M.R.O. 1—88,000—16-10-28.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1785	Press / Mis.
133-134 Dated	10-12-19 1864	

13/14

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

10th December 1864.

No. 133. Read the following letter from J. I. MINCHIN, Esq., Collector of Kurnool, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Kurnool, 2nd December 1864, No. 69.

The Government having recorded in their Proceedings, dated 11th November 1864, No. 2070, their opinion, that, except on the application of the inhabitants of the town of Kurnool, taxation for Municipal purposes cannot be imposed upon them, I have the honor to forward the originals of various applications for the introduction of the Municipal Act, numerously signed by respectable inhabitants of the town.

2. The applicants request that Act XXVI of 1850 may be introduced, for the purpose of raising funds by local taxation, in such way as may be approved of by the Municipal Commissioners of the town, with the object of paying for the water to be supplied to the town by the Madras Irrigation Company, of completing the construction of the works necessary for the distribution of the water, and of carrying out other Municipal improvements and sanitary arrangements.

3. I beg that the usual orders of Government may be passed on this application.

No. 134. ORDER THEREON, 10th December 1864, No. 1785.

The Governor in Council directs, accordingly, that the preliminary Notification required by Section 3, Act XXVI of 1850 be published in the *Fort Saint George* and *Kurnool District Gazettes*, and that three clear months be allowed to the inhabitants to declare themselves for, or against, the extension of the Act to the town of Kurnool for Municipal purposes.

2. The Magistrate will cause the Notification to be made known by public proclamation in the town, and also to open books at Kurnool, in which the inhabitants should be invited to record their assent to, or dissent from, the measure. The greatest care should be used to ensure the free expression of the public feeling on the subject, and no influence exercised, or inducement held out.

3. On the expiration of the three months allowed by the Notification, the Magistrate will submit a report to the Government, and, if the result is such as to warrant his recommending the introduction of the Act into the town of Kurnool, he will at the same time submit the names of the gentlemen to be appointed Commissioners under the Act.

(True Extract).

Chief Secretary.

To the Magistrate of Kurnool.

Exd. J. H. Burns.

Proceedings of the Madras Government, Revenue Department, 11th November 1864.

No. 131. Read the following letter from Captain J. MULLINS, R. E., Consulting Engineer for Irrigation and Canal Company, to Colonel C. A. ORR, R.E., Secretary to Government, Department of Public Works, dated Madras, 24th October 1864, No. 129 :—

SIR,

1. In 1862 a correspondence* took place between the Collector of Kurnool and the Chief Engineer Irrigation and Canal Company on the subject of the water supply of Kurnool, but, as at that time, the works had not approached sufficiently near to completion to render it necessary to make definite arrangements, the matter dropped for a time. The Agent, however, in a letter† of the 23rd ultimo, No. 1,291, states that the Chief Engineer is now prepared to afford the requisite supply, and for some weeks past water has been supplied to the channels shown in the accompanying sketch of Kurnool and its vicinity. The Government in their Order as per margin recognize the advantage of a water supply to Kurnool, and with a view to make the supply continuous, sanctioned the diversion of Toombuddra water through the Soonkasala Head Sluice throughout the year.

* From Collector, No. 63, 22nd March 1862.
Do. Chief Engineer, No. 126, 22nd March 1862.
Do. Collector, No. 76, 4th April 1862.
Do. Chief Engineer, No. 145, 17th April 1862.

† Enclosed with the letter No. 755 of the 21st October 1863, from the Chief Engineer thereto attached.

No. 704, 7th April 1862.

2. Upon the receipt of the Agent's letter, I wrote‡ to the Collector of Kurnool for his opinion as to whether the necessary works should be constructed, and the distribution managed by the Company or by Municipal action, and Mr. Minchin considers§ that the latter is the better arrangement, and no doubt, if the inhabitants be prepared to apply to have the town brought under the Municipal Act, it will be a great advantage to the people that all the details of distribution should be undertaken in the first place, and managed afterwards by those who will be their representatives, and who will be favorably circumstanced for understanding and consulting the interests of the rate payers.

‡ No. 121, 24th ultimo.

§ Letter No. 233, 5th October.

3. With regard, therefore, to this part of the subject it would seem advisable that no time should be lost in ascertaining whether the inhabitants of Kurnool desire to have the Municipal Act applied to their town, and, should the majority be in favor of the establishment of a Municipality, the subsequent arrangements in connection with the water supply which I should recommend would be :—

First.—The selection of the site for the main reservoir, which of course should be on such a level as will command all the parts of the town to be supplied. It has been mentioned that the Magazine bastion is a favorable locality, but this should be carefully verified, and sufficient space for future requirements should be reserved.

Second.—The reservoir would be the point at which the Irrigation Company would deliver the water. The reservoir itself would be constructed at the expense of the Municipality, and after the water had reached thus far, it would be entirely under the control and management of the Municipal Committee.

Third.—With a view to the ready measurement of the water, either the reservoir itself would be constructed with a dividing wall, allowing the two halves to be filled alternately, or just above the reservoir double measuring cisterns would be built.

These are, I think, the only details requiring present notice.

4. Clause 27 of the Contract requires that the maximum rates for the supply of water generally, except the supply for purposes of irrigation, shall be fixed by an Act of Parliament of the Indian Legislature. Besides the water supply of towns and private houses the exceptional

supplies will probably be confined to the utilization of the water as a mechanical power, and as, in that case, the water would be returned to the canal for subsequent use in irrigation and navigation, the Company will be able to afford to supply the water at a lower rate than that for the use of towns, and perhaps, therefore, the one maximum rate for town water supply will be all that need be entered in the Act, leaving the Company free to settle the rates for all supplies of this exceptional description within the limit thus imposed.

Paragraph 9, of No. 755, 21st October 1863.

5. The Chief Engineer proposed to charge Rupees 3,200 for a continuous supply of 400 cubic yards per hour throughout the year, and this, it was said, was calculated at the same rate as water supplied for irrigation. The supply at 400 cubic yards per hour would be 35,04,000 cubic yards for the year, and as Colonel Cotton allows one cubic yard per acre per hour, and 4 Rupees per acre are allowed for a single crop, it follows that for a three months' crop the supply would cost one Rupee for 510 cubic yards, and for a four months' crop one Rupee for 720 cubic yards. It is probable, however, that 4,000 cubic yards will be required for a crop, and the cost of irrigation water may be taken at one Rupee per 1,000 cubic yards, and this would give Rupees 3,504 as the cost of the year's supply for Kurnool, at the irrigation rate. This, however, is not a maximum rate, and I would propose that one Rupee for 500 cubic yards of water be the maximum rate to be fixed by the Act of the Legislature, and this will leave the Company a sufficient margin.

6. There remains the question as to whether the gardens of private houses in stations, when supplied with water, are to be charged at the irrigation rate or within the rate for exceptional supply. I would recommend the latter, as the irrigation rate would be unremunerative in many cases, and the water might be used for several purposes although it might be ultimately employed on garden irrigation. It might also be considered permissible that supplies to detached houses or gardens should be estimated instead of being measured, when the person supplied did not object. Water meters in such cases add much to the expense even if their construction be simple, because they require constant attention.

7. I have not said any thing regarding the arrangements for distributing the town supply, because, in the first place, until the wishes of the inhabitants, as to the adoption or rejection of the Municipal Act, become, known, it would be premature to consider what these details should be; and secondly, the planning of the works and the way in which they are to be worked after construction will depend much upon the levels of the ground over which the water is to be conveyed. Mr. Minchin, however, considers the population of Kurnool to be 23,000, and if for this number 300 cubic yards per day be supplied, the cost of the water at the point of delivery by the Company would be 3 Annas per head per annum only, and as the subsidiary reservoirs and the distribution channels could be carried out gradually, and as were capital raised on the rates, and as much as 10 per cent. interest paid, a 2 Annas rate would suffice to pay the interest on a loan of 35,000 Rupees, there is, I think, a reasonable prospect of a well arranged supply being afforded to the town at a cost which will, while adding much to the health and comfort of the inhabitants, add little, if at all, to their expenditure; for what is now expended in getting a little dirty water will, by combined action, suffice to furnish an ample quantity of clean water and in a convenient manner.

8. The Chief Engineer's plans and estimates for the water distribution were forwarded to the Board of Directors, but it is very probable that the arrangements would differ were a Municipal Committee to have the management of the distribution, and it is therefore not of so much consequence that I am unable to lay Colonel Cotton's project before Government.

9. Mr. Henslowe desires the sanction of Government to some temporary arrangements pending the passing of an enactment and the settlement of the permanent arrangements, but in the absence of powers to fix and levy a rate, I do not see how the payment for the water supplied

End of letter No 1,221.

can be obtained, unless any of the leading men of Kurnool be willing to subscribe for a limited supply for the benefit of the inhabitants.

10. As it would be an advantage that all revenue from works constructed out of "irrigation capital" should be exhibited in the Public Accounts, the Collector might receive the payments due to the Company on account of town supply, and this, were the Municipal Committee responsible for the collections, would entail no necessity for additional establishment, but were there no such body, the collection by the Collector directly would occasion considerable expense.

Para. 12 of Chief Engineer's letter. No. 755, 21st Oct. 1863.

11. Mr. Minchin in paragraph 7 of his letter of the 5th ultimo, seems to consider a special Act for Kurnool necessary, but I am under the impression that the Municipal Act will afford sufficient powers for carrying out this and all other improvements, for which the inhabitants may be willing and able to pay, and that, if the inhabitants decline to accept the Municipal Act, it would not be considered right to take from any one town its power of choosing, so long as the adoption of Municipal government is left optional with the towns of the Presidency generally.

Referred to the Revenue Department.

CHEPAUK,
26th October, 1864.

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government P. W. D.

No. 132. ORDER THEREON, 11th November 1864, No. 2,070.

Miscellaneous.

Public Works Department, Canal Irrigation G. O. 7th April 1862, No 704.

1. These papers relate to the supply of the Town of Kurnool with water, by means of the works of the Irrigation and Canal Company. In 1862 the then Consulting Engineer, Lieutenant-Colonel Kundall, informed the Government that the Chief Engineer of the Company reported a movement "amongst the inhabitants to take advantage of the first supply of water and apply it to municipal and domestic purposes." The proposed mode of action was "to raise sufficient capital for the works by subscription, and to obtain from the inhabitants by water rates a sum sufficient to cover the interest of the capital laid out and the Company's dues."

2. The Government expressed a hope that the attempt would succeed; and as its success would greatly depend upon the continuance of the supply, they permitted water to be drawn from the Toombuddra throughout the year, on condition of all surplus over and above the requirements of the Town being discharged into the river after the month of December, when the shortness of supply at Bezwada precluded any diversion of water from the river.

3. Nothing further appears to have been done in the matter owing to the incomplete state of the Company's works. The question is now revived, as the Chief Engineer is prepared to supply water, and in fact for some weeks it has been supplied to a certain extent.

4. Colonel Cotton's plan is "to take the water through filters into covered ducts branching to convenient sites for cisterns to be kept always full, and affording at each a dipping trough from which many individuals can be simultaneously supplied." The cost of the necessary works (the plans of which have been sent by Colonel Cotton to the Board of Directors in England) is estimated at Rupees 16,420, including channels to carry unfiltered water to suburban fields and gardens for irrigation. The quantity of water likely to be consumed was estimated by Colonel Cotton at from 80,000 to 100,000 cubic feet per diem, allowing a liberal supply for the domestic uses of the inhabitants, and an equal quantity to scour street gutters occasionally. Colonel Cotton states that the value of the 400 cubic yards per hour thus continuously consumed would, at the irrigation* rates, amount to Rupees 3,200 per annum, and adding 20 per

* N. B.—The Irrigation rate, is 4 Rupees per acre, the supply to be sufficient to bring the crop to maturity.

cent. for interest on the outlay (Rupees 16,420), repairs, and renewal of the filtering material, the total charge would be Rupees 6,500 yearly. Colonel Cotton finally considered that Government should collect the Company's dues by means of a house rate.

5. The Agent in forwarding copy of the letter, of which the foregoing is an abstract, states that "if the Government concurs in the expediency of the proposal, and will decide the simple question whether the Company shall be permitted to afford the people of Kurnool a supply of water, Colonel Cotton will at once submit his plan and estimates," and that pending an Act of the Legislature fixing the rates of water tax, temporary arrangements may be made to supply water at a reasonable charge.

6. From these papers it does not appear that either the Chief Engineer or the Agent contemplates municipal intervention, at least, at the outset of the project.

7. The Collector believes it hopeless to rely on voluntary taxation for payment of the value of the water supplied, while, if compulsory taxation be resorted to, it will be necessary to take measures to ensure an equivalent return to all the parties who pay for the general improvement. He considers that "this difficulty can only be met by entrusting the distribution of the water to municipal action, the municipality taking off the whole water supplied by the Company, at such a yearly price as will pay the Company a proper interest on the capital expended on the works, which for an exceptional scheme of this nature need not," in his opinion, "exceed the 5 per cent. guaranteed by the Government." He therefore recommends the immediate enactment of a law for raising money for local improvements, including in this category, the cost of the Town Police, Water supply, &c. He suggests a house tax and a license tax on trades and professions as the most feasible mode of raising the necessary funds, the absolute control of which, after deducting the cost of the Police, should be left in the hands of the municipality.

8. The Consulting Engineer Captain Mullins suggests, with reference to the Collector's proposals, that no time should be lost in ascertaining whether the people of Kurnool desire the introduction of the Municipal Act, and that in accordance with the 27th clause of the Contract, an Act should be passed fixing maximum rates for water supplied for other than irrigation purposes. For reasons given in paragraph 5 of his letter, Captain Mullins recommends that this rate should be 1 Rupee for 500 cubic yards, or double the charge for water supplied for irrigation according to his calculations.

9. It seems to the Government that the first step to be taken is, for Captain Mullins to ascertain from the Agent whether the Company are willing to deal with a municipality, and if so, on what specific terms. When the views of the Company are known, the Collector can take measures to ascertain whether the majority of the inhabitants of Kurnool are in favor of the introduction of the municipal Act, with a view to raising the necessary funds for this purpose as well as to meet the cost of the Town Police, of conservancy measures and local improvements generally; an estimate of the probable amount required for these purposes being prepared. The question of the Town Police must, however, be kept altogether separate from that of the water supply.

10. Colonel Cotton as already stated in paragraph 4 (*supra*), contemplated the distribution of the water by the Company, and the collection of their dues by Government by means of an assessment on each house. Of course if the majority of the people are in favor of such an arrangement, there would be no objection to an Act being passed for the purpose, but otherwise the Government are in doubt whether the Secretary of State would approve of a compulsory rate on all house property. As regards water for irrigation, the Secretary of State ruled that the Ryots were to have the option of taking or refusing it, and this principle would seem to apply equally to water for domestic purposes. Of course if the majority of the people elect to introduce the Municipal Act, or apply for an Act having for its special object the supply of the town with water and the levy of the requisite funds the minority must yield, but the enactment of such a law to enable the Government or the Company to levy a general rate without the consent of

the majority is a different matter. On this point a reference will be made to the Home Government. All that the Contract requires is that the Legislature should fix the maximum rates to be charged. The other arrangements are left to the Company to settle with their customers.

11. The Agent must also be consulted as to the maximum rate proposed by Captain Mullins before the Government can act on his recommendation.

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Consulting Engineer Irrigation and Canal Company.
„ the Public Works Department.
„ the Collector of Kurnool,
„ the Board of Revenue.

Exd. S. T. Augustin.

بستی کی آبادی و درستگی کے کامان کے لیئے ۲۶ ووان اکٹ نمبر ۱۸۵۶ عیسوی کے موجب اوس اوس
حاجی پرین باندکر عیوض جمع کرنے کمیشن کمشنران کے جانب سے منظوری پاتے ہین یو طور پر ہی مدراس
علاقہ ارگنیس کمپنی کے طرف سے بستی مین لاتے ہین یو پانی کمیشن دینیکو واسطے ہی اور پانی تقسیم کرنیکو
حاجت ہی کامان تمام کرانے کمیشن ہی اور بستی کے آبادی اور دوسری خوش اسلوبی ور احتان
کے تقررات کرنے کمیشن ہی یہہ اکٹ عمل مین لانے کے واسطے کرنول کے باشندگان جو اسکے
نیچے دستخط کیے ہین ہمکو راضی ہی کرکے ہم اسکے روسے اطلاع کرتے ہین

دستخط محمد ہاشم اوستاد

تاریخ پنج رسالوار

دستخط حاجی محمد رحمان

دستخط

Ameerally Khan

دستخط عبدالرحمن صاحب

دستخط خواجہ صاحب کوٹ موٹ والی

دستخط محمد صاحب جوہری

دستخط مالک سوداگر

دستخط نظام صاحب پالوانوالہ

دستخط عبدالرحمن صاحب

دستخط غلام علی سنگر سوتہ

دستخط حضرت صاحب کوٹ موٹ والی

دستخط عبدالکریم صاحب بجلی

دستخط یوسف صاحب سوداگر

دستخط حسن صاحب سنگر سوتہ

دستخط محمد صاحب سوداگر

دستخط حسن صاحب بجلی

دستخط غلام حسین طالب العلم داماد قاضی محمد طاہر مرحوم کنوف

دستخط غلام محمد خان بہند

دستخط حاجی یوسف خان خانہ زاد

دستخط

کوداز خان سرکار کنور رسد خانہ زاد

سوبہ نیز دستخط خلاصہ تردد الدولہ خان بہادر مرحوم

دستخط معتمد خلیجان تمرد ہے

دستخط محمد سلیمان بہادر

دستخط لطیف خان ناظر

رجوع غلام رسول خان بہادر

دستخط غلام محی الدین خان بہادر

دستخط غلام محی الدین خان

بلیل خان

دستخط رازدار خان ناظر

Le Pardhanourghan

Vala Bury Pursad

Bhobla Pore

Watkins Rao

D. Sambiah

Bhoopanna

Venkatarow

Bheemsandhagy

Moonicawmy

Mir Ruzangaloo

J. R. Ramakrishnah

JUDICIAL DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

~~166~~.

Read the following letter from the Magistrate of Kurnool. (Recd. 2 Dec. 64 No. 69.)

ORDER THEREON, 10 Dec. 64 No. 1785.

The Governor in Council directs accordingly that the preliminary Notification required by Section 3, Act XXVI of 1850 be published in the *Fort Saint George* and *Kurnool District Gazettes*, and that *three* clear months be allowed to the inhabitants to declare themselves for or against the extension of the Act to *the town of Kurnool* for municipal purposes.

2. The Magistrate will cause the Notification to be made known by public proclamation in *the town* and also to open books at *Kurnool* in which the inhabitants should be invited to record their assent to, or dissent from, the measure. The greatest care should be used to ensure the free expression of the public feeling on the subject, and no influence exercised, or inducement held out.

3. On the expiration of the *three* months allowed by the Notification, the Magistrate will submit a report to the Government, and if the result is such as to warrant his recommending the introduction of the Act into *the town of Kurnool* he will at the same time submit the names of the gentlemen to be appointed Commissioners under the Act.

(True Extract.)

Chief Secretary to Government.

To the Magistrate of *Kurnool*. dated 7/12

Gazette 20.12.64

بستی کی آبادی و درستگی کے کامان کے لیئے ۲۶ دان اکٹ مانہ ۱۸۵۶ اغیوی کے بموجب اوس اوس
حاجی پر پن باندکر عیوض جمع کرنے کمیشنران کے جانب سے منظوری پاتے ہین سو طور پر مدراس علاقہ
ارگیشن کمپنی کے طرف سے بستی مین لاتی ہین سو پانی کمیشن دینیکا واسطے ہی اور پانی تقسیم کرنیکو
حاجت ہی سو کامان تمام کرانے کمیشن ہی اور بستی کے آبادی اور دوسری خوش اسلوبی ورا حتمان
کے تقررات کرنے کمیشن ہی یہہ اکٹ عمل مین لانے کے واسطے کرنول کے باشندگان جو اسکی نیچے
دستخط کیے ہین یکو راضی ہی کر ہم اسکا روسے اطلاع کرتے ہین

Mohomed. Abbas ally
Nihan Bahadoor

Nº 1 Jan. 3/85.

Judicial 1864 Depart.

Nº 1785.

Proceedings of Govt.

Feb. 1791.

Dated 10th Decr 90.

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