

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 220	Press Mis.
<u>457-458</u>	
Dated 25.12 January 19869	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
25th January 1869.*

No. 457. Read the following Proceedings of the Board of Revenue, dated 10th December 1868, No. 8,676 :—

Read the following letter from Messrs. ARBUTHNOT & Co., to the Acting Secretary to the Board of Revenue, dated Madras, 9th December 1868. No. 8,676 :—

1. In a Suit which has been brought against our Firm by Mr. A. Montclar in a Pondicherry Court, whose jurisdiction we deny, but in which, nevertheless, we have been obliged to appear as defendants, it would appear that some Order of the Board of Revenue, based, we believe, upon a letter from the Collector of the Rajahmundry District, and of date April 1859, has been accepted by the Court as conclusive evidence upon one of the points in dispute, namely, the ownership asserted by Mr. Montclar and denied by ourselves, in a Sugarcane Plantation of 75 Acres or thereabouts.

2. It does not seem necessary that we should state in this place the grounds upon which our argument, or to speak more correctly, the argument of our former Firm, in regard to this matter, rested, but we append an Extract from the Pondicherry Court's Judgment, shewing the importance that has been attached by that tribunal to the Order referred to.

3. It appears to us highly improbable that it ever was, or could have been, the intention either of the Collector or of the Board to give expression to any authoritative statement, such as could be accepted in a Court of Law as evidence, with regard to the ownership of the land.

4. We request, however, that the Board will be so good as to let us know, after examination of the records, what legal significance attaches to them, and further, that we may be furnished with copies of any orders bearing on the subject which may tend to its elucidation. There is correspondence in our office which shews, that the Proceedings referred to arose out of an application by Mr. Montclar to this Government for an advance of funds on easy terms for the furtherance of his agricultural operations; and that the application, although favorably entertained in the first instance, was ultimately declined.

Qu'il était si bien propriétaire des soixante-quinze Acres, après la Convention de mille huit cent cinquante-sept, que l'on voit le vingt-neuf Avril mil huit cent cinquante-neuf, le bureau des revenus du gouvernement de Madras, propriétaire foncier de toutes les terres de la présidence, reconnaître, sur le rapport du Collecteur, que la plantation des soixante-quinze acres était la propriété personnelle de M. Montclar, mais hypothéquée à M. M. Arbuthnot et Cie. (pièce No. 158, doss. M.);

Que ce dernier document, qui précise d'une manière si nette la situation des parties à l'égard des soixante-quinze acres, ne peut être contesté par les défendeurs.

THE Board have no objection to furnish Messrs. Arbuthnot & Co. with copies of their Proceedings and of the Collector's letters on the subject referred to, and they see no objection to the Orders of Government on it being also granted, but for this the sanction of Government is necessary, and should be applied for direct.

*Proceedings of the Madras Government, Revenue Department,
25th January 1869.*

2. The correspondence related to a loan which Mr. Montclar was desirous of getting from Government on the security of certain land which he stated belonged to him, though mortgaged to Messrs. Arbuthnot & Co.

3. There was no judicial inquiry into the matter. Mr Montclar's own *ex parte* description of his interest in the land was accepted without formal investigation, the object of Government being merely to ascertain whether he could give sufficient security for the loan, and as it appeared that he could not do this, the loan was not granted.

4. The French Authorities are consequently mistaken in supposing that Mr. Montclar's title to the land was legally established by this correspondence to which Messrs. Arbuthnot & Co. were no parties.

No. 458.

ORDER THEREON, 25th January 1869, No. 220.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) H. WIGRAM,
Acting Under Secretary to Government.

To the Board of Revenue.

Ed. G. A. Turton.

Per = 1863. Department.

No. 3917.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 10th December 1863.
Received 15th Dec 1863.

No. 8,676.

Mr. Montclar's application for a loan from Government on security of certain land.— Correspondence relative to—, will be furnished on obtaining sanction of Government.

RECORDED.

8-220.

W.H.
M.H.

25th Jan 1864

16 Jan 1864

26th Dec 1863

Cont. of 11869, 20th Dec.

REVENUE.

THE BOARD OF REVENUE.

10th Jan 1864.

Recd.

G. O., 25th January 1864, No. 220.

JANUARY.

Nos. 457-458.

Mr. Montclar's ownership in certain land in Godavery District.—Board's Proceedings on Messrs. Arundel & Co.'s application for a copy of the correspondence in this case, recorded.

in Goldsberry District.—Board's Proceedings on
Messrs. Applehut & Co.'s application for a copy of
the correspondence in this case, recorded.