to the owner of the building in question Rupees 77½, being the aggregate amount of extra rent due to him at 2½ Rupees per mensem for the two years and seven months, commencing 1st August 1859 and ending 28th February 1862, provided the charge can be met from his Budget Estimate.

2. The circumstances under which the building was rented at 6 Rupees per mensem for a Dispensary at Honore were fully explained in the Board's letter to Government, No. 2,402, dated 16th July 1857, and it is considered unnecessary to recapitulate them here, but the Board will merely observe that the sanction of Government was accorded to the arrangement in Extract from Minutes of Consultation Public Department, No. 1,006, dated 23rd July 1857, and not 1856 as is incorrectly stated in paragraph 2 of the Collector's present letter.

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3. The rent to be paid for the building from 1st March of the current year is Rupees 8½ per mensem, and for the payment of this amount monthly, pending the transfer of the District to the Bombay Presidency, the sanction of Government is requested.

4. The Board cannot but view with much dissatisfaction the excessive delay which has occurred in disposing of the claim now admitted; but in the disposal of which, as the Collector states in paragraph 6, there should have been no difficulty whatever had proper inquiries been instituted in the matter when the claim was first raised in July 1859.

(A true Copy and Extract.)

Sub-Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to W. A. Goldfinch, Esq., Acting Collector of North Canara.

Exd. J. Wright.

Dated 17th April 1862.
Despatched, 1st May —
Received, 2 —

No. 2,546.

Submitting for orders letter from the Collector of North Canara regarding rent for the Dispensary at Honore with the Board's recommendation that the Collector be authorized to disburse the amount of arrears of rent due up to February 1862 and requesting sanction for the payment of a monthly rent of Rupees 8½ from 1st March 1862.

Read 1862. Department.
Rec'd of Govt Bombay
No. 1264.

PROCEEDINGS OF THE BOARD OF REVENUE.

N-1122
W-1122.

To

The Secretary to the
Govt of Bombay,

Sir,

I am directed to ~~forward~~ for the consideration and orders of the Govt of Bombay the accompanying Proceedings of the Board of Revenue dated 17 April 1862 No 2546 submitting a letter from the Collector of North Canara regarding the rent to be paid for a building at Honore in that district occupied as a Govt Dispensary. The Order of Govt on these papers ~~of this date~~ also accompanies. —

Fort St. George
21st May 1862

To Bombay Govt.

Rent to be paid for a building at Honore in N. Canara occupied as a Govt. Dispensary.

Revenue 1862 Deptt.
Pro: of Govt for May
No. 1122.

To
The Secretary to the
Govt. of Bombay
Dy 21st May 62.

No 390.

Forwarding for the consideration and orders of Bombay Government papers relating to the rent to be paid for a building at Honore, N. Canara Dist. occupied as a Government Dispensary.

20-5/62