Read the following papers :—

No. 82. From the President of the Municipal Commission, Bellary, to the Chief Secretary to Government, Fort St. George, dated Bellary, 13th May 1872, No. 42.

I have the honour to enclose a letter received from the Vice-President of the Bellary Municipal Commission on the subject of the power of the Commissioners or otherwise to control the expenditure of the water of the fort ditch, which is in reality a public tank, and the principal source of the water-supply of the inhabitants of the Cowle Bazaar, numbering some 16,094 souls.

2. This year, for the first time, water has been let into the fort ditch from the Alipur Tank, distant some four miles—a work carried to completion in the Military Department.

3. Hitherto the fort ditch has dried up or almost dried up each year, and as the water became low, the Commissioners have always exercised control over the expenditure by not permitting the water to be taken except for drinking purposes.

4. If the tank can be filled each year from Alipur, of course, no control will be necessary, but it is disagreeable for the Commissioners to be situated so as to be at the mercy of the officer who has power to withhold or grant the supply.

5. The water once let in becomes available for general use, and the control, when necessary, should, I think, vest in the hands of the Municipal Commissioners.

6. The Brigade Major has pointed out that a very small quantity of water is used for the public garden, known as "the General's garden," and that, in case of any distress for that necessary arising, the issue would be at once stopped.

7. At present there is abundance of water in the ditch, so that nothing further than the question of general control is to be considered.

8. I have the honour to suggest that a notification, such as that issued by the Government in regard to Local Fund Circles in Government Order, No. 463, dated 6th ultimo, might with advantage be issued with regard to Municipalities.

From the Vice-President of the Municipal Commission, Bellary, to the President of the Municipal Commission, Bellary, dated Bellary, 25th April 1872, No. 27.

At our last Meeting we had a discussion on a petition from the inhabitants of the town, in which, amongst other matters, they protested against the drawing off of the fort ditch water for the irrigation of the General's Garden, near the Municipal Office, through a sluice which enables the persons in charge of the garden to command almost all the water in the ditch.

2. This garden is used principally as a place in which to exercise the Military Prisoners, and I do not think the irrigation thereof is at all comparable in importance with the supply of drinking water to the town.

The fort ditch water has been declared by the Chemical Analyzer to be the best in the place for drinking purposes, being that which is most free from impurities.

Owing to the increasing scarcity we have been obliged to restrict the consumption of water by townspeople.

We are obliged, however, to submit to a daily draw of 40,000 gallons per diem to wet the barrack tatties, as we are told that otherwise the supply of Alipur Tank will be cut off.

3. I have already, in accordance with the resolution of the Commissioners, written to request the Brigade Major to have the sluice by which the Government Garden is irrigated closed during the hot weather, but I think that further steps should be taken to have it permanently built tp, as were this drain on the fort ditch during the time when it is full removed, we would have

a good supply for a longer time; it would not run dry so soon, and we should probably not be compelled to put the vexatious restrictions on the use of the water by individuals, which we have had to do this season.

4. Further, our situation at present with regard to the Alipur supply is unpleasant; we are at the mercy of any capricious Executive Engineer who can in any year deprive us of our supply, and this year 40,000 gallons a day are extorted from us by threatening to stop our supply next year.

It would be well to have some definite instructions from Government on the subject of whether we have a right to this water or not; and, secondly, whether we have full control over the fort ditch or not. The barrack tatty water might be drawn from any of the numerous wells, the water of which is brackish and unfit for drinking, as "emom bowrie."

5. Lastly, if the Military authorities would make us over the garden, it would be well to try and get it; it would be irrigated from a well, and would make an excellent nursery; this, however, is unimportant, compared with the stopping of the sluice.

Referred to the Military Department for consideration and remarks.

FORT ST. GEORGE,
15*th May* 1872.

(Signed) W. HUDLESTON,
Officiating Chief Secretary.

Referred to His Excellency the Commander-in-Chief.

FORT ST. GEORGE,
18*th May* 1872.

(Signed) A. C. SILVER, Colonel,
Offg. Secretary to Government, M. D.

No. 83. From the Officiating Quartermaster-General, to the Officiating Secretary to Government, Military Department, Fort St. George, dated Ootacamund, 6th July 1872, No. 30-5587.

The correspondence on the subject of the control at Bellary over the water in the fort ditch, referred to His Excellency the Commander-in-Chief on the 18th May 1872, was forwarded to the Officer Commanding at Bellary for report, and I have now the honour, by order, to submit letters as per margin on the subject.

From Officer Commanding Ceded Districts, No. 45, dated 21st June 1872.
From Executive Engineer, Bellary Range, No. 199, dated 17th June 1872.

2. The facts that the supply of water to Bellary was carried out as a Military work, and that the reservoir is in the centre of the Cantonment, make it, in the opinion of Sir F. P. Haines, desirable that the control over the expenditure of this water should be retained by the Military Officer in Command at Bellary.

3. The Commander-in-Chief requests attention to the remarks in General Woods' letter on the subject of the relative position of Military and Municipal authorities at Bellary. His Excellency would recommend, for the consideration of Government, the advisability of making Bellary a Military Cantonment and bringing it under the operation of Act I. of 1866.

From Brigadier-General W. G. WOODS, Commanding Ceded Districts, to the Quartermaster-General, Fort St. George, dated 21st June 1872, No. 45.

Order of Government, 18th May 1872, referring letter from the Acting Collector, Bellary, regarding the control of the water in the fort ditch, Bellary.

"I have the honour to acknowledge the receipt of the documents, as per margin (herewith returned), referred to me for report, by memorandum from your Department, under date the 18th ultimo, No. 4146.

Proceedings of the Madras Government, Financial Department,
13th August 1872.

2. As the correspondence embraces subjects of which I had no cognizance, I deemed it necessary to refer the papers to Mr. Fraser, the Executive Engineer. I now beg to enclose his reply, under date the 17th instant, which, I think, fully meets the question as to the right of general control of the water in the fort ditch—the only point on which, apparently, Mr. Master wishes a decision should be passed by Government.

3. With reference to the attitude towards the Military authorities taken by Mr. Weld as Vice-President of the Municipal Commission, I need only solicit the attention of His Excellency the Commander-in-Chief to the following extract from my letter to your address, dated 28th June 1870, No. 48:—

Paragraph 5. "I take this opportunity of bringing to His Excellency's notice the very unsatisfactory position which the Military Cantonment occupies in regard to the Municipal Commission, Bellary, as contained in the military limits, is essentially military. In the Cantonment, with the exception of a few houses occupied by shopkeepers and the Telegraph Department, the whole of the houses are tenanted by military men. The fort is, *a fortiori*, military, and the Cowle Bazaar is the original camp bazaar. I know of no place more suitable for separation from the administration of a Civil Municipal Commission and for the introduction of Act I. of 1866. As matters stand under the present Orders of Government, it is difficult to say whether the Commanding Officer has any authority at all in the Cantonment as regards the carrying out of the Quartermaster-General's rules bearing on houses, conservancy, and the neat and tidy appearance of the place."

4. I would merely add that two conflicting authorities in one Cantonment can hardly subserve the object of good government, and it seems very desirable that either the military be allowed to govern their own cantonment under the provisions of Act I. of 1866, or that the entire cantonment be placed—the ground on which the barracks stand excepted—altogether under the Municipal authorities. I trust His Excellency the Commander-in Chief will recommend to Government either the one or the other of these alternatives.

From W. FRASER, Esq., C. E., Officer in charge of Bellary Range, to the Deputy Assistant Quartermaster-General, Ceded Districts, dated Bellary, 17th June 1872, No. 199.

Referring to your letter, No. 940, dated the 28th ultimo, I have the honour to return the documents, as per margin, and to make the following reply.

1. Letter, No. 27, of 25th April 1872, from Vice-President, Municipal Commission, Bellary, to the President, Municipal Commission, Bellary.
2. Letter, No. 42, of 13th May 1872, from the Acting Collector and President, Municipal Commission, Bellary, to the Chief Secretary to Government, Madras.
3. Memorandum, dated 18th May 1872, from Quartermaster-General of the Army, to the Officer Commanding Ceded Districts.
4. Proceedings of Government, Public [illegible], No. [illegible], 20th March 1867.

2. As to Mr. Weld's letter, generally, I am of opinion that it should have been submitted for the consideration of the Municipal Commissioners before it was forwarded to Mr. Master. It does not represent the opinions of the Commissioners, as can be seen by a reference to their recorded minutes, and I have reason to believe that had the letter been submitted to the Commissioners, it would never have been submitted to the Government.

3. As regards the General's Garden I, in company with Mr. Weld and one or two other Commissioners, inspected it on the morning of the meeting alluded to; and we came to the conclusion that, taking into account the large quantity of water then in the fort ditch, and the very small quantity required for the garden, it was not worth while talking about, especially as the Brigade Major had stated that the garden supply would be cut off if it seemed probable that water would become scarce.

4. In the last clause of paragraph 2 Mr. Weld writes: "We are obliged, however, to submit to a daily draw of 40,000 gallons per diem to wet the barrack tatties, *as we are told that, otherwise, the supply of Alipur Tank will be cut off.*" And in paragraph 4 he writes: "Further, our situation at present with regard to the Alipur supply is unpleasant; we are at the mercy of any capricious Executive Engineer who can in any year deprive us of our supply, and this year 40,000 *gallons a day are extorted from us by threatening to stop our supply next year.*"

I hardly know how to meet the assertions made in the passages I have underlined ; they are so utterly opposed to the facts.

Nothing so silly occurred at the meeting as the threatenings which Mr. Weld describes.

During the discussion I maintained the military character of the Alipur works, and recommended the Commissioners to try to increase the supply of water for the town, because it was very likely that at some future time the mode of supplying the troops would be changed by conveying the water to the barracks directly, and that then none but the surplus water would flow into the fort ditch.

This is what has been magnified into a threat of stopping the supply next year unless certain demands were complied with.

5. The discussion arose on a letter from Colonel Elphinstone to the President of the Municipal Commission, requesting to be informed if there was any objection to water being taken from the fort ditch for the kus-kus tatties of the barracks and hospital of the European Troops. This letter was circulated amongst the Commissioners, who recorded their opinions in writing. The following is a copy of what I wrote :—

" It appears to me that some facts connected with this question have been overlooked.

" The Alipur Tank and all works connected with it are an ' IMPERIAL MILITARY WORK,' the water stored being intended for the use of the Troops, European and Native.

" The greater part of the water now in the fort ditch was supplied from Alipur Tank, and I presume that the fact of its having been thrown into the common reservoir has not alienated it from the use for which it was originally stored.

" 2. The European Troops get their drinking water from another military work, *the Artesian well*, and for culinary and ordinary household purposes they get water from wells, drawing none at present from the fort ditch.

" 3. I do not know if any order has been passed by the Municipal Commissioners regarding the reservation of the fort ditch water for drinking purposes ; but I do know, as a fact, that it is not so reserved ; the fact being that it is used by every one for every purpose.

" 4. Under these circumstances, I consider that the European Troops have an undoubted right to use the fort ditch water for all domestic and sanitary purposes, and that there is no necessity to apply to the Municipal Commissioners for permission to do so.

" 5. If a water famine were expected, I presume the use of the water would be placed under proper restrictions ; but until that becomes necessary I hold to the opinion I have expressed above."

6. I see no necessity for building up the sluice leading to the garden as I presume it will always be under complete and sensible control, and that there need be no fear of the " man in charge " maliciously running the fort ditch dry. There would be no difference between irrigating the garden from the well alluded to instead of the ditch, as the well is supplied from the latter.

7. As regards the two questions put by Mr. Weld at the end of paragraph 4 I cannot see what sole or absolute right the Municipality could claim over water provided by the Government for the use of the troops ; and I presume the Military authorities are not disposed to alienate from themselves the control they alone possess over every portion of the fort.

In paragraph 4 of Mr. Weld's letter he says : " We are at the mercy of any capricious Executive Engineer," and Mr. Master, in paragraph 4 of his letter to the Chief Secretary, expresses the same idea : " It is disagreeable," he writes, " for the Commissioners to be situated so as to be at the mercy of the officer who has power to withhold or grant the supply." It seems strange these two gentlemen, especially Mr. Master, who is so familiar with official matters, should invest the Executive Engineer with powers which he never could possess. No Executive Engineer dared act in the manner indicated ; and it is unlikely in the extreme that any Engineer would do otherwise than give the most abundant supply *so far* as the matter depended on him.

Transferred to the Financial Department with reference to docket in that Department, dated 15th May 1872 (herewith returned).

OOTACAMUND,
12*th July* 1872.

(Signed) A. C. SILVER, Colonel,
Offg. Secretary to Government, M. D.

No. 84. ORDER THEREON, 13th August 1872, No. 1065.

His Excellency the Governor in Council does not consider it necessary to issue the notification suggested in paragraph 8 of the letter above recorded from the Acting Collector and President of the Municipal Commission at Bellary.

2. The control of the water in the fort ditch, which is supplemented from the Alipur Tank, may be safely left under the immediate charge of the Executive Engineer, as it is at present. It would appear from the communications received from the Executive Engineer and from the Brigade-Major that the Military authorities of Bellary are fully sensible of the value of the somewhat precarious water-supply of that station, and His Excellency in Council is assured that, if there is any prospect of a failure of the supply, all the necessary restrictions in respect of the use of the water in the fort ditch will be observed. As remarked by the President, there was, at the time of the question being raised by the Vice-President, an abundance of water in the fort ditch, and the use of a moderate quantity of this water for the public garden was, under the circumstances, not open to any objection.

(True Extract.)

Acting Under Secy. to Govt.

To the Acting President of the Municipal Commission, Bellary.
,, Public Works Department.
,, Military Department.

Exd. J. Wright.

Referred to His
Excellency the Commander-in-
Chief.

Fort Point George, 18th May 1872.

Offg. Secretary to Govt.

To

The Quarter Master General.

With 1 Encls. / Not returned /

disp.d 18th May/72

Entered & returned
6 July 1872 — J.B.C.

Govt. of [1872] Victoria

FINANCIAL.

To

THE ACTING PRESIDENT OF THE
MUNICIPAL COMMISSION,
Bellarry,
&c., &c., &c.

Dated August, 13th.

Recd.

Encl.

G. O., 13th August 1872, No. 1065.

AUGUST.
Nos. 82–84.

Passing orders on the correspondence relating to the question of the control over the expenditure of the water of the fort ditch at Bellary.

No. 45

Bellary 21 June 1872

From Brig. General W.S. Woods
Comg Ceded Districts
To The Secretary Madras Govt
Fort St. George

Sir

I have the honor to acknowledge the receipt of the Documents as per margin hereunto returned / referred to me for report, by memo from your Department under date the 18th Ultimo No 4146

2 As the correspondence embraces subjects of which I had no cognizance I deemed it necessary to refer the papers to Mr Fraser the Executive Engineer now beg to enclose his reply under date the 17th instant, which I think fully meets the question as to the right of general control of the water in the Fort Ditch: the only point on which apparently Mr Maxler wishes a decision should be passed by Government —

3 With reference to the attitude towards the Military authorities taken by Mr. Weld as Vice President of the Municipal Commission, I need only solicit the attention of His Excellency the Commander in Chief to the following Extract from my letter to your address dated 28th June 1870. No 48.

P.V. "I take this opportunity of bringing
" to His Excellency's notice the very unsatis-
" factory position in which the Military
Cantonment

Order of Govt 18th July 1872 Referring letter from the Collector Bellary regarding the Control of the Water in the Fort Ditch Bellary.

"Cantonment occupies in regard to the
"Municipal Commission, Bellary, as
"contained in the Militan limits is
"essentially Militan. In the Cantonment
"with the exception of a few houses occupied
"by shopkeepers and the Telegraph department,
"the whole of the houses are tenanted by
"Militan men. The fort is, a fortiori,
"Militan and the Cowle Bazar is the
"original Camp Bazar. Short of no
"place more suitable for separation from
"the administration of a Civil Municipal
"Commission and for the introduction of
"Act I of 1866. As matters stand
"under the present order of Govt. it
"is difficult to say whether the Command-
ing Officer has any authority at all
in the Cantonment as regards the
carrying out of the Quarter Master General's
rules bearing on Houses, Conservancy,
and the neat & tidy appearance of
the place."

4. I would merely add that two conflicting authorities in one Cantonment, can hardly subserve the object of good Government: & it seems very desirable that either the Militan be allowed to govern their own Cantonment under the provisions of Act I of 1866, or that the entire cantonment be placed;- the ground on which the Barracks stand excepted;- altogether under the Municipal Authorities.

I trust

I trust His Excellency the Commander in Chief will recommend to Government either the one or the other of these alternatives.

I have the honour &c
Sir
Your most obed Servt.
D Wood Lt Col Brig Genl
Comg Ceded Districts.

1872

16

From Officer Commanding
Ceded Districts

To Headquarters Quarter General
Fort Hughes.

No 45 dated
Bellary 21st June 1872

D. & D.

Inl No 3025 of 1872

1 Enclosure

Replies to Quarter Master
General's reference under
date 18 May 1872: &
encloses original letter from
the Executive Engineer on
the control of the Waters in
the Fort Ditch.
Original papers returned.

No 5399

Inl 24th 1872

3

Vide In 30 of 6 Jan 1872
to Govt.

1872. Dept
No 2266
Fin. 1872 DEPARTMENT.

COLLECTOR'S OFFICE
From Asst. Mount Com. BELLARY

Dated 13th May 1872 No. 42

To The Chief Secretary to Government, Madras.

Enclosure. 1

Received, 15th May

Referred.

Submit the question if the Municipality of Bellary is authorized to regulate the distribution of water of the Fort ditch which was lately filled from the Alipore Tank a work carried to completion in the Military Dept. & if so, request that a ratification vesting it in the Municipality may be issued.

Ltr from Govt. to Mil. Dept. dated 15th May 72

Ltr from Govt. to Mil. Dept. dated 15th May 72

Ltr from Mil. Dept. to Govt. dated 6th July 72 No. 30

Ltr from Govt. to Mil. Dept. dated 13th August 72 No. 82-84

Ltr from Govt. to Mil. Dept. dated 13th August 72 No. 82

No 965.

Ltr from Govt. to Mil. Dept. dated 5399

Quarter Master Genl's Office
Head Quarters Ootacamund
6th July 1872.

No 30/558

From

Colonel H. O'Connell
Offg Quarter Master General

To

Colonel A. C. Silver
Offg Secretary to Government
Military Department

Sir,

The correspondence on the subject of the control at Bellary, over the water in the Fort Ditch, referred to His Excellency the Commander in Chief on the 18th May 1872, was forwarded to the Officer Commanding at Bellary for report, and I have now the honor, by order, to submit letters as per margin on the subject.

From Officer Commanding Ceded Districts
No 45 dated 21st June 1872
" Executive Engineer Bellary Range
No 199 dated 17 June 1872

2. The facts that the supply of water to Bellary was carried out as a

a Military work and that the reservoir is in the centre of the Cantonment, make it, in the opinion of Sir F. D Haines, desirable that the control over the expenditure of this water should be retained by the Military Officer in command at Bellary.

3 The Commander in Chief requests attention to the remarks in General Wood's letter on the subject of the relative position of Military and Municipal Authorities at Bellary- His Excellency would recommend, for the consideration of Government, the advisability of making Bellary a Military Cantonment and bringing it under the operation of Act I of 1866.

I have the honor to be,
Sir
Your obedient Servant

W. Tonnell Colonel
Offg Quarter Master General

Ex 220/

Financial Department. 198

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Ag: President of the Municipal Commission, Bellary, dated 13th May 1872, No. 42.
From the Quarter Master Genl - 6 July 72.

Order thereon of Govt 13th Augt 1872 No 1065.

His Excellency the Governor in Council does not consider it necessary to issue the Notification suggested in paragraph 8 of the letter above recorded from the Acting Collector and President of the Municipal Commission at Bellary.

2. The control of the water in the Fort ditch, which is supplemented from the Alipur Tank, may be safely left under the immediate charge

Financial Dept. 10.
Recd 10 July 1872
No 2205.
From Quarter Master Genl
& Copy to Govt & Sanitary Comrs

Dated 6 July 1872
Rec'd 13th August do
No 1065
Forwards correspondence on the subject of the Control of the Bellary supply of water in the Fort ditch and states that the Collector and Chairman of the Municipality have been directed to report on the matter.

Transferred to the Financial Department, with reference to Govt in that Department dated 15th July 1872. (Herewith returned.)

Secretary to Govt.

Collectorate
12th July 1872

To
The Financial Dept. 12 July 1872.

charge of the Executive Engineer, as it is at present. It would appear from the communications received from the Executive Engineer, and from the Brigade Major that the Military authorities of Bellary are fully sensible of the value of the somewhat precarious water supply of that station, and His Excellency in Council is assured that if there is any prospect of a failure of the supply, all the necessary restrictions in respect of the use of the water in the Fort ditch will be observed. As remarked by the President, there was at the time of the question being raised by the Vice President, an abundance of water in the

Fort

Fort ditch, and the use of a moderate quantity of this water for the public garden, was, under the circumstances, not open to any objection.

To

The Ag. Head of the Municipal Commissioner, Bellary
— Public Works Department
— Military Department

20/2/39 II

Govt. of {1872} Madras

Financial

To

The Actg. Presd. Mad. Commr.

Bellary.

Dated Augt. 13.
Recd. } 1872, No. 186.

Nos. 82. 84

Passing orders on the Correspondence relating to the question of the Control over the Expenditure of the water of the Fort-Ditch at Bellary.

M.—1—77,006—8-6-31.

(1) Number of pages 1-22

(2) Date of repair 25-1-40

(3) Initials of the Referencer

(7)

MADRAS RECORD OFFICE.

Government of Madras.

Finance DEPARTMENT.

G.O. No. 1065 Press / Mis.

82-84.

Dated 13-8- 1879.

12/13

82-84

Not to be folded or roughly handled

9/1