Revenue Department

Minutes of Consultations

16th June 1857

Book Numbers 1-2

Order No. 570 dated 10th June 1857

27-Sheets

பாதுகாப்புப் பிரிவு-1

செப்பனிடுபவர் பெயர் கி. லோகநாதன்

செப்பனிடுவதற்கான
எடுத்துக் கொள்ளப்
பட்ட நாள் 17/06

செப்பனிட்டு முடித்த நாள் 11/06

சரிபார்க்கும்
முதல் மு.நி.பா.எ.
கையொப்பம்

சரிபார்க்கும்
2-ம்-மு.நி.பா.எ.
கையொப்பம்

ஆராய்ச்சி
உதவியாளர்
கையொப்பம்

No. 1. Read the following Extract from the Minutes of Consultation in the Military Department, dated 24th February 1857, No. 609.

Read the following Papers.

Extract from the Minutes of Consultation Revenue Department. *Referring Extract from the Proceedings of the Board of Revenue, submitting for the consideration of Government the case of certain owners of houses situated in the Parcherry of Vizagapatam who complain of encroachment on their rights consequent on the establishment of Military authority in that quarter of the Town.*	(Here enter 21st November 1856, No. 1243.)
From the Quarter Master General of the Army. *Refers to Extract Minutes Consultation Revenue Department, dated 21st June last, No. 1243, and submits for the information of Government a report upon the long disputed question of the limits of the Parcherry at Vizagapatam with certain observation thereon.*	(Here enter 21st February 1857, No. 58.)
From do. do. *Forwards in connection with a letter to Government of this date regarding the Parcherry at Vizagapatam copy of a letter from General Tulloch on the same subject, though on a different branch which was detained until report on the Petitions could be forwarded.*	(Here enter 21st „ „ „ 59.)

Communicated to the Revenue Department.

(Signed) C. A. BROWNE, Colonel,
Secretary to Government.

No. 2. ORDER THEREON, No. 570; dated 10th June 1857.

1. The above Extract refers two letters* from the Quarter Master General of the Army, in reply to the explanation furnished by the Collector of Vizagapatam in his letter of the 4th September 1856,† on the subject of placing the Parcherry at that station under Military jurisdiction. As the question has involved some correspondence, the Government find it necessary before passing orders on it, to take a brief view of the case, as it stands at present.

2. The "Parcherry" as it is called of Vizagapatam, would appear to be a small spot of ground, immediately outside the north wall of the fort, and adjoining the large pettah, or native town. It is chiefly occupied by the married soldiers of the Veteran Battalion, garrisoning the fort; and extends, as far as their location is concerned, from the sea on the east, to the high road issuing from the north gate of the fort, and leading in a northerly direction to Waltair. It is also occupied by a few civilians and natives, as well as by pensioners and families of deceased soldiers, who may be considered virtually civil, from their disconnection with active military service. And, if the Military boundary line were to extend across the Waltair road to the backwater on the west, as is shewn in red dots in the plan submitted with Mr. Smollett's letter of the 4th September 1856, it would take in the houses of other civil residents, and among them the residences of shipowners with their docks, and those of the native ship builders.

* *21st February 1857, Nos. 58 and 59.*

† *Communicated with Revenue Board's Proceedings, 3d November 1856, No. 3623.*

E. M. C. 12*th February* 1856, *No.* 163.

* *From General Commanding N. D. to Quarter Master General,* 18*th May* 1855, *No.* 266. *In Military Extract Minutes Consultation* 12*th June* 1855.

† *From Col. Reid* 4*th June* 1855, *No.* $\frac{21}{164}$.

‡ *From Comr. N. C.* 5*th Sept.* 1855, *No.* 109.

3. The proposal to place the Parcherry of Vizagapatam under Military authority, arose on an application from the Roman Vicar Apostolic, for a certificate for a house and premises within the limits of the Parcherry. It was then urged by the Major General Commanding the Northern division of the Army,* that many houses within the parcherry were already owned and occupied by non-military persons; and it was proposed by the Quarter Master General† that the possession by the non-military, of buildings within the parcherry, should be subject to the condition of their being at all times available for the veterans. The Commissioner in the Northern Circars, to whom the subject had been referred, objected‡ to the condition, as likely to be harsh in its operation in some cases; and thought that the object in view would be sufficiently met, by making a register of the houses then available, and buying up others when practicable. He also reported that the 132 houses in the parcherry, were owned and occupied as follows.

As to Proprietorship.

	30	Houses owned by men of the Veteran Company.
	1	„ „ by a Staff Serjeant.
Military	31	
	16	Houses owned by European Pensioners.
	32	„ „ by Pensioned widows.
	53	„ „ by Civilians.
Non-Military	101	

As to occupation.

	49	Houses occupied by men of the Veteran Company.
	11	„ „ by Staff Serjeants.
Military, of whom 49 only are connected with the Veterans.	60	
	19	Houses occupied by European Pensioners.
	21	„ „ by Pensioned widows.
	15	„ „ by Civilians.
	17	„ Unoccupied.
Non-Military	72	

4. From the information before them at the time, the Government were led to take a view of the case, favorable to the introduction of Military authority. The points noted by them in Extract Minutes Consultation 12th February 1856, may be summed up as follows: that it appeared from the Commissioner's and Collector's letters, that the Parcherry was excluded from the permanent settlement; and was set apart for the accommodation of the men of the Veteran Battalion, who built houses on the spot, and left them to their families: that in this way, and by transfers, a number of houses had passed to parties not connected with the army: that this alienation took place largely after the removal of the Veteran Artillery to Palaveram in 1846: that no condition was attached to the original allotment of the ground; but that it seemed selfevident that the condition as to its being always available for military purposes, was to be understood as implied; since without such condition, the object of Government in having assigned the land would be frustrated, as each allotment would be liable, on death or removal of the occupant, to be permanently alienated from its proper purpose: lastly, that the sole interest

of the holders of allotments was that of occupants, or tenants of the ground, while stationed at Vizagapatam; so that no party could pass or alienate the land, but only the buildings he might have erected on it; the heir or purchaser, occupying or letting it, only according to the orders of the Military authorities.

5. Under these views, the Government in the Extract Minutes Consultation just quoted, held that the condition required by the late Commander in Chief, to be imposed on the possession of property within the parcherry by non-military persons, was extremely moderate. The certificate applied for by the Vicar Apostolic was accordingly withheld; and the Government declared that the whole of the ground within the parcherry occupied by persons non-military, was to be held on the condition of being given up, if required, for the quarters of soldiers of the Veteran Battalion, or for other Military purposes. This was ordered to be notified; and the removal of certain huts, considered detrimental to the healthiness of the station, was allowed; compensation being authorized, though not as a right.

Mily. Ex. M. C. 1*st October, and Rev. Ex. M. C.* 1*st Nov.* 1856, *No.* 1161. *Board's Proceedings* 3*d November* 1856.

6. When on a subsequent recommendation of the Military authorities, the sum of Rupees 1,450 was authorized as compensation for the demolition of these huts, and the Revenue authorities were directed to carry out the improvements, the Board of Revenue laid before Government a letter from Mr. Smollett, entering very fully into the question whether the Vizagapatam parcherry could be justly regarded as having been reserved for Military purposes from its establishment. On this occasion, Mr. Smollett submitted a petition from certain house-owners, complaining of the proceedings of the Military authorities, and a petition from a pensioned Serjeant Adams, remonstrating against the undervaluation of his property by the house committee appointed by the Military. The station Staff Officer had notified by public proclamation, that the parcherry had been set aside for the Veteran Battalion since 1802; but Mr. Smollett in his letter just referred to, stated that it appeared from his records, that the European Veterans did not occupy Vizagapatam until 1831. He further positively stated that the parcherry *was not excluded* from the permanent settlement, and that it was not set apart for the European Veterans; that it was an unoccupied space in 1812, after which "the followers were allowed to settle there, and to erect houses, which in process of time were chiefly built by pensioned soldiers and their women, and these properties were bequeathed to their descendants;" but that the ground was not subject in any respect to Military authority, but was exclusively under the Civil power; that it never formed portion of a cantonment, and that matters remained so until 1822. He added, that the town of Vizagapatam was excluded from the permanent settlement, because it possesses no cultivable land, has no curnum, nor revenue, except salt and sea customs, which did not form part of the assets of the permanent settlement. In 1822, Vizagapatam was made a military bazaar station, the boundaries being those shewn in dotted red lines in the sketch submitted by Mr. Smollett; and on its formation, civil control was withdrawn, civilians were warned to remove if they objected to military rule, and the spot was given up to the military for the first time, *since* the erection of the parcherry. Matters continued however in this state only for a few months; for on complaints and inconveniences arising, the order constituting the place a bazaar station was cancelled on the 23rd September 1823, and the Collector and Magistrate resumed his jurisdiction. Mr. Smollett added that Vizagapatam apparently was always considered a military post only, not a cantonment; the Military authority not extending beyond the parade, barracks, battery, and Military buildings.

7. In submitting Mr. Smollett's letter, the Board of Revenue pointed out that it was a question, "1st, whether the ground occupied by the parcherry was really reserved from the outset for military purposes; and 2dly, even supposing this to have been the case, whether after the formal abolition of the cantonment in 1823, apparently without any reservation on behalf of Government, military authority could now be justly re-established, so far at least as property *subsequently acquired* is affected by the change of jurisdiction."

8. The letters of the Board and Mr. Smollett having been referred to the Military Department, the Quarter Master General of the Army has addressed two letters to the Government, which now require to be noticed. In No. 58 of the 21st February 1856, Colonel Reid lays stress on the fact that the parcherry was constituted a Military bazar station in 1822, and

states that General Tulloch wishes to resume Military authority only to the extent then exercised; that the boundaries proposed are the same as those then determined, and that if they were necessary at that time, they are more so now, when the body of European troops and pensioners has increased. He also explains that the inconvenience which led to the abandonment of Military jurisdiction in 1823, was the establishment of a separate police authority; and that it is not now the intention to renew that inconvenience, but simply to set apart a space for the exercise of Military authority over Military persons, as in other Military bazaar stations, leaving the Magistrate free to exercise the powers vested in him. He remarks that the majority of occupants are Military, viz. 107 houses occupied by Military to 15 by non-Military, leaving 17 vacant, os that the interests of the minority should not be suffered to affect those of the majority; that the question having been once decided in favor of the reconstitution of the parcherry as a Military site, the only thing left is the definition of the limits; that the matter of the petitions submitted by Mr. Smollett forms a different subject for consideration; that the complaint of the native petitioners as to their having invested 10,000 Rupees in the erection of houses, from which they are now liable to be removed, is nothing more than any house owner in any Military cantonment is liable to; and that they discuss a question with which they have no concern, unless they own the land. With No. 59 of the same date, a letter from Mr. Knox, the Principal Assistant Magistrate, is submitted for orders. Mr. Knox is not satisfied that he can proceed legally to eject the owners of the huts proposed to be demolished, as they cannot be brought within the scope of Act XXI. of 1841, the only law on sanatary matters, either as being unlawful obstructions, or dangerous, nuisances, or as occupied by persons carrying on trades injurious to health. He thinks therefore that these huts can only be taken possession of, under Act XX. of 1852.

9. Whatever the past history of Vizagapatam, as a military post, may be, the Government observe that the record shews that its Fort and Parcherry were placed under Military jurisdiction for the first time in 1822-23, a proceeding which was abandoned after a few months' trial, in consequence of the complaints and inconveniences to which it gave rise. In their former order, the Government presumed that the parcherry had been set apart for the military, on the supposition that it was excluded from the permanent settlement; but Mr. Smollett distinctly denies that it was so excluded; and he explains how the town itself came to be excluded for that settlement, viz. because it possesses no cultivable land, and does not yield any revenue, except from Salt and Sea Customs, imposts excluded from the assets of the permanent settlement. The Quarter Master General, indeed, explains that it is not intended to renew the inconvenience of a separate police; and that all that is sought, is to have a space set apart for the exercise of Military power over Military persons. One chief exercise of Military authority would appear to be, the valuation of houses, and the determination of their rent; and the petitioners represent that their interests, as the owners of houses, are not fully considered. It is remarked by the Quarter Master General that there are 107 houses occupied by the Military, to only 15 Civil, leaving 17 vacant; but as the proposal was made in order to find accommodation at all times for the married men of the Veterans, their number only should be taken into account; and then it will be 49, and not 107, which latter number includes staff serjeants, pensioners, and widows, who are unconnected with the Veterans. Colonel Reid says that the complaint of the native house owners is nothing more than any house owner in any Military Cantonment is liable to; but it must be remembered that the house owner in a Military cantonment, erects or purchases his house with the full knowledge of the risk to which he is exposed; while in the present case, all the parties built or bought houses during the time the parcherry was in civil limits, and will be subjected to an entirely new condition, if their rents are to be fixed by a Military Committee, who are not wholly uninterested parties.

10. The removal of the huts is doubtless necessary to the health of the married soldiery; but under the circumstances reviewed above, it is a question whether it will not be better to effect the object in view by private bargain, rather than by a resort to Act XX. of 1852, as the present can hardly be considered a "*public purpose*" falling within the terms of the Act.

11. With the information now before them, Government are of opinion that it would be unadvisable to subject the parcherry of Vizagapatam to Military authority, as the evidence given militates against the supposition that the ground on which the parcherry is situated, was originally allotted by Government for the purpose; on the contrary, it rather shews, as Mr. Smollett points

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out, that the ground gradually became occupied by the men and families of the veterans, and other Europeans, without any formal assignment.

12. The system of valuing houses and fixing rents in cantonments, is objectionable, and to introduce it into a locality where if it existed at all, it could only have been but for a very short time, and at a period anterior probably to the existence of any of the present houses, would be very oppressive. As it is advisable, however, that the men of the Veteran Battalion should be kept together as much as possible, and that the site occupied by them should be clean and well ventilated, the Government think it would meet every requirement, without any interference with private rights, to buy up, as opportunities offer, all such houses or huts as may be found to interfere with the sanatary condition of the parcherry; and in cases of pressing necessity, which must be duly reported, the Government will be even willing to require the sale of such buildings at a fair valuation; but under any circumstances, to transfer the locality now to Military authority, would, they are assured, result in the inconveniences complained of in 1822.

(Signed) H. FORBES,
Acting Secretary to Government.

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Military Department.

No 1 Rec'd the 5th March

No 609.

Extract from the Minutes of Consultation

Entered the 24th February 1857.

Read the following Papers.

Extract from the Minutes of
Consultation Revenue Departt
Fort William

From the Quarter Master Genl
of the Army.

Dated the 21st February 1857.

Received the 21st Ditto

Subject Proposal for the disposal of the Old Powder Magazine at Kidderpore.

Resolved that the Quarter Master General of the Army be informed that the Old Powder Magazine at Kidderpore is not required for the Public Service, and that the Revenue Department be requested to cause the same to be sold, and the proceeds credited to the Military Department.

(Signed) C. A. Browne Colr
Secretary to Govt

To the Revenue Department
with Letters 777 & 778 to be returned

D
Dr Smith

(Here enter 21st November 1856 No 1243)

(Here enter 21st February 1857 No 58)

(Here enter 21st ——— " ——— " ——— 59)

Communicated to the Revenue

thus

Cons: 25th Novr/56 No 10411.
" 12th Febr " " 5457.
" 4th Novr " " 23424.

Revenue 1857 Departt
Dito Cons 161 June

No 210

Extract from the Minutes of Cons: in the Military Department.

Dated 24th } Feby/57
Received 26th }

2 Encls: Returned

No 609

J.E. No 370. 10th June

Communicating two letters from the Dy Mr Genl of the Army, respecting the limits of the Port Cherry at Vizagapatam. &c

No 1.

C 28 April 57 to Mr Mun C 25 Aug

Memorandum-

Proposal to place the Pareherry of Vizagapatam under Military Jurisdiction-

The Communication from the Quarter Master General of the 21st February, No. 58 & 59, referred to the Revenue Depart^t by Military Extract Minutes Consultation 24th idem, No. 609, on the subject of the above proposal, renders it necessary to take a brief view of the case, as it stands at present-

The Pareherry, as it is called of Vizagapatam is a little spot of ground, immediately outside the north wall of the fort, and adjoining the large pettah or native town. It is chiefly occupied by the married Soldiers of the Veteran Battalion Garrisoning the fort; and extends, as far as their location is concerned, from the Sea on the east, to the high road issuing from the north gate of the fort, and leading in a northerly direction to Waltair. But ther

this spot is also occupied by a few civilians and natives, as also by pensioners and families of deceased Soldiers, who may be considered virtually civil from their disconnection with active Military Service.

And if the Military boundary line is to extend across the Waltair road to the Back Water on the west, as is shewn in red dots in the accompanying plan (marked A in pencil), it would take in the houses of other civil residents and among them the residences of Ship owners with their docks, and those of the native Ship builders.

The idea of placing the pearcherry of Vizagapatam under Military authority arose on an application by the Roman Vicar Apostolic for a certificate for a house and premises within the limits of the pearcherry. It was then urged by the Major General Commanding the Northern Division of the army, that many houses within the pearcherry were already owned and occupied by non Military persons, and it was proposed that the profession

Encl: in Mr. Sims letter 4th Sept. 1855 in Board's Dis: Pc. Nov. Register — No. 1329.

Ex: Inc: 6: 12th Feby. 1856. No. 163.

From Genl. Com. 3 Mil. & Dr. Mr. Genl. 4 18 May, 55 No. 744 in Mily. Sec. 6 12 Sep. 55

From Comr. No. 6. 5th Sept. 55 — No. 109.

profession by the non-military of buildings within the pearcherry, should be subject to the condition of their being at all times available for the Veterans. The Commissioner in the Northern Circars, to whom the subject had been referred, objected to the condition, as likely to be harsh in its operation in some cases: and thought that the object in view would be sufficiently met, by marking a register of the houses then available, and buying up others as when practicable. He also reported that the 132 houses in the pearcherry were owned as follows.

Military,	30	by men of the Veteran company.
	1	by a Staff Serjeant.
	31	
Non Military	16	by European Pensioners
	32	by pensioned widows.
	53	by Civilians.
	101	

And to occupation.

Military, of whom 49 only are connected with the Veterans &c	49	houses by men of the Veteran company.
	11	houses by Staff Serjeants.
	60	
	19	houses by European pensioners.
	21	do. do. Pensioned widows.
	15	do. do. Civilians.
	17	do. do. Unoccupied.
Non Military	72	

From

From the information before them at the time, the Government were led to take a view of the case, favorable to the introduction of military authority. The points noted by them in Extract Minutes Consultation 12th February 1856, may be summed up as follows: that it appeared from the Commissioner's and Collectors' letters, that the pareherry was excluded from the permanent Settlement, and was set apart for the accommodation of the men of the veteran battalion, who built houses on the spot, & left them to their families: that in this way, and by transfers, a number of houses had passed to parties not connected with the army: that this alienation took place largely after the removal of the Veteran artillery to Palamcotta in 1846: that no condition was attached to the original allotment of the ground; but that it seemed self evident that the condition as to its being always available for military purposes, was to be understood as implied: (since) without such condition, the object of Government in having assigned the land would be frustrated. as each allotment would be

be liable, on death or removal of the occupant, to be permanently alienated from its proper purpose. lastly, that the sole interest of the holders of allotments was that of occupants or tenants of the ground while stationed at Vizagapatam; so that no party could pass or alienate the land, but only the buildings he might have erected on it; the heir or purchaser occupying or letting it, only according to the orders of the Military Authorities.

Under these views, the Government in the Extract Minutes Consultation just quoted held that the condition required by the late Commander in Chief to be imposed on the possession of property within the pareherry, by non-military persons, was extremely moderate. The certificate applied for by the Vicar apostolic was accordingly withheld; and the Government declared that the whole of the ground within the pareherry occupied by persons non-military, was to be held on the condition of being given up, if required for the quartering of Soldiers of the Veteran Battalion, or for other Military purposes. This was ordered to be notified,

notified; and the removal of certain huts, considered detrimental to the healthiness of the station, was allowed; compensation being authorized, tho not as a right.

When on a subsequent recommendation of the Military authorities, Rupees 1,450 was authorized as compensation for the demolition of these huts, and the Revenue authorities were directed to carry out the improvements, the Board of Revenue laid before Government a letter from Mr Smollett, entering very fully into the question whether the Vizagapatam pourcherry could be justly regarded as having been reserved for Military purposes from its establishment. On this occasion, Mr Smollett submitted a petition from certain house owners, complaining of the proceedings of the Military authorities, and a petition from a

Mil: E: Mc: C: 1st Oct. 1856
& Rev: E: Mc: b: 1st Nov. 1856
1856 No 1161.

pensioned

pensioned Sergeant Adams, remonstrating against the undervaluation of his property by their house committee appointed by the Military. The Staff Officer had notified by public proclamation that the Pourcherry had been set aside for the Veteran Battalion since 1802; but Mr Smollett in his letter just referred to, stated that it appeared from his records that the European Veterans did not occupy Vizagapatam until 1813. He further positively stated that the pourcherry was not excluded from the permanent settlement, and that it was not set apart for the European Veterans; that it was an unoccupied space in 1813, at which time the followers were allowed to settle there, and to erect houses, which in process of

of time were strictly built by pen-
sioned Soldiers and their towns,
and their properties were bequeath-
ed to their descendants; but that
the ground was not subject
in any respect to Military au-
thority, but was exclusively un-
der the Civil power; that it,
never formed portion of a Can-
tonment, and that matters re-
mained so until 1832. He added
that the town of Vizagapatam
was excluded from the per ma-
nent settlement, because it
possesses no cultivable land,
has no Currency, nor Revenue,
except Salt and Sea Customs,
which did not form part of the
objects of the permanent settle-
ment. In 1832 Vizagapatam was
made a Military bazaar Station,
the boundaries being those shewn
in dotted red lines in the accompany-
ing

ing Sketch; and on its formation Civil Con-
trol was withdrawn. Civilians were ~~re~~
warned ~~in~~ to remove if they objected to
rule, and the spot was given up to the
Military for the first time since the
erection of the Pagoda. Matters
continued however on this way only for
a few months; for on complaints and
inconveniences arising the order constitu-
tuting the place a bazaar station was
cancelled on the 30th September 1833, and
the Collector and Magistrate resumed his
jurisdiction. From these facts it will be
seen that the pagoda was not within
Military limits from its first for-
mation; in fact, that it was never
under Military authority, except for a
few months in 1832/33; and as stated by
Mr Arnollett, Vizagapatam appeared
by was always considered a Military
post only, not a Cantonment; the
Military authority not extending
beyond the parade, barracks, batte-
ries

and

and military buildings.

In submitting Mr Smollett's letter, the Board of Revenue pointed out that it was a question, "1st whether "the ground occupied by the parcherry "was really reserved from the outset for "Military purposes; and 2nd, even supposing this to have been the case, whether the "formal abolition of the Cantonment in "1823, apparently without any reservation "on behalf of Government, Military authority "can now legally be established to far at "least as property subsequently acquired is "affected by the change of jurisdiction."

The letters of the Board and Mr Smollett having been referred to the Military Department, the Quarter Master General of the Army has addressed two letters to the Government. In No 68 of the 21st February 1856, he lays stress on the fact that the parcherry was constituted a Military bazaar Station in 1822, and states that General Tulloch wishes to resume a military authority only to the extent then exercised,

exercised, that the boundaries proposed are the same as those then determined, and that if they were necessary at that time, they are more so now, when the body of European troops and pensioners has increased. He also explains that the inconvenience which led to the abandonment of Military jurisdiction in 1823, was the establishment of a separate Police authority; and that it is not now the intention to renew that inconvenience, but simply to set apart a Space for the exercise of Military authority over Military persons, as in other Military bazaar Stations, leaving the Magistrate free to exercise the powers vested in him. He remarks that the majority of occupants are Military, viz 107 houses occupied by Military, to 46 by non Military, leaving 17 vacant, so that the interests of the minority should not be suffered to affect those of the majority that the quarters housing heavy ordnance in

in favor of the reconstitution of the pardesery as a Military Site. the only thing left is the definition of the limits; that the matter of the petitions submitted by Mr. Smollett forms a different subject for consideration; that the complaint of the Native petitioners as to their having invested 12,000 Rupees in the erection of houses from which they are now liable to be removed, is nothing more than any house owners in any Military Cantonment is liable to; and that they discuss a question with which they have no concern, unless they own the land. With a letter from Mr. Knox, the Principal Asst and Magistrate, is submitted for orders. Mr Knox is not satisfied that he can proceed legally to eject the owners of the lands, professed to be demolished, as they cannot be brought within the scope of Act 21 of 1841, the only law on sanitary matters, either as being unlawful obstructions, or dangerous, or nuisances, or as created by persons carrying on trades injurious to health. He thinks therefore that there heads can be taken possession of only under Act XX of 1852, and in that case, an express order of Government will be required appointing an Officer to take

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take possession under the provisions of that Act.

Whatever the past history of Vizagapatam as a Military post, may be, the record shews that its fort and pardesary were placed under Military jurisdiction for the first time in 1822/23 a proceeding which was abandoned after a few Months trial, in consequence of the complaints and inconveniences to which it gave rise. In their former orders, the Govt: presume that the pardesary had been set apart for the Military, because it was excluded from the permanent settlement but Mr Smollett distinctly denied that it was so excluded; and he explains how the town itself came to be excluded from

from the settlement; viz. because it possessed no cultivable land, and does not yield any revenue, except from Salt and Sea customs, imports excluded from the ofset to of the permanent settlement. The Dr. Mr. General indeed explains that it is not intended to renew the maintenance of a separate police, and that all that is sought is to have a space set a part for the exercise of military power over military persons. One chief exercise of military authority would appear to be, the valuation of houses, and the determination of their rent, and the petitioners represent that their interests, as the owners of houses, are not fully considered.

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considered. It is remarked by the Dr. Mr. General that there are 107 houses occupied by the Military to but 15 civil, having 17 Vacant; but as the proposal was made in order to find accommodation at all times for the married men of the Veterans, perhaps their numbers only should be taken into account, and then it will be 49, and not 107, which latter number includes Staff Sergeants, pensioners, & Widows, who are unconnected with the Veterans. Colonel Reid says that the Complaint of the native house owners is nothing more than any house owner in any Military Cantonment is liable to; but

but it must be remembered that the house owner in a Military Cantonment erects or purchases his house with the full knowledge of the risk to which he is exposed while in the present case, all the parties built or bought houses while the Cantonment was in Civil limits, and will be subjected to an entirely new condition if their rents are to be fixed by a Military Committee, who are not wholly uninterested parties.

The removal of the huts is doubtless necessary to the health of the married Soldiery, but it is a question whether, under the views expressed by the Magistrate and Collector, and the Board of Revenue

Revenue, and the Govt noticed in this Minute it will not be better to effect the object in view by private and amicable arrangements, rather than by a resort to the Act of 1852; as the present case would be considered a "public purpose" falling within the terms of the Act. In Pub: Works Ex: Min: Con: 17th October 1855, No 681, the Govt expressed their opinion that the case of a site for a public Traveller's Bungalow did not come within the scope of the Act, and they recommended private bargains or another site

[illegible] interposition [illegible]
[illegible] but it would be very objectionable

be inadvisable to subject the Purchasers of Bijagoz lands to Military authority

The doctrine of taking Lands & giving grants in Common is objectionable but to introduce it in locality where it has not existed but for a very short time - & at a juncture peculiarly probably to the existence of the present Houses would be very oppressive.

The evidence now goes against the supposition that the grants on which the pendency is situate was originally absolutely Gratuitous for the purpose - but that it has hitherto been paid by the Lands of the Natives & other Europeans gradually -

I think it is very desirable - that these grants should be kept together Lots - that the title of their pendency should be kept clear - such modification as the Honble Governor in Council may deem proper to make in the measures which he has taken to bring up the boundary of Bissaloens - as appears to him to be necessary - or because the Land - where absolutely necessary. etc - fair value should be given - but the transfer the locality has to pass authority be evidently continued in a manner - as I assumed in 1822 -

4th

I agree that Grants not be given to the Chiefs of Bissaloens to place them now under British Authority no such measure has been hinted at when the Governor was with - and I think that

every requirement will be met by giving up and removing all Houses, Huts, &c that may be proved to interfere with the Sanatary Condition of the Cantonment.

J G

I concur in the propriety of keeping the jurisdiction of the Parcherry as it is at present. As a general rule I should be very averse to vesting with enlarged powers the description of officers attached to an invalid detachment. Even were more cause shown for such a measure than has been in this instance. It will be quite sufficient to secure the spot as far as possible for the use of the Vizagapatam Co. & purchasing houses belonging to non military persons whenever opportunity offers. H.

C 28th April R 2nd May C 25th 1829

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Rev Dept

No. 570

Extract from the Minutes of Consultation Under date the 10th June 1857.

Read the following Extract from the Mins of Consn in the Military Departt (Here enter 24 Feby. 157 No. 609)

1. The above Extract refers to two* letters from the Quarter Master General of the Army, in reply to the explanation furnished by the Col. of Vizagapatam in his letter of the 4th Septr. 156, on the subject of placing the Parcherry at that station under military jurisdiction. As the question has involved some correspondence, the Govt find it necessary before passing orders on it, to take a brief view of the case, as it stands at present.

*21st February 157, Nos. 58 & 59.

*Communicated with Revenue Boards Proceedings, 3rd Novr. 156, No. 3623.

H

J G

H.

2. The "Parcherry" as it is called of Vizagapatam, would appear to be a small spot of ground immediately outside the north wall of the fort, and adjoining

the large pettah, or native town. It is chiefly occupied by the married soldiers of the Veteran Battalion, garrisoning the fort; and extends, as far as their location is concerned, from the sea on the east, to the high road issuing from the north gate of the fort, and leading in a northerly direction to Waltair. It is also occupied by a few civilians and natives, as well as by pensioners and families of deceased soldiers, who may be considered virtually civil, from their disconnection with active military service. And, if the military boundary line were to extend across the Waltair road to the Backwater on the west, as is shewn in red dots in the plan submitted with Mr. Smollett's letter of the 4th Sept 55, it would take in the houses of other civil residents, and among them the residences of shipowners with their docks, & those of the native shipbuilders.

3. The proposal to place the pancherry of Vizagapatam

E. M. C. 12 Feb/56, No 3.

under military authority, arose on an application from the Roman Vicar Apostolic, for a certificate for a house and premises within the limits of the pancherry. It was then urged by the Major General commanding the Northern Division of the Army,* that many houses within the pancherry were already owned and occupied by non-military persons; and it was proposed by the Dr. Asst Genl* that the proposition by the non-military, of buildings within the pancherry, should be subject to the condition of their being at all times available for the Veterans. The Commissioner in the Northern Circars, to whom the subject had been referred, objected° to the condition, as likely to be harsh in its operation in some cases; and thought that the object in view would be sufficiently met, by making a register of the houses then available, and buying up others when practicable. He also reported that the 132 houses in the pancherry, were owned and occupied

* From Genl Comg. S. D. to Dr. Mr. Genl, 18th May/55, No 266.
and
Mil. Ex. Mins: Cons: 12th June 1855.

* From Col Reed 4th June/55, Pa 21/162.

° From Comr, N. C. 5th Sept/55, Pa 109.

as follows.

As to Proprietorship.

30 houses owned by men of the Veteran Company.
1 — " — " — by a Staff Serjeant.
Military.. 31

16 houses owned by European Pensioners.
32 — " — " — by Pensioned widows
53 — " — " — by Civilians.
Non-military 101

As to occupation.

49 houses occupied by men of the Veteran Company
Military, of whom 49 only are connected with the Veterans. 11 — " — " — by Staff Serjeants. 60

19 houses occupied by European Pensioners.
21 — " — " — by Pensioned widows.
15 — " — " — by Civilians.
17 — " — Unoccupied.
Non-military.. 72

4. From the information before them at the time, the Govt were led to take a view of the case, favorable to the introduction of military authority. The points noted by them in Ex: Minis. Cons: 13th February 1856, may be summed up as follows: that it appeared from the Commissioner's and Collector's letters, that the parcherry was excluded from the permanent settlement; and was set apart for the accommodation

b-19 1853

of the men of the veteran battalion as who built houses on the spot, and left them to their families: that in this way, and by transfers, a number of houses had passed to the parties not connected with the army: that this alienation took place largely after the removal of the Veteran Artillery to Palamcottah in 1846: that the condition was attached to the original allotment of the ground; but that it seemed self-evident that the condition as to its being always available for military purposes, was to be understood as implied; since without such condition, the Govt in having assigned the land would be frustrated, as each allotment would be liable, on death or removal of the occupant, to be permanently alienated from its proper purpose: lastly, that the sole interest of the holders of allotments was that of occupants, or tenants of the Ground, while stationed at Trichy. Palamcottah; so that no party could sell or alienate the land, but only

the buildings he might have erected on it; the heir or purchaser occupying or letting it, only according to the orders of the Military Authorities.

5. Under these views, the Court in the 2d: Minis: Cons: sion quoted, held that the condition required by the Lake Commander in Chief, to be imposed on the postponement of property within the pauchery by non-military persons, was extremely moderate. The certificates applied for by the Vear Apostolic was accordingly withheld, and the Court declared that the whole of the ground within the pauchery occupied by persons non-military, was to be held on the condition of being given up, if required for the quarters of soldiers of the Veteran Battalion, or for other military purposes. This was ordered to be notified; and the removal of certain huts, considered detrimental to the healthiness of the station, was allowed; compensation being

Mil: & E. M.C. 1st October, and
Rev. & M.C. 1st Nov/56, N 1161.

Bds Ro: 3d Nov/56.

authorized, tho' not as a right.

6. The Court in a subsequent recommendation of the Military Authorities, the sum of Rs 1,455 was authorized as compensation for the demolition of these huts, and the Revenue Authorities were directed to carry out the improvements, the Board of Revs laid before them a letter from Mr Smollett, entering very fully into the question whether the Vizagapatam pauchery could be justly regarded as having been reserved for military purposes from its establishment. On this occasion, Mr Smollett submitted a petition from certain householders, complaining of the proceedings of the military authorities, and a petition from a pensioned Sergeant Adams, remonstrating against the undervaluation of his property by the house committee appointed by the Military Station Staff Officer which had notified by public proclamation, that the pauchery lands

been set aside for the Veteran
battalion since 1802; but Mr.
Sinclette in his letter wish reference
to, stated that it appeared from
his records, that the European
Veterans did not occupy Vizaga-
patam until 1813. He further
positively stated that the par-
cherry was not excluded from
the permanent settlement,
and that it was not set apart
for the European Veterans; that
it was an unoccupied space in
1812, after which "the followers
were allowed to settle there,
and to erect houses, which in
process of time were chiefly
built by pensioned soldiers and
their women, and these properties
were bequeathed to their descend-
ants;" but that the ground
was not subject in any respect
to military authority, but was
exclusively under the civil power;
that it never formed portion of
a cantonment, and that matters
remained as until 1822. He
added that the town of Vizaga-
patam was excluded from the

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permanent settlement, because
it possesses no cultivable land,
has no revenue, no customs,
except salt and sea customs,
which did not form part of the
assets of the permanent settle-
ment. In 1822, Vizagapatam
was made a military bazaar
stations, the boundaries being
those shewn in dotted red lines
in the sketch submitted by
Mr. Sinclette; and on its forma-
tion, civil control was withdrawn,
civilians were warned to remove
if they objected to military rule,
and the spot was given up to
the military for the first time,
since the erection of the pardaxy.
Matters continued however in
this state only for a few months;
from complaints and inconvenience
arising, the order constituting
the place a bazaar station was
cancelled on the 23d Sept 1823,
and the Collr and Magistrate
resumed his jurisdiction. Mr.
Sinclette added that Vizagapa-
tam apparently was always
considered a military post only,

not a cantonment; the military authority not extending beyond the parade, barracks, battery and military buildings.

7. In submitting Mr Smollett's letter, the Board of Revenue pointed out that it was a question, "1st whether the ground occupied by the pauchery was really reserved from the out. act for military purposes; and 2nd, even supposing this to have been the case, whether after the formal abolition of the cantonment in 1823, apparently without any reservation on behalf of Govt, military authority could now be justly reestablished, so far at least as property subsequently acquired is affected by the change of jurisdiction."

8. The letters of the Board and Mr Smollett having been referred to the Military Dept, the Quarter Master General of the Army has addressed two letters to the Government which now require to be noticed. In No 58 of the 21st Feb/56, Col Reid

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lays stress on the fact that the pauchery was constituted a military bazaar station in 1822, and states that General Sutherland wishes to resume military authority only to the extent then exercised; that the boundaries proposed are the same as those then determined, and that if they were necessary at that time, they are more so now, when the body of European troops and pensioners has increased. He also explains that the inconvenience which led to the abandonment of military jurisdiction in 1823, was the establishment of a separate police authority; and that it is not now the intention to renew that inconvenience, but simply to set apart a space for the exercise of military authority over military persons, as in other military bazaar stations, leaving the magistrate free to exercise the powers vested in him. He remarks that

the majority of occupants are
military, viz 107 houses occupied
by military to 15 by non-military,
leaving 17 vacant; so that the
interests of the minority should
not be suffered to affect those of
the majority; that the question
having been once decided in fa-
vor of the reconstitution of the
parcherry as a military site,
the only thing left is the definition
of the limits; that the matter
of the petitions submitted by
Mr. Smollett forms a different
subject for consideration; that the
complaint of the native petitioners
as to their having invested 1000 Rs
in the erection of houses, from
which they are now liable to be
removed, is nothing more than
any house owner in any military
cantonment is liable to; and
that they discuss a question into
which they have no concern, unless
they own the land. With No 69
of the same date, a letter from
Mr. Knox, the Principal Asst
Magistrate, is submitted for
orders. Mr. Knox is not satis-
fied that he can proceed legally
to eject the owners of the huts

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to be demolished, as they
cannot be brought within the
scope of Act XXI of 1841, the only
law in vanuatary matters, either
as being unlawful obstructions,
as dangerous, as nuisances, or as
occupied by persons carrying on
trades injurious to health. He
thinks therefore that these huts
can only be taken cognizance of,
under Act XX of 1852.

9. Whatever the past his-
tory of Vizagapatam, as a mi-
litary post may be, the Govt
observe that the records show
that its fort and parcherry were
placed under military jurisdic-
tion for the first time in 1822/23,
a proceeding which was aban-
doned after a few months trial,
in consequence of the complaints
and inconveniences to which it
gave rise. In their former order,
the Govt presumed that the
parcherry had been set apart
for the military on the suppo-
sition that it was excluded from
the permanent settlement by the

Mr. Smollett distinctly denies that it was so excluded; and he explains how the town itself came to be excluded from that settlement, viz: because it has no cultivable land, and does not yield any revenue, except from salt and sea customs, imposts excluded from the aprts of the permanent settlement. The Quarter Master Genl indeed explains that it is not intended to renew the inconvenience of a separate police, and that all that is sought, is to have a space set apart for the exercise of military power over military persons. One chief exercise of military authority would appear to be, the valuation of houses, and the determination of their rents; and the petitioners represent that their interests, as the owners of houses, are not fully considered. It is remarked by the Quarter Master Genl that there are 107 houses occupied by the military, to only 15 civil, leaving 17 vacant;

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but as the proposal was made in order to find accommodation at all times for the married men of the Veterans, their number only should be taken into account, and then it will be 49, and not 107, which latter number includes staff sergeants, pensioners, and widows, who are unconnected with the veterans. Col Reid says that the complaint of the native house owners is nothing more than any house owner in any military cantonment is liable to; but it must be remembered that the house owner in a military cantonment, erects or purchases his house with the full knowledge of the risk to which he is exposed; whilst in the present case, all the parties built or bought houses during the time the parchery was in civil limits, and will be subjected to an entirely new condition, if new rents are to be fixed by a military committee, who are not wholly unconnected parties.

10. The removal of the huts is doubtless necessary to the health of the married soldiery; but under the circumstances reviewed above, it is a question whether it will not be better to effect the object in view by private bargain, rather than by a resort to Act XX of 1852, as the present can hardly be considered a "public purpose" falling within the terms of the Act.

11. With the information now before them, Govt are of opinion that it would be inadvisable to subject the pariahcherry of Vizagapatam to military authority, as the evidence given militates against the supposition that the ground on which the pariahcherry is situated, was originally allotted by Govt for the purpose; on the contrary, it rather shews as Mr Sinclair points out, that the ground gradually became occupied by the men and families of the veterans, and other Europeans, without any formal appointment.

12. The system of raising barriers and fixing rents in cantonments, is objectionable, and to introduce it into a locality where if it existed at all, it could only have been but for a very short time, and at a period anterior probably to the existence of any of the present houses, would be very oppressive. As it is advisable, however, that the men of the Veteran Battalion should be kept together as much as possible, and that the lines occupied by them should be clean and well ventilated, the Govt think it would meet every requirement, without any interference with the private rights, to buy up, as opportunities offer, all such houses or huts as may be found to interfere with the sanatary condition of the pariahcherry, and in cases of purchase necessary, which must be duly reported,

the first will be even willing
to require the sale of such
buildings at a fair valuation,
but under any circumstances,
to transfer the locality now
to military authority, will
they are a perfect
result in the inconveniences
complained of in 1822.

Yrs

Copied to the Sec. of War
with Gen. Brig. Gen. Jesup
of Dec 29 1836.
Brig. Gen. Jesup
with R. to Gen.

b-26.

Pondicherry & Vizagapatam

Revenue 1857 Dep.t.
Dr. to Govt. 16.th June

No. 570.

Extract Mins. of Cons.
D. 18.th June 1857.

7-1-54

Observing that it would be inadvisable to subject the Pondicherry & Vizagapatam to Military authority as the evidence given shews that the ground gradually became occupied by the men and families of the Veterans & other Europeans, without any formal assignment.

No. 142.

Genl. Dept.