Revenue Department

G. O No 1280 D/21.9.1858

Backno 5-1-2

Diary 21.9.1858

No. 51. Read the following Extract from the Minutes of Consultation in the Military Department, under date the 24th August 1858.

Read the following letter from Colonel F. A. REID, Quarter Master General of the Army ; to the Secretary to Government, Military Department ; dated Ootacamund, 17th August 1858, No. $\frac{105}{387}$.

SIR,

I am directed by the Commander-in-Chief to request you will be so good as to submit to Government, the enclosed letter from the Officer Commanding Malabar and Canara, and Proceedings of a House Board, held at Cannanore on a house, the property of the Bebee.

His Excellency in submitting these papers, would merely ask the decision of Government on the point, as to whether the Bebee is exempt from the Regulations of the service (17th April 1849) which authorize in certain cases, the assembly of House Boards in Military Cantonments, to settle the amount of rent to be demanded, &c.

Sir Patrick Grant is clearly of opinion, that the Bebee is not entitled to the exemption she claims ; but His Excellency would beg the opinion of Government on the subject.

Be kind enough to return these papers, with the orders of Government thereon.

---

From Brigadier J. FITZGERALD, Commanding Malabar and Canara ; to Colonel F. A. REID, Quarter Master General of the Army, Ootacamund ; dated Cannanore 7th August 1858.

SIR,

With reference to para. 19 and under the provisions of para. 17 and para. 20 of G. O. G. as per margin, I have the honor to forward the Proceedings of a House Board, assembled by my order for submission to His Excellency the Commander-in-Chief.

*No. 71 of 17th April 1849, the latter as amended by G. O. G. No. 183, of 6th September 1853.*

2. The house and ground belong to Adee Rajah Bebee of Cannanore, but as the Board of Revenue and the Collector of Malabar are of opinion, as per Extracts from Minutes of Consultation as per margin (copies of which accompany this for ready reference) that such ownership or claim to ground rent by the Adee Rajah Beebee of Cannanore, which still waits final decision as per Minutes of Consultation No. 509, dated 5th February 1858, does not preclude the assembly of House Boards on the Adee Rajah's houses within the Cantonment, I directed the assembly of the Board, agreeably to para. 2 of the instruction for the guidance of officers in the conducting of House Boards dated 10th August 1849 ; the Superintendent of Police sent the necessary warning to the said Adee Rajah, (the correspondence thereon is attached to the Proceedings of the Board) ; the Adee Rajah having failed to send her Agent, the Board proceeded to judgment as directed in the last part of the above para.

*Minutes of Cons. dated 13th November 1856.*
*Proceedings Board of Revenue dated 3rd November 1856, No. 3622, para. 2.*
*Letter from Collector of Malabar to Secretary to Revenue Board dated 22nd October 1856, para. 4.*

3. I may mention that hitherto, House Boards do not appear to have been held on houses the property of the Bebee of Cannanore, but as she has a number of houses and as the authorities above quoted are of opinion that such can legitimately be held, I did not consider I was authorized in suspending the Regulations of the service on that head.

Hd. Qrs. Mysore Division, Bangalore, 11*th August* 1858.

(Signed) M. BERESFORD, Lieut. Genl.,
*Commanding Mysore Division.*

Minutes of Consultation dated 13th November 1856. Proceedings Board of Revenue, dated 3d November 1856, No. 3622, para. 2.

2. The Acting Collector sees nothing in the Bebee's claim to ground rent, which should be allowed to interfere with the appointment of "House Boards" when necessary. The Board concur in this view, and regard the Bebee's claim merely as an item which must be duly considered in the valuation of buildings subject to it, like Government quit rent, or any other legitimate charge.

---

Letter from Collector of Malabar, to Secretary to Revenue Board, dated 22d October 1856, para. 4.

4. I do not conceive that the claim of the Zemindar for ground rent for her land, should in any way be allowed to interfere with the Military "House Boards," nor if the ground rent is not excessive, should it be allowed to excuse Parsee, and other private purchasers of profitable house property in Cannanore, from submitting to such scrutiny of their demands on the tenant.

(True Copy.)

(Signed) J. FITZGERALD, Brigadier,
*Commanding Malabar and Canara.*

---

From Captain J. MACKELLAR, Superintendent of Police; to Her Highness the Queen Bebee of Cannanore; dated 24th July 1858.

MADAM,

I have to inform you that a House Board has been directed to assemble on Wednesday the 28th Instant at 9 o'clock, a. m., on bungalow No. 33 belonging to your Highness, for the purpose of settling the dispute about the rent of the said bungalow. I request therefore your Highness will be good enough to depute one of your Highness' Karristans, to be present on the occasion on that date.

---

From ADEE RAJAH, Queen Bebee of Cannanore; to Captain J. MACKELLAR, Superintendent of Police, Cannanore.

SIR,

I have received your letter dated 24th Instant, informing me that a Committee will assemble in bungalow No. 33, in order to settle the dispute about its rent, &c., and to depute a Karristan to be present on the occasion. In reply I beg to state, that hitherto, the rent of any bungalows has not been decided by any Committee whatever in the Cantonment limits, and as it now appears to me that a new system is about to be introduced, I am unwilling to attend to the instructions conveyed to me. There has been no dispute about the rent up to this time.

---

From Captain J. MACKELLAR, Superintendent of Police; to Her Highness the Queen Bebee of Cannanore; 27th July 1858.

MADAM,

In reply to your letter, I have the honor by desire of the Brigadier to state, that Boards on houses in the Cantonment are authorized. Vide, copies of Minutes of Consultation, herewith forwarded.

2. The Board about to assemble on the house of your Highness now occupied by Captain Dunbar, will not in any way interfere with the claim of your Highness regarding ground which is now under litigation, as the Board in making their award, will specify that such is exclusive of additional rent which your Highness may be entitled to draw, on account of ground rent.

3. In the event of a Karristan of your Highness not attending when the Board assembles, the Board will, under the orders (translation of which are forwarded) and the General Orders, still assemble and decide "exparte" and the proceedings will be sent to Madras. If the Karristan of your Highness is present and the Board in his, the Karristan's opinion, puts too small a rent upon the house, he, the Karristan, can raise an objection, and on this objection, an Engineer will be appointed to value the house. The Brigadier has postponed the Board on your house until



Tuesday next at 11 oclock, in order to enable your Highness to take the matter into your consideration. I shall feel obliged your Highness will favor me with a reply. The bearer of this my Head Cutwal will explain personally to your Highness the contents of this letter.

(True Copy.)

(Signed) J. MACKELLAR,
*Superintendent of Police.*

---

From ADEE RAJAH Queen Bebee of Cannanore, to Captain J. MACKELLAR, Superintendent of Police; dated Cannanore 31st July 1858.

SIR,

In reply to the favor of yours of the 27th Instant, enclosing copy of the Extract from the Minutes of Consultation dated 13th November 1856, I do myself the honor to inform you, that I cannot consent to the assembly of a House Board on houses built upon ground belonging to me within the cantonment, as its proceedings will materially tend to impair my revenue, and subject me to a heavy loss. I therefore beg you will kindly exempt me from a concession which I had repudiated long ago, as will be seen by my reply to Sub-Collector Mr. Chatfield's letter of date the 24th April 1851.

(True Copy.)

(Signed) J. MACKELLAR,
*Superintendent of Police.*

---

Proceedings of a House Board assembled at Cannanore on the third day of August one thousand eight hundred and fifty eight by order of Brigadier James FitzGerald Commanding the Provinces of Malabar and Canara.

*President.*

Brevet Colonel Francis Blaney Lucas 3rd Regiment or P. L. I.

*Members.*

Lieutenant Colonel Charles Edmund Law H. M. 66th Regiment.
Major Charles Ireland 11th Regiment M. N. I.

---

The Board having assembled all present.

The following order is read and recorded.

CANNANORE *22nd July* 1858.

P. O. by Brigadier FitzGerald.

On the application of the Officer Commanding H. M. 66th Regiment on the requisition of Captain Dunbar of that corps a House Board under the Provision of G. O. G. 17th April 1849 para. 17 composed as follows will assemble on Wednesday next the 28th Instant at twelve o'clock for the purpose of determining on the rent of the same, and also to decide as to what repairs are actually necessary to put the house in a suitable state of repair agreeably to G. O. G. 17th April 1849, No. 71, para. 20, as amended in G. O. G. 6th September 1853, para. 183.

CANNANORE, *27th July* 1858.

The assembly of the House Board convened in Provincial orders of the 22nd Instant is postponed until Friday next at the same hour.

CANNANORE, *29th July* 1858.

P. O.—The Provincial orders of yesterday's date appointing the assembly of the House Board for the 30th Instant read 3rd Proximo.

---

No Agent or House owner appears before the Board, Captain Dunbar H. M. 66th Regiment appears before the Board and states that he agreed in December last to pay a rent of forty five

Rupees a month for the house No. 33 provided the Agent made the necessary repairs and the following were then required, viz.

Gate.....Only half remains.
Compound.....Cleared of Weeds.
Well .....Cleaned out.
Stable Manure heap and ash pit.....Of late tenant cleared out.
Ditches.....Cleaned and banks repaired.
Stable.....Cleaned out and white washed (previously used as dwelling house and kitchen by Natives.)
Privy.....Built for servants.
4 outside doors repaired.....(1 new.)
Panes of glasses.....From 10 to 15 broken for two months.
Venetians.....Of several doors and windows repaired.
Windows.....Several will not open.
Chunam.....Wanted to all the floors and to some of the door posts.
Roof.....Leaks in many places, 3 badly and 2 very badly.

The Board find that the following repairs are still required. Captain Dunbar having completed the others himself.

A gate is required to the compound.

The walls and ditches require to be repaired round the compound.

Parts of the stables require white washing.

Roof requires repairs as it leaks in several places.

Chunam is required to the door parts of the floor.

The Board consider that when the repairs required are completed the rent now demanded viz. 45 Rupees is a fair and just one.

The Board consider Rupees fifty to be sufficient to make the above repairs and decide that the tenant be authorized to deduct the bona fide costs of the repair not exceeding fifty Rupees from the rent.

F. B. LUCAS, .....Bt. Colonel 3rd Regt. or .PL. I. and President
C. E. LAW, Lt. Col. Cg. H. M. 66th Reg. } Members.
C. IRELAND, Major 11th Regt. N. I. }

(Signed) J. FITZGERALD, Brigadier,
*Commg. Malabar and Canara.*

---

Referred to the Revenue Department.

(Signed) W. H. WAPSHARE, Major,
*Actg. Depy Secy. to Government.*

---

No. 52. ORDER THEREON, No. 1280; dated 20th September 1858.

Referred to the Board of Revenue for report.

(Signed) T. PYCROFT,
*Chief Secretary.*

Military Department

Extract from the Minutes of Consultation
Under date the 21st August 1858

Read the following letter

Dr Mr General's Office

Nº 195
387

From
The Quarter Master General
of the Army.

To
The Secretary to Government
Military Department

Sir,

I am directed by the Commander-in-Chief to request you will be so good as to submit to Government the enclosed letter, from Officer Commanding Malabar and Canara, and Proceedings of a House Board, held at Cannanore on a House the property of the Bebee.

His Excellency in submitting these papers, would merely ask the decision of Government on the point as to whether the Bebee is exempt from the Regulations of the service (17th April 1849) which authorize, in certain

certain cases, the assembly of Boards
Boards in Military Cantonments
to settle the Amount of rent to
be demanded Pro.

Sir Patrick Grant is clearly
of opinion that the Bebee is not en-
titled to the exemption she claims,
but His Excellency would beg the
opinion of Government on the
subject.

Be kind enough to return
these papers with the orders of Govt.
thereon.

Head Quarters
Montreal
17th August 1858.

/ Signed F. B. Reid
Dy. Mr. Genl.

Referred to the Reve
nue Department.

/ Signed W. H. Wapenhard Major
Ag. Dy. Genl. to Govt.

To
The Revenue Department

E.
/ Lemuel Smith

Cons 17 Aug 1/58 No 21-22

Memo from the Milty Depart
dated 10th February 60 C No 317
in Cons:

15-7-15

No 5162.

C 15 Sept

Revenue 1858 Depart
Dft to Cons. 21st Sept

No 1362

Extract Mins Cons
Military Department

Dft 24th
Rec 25th
August 1858

Writs 2 Encls -

No 1280. 20th September 1868.
Ex Rec: 8th Oct 1858 Qr Gen 1858 No 58 Cons
Referring to their Dept
a letter from the Quarter Master General conveying the desire of the Commander in chief to be favoured with the decision of Govt on the point as to whether the Decree of Canonicate exempts from the Regulations of the Service which authorize in certain cases the assembly of House Boards in Military Cantonments to settle the amount of rent to be demanded for a Hut on an order

19.6.03

No 1280.

Referred to the
Board of Revenue for report.

Lt Sec Geo.
20 Sept 1858.

3 Copies to the Bd of Revenue Dispd 21st