

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1877	Press <u>Mis.</u>
105-106. Dated	6-7-	19/8/68

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
6th July 1868.

No. 105. Read the following letter from A. MONTCLAR, Esq., C. E. :—

Submitting further circumstances in connection
with his claim to compensation for certain land } (Here enter 20th May 1868.)
taken up for public purposes in Rajahmundry. }

No. 106. ORDER THEREON, 6th July 1868, No. 1,877.

Miscellaneous.

Before disposing of this further address from M. Montclar, the Government resolve to call on the Collector of the Godavery District, with reference to paragraph 10 of Mr. Purvis's letter, dated 16th August 1858, No. 103, and paragraph 3 of the letter, dated 4th December 1858, No. 171, to report what course was pursued in regard to compensation for the 15 Acres occupied for a channel out of M. Montclar's holding of 90 Acres.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Collector of the Godavery District.
,, A. Montclar, Esq., C. E.

Ed. F. R. Bantleman.

Indes Françaises - Pondichéry, ce 20 Mai 1868.

Lettre en
triplicate.

To the Under Secretary of State
for India
at the India Office
S. W. London.

(par l'entremise du Gouvernement de Madras)
Monsieur le Sous-Secrétaire d'Etat,

Dans la Dépêche du très-Honorable le Secrétaire
d'Etat for India à son Excellence le très-
Honorable le Gouverneur du Port Saint Georges
en Conseil, datée de l'India Office, Londres
16 août 1867 N° 241, je remarque au paragraphe
2. cette décision spéciale, sans l'observation
de laquelle mes réclamations ne sauraient être
reprises à nouveau en considération d'une
manière efficace par le British Home
Government.

Cette décision spéciale est celle-ci :
"Her Majesty's Government would also be very
reluctant to disturb any decision arrived at
seven years before, and sanctioned by the Govern-
ment at Home unless some new circumstances
were brought to notice which the authorities at
home or abroad had not had the opportunity
of considering."

La position exceptionnelle présente des particularités
et des circonstances si variées qu'il est facile de
trouver "des cas non examinés" qui n'ont jamais
été examinés, et qui assurément doivent amener le
Gouvernement de S. M. Britannique à prendre
sérieuse considération mes plaintes si légitimement
fondées contre le Gouvernement de Madras.

Il s'agit d'être bref, mais précis, car comme cette
malheureuse affaire remonte à dix ans de
date, ce serait l'embrouiller que de citer
toutes les nouveautés non examinées qui s'y

Il rapportent.
Monsieur le Sous-Secrétaire d'Etat je me bornerai
simplement à citer un seul fait qui démontre
une circonstance nouvelle très-curieuse et très-
importante à considérer.
Ce fait aussi positif que décisif, se trouve mentionné
dans le N° 25 Order there on dated 25th June
1858 N° 877, dont ci joint est la copie.
Ainsi donc voici la preuve qu'une certaine portion
de mes terres, a été prise pour faire des Canaux
(Voir le paragraphe 3)
J'avais 90 acres de terres à Valagathoodo, et ce
fait que 15 acres ont été réduits à 75 acres par le
fait que 15 acres ont été pris par des Canaux
qui a fait ces Canaux ?
Est-ce moi Monsieur Montclar ou le Gouvernement ?
C'est le Gouvernement qui pour tirer profit de la
distribution d'irrigation de son irrigation, a pris
15 acres de mes terres pour Canaux et ne m'a
jamais indemnisé de cela d'abord.
Non seulement le Gouvernement ne m'indemnisait
pas pour prendre ces terres, mais il me ruinait par
le fait qu'il mettait à ma disposition (moyens
tant pour l'usage de l'irrigation et
l'ingrédient indispensable à la culture sous le
climat tropical, l'eau !...
Ainsi il y a là un fait trop frappant pour ne pas
pour indiquer au Gouvernement local, de
s'établir dans le Delta du Godavery, pour fournir de
l'eau que j'ai payé, et que l'on ne m'a pas livré.
Voilà l'abus, et que l'on ne m'a pas livré.
paragraphe par lui on voit ma ruine. Un Canal qui m'obligeait,
qui vont lécher mon ventre précieux
A. L'irrigation !...
B. La force motrice hydraulique !...
Le Gouvernement de Madras a donc été le "tentateur"
qui

qui ayant une marchandise précieuse à vendre à propager
est venu me séduire pour m'induire à créer dans le Delta
du Godavery une culture importante.
Pour parvenir à me tenter, à me séduire les officiers du
Gouvernement violaient mes 90 acres et en sacrifiaient
15 acres. Voici un point d'une trop haute importance
pour ne pas être examiné consciencieusement par le
Gouvernement de S. M. Britannique, s'il a le bon réel
des rendre justice à qui de droit et surtout en consi-
deration du paragraphe 4 de ce même Order there on
N° 877 dated 25th June 1858 qui dit : - "It is par-
ticularly desired that the information called for by
Government, may be furnished forthwith and the Board
of Revenue will be good enough to expedite the
enquiry which need not be a very detailed one."
Evidemment pour qui veut connaître la vérité il y a
ici une autre circonstance si non nouvelle, mais
moins bien remarquable pour savoir pourquoi la chose
au lieu d'avoir été expédiée rapidement, a duré dix
années de 1858 à 1868.
Son Excellence Lord Harris en Conseil exprimait le désir
que l'affaire fût arrangée et conclue au plus vite, par
le motif que Son Excellence avait été informée que
toute mon entreprise pouvait être ruinée totalement
si le Gouvernement ne venait en aide immédiatement
à ma question spéciale de Culture. Son Excellence
Lord Harris en Conseil exprimait le désir de rendre justice
à ma cause de lui venir en aide et non de la ruiner !...
Ce sentiment de Justice était si clairement prononcé que
le para 3 dit : "M^r Montclar states that a certain
portion of his land has been taken up for Channels. It
is not however clear if he asks remission or not for
this portion."
Cette question de remission ou non n'a jamais été touchée, ni
en droit ni en équité et il m'importe beaucoup que
cette circonstance nouvelle soit approfondie.
Pour la faciliter je dirai que lors de mon malheur une
augmentation de terre soit par acquisition ou remission n'
m'était d'aucune utilité, car si j'avais eu une culture
plus étendue que celle de 75 acres, mon désastre manufacturé
eût été plus grand et de même mon désastre manufacturé
car du moment que l'eau manquait à mon usine
pour manipuler mes 75 acres que serait devenue ma
perte, si j'avais eu à manipuler plus ? ? ?... Il y a
dans ma cause tant de choses exceptionnelles, et de
sympathiques, qu'il faut être un aveugle pour ne pas les

les voir, les saisir et les comprendre. — Qual est l'homme qui
 porte en son cœur le sentiment de la justice qui ne puisse
 voir une exception hors ligne en ma faveur. Dans cette seule
 résolution du Gouvernement de Madras. — "As Mons."
 "Montclar is stated to be the first person who has erected a
 water wheel of 30 horses power in the Delta of the Godavary
 the Right Honorable the Governor in Council is pleased with a
 view to encourage Enterprise of this character to accord to the
 recommendation of the local authorities supported by the
 officiating Chief Engineer and the Board of Revenue that Mr.
 Montclar be permitted to pay for the next 10 years only
 half the full rate for the water used on his press 7 1/2 per
 cent power per annum being the rate conceded in extract
 from the minutes of Consultation of the 18th June 1858
 N: 999 to the Natchumudy Cotton Spinning Company
 a true extract

Comment donc ?
 with a view to encourage Mr. Montclar on present
 1° Une portion de mes terres sans m'indemniser !
 2° De cette portion de mes terres, on fait un canal principal, qui
 doit me fournir moyennant paiement
 A. l'eau d'irrigation pour la culture
 B. l'eau pour la force motrice
 Je paye et je n'obtiens pas l'eau !... Par ce fait je suis
 ruiné et d'une manière compliquée !
 La complication archi-compliquée vient de la part du
 Gouvernement de Madras depuis le commencement
 de la transaction.
 Dans l'assurance qu'un examen nouveau amènera la justice
 on de la décision prise à mon égard, et que justice
 me sera enfin rendue, j'ai l'honneur de m'inscrire
 Monsieur le Sous-Secrétaire d'Etat
 Votre très-humble serviteur
 A. Montclar
 Ingénieur Civil à
 Pondichéry
 Indes-Françaises

Revenue 1868. Opts.
Rs. of Govt for July
1870

From
A. Montclar Esq.
Civil Engr.
Pondicherry

Dated 20th May. 3 1868
Received 1st June 7

R^d. - 27-68.
H^d. - 45-68.
H^d. - 45-68.

S. Govt 1877-6 July

Submitting further
circumstances in
connection with his
claim for compensation
for certain land
taken up for public
purposes in Rajah
Mandir

N^o. 105

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Translation.

From Mr. A. Montclar, C. E., Civil Engineer at Pondichery, French India, to the Under Secretary of State for India at the India Office, S. W. London, dated French India, Pondichery 20 May 1868.

(through the channel of the Govt. of Madras.)

In the Despatch from the Right Honorable the Secretary of State for India to His Excellency the Right Honorable the Governor of Fort Saint George in Council, dated India Office, London, 16 August 1867, N^o 24, I observe this special decision, without compliance

compliance with the
requirements of which,
my claims cannot be
re-considered, owing
to the effective
manner, in which my
case had already
been dealt with by the
British Home Court.

This special decision is as follows:-

"Her Majesty's Court
would also be very
reluctant to disturb
any decision arrived
at seven years before,
& sanctioned by the
Court at Home, unless
some new circumstances
are brought to notice,
which the
authorities at home
or

6
"or abroad had not
"had the opportunity
"of considering."

My exceptional
case presents peculiarities & circumstances
so varied that it
is easy for me to produce
"several new circumstances", which
have never been considered,
& which assuredly ought to induce
the Court of Her Britannic Majesty
to take into serious consideration
my complaints, so
legitimately grounded
against the Court of
Madras.

It is necessary to be
brief, but precise; for,
as

as this unhappy affair refers to a period two years back, it will lead to confusion to cite all the new circumstances, not considered, which relate to it.

Mr. Under Secretary of State, I will confine myself only to bringing forward one single fact, which exhibits a new circumstance very curious & very important for consideration.

This fact, as positive as decisive, is mentioned in N^o 25, Order thereon, dated 25th June 1858 N^o 877 a copy of which is annexed. Here then is

is the proof that a certain portion of my lands were taken to make canals (see paragraph 3.)

I had 90 acres of land at Talagathoodoo, & these 90 acres were reduced to 75, by the fact that 15 acres were taken for the canals.

Who made those canals?

Was it I, Mr. Montclair, or the Govt.? It was the Govt. who, in order to obtain a profit ^{by the} arterial distribution of its irrigation, took 15 acres of my land for canals, but, from the first, never indemnified

indemnified me for them.

Not only did the Govt. of Madras not indemnify me for taking my lands; but it has ruined me by the fact that it offered for my use (on payment of so much for the irrigation & as much for the supply of the hydraulic motive power) the indispensable ingredient for cultivation in a tropical climate, water!

Thus there is here a fact too striking to escape notice. The officers of the local Govt., in order to induce a stranger to attempt to

to establish himself in the Delta of the Godavery made a special canal to furnish what? To furnish water for which I had paid, but which they did not deliver to me!! Behold the cause of my ruin — a canal, which dag-gled me, because by it I would be provided with the two precious treasures, which would develop my enterprise:—
A — irrigation!
B — the hydraulic motive power!

The Govt. of Madras was the "tempter", who, having a precious commodity to sell, to propagate, had seduced me

pleased to state that I was
seduced me by induc-
ing me to introduce
an important culti-
vation into the Delta
of the Godavary.

In order to succeed
in tempting me, in
seducing me, the Of-
ficers of Govt. intrud-
ed on my 90 acres, &
sacrificed 15 acres.

Here is a point of too
great an importance
not to be conscientious-
ly considered by the
Govt. of Her Britan-
nic Majesty, if it has
a real desire to render
justice to whom it may
concern, & especially in
consideration of para-
graph 4 of the same or-
der thereon N^o: 877 dat-
ed 25th June 1858, which
says:—"It is particular-
ly desired that the in-
formation

information called for
"by Govt. may be fur-
nished forthwith, & the
"Board of Revenue will
"be good enough to ex-
pedite the inquiry, which
"need not be a very de-
tailed one." Incidentally
for one who wishes to know
the truth, there is ano-
ther circumstance, which,
if not new, is at least
sufficiently remarka-
ble to require inquiry
why the thing, instead
of having been quickly
expedited, was protract-
ed over ten years, from
1858 to 1868.

His Excellency
Lord Harris in Coun-
cil expressed a wish
that the matter should
be arranged & brought
to a conclusion very
expeditiously

Expeditionoly, because
His Excellency had
been informed that
all my enterprise
would be totally
ruined, if the Govt.
did not come prompt-
ly to the succour, with
reference to the peculiar
nature of my cultiva-
tion. His Excellency
Lord Harris in Coun-
cil expressed a wish
to do justice to my
case, to come to my
help, & not to my
ruin! This sentiment
of justice was clearly
pronounced in para-
graph 3: - "Mr. Mont-
clair states that a
"certain portion of
"his land has been
"taken up for chan-
"nels. It is not, how-
"ever, clear if he asks
remission

10
"remission or not for
"this portion."

This question of re-
mission has never
been touched either
as regards law or e-
quity, & it is of much
importance to me,
that this new cir-
cumstance should
be thoroughly exami-
ned.

In order to facilitate
the enquiry, I will
state that at the time
of my misfortune, -
an augmentation
of land, either by
acquisition or remis-
sion, would have
been of no utility
to me; for if I had
had a plantation
more extensive than
~~that~~ one

one of 75 acres, my
disaster in the culti-
vation would have
been very great, &
so would have been
my disaster in the
manufacture; for,
at the crisis when
the water failed
at my factory,
for working up the
produce of my 75
acres, what would
have been my loss,
if I had to mani-
pulate a larger
produce ??? There
are in my case so
many exceptional
circumstances & so
sympathetic, that
one must be blind
not to see them, to
grasp

grasp & comprehend
them. Where is the
man, with a senti-
ment of justice in
his heart, who can-
not see an exception
without parallel in
my favor, in this sin-
gle resolution of the
Govt. of Madras:-
"As Mr. Montclau
"is stated to be the
"first person, who has
"erected a water-wheel
"of 30 horse-power in
"the Delta of the Ho-
"davery, the Right
"Honorable the Gover-
"nor in Council is
"pleased, with a view
"to encourage enter-
"prise of this charac-
"ter, to accede to the
"recommendation
of

" of the local authori-
" ties, supported by the
" Officiating Chief En-
" gineer & the Board
" of Revenue that Mr.
" Montclaro be permit-
" ted to pay, for the next
" ten years, only half the
" full rate for the water
" used, or Rs 7½ of horse
" power of annum, being
" the rate conceded in
" Extract from the Mi-
" nutes of Consultation
" of the 18th June 1856,
" N^o. 999 to the Rajah-
" mundry Cotton &
" Spinning Co^{ys}.

" a true Extract
" (Signed) J. Pycroft
" Chief Secretary."

Why?

Why?

With a view to encour-
age Mr. Montclaro,
they take:-

- 1^o: A portion of my
land without in-
demnifying me!
- 2^o: Of this portion of
my land, they make
a main channel,
which is to provide
me (on payment)

- A. Water for irrigating
the plantation,
- B. Water as the hy-
draulic power.

I pay & do not ob-
tain the water! By
this circumstance, I
am ruined & in a
complicated way.
The complication, is
worse complicated,
arose from the ac-
tion.

action of the Ma-
dras Govt. from the
commencement of
the transaction.

In the assurance
that a new exami-
nation will lead to a
revision of the decision
given in my case, &
that justice will at
last be done me, I
have the honor to
subscribe myself,
Mr. Under Secretary
of State, Your most
humble servant.

True translation
J. W. Lyons.
French Translator.
4-7-68.

1877

Amst
Council
20. June 1868

Proceedings of the Madras Govt.

Under date the 6th July 1868

Read the following
letter from M. Montclar

Submitting further circum-
stances in connection with his claim
to compensation for certain land
taken up for public purposes in
Rajahmundry.

(Received 20 May 1868.
H^o)

Before disposing of this
further address from M.
Montclar, the Govt. resolve
to call on the Coll^r of
the Godavery district, with
reference to para 10 of
M^r Purvis's letter, dated
16th August/58 H^o 103, and
para 3 of the letter dated
4th December/58 H^o 171,

To be kept in the
R.G.O. - 6th July/68
N^o 105-106

to report what course was
pursued in regard to
compensation for the 15
acres occupied for a
channel out of M.
Montelari's holding of 90
acres.

L.A.

1 Copy to the Colony of the Godavery & Deccan.

Copy to M. Montelari.

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G. H. Hall

Revised to Aug 22 1869
No 17 Dec

Mr. H. H. H. H. H.

Revenue 1868 before
No of Govt for July

No 1877

No of the Revenue Govt
of 6 July 1868

From Collection of
12 Oct 1868 CM 1328

No 105-108

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