M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1705 Press ~~Mis.~~

411.412

Dated 22-7-1865.

Not to be folded or roughly handled

No. 411. Read the following Proceedings of the Board of Revenue, dated 19th July 1865.

Read the following letter from E. B. FOORD, Esq., Acting Collector of Ganjam, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Chetterpore, 30th June 1865, No. 936 :—

SIR,

1. With reference to the Board's Proceedings of the 2nd instant, communicating the Order of Government, No. 1,076 of the 22nd ultimo, I have the honor to report that the Plaintiff therein alluded to refuses to accept 20 Rupees as compensation, on the ground that his house was under-valued, and requests that a similar house may be erected for him by Government in the vicinity of the land on which his house formerly stood.

2. Under these circumstances, and presuming that only *substantial* and not *exemplary* damages would be awarded in a case of this nature, no malice being alleged, it appears to me that as we are in a position to prove that only damages, amounting to the sum we have offered as compensation, have been really sustained, the Plaintiff may be put to the proof that he has sustained heavier loss.

3. His claim for the erection of a new house is quite inadmissible, for the measure of damages is the value of the old house, not the cost of a new one.

G. O. dated 22nd December 1864, No. 2,300.
" " 23rd February 1865, " 407.
" " 22nd May " " 1,076.

Submitted for the information of Government, with reference to the correspondence noted in the margin.

No. 412.

Miscellaneous.

ORDER THEREON, 22nd July 1865, No. 1,705.

The Government concur in opinion with the Acting Collector that the Plaintiff having refused the compensation offered, may be left to establish his claim to a larger amount.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Board of Revenue.

Exd. T. O'Connor.

Dr. 1705.

The Govr. concurs in opinion w.h the Assembly that the Sheff. having proved the Complaints appears ought to establish his claim by a Lawyer &c.

L.K.

22d July/65.

14 Feb. Board of Trade 22d July

27/9

Pro. 23d December 64 at 239-240
23 July — 65 — 458-459
22 May — — 381-382

Rev: 1805 Postage
Rs 1983.
Pros of Govt for Suit
Proceedings of the
Board of Revenue

Dated 19 July 1865
Recd 19
Reed 20

No 705 22 July
With Order
Submitting for in=
=formation letter from the
Ag. Collr of Sarjeepore re=
=porting that Plaintiff in
Suit No 329 of 1864 in
Berhampore Dt Munsiffs
Court, alluded to viz G.O. of
22d May 1865 No 1076 refuses
to accept 20 Rs. as compensatio
for his house pulled down by
Capt Graves.

No 411 dated

21st July 65 R 21