GENERAL.
ACCOUNT.

Govt. of {1883} Madras.

PUBLIC WORKS.

Dated July, 20th.

Read. *Encl.*

G.O., 20th July 1883, No. 2006 W.

JULY.

Work at Amaravati, Hampi and the Seven Pagodas

Passing orders regarding the distribution of funds for —.

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FINANCIAL DEPARTMENT.

READ—the following papers:—

G.O., dated 19th April 1883, No. 2257, Military.

Read—the following letter from Lieutenant-Colonel R. C. STEWART, Officiating Quartermaster-General, to the Acting Secretary to Government, Military department, dated Fort St. George, 1st March 1883, No. 1735:—

Referring to O.G., No. 1061, dated 17th ultimo, I am desired to submit the following remarks.

2. The cantonment of Trichinopoly was brought under the operations of the Cantonment Act (I of 1866) by G.O.G., No. 80, of 1866, but though in O.G., No. 3590, dated 12th October 1869, it was declared that chapter V of the rules framed under section 19 of that Act and such portion of the rules in chapter II as might be necessary to give effect to the rules in chapter V were, from 1st December 1869, to be in force there, no other part of the said rules were ever introduced there, nor, at present, are even the rules introduced by O.G., No. 3590, dated 12th October 1869, practically in force, for since then the withdrawal of British troops from the station has been held to remove Trichinopoly from the category of those stations to which Act I of 1866 and the rules framed under it should be applied—see O.G., No. 7074, dated 10th November 1880.

3. This being the case, there is at Trichinopoly no cantonment committee, nor is the action indicated in paragraph 3 of the O.G. under notice possible.

4. It is requisite therefore to ask that Government will be pleased to issue orders under which the officer commanding Trichinopoly can act with authority in the removal of the buildings.

5. From the opinion of the Advocate-General it would appear that failing institution of a suit to recover the several sites compensation must be paid for the materials of the objectionable buildings upon them. It is suggested, therefore, that the officer commanding be empowered to act under clauses VII and VIII of paragraph 9, or under paragraph 21 of the rules in G.O.G., No. 71, of 1849, which have been declared to be still in force.*

* O.G., No. 1482, dated 27th November 1867.
„ „ 1851, „ 13th October 1876.
„ „ 554, „ 29th January 1883.

From Lieutenant-Colonel R. C. STEWART, Officiating Quartermaster-General, to the Acting Secretary to Government, Military department, dated Fort St. George, 19th March 1883, No. 2290.

Referring to this office letter, No. 1735, dated 1st instant, I am desired to forward, for the information of Government, the estimates, as per margin, of the value of the houses in question, which were called for in anticipation of Government approving the proposal of His Excellency the Commander-in-Chief.

		Rs.	A.	P.
No.	I	167	14	2
„	II	87	15	2
„	III	107	11	6
„	IV	78	4	6
	Total ..	441	13	4

2. It will be observed that in these estimates the cost of removal of the materials is deducted from the amount to be paid to the owners, but His Excellency the Commander-in-Chief considers this is a charge which must be met by Government, the owners of the houses being paid the amount at which their property, as it stands, is actually valued.

3. Rs. 30-12-0 would thus have to be added to the amount above shown, and raise the total cost of the measure to Rs. 472-9-4.

Order—dated 19th April 1883, No. 2257, Military.

The Government are asked to issue orders authorizing the removal of four ruinous buildings situated near the lines of the 21st Regiment, Native Infantry, at Trichinopoly, and it is suggested that the officer commanding the station be empowered to act under the provisions of G.O.G., No. 71, of 1849.

2. It is observed, however, that if these buildings were constructed—as seems probable from the correspondence submitted—prior to 1849, the provisions of the G.O.G. referred to would be inoperative.

3. The buildings in question have been valued at Rs. 472-9-4, and the Right Honorable the Governor in Council authorizes the offer of that sum to the owners.

4. If the offer is accepted, the buildings will be pulled down and materials sold.

(True Extract.)

(Signed) E. L. HANKIN, Colonel,
Secy. to Govt., Mily. Dept.

To the Quartermaster-General, with 4 enclosures.
" Adjutant-General for information.

From H. SEWELL, Esq., President of the Municipal Commission, Trichinopoly, to the Chief Secretary to Government, dated Trichinopoly, 11th February 1884, No. 44.

Referring to G.O., Nos. 104 and 105, dated 15th January 1884, I have the honor to enclose an extract from the proceedings of the municipal commissioners passed at a meeting held on 5th February 1884, and request the favor of your obtaining the orders of Government on the subject.

ENCLOSURE.

EXTRACT from the proceedings of the municipal commissioners for the town of Trichinopoly at a meeting held on 5th February 1884.

* * * * * *

Paragraph 2. Read G.O., Nos. 104 and 105, dated 15th January 1884, recording certain papers and communicating to all Presidents of municipalities, &c., resolution of the Government of India, No. 5—165-81, dated 21st December 1883, prohibiting the levy of municipal tax on Government property in cantonments, as also letter, No. 445-M, from the Executive Engineer, returning house-tax bills on military buildings in cantonment with the Vice-President's endorsement thereon.

With reference to G.O., No. 1860, dated 22nd August 1883, Financial, Government will be requested to inform the commissioners whether they are or are not entitled to levy these taxes, inasmuch as Government have stated therein that the military authorities no longer regard Trichinopoly as a military cantonment. If that is the case, and if Government endorse that opinion, it would appear that the commissioners are entitled to the taxes on military buildings, &c.

* * * * * *

From Lieutenant-Colonel H. R. MEAD, R.E., Superintending Engineer, VI circle, to the Chief Engineer, Public Works department, dated Trichinopoly, 4th February 1884, No. 2197-T.J.

I have the honor to acknowledge the receipt of G.O., No. 266 W., of 30th January 1884, forwarding resolution of the Government of India ordering that no municipal tax should be levied on Government buildings in any cantonments in India, and with reference to your memorandum, No. 132-C, dated 18th January 1884, to point out that Trichinopoly is not, I believe, a military cantonment, and therefore I suppose this resolution does not apply to it. If this is the case the municipality have a claim of Rs. 3,260 on Government, and I request that I may receive a grant under Repairs, Military, as asked for in my application, No. 568-T.C., of the 7th January 1884.

No. 305-C.

Referred to the Military department for opinion whether, under the circumstances stated by the Superintending Engineer, the claim of the Trichinopoly municipality should be admitted.

CHEPAK, 9*th February* 1884.

(Signed) J. SHAW-STEWART, Col., R.E.,
Secy. to Govt., P.W.D.

From Brigadier-General R. C. STEWART, Officiating Quartermaster-General, to the Acting Secretary to Government, Military department, dated Ootacamund, 19th April 1884, No. 3005.

In returning the reference orders from Government, quoted in the margin, relating to the claim of the Trichinopoly municipality to levy tax on the Government buildings situated within the cantonment of Trichinopoly, I am desired to remark as follows.

No. 696, of 12th February 1884.
" 1088, of 4th March 1884.

2. His Excellency the Commander-in-Chief having concurred in the views of Government expressed in paragraphs 2 and 3 of O.G., No. 3668, dated 2nd July 1883, Military department, did not consider it necessary at that time to trouble Government on the question now under consideration, though he could not accept as correct the decision of the Financial department in O.G., No. 1860, dated 22nd August 1883, viz., "that the military authorities *no longer* regard Trichinopoly as a military cantonment," but the questions embodied in the correspondence submitted for his remarks under the reference orders above quoted demand that he should now express his views on the subject of the position of Trichinopoly and of other cantonments.

3. From the decisions in the Financial department, recorded in orders of Government, No. 5570, of 12th October 1882, and No. 5079, of 18th September 1883, it appears that Government applies the term "cantonment" only to those military stations in which a Cantonment Act is in force with rules framed under it for administrative purposes. His Excellency, however, submits that this limited application of the term is incorrect, as it must be conceded that the term "cantonment" was in use to describe a military station, the limits of which had been defined by the authority of Government long before the creation of a "Cantonment Act," and the fact that the provisions of such Act were not made applicable to it did not nullify the claim of such military station to be a "cantonment." The definition of a military cantonment as laid down in Madras Army Regulations, paragraph 2046, is "a locality set apart primarily for military and medical officers, chaplains, soldiers," &c., and whose limits have been defined for that purpose. In this sense therefore His Excellency considers the cantonments of Trichinopoly, Vellore, Berhampore, &c., as still being military cantonments, notwithstanding their having been subsequently included in the limits of a municipality.

4. The cantonment of Trichinopoly was brought under the operations of the Cantonment Act (I of 1866) by G.O.G., No. 80 of 1866, and its limits and boundaries have been clearly defined by Government itself in its General Orders, and until the Government cancel its order above quoted, applying the Cantonment Act to Trichinopoly, it is evident that it is not only a cantonment, but a military cantonment, as being a locality whose limits have been defined by Government primarily for the residence of its military and civil servants, and as such His Excellency is of opinion that the Officer Commanding the Station has distinct authority in it. In G.O., No. 3668, dated 2nd July 1883, Military department, Trichinopoly is acknowledged by the Government to be a *military* cantonment, and reference is made to the authority that can be lawfully exercised by the Officer Commanding the Station.

5. Government in the Military department, in the above-quoted order, declined to define the powers of the military authorities in the cantonment of Trichinopoly, because the whole question of cantonments is now being considered by a committee at Simla; if, however, the Civil or Financial department does not likewise suspend action

as regards taxation, &c., or passing orders on these questions, ignoring the powers of the military authorities, it seems to His Excellency that the matter should be referred to the Government of India for decision at once, it being impossible that the military authorities can submit to be set aside without distinct authority.

6. As regards the question of taxation on Government buildings and property, the cantonments of Bellary and Cannanore are actually under the Act, and therefore all public property within their limits is under the provisions of paragraph 2 of the Resolution of the Government of India in the Home department, republished in O.G., No. 512, dated 1st February 1884, Military department, exempt from municipal taxation, and for the same reason His Excellency is of opinion that public property in the cantonment of Trichinopoly should be exempted from taxation until this station is declared by Government to be relieved from the Cantonment Act.

No. 1927.

Transferred to the Financial department, with Public Works No. 305-C, dated 9th February 1884, and the referred papers returned.

2. The Government in the Military department concur in His Excellency the Commander-in-Chief's opinion expressed in paragraphs 3 and 4 of the Quartermaster-General's present letter, but does not consider it necessary to make any reference at present to the Government of India, to whom this correspondence will be communicated on receipt of the final orders of Government thereon, with a request for an early decision on the question of cantonment law referred to in O.G., (Military) No. 3668, dated 2nd July 1883.

(By Order.)

OOTACAMUND, 24*th April* 1884. (Signed) A. KENNEY-HERBERT, Lt.-Col., *Offg. Secy. to Govt., Mily. Dept.*

From Brigadier-General R. C. STEWART, Quartermaster-General, to the Secretary to Government, Military department, dated Ootacamund, 21st April 1884, No. 3020.

I have the honor to submit the correspondence, as per margin, relative to the imposition of a toll at Trichinopoly for carts passing between the bazaars and the new lines now under construction by the 30th Regiment, Native Infantry.

Copy of letter No. 295, dated 16th January 1884, from Officer Commanding 30th Regt. Native Infantry, to Station Staff Officer, Trichinopoly.
Copy of letter No. 14, dated 18th January 1884, from Station Staff Officer, Trichinopoly, to President, Municipal Commission.
Copy of letter No. 1906, dated 28th January 1884, from President, Municipal Commission, to Station Staff Officer, Trichinopoly.
Copy of letter No. 317, dated 11th February 1884, from Officer Commanding 30th Regiment, Native Infantry, to Station Staff Officer, Trichinopoly.
Letter No. 45, dated 11th February 1884, from Officer Commanding Trichinopoly, to Quartermaster-General.
Copy of letter No. 2008, dated 27th March 1884, from Quartermaster-General, to Officer Commanding Trichinopoly.
Letter No. 5, dated 5th April 1884, from Officer Commanding 30th Regiment, Native Infantry, to Station Staff Officer, Trichinopoly.
Letter No 168, dated 14th April 1884, from Officer Commanding Bangalore Division, to Quartermaster General.

2. The inconvenience arising from this toll are detailed in the correspondence, and as it is in contemplation to locate two regiments of Native Infantry permanently on the site already chosen for the lines of the 30th Regiment, Native Infantry, it seems to the Commander-in-Chief to be very undesirable to place a toll-gate in the situation it now occupies, which is within the limit of the cantonment of Trichinopoly.

3. The President of the Trichinopoly Municipality declines to move in the matter, on the ground that toll-gates have nothing to do with cantonment limits, and that Government has decided that Trichinopoly is no longer a military cantonment.

4. This latter question is one which I have been directed to submit to Government, and forms the subject of a separate communication to your address, but I am desired to remark that the levying of toll on cartloads of bamboos, posts, &c., which are being conveyed to the site of the lines now under construction by Government under regimental agency, was not contemplated, nor was the additional expenditure thereby incurred taken into consideration. I am therefore to solicit the orders of Government on the subject in view of the toll being removed from its present site, or, at all events, the exemption of the articles required in the construction of the new lines.

No. 1935.

Transferred to the Financial department for early consideration and orders, in continuation of Military department No. 1927, dated 24th April 1884.

(By Order.)

OOTACAMUND, 24*th April* 1884. (Signed) A. KENNEY-HERBERT, Lt.-Col., *Offg. Secy. to Govt., Mily. Dept.*

ORDER—dated 10th June 1884, No. 1282, Financial.

The Government observe that the notification declaring Trichinopoly to be a cantonment under Act I of 1866 has not been cancelled, consequently the claim made by the municipal commissioners in the President's letter, No. 44, dated 11th February 1884, cannot be maintained.

2. With reference to the question raised in endorsement, No. 1935, dated 24th April, from the Military department, copy of G.O., 25th April, No. 901, will be communicated to that department and to the President, Trichinopoly Municipality.

(True Extract.)

Chief Secretary.

To the Military department, with 8 enclosures,
" President, Municipal Commission, Trichinopoly, } with copy of G.O., Mis. No. 901, dated 25th April 1884.
" all other Presidents of Municipalities.
" Public Works department.

Exd. T. O'Connor.

8.P.C.

Govt. of {1884} Madras.

FINANCIAL.

Issued

Recd. 24/6/84 Encl.

G.O., 10th June 1884, No. 1282.

JUNE.

Municipal—Taxes.

Observing that the claim of the Trichinopoly municipality to taxation of military buildings cannot be maintained, as the notification declaring Trichinopoly to be a cantonment under Act I of 1866 has not been cancelled.