

- (1) Number of pages _____
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(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	2786	(W)	Press
B.P. No.			Mis.
Dated	29-9	1874	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
29th September 1875.*

No. 602. Read the following letter from Major H. M. VIBART, R.E., District Engineer, Bangalore, to Major-General G. W. WALKER, R.E., Chief Engineer, Public Works Department, dated Bangalore, 22nd September 1875, No. 104:—

With reference to your memorandum, No. 172, dated 12th February 1875, I have the honor to forward the accompanying copy of the Judgment of the Judicial Commissioner, Bangalore, in the case of assessment on Mechanical Engineer's quarters, Ulsoor Water Works.

In the Court of the Judicial Commissioner of Mysore, Bangalore, Monday, the 22nd day of August 1875, before H. T. PRINSEP, Officiating Judicial Commissioner.

REFERRED case No. 2 of 1875 from the Town and Cantonment Magistrate, under Section 78 of the Municipal Regulations in Appeal Case No. 3 of 1875 on his file.

Major H. M. VIBART, *vs.* President, Municipal Board.

This case coming on for disposal this day; having read the Proceedings in the above case, the Court pronounced the following

DECISION.

THE building about which this reference has been made was built by the Madras Government for occupation by the Mechanical Engineer in charge of the Ulsoor Water Works.

None of the premises connected with these Water Works have been considered liable to the Municipal rate, because those works are exclusively used for Military purposes, and as such are exempt under Section 65 of the Municipal Regulations.

It is contended for the Municipality that the house occupied by the Mechanical Engineer is not so exempt. I am of opinion that it must be considered to form part of the premises connected with the Water Works, and as such should be held exempted.

(Signed) H. T. PRINSEP,
Officiating Judicial Commissioner.

No. 603. ORDER THEREON, 29th September 1875, No. 2,786.

ESTABLISHMENT, No. 38.

ORDERED to be recorded and communicated to the Military Department.

(True Extract.)

Major-General, R.E.,
Secretary to Government.

To the District Engineer, Bangalore.
" Military Department.

Exd. S. T. Austin.
Spare Copies

Done alone

N^o 164

From

The Asessor & Collector
Municipal Taxes.
Bangalore.

To

The District Engineer
Bangalore.

Dated 23 January 1895.

Has the honor to inform that
the buildings occupied by the
Mechanical Engineer of the Water
Works Alloor are liable to House
assessment and will be assessed
from the 1st October last at Rs 12
annually on the estimated annual
value of Rupees 360-00.

The amount due for the Half
Year ending 31 March 1895 will
be Rs 6-00.

Wm J. Mearns

Asessor and Collector
Municipal Taxes.

N^o 852

From

The District Engineer
Bangalore.

To
The Assessor and Collector
Municipal Taxes.
Bangalore.

His No 164 of 23 Instant

Has the honor to inform that house
occupied by the Mechanical Eng.
is a Military building belonging
to the Madras Government and
therefore not liable to assessment.

Bangalore / Sd / H. M. V. Subbarao Esq. Ph.
23 Jan / 45 } District Engineer Bangalore.

From

The President

Cant^y Muni^l Comm^{ee} in
Bangalore.

To

The District Engineer

Bangalore.

Dated } 26 January 1895
Dy to }
Re } General No 1180

1895

His No 852 dated 23 Instant to the
address of the Assessor and Collector
of Municipal Taxes informing in
reply

reply to docket No 164 dated 23 Instant
that house occupied by the Mechanical
Eng. is a Military Building
belonging to the Madras Government
and therefore not liable to assess-
ment.

Has the honor to inform that
the Building though a Military one
and belonging to the Madras Govt.
is not used for Military purposes
but for the residence of a Civilian
and paid servant and therefore does
not belong to the class of buildings
exempted from payment of House
assessment as contemplated by
Sec. 65 of the Bangalore Municipal
Regulations of 1891, and is therefore
liable to House assessment.

Sd / J. B. V.

President Muni^l Comm^{ee}
Bangalore Cant^y.

From

The District Engineer
Bangalore

2
The President
Comt. Municipal Commission
Bangalore
No 868.
Dated 27th January/95
Dypt 28th do
Recd.

His No 1180 of 26th Instant.

Has the honor to inform that
the house in question is used for
Military purposes as it is occupied
by pensioned Warrant Officer J.
Smith who is in Charge of the works
supplying water to the troops.
The occupant is not a civilian
being a pensioned Warrant Officer.
His salary is paid by the Military
Department.

Requests a copy of Bangalore
Municipal Regulations of 1891 and
states that if considered desirable
a reference will be made to the
Madras Government.

154/H. M. Vibart Capt. Ch.
District Engineer, Bangalore.

HMS
27/1/95

From
The President
Comt. Municipal Commission
Bangalore.

To
The District Engineer
Bangalore.

Dated 2nd February 1895
Dypt
Recd

Enclosure No 1
General No 3450 } 1895
No

His No 868 Dated 27th ult. in para
2 requesting a copy of Municipal
Regulation of 1891.

Has the honor to forward
as requested a copy of Municipal
Regulations of 1891 and to observe
that this is the second copy
supplied to his Office for informa-
tion. The former was supplied
on the 29th May 1891.

An acknowledgement is
requested of the receipt of the
Copy

Copy of Regulations herewith sent.

(Signed) J. O'S

President

Cant. Muni. Commission

Bangalore.

From

The District Engineer

Bangalore.

To The President

Cant. Muni. Commission

Bangalore.

Dated 3 February 1845

Desd
Recd

His No. 3450 of 2 Instant

Has the honor to acknowledge
the receipt of a copy of Municipal
Regulations of 1841.

The buildings in question
is exclusively used for Military
purpose being occupied by a
Mechanical Engineer who is
in charge of the Machinery
which supplies water to the
British Troops in the Station,

and therefore not liable to Assessment.

(Signed) A. M. Vitar, Esq.

District Engineer, Bangalore.

No. 179.

From

The Asst. Collector

Municipal Sales

Bangalore.

To

The District Engineer

Bangalore.

Dated 5 February 1845.

Has the honor to inform that
under instructions received from
the President Municipal Council
the building occupied as a
dwelling house by the Mechanical
Engineer on the Moor Rock will
be assessed from the 1st October
last at Rs. 15/- annually
as the President Municipal Council
is of opinion it is not a building
exclusively used for Military
purposes and cannot therefore
claim

Claim exemption from assessment
under the provision of Section 65
of the Bangalore Municipal
Regulation of 1841.

If the assessment is
appealed against, it is necessary
that the District Engineer should
make the appeal as provided
in Section 48 of the Municipal
Regulations of 1841.

1640/James Bramley
Assessor and Collector
Municipal Taxes.

Nº 901.

From

The District Engineer
Bangalore.

To
The Assessor and Collector
Municipal Taxes
Bangalore.

Dated 6 February 1845

Recd

His Nº 149 of 5th Instant

Has the honor to inform

Wm. J. J. J.
8/2/45

that the District Engineer is con-
vinced that the building is one
used exclusively for Military
purposes as were there no troops
here, the house would not have
been built.

It was built by the allowed
Government for the especial
purpose of housing the Mechanical
Engineer in Charge of the Water
Works (Military) and funds
were provided for the building
from the Military Budget.

An appeal will be lodged
against the assessment should
the President still insist on
the claim after further consi-
deration.

Signed/H. M. V. Bartlett R.
District Engineer Bangalore
"True Copy"

Herbert Bartlett Captain R.
District Engineer Bangalore

17th 1875 - Sept
 No. 10 of 1875
 The District Engineer
 Bangalore
 to the Chief Engineer
 C. 1 17th 1875
 dated 8th Sept/75.
 Forwards copy
 of docket from the
 town the Revenue
 and Cantonment
 & the District Engineer
 regarding the expense
 incurred by the
 occupied by the
 Chief Engineer
 of the Cantonment
 No. 10 at Bangalore
 Memo No 1729/75. (17th 1875)

17th 1875
 No. 10 of 1875

Bangalore Town and Cantonment Magistrate's Court.
 Appeal Case No. 3 of 1875.

17th 1875
 Fort St. George
 12 February 1875
 City.

The Chief Engineer has the honor to state that his views are quite in accordance with those of the District Engineer Bangalore on the subject of his letter No 216 of 8th February. The District Engineer will act rightly in appealing according to sections 78 and 79 of the Bangalore Municipal Act.

Signed by B. W. Walker Colonel M.A.
 Chief Engineer P.W.D.

The District Engineer
 Bangalore.

The Judicial Commissioners under section 7 of the Regulations and it is hereby referred to the Judicial Commissioners for decision.

13th July 1875

Signed by H. E. Mottet
 Magistrate

Recd. by
of the Mayor
Mortimer
Memo. No. 1729/12. 13th July/15

6088

Not Churn

Bangalore Town and Cantonment Magistrate
Appeal Case No. 3 of 1875.
Captain Vibart vs. Municipality.

* * *
The point at issue is as follows.
On one side it is alleged that this
building is used exclusively for military
purposes and therefore comes under Section
65 of Municipal Regulations.

On the other side it is affirmed that
this building is not exclusively used for
military purposes and therefore liable
to agreement.

As this is the first case of the kind
and a decision in this case would be a
precedent for others, both sides are agreed
that the case should be referred to
the Judicial Commissioner under Section 65
of the Regulations and it is hereby so
referred to the Judicial Commissioner
for decision.

Signed H. E. Mottat
Magistrate.

13th July 1875.

86/14
In the Court of the Judicial
Commissioner of Mysore Bangalore,
Monday the 22nd day of August 1875.
Before H. T. Prendergast Esq. Judicial
Commissioner.

Referred case No. 2 of 1875 from the
Town and Cantonment Magistrate under
Section 78 of the Municipal Regulations
in appeal Case No. 3 of 1875 in his file.
Major A. M. Vibart D.S. President
Municipal Board.

This case coming on for disposal this
day. Having read the proceedings in the
above case, the Court pronounced
the following

Decision.

The building about which there
reference has been made was built by
the Madras Government for occupation
by the Mechanical Engineers in charge

of the Elsoor Water Works.

None of the premises connected with these Water Works have been considered liable to the Municipal rate because those works are exclusively used for military purposes and such are exempt under section 65 of the Municipal Regulations.

It is contended for the Municipality that the house occupied by the Mechanical Engineer is not so exempt. I am of opinion that it must be considered to form part of the premises connected with the Water Works and as such should be held exempted.

Signed H. T. Pringle

Off. Judd Commissioner

A notice to the Pleaders to attend Order on Saturday to hear the decision of the Judicial Commissioner.

Signed H. E. Mottet
Magistrate.

UV
Costs are applied for by Major Vibart.
Costs are allowed as follows:-
10. Rupees for Pleader One Rupee for stamp.
or Total 11. Rupees.

Signed H. E. Mottet
Magistrate.
5th - 8-75.

The amount assessed on the house and stated to have been paid, will have to be refunded.

Signed H. E. Mottet
Magistrate.
7-8-75.

/ True Copy /
Signed H. E. Mottet
Off. J. S. Cantt Magistrate.

Recd.

Copy applied for 18-9-75.
Money deposited 18-9-75.
Copy ready 20-9-75.
Copy delivered 20-9-75.

/ True Copy /

Major Vibart
District Engineer.

Ms. 6888/5
20-9-1875
11/13/1875

No. 104. 12

District Engineer's Office
Bangalore 22nd September 1875
2/31

From
The District Engineer
Bangalore.

The Chief Engineer
Public Works Department
Madras.

With reference to your letter
No. 172 dated 12th February 1875. I have
the honor to forward the accompanying
copy of the judgment of the Judicial
Commissioner Bangalore in the case of
agreement on Mechanical Engineer's
Quarters above Water Works.

I have the honor to be

Sr.
Your most Obedt Servt
Arthur Stuart Mayo Esq.
District Engineer.

15
2
D. J. Singatun
Hillside 15

11-602/3
 Cu-25-9-76 Dec-29-9-76
 Aug-26-88-2-9-95

of 1875 Madrid.
PUBLIC WORKS.

Dr. 110
Direct

29 Sept 1978

Accrue ment on the Am.
Colonial Sugar's Stock
P. 1000000

Let. from the Whigs found
ing copy of Judgement
delivered by the 1st Court

of Congress in the case of
recorded remains
of the Buffalo Bill
and even so

Handwritten signature: *James M. Smith*

[illegible]