(No. II.)

No. 667. **MADRAS RAILWAY.** 2,000—12-6-84.

AGENT AND MANAGER'S OFFICE,

Madras, 26th September 1885

From

The *Agent and Manager.* M. R.

To Lieut: Coll. C. J. Smith R.E.

Consulting Engineer for Railways.

SIR,

With reference to your letter of the 2nd instant, No. 532, I have the honour to request that I may be allowed to withdraw my application for space at the London Exhibition of 1886.

I have the honour to be,

Sir

Your most Obedient Servant.

J. M. Hellis

Agent & Manager.

2329C. 2.7.11.83 — 3398R. 7.1.85
" 245D. 10.1.84 — " 17708R. 30.7.85
" 123E. 17.1.84 — " 20388R. 2.9.03
" 2062D. 19.11.84
" 1210C. 16.7.85
" 1253C. 23.7.85
" 10300W 5.2.84

B/F 2316 Wy 6-10-85

Comd to the S.E.V Circle and the Cons: Architect to Govt:-

2 Adverting to para 3 of the foregoing orders the Supdg Engr will take the necessary steps in view to the early completion of the valuation of the buildings and will explain the causes of the delay which is said to have occurred.

3 The Financial Order quoted in para 3 was communicated by G.O. No. 2038 W dt 2nd Septr 1885.

Act
Sep: 25-85

S.E.V.C.
Cons Architect
Exe P.W.D.
Asst. 141/9.
C. 29.9.85

1-10-85 Trupo
See
8 Dec 85

(2) Rec 8367

Govt. of {1885} Madras.

FINANCIAL.

81C
78C

his additional Copies
rec'd from Fin: Dept: 12-10-85

Issued

Recd. 24/9/85 Encl.

G.O., 17th September 1885, No. 521 M.

B/F 2316 Wdy 6-10-85

SEPTEMBER.

Municipal Tax.

Directing the President, Municipal Commission, Madras, to arrange for the early liquidation of the balance of loan of 1869, and ordering the modification of the Accountant-General's circular, No. II, dated 27th February 1885, regarding the payment of — on Government buildings.

(No. II.)

No. 667. **MADRAS RAILWAY.** 2,000—12-6-84.

AGENT AND MANAGER'S OFFICE,

Madras, 26th September 1885

From

The *Agent and Manager.* M.R.C.

To Lieut. Coll. C. J. Smith R.E.

Consulting Engineer for Railways.

Sir,

With reference to your letter of the 2nd instant, No. 832, I have the honor to request that I may be allowed to withdraw my application for space at the London Exhibition of 1886.

I have the honour to be,

Sir

Your most Obedint Servant.

J. N. Hollis

Lieut & Manager.

17th September 1885, No. 521 M., Financial.

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

Read—the following papers :—

From G. T. MACKENZIE, Esq., President of the Municipal Commission, Madras, to the Chief Secretary to Government, dated Madras, 28th July 1885, R. No. 1085.

The House, Water, and Lighting taxes for the current half-year on the Government buildings in Madras, amounting to Rs. 35,647-1-6, fell due on 15th April 1885, and would have been paid but for a circular, No. II, dated 27th February 1885, issued by the Accountant-General. The valuation of these buildings in the Municipal books was, in almost every case, the old valuation which had been accepted by Government for many years past, but because of this circular, the Collector of Madras, under section 130 of Act I of 1884, has complained against the valuation of all the Government buildings in Madras without exception, and the Public Works department are engaged on a fresh valuation of all these buildings. The Collector's objection is pending before me as I wish to know the result of the Department of Public Works valuation before I pass a decision under section 190. Colonel Burton informs me that his valuation will not be completed before the end of August, and, in the mean time, the Municipality is kept waiting for its money.

2. I do not imagine that the Accountant-General had any idea of the litigation he would call forth by this circular. It is evident that the circular was drafted without a previous perusal of this Municipal Act, for it forbids the payment of Municipal taxes until all legal means have been taken to reduce excessive assessments, but, under section 192, an appeal cannot be made from my decision unless the tax has been paid, so the Collector will be in this dilemma that he cannot pay until the appeal be decided, and he cannot appeal unless he pay. The circular will result in a dead lock.

3. I am anxious that this question, notwithstanding the circular of the Accountant-General, be now settled in a way that will prevent annual recurrence of this dispute, and I await patiently the statistics to be furnished by the Department of Public Works when their valuation shall be concluded, but at present it is inconvenient to have delay in Municipal receipts. On June 30th there fell due Rs. 42,900, the interest and Sinking fund on the Government loan of 1869. The Accountant-General will probably charge penal interest on this sum. I have the honor to ask that the taxes on Government buildings, Rs. 35,647-1-6, may be paid in anticipation of the decision which will be given about the valuation, or, at least, that the amount may be taken as a part setoff against the Rs. 42,900.

From H. F. CLOGSTOUN, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 4th August 1885, No. 1912.

Presidency Audit department.

In forwarding letter from the President, Municipal Commission, Madras, No. 1085, of 28th July 1885, I have the honor to state that circular, No. II, dated 27th February 1885, which is stated to have called forth the litigation which the President so strongly deprecates, is merely a modification of my circular, No. VII, of 6th

September 1883, which is based on resolution of the Government of India in the Financial department, No. 2333, dated 28th July 1883, and which directed that no Municipal taxes on buildings occupied by the Civil or Public Works departments should in future be paid until a certificate had been obtained by the department concerned from the Executive Engineer, approving of the assessment.

2. The only object of the resolution of the Government of India was to lay upon the department which was presumably the most competent to perform it, the duty of satisfying itself that the taxes imposed by municipalities were equitably assessed, and if they should seem not to be so, the duty of taking all necessary legal measures to have these assessments reduced. If the Collector of Madras has complained against the valuation of all the Government buildings in Madras without exception, he has done so, I presume, at the instance of the Executive Engineer of the division, and he is moreover entirely within his rights in so doing. The Executive Engineer, however, should have been prepared with any evidence he had to offer in proof of the excessiveness of the assessments on all or any of the buildings, and it is apparently his unpreparedness which has led to the delay in the settlement of the matter.

3. Under these circumstances, and in view of the fact that the President declares his intention of awaiting the result of the Executive Engineer's valuation before he passes a decision under section 190 of the Municipal Act, it is for Government to decide whether they will comply with either of the requests of the President in paragraph 3 of his letter. The circumstances might perhaps be reasonably taken into consideration in deciding whether any, and, if so, what, penal interest shall be charged to the Municipality for default in payment on the 30th June last of the sum of Rs. 42,900, being the interest and Sinking fund on the Government loan of 1869.

Order—dated 17th September 1885, No. 521 M., Financial.

In the circumstances stated, the House, Water, and Lighting taxes for the current half-year on the Government buildings in Madras, amounting to Rs. 35,647-1-6, which fell due on the 15th April last, will be taken as a partial setoff against the interest and Sinking fund (Rs. 42,900) on the loan of 1869, payable on the 30th June last. The President will arrange to pay the balance with interest on it at 4 per cent. at an early date.

2. With reference to paragraphs 2 and 3 of the President's letter, the Accountant-General is informed that his second circular is *ultra vires*, and should be modified so as to allow of payment of taxes due being made before the appeals are presented, the necessary adjustments being made in the accounts after the appeals are disposed of, this being the course prescribed under section 192 of the City of Madras Municipal Act, the provisions of which cannot be overruled by any order of the Accountant-General. The President would have been justified in enforcing the provisions of the law.

3. The delay in the valuation of the buildings referred to is unsatisfactory; but in conducting it the remarks in paragraph 2 of G.O., 10th August 1885, No. 378 M., should be borne in mind.

(True Extract.) A. Fraser
Offg. Under Secretary to Govt. Lieut.-Col. R.E. P.W.D.
for *Chief Secretary.*

To the President, Municipal Commission, Madras.
" Accountant-General.
" Public Works department.

Exd. J. Wright.

G.O. No 1338 W. 8
" " 7224 "

B.) " 2329C. 27. 11. 83 G.O. No 398. 7. 1. 85
" 45D. 10. 1. 84 " 1770W. 30. 7. 85
" 123E. 17. 1. 84 " 2038W. 2. 9. 85
" 2062D. 19. 11. 84
" 1210C. 16. 7. 85
" 1253C. 23. 7. 85
G.O. No 300W. 5. 2. 86

B/ No 2316 Way 6-10-85

Comd to the S.E.V Circle and the Consg: Architect to Govt.-

2 Adverting to para 3 of the foregoing order the Supdg Engr will take the necessary steps in view to the early completion of the valuation of the buildings and will explain the causes of the delay which is said to have occurred.

3 The Financial Order quoted in para 3 was communicated by G.O. No 2038 Way/ 2nd Septr 1885.

Actt
Sept. 25-85

S.E.V Circle 1-10-85
Consg Architect
Exr P.W.D.
Supdg. 141/9.
a. 29.9.85

(2) Rect 8367

Gobt. of {1885} Madras.

FINANCIAL.

8SC
7SC

his additional Copies
Recd from Fin. Deptt 12-11-86

Issued

Recd. 24/9/85 Encl.

G.O., 17th September 1885, No. 521 M.

No 2316 Way 6-10-85

SEPTEMBER.

Municipal Tax.

Directing the President, Municipal Commission, Madras, to arrange for the early liquidation of the balance of loan of 1869, and ordering the modification of the Accountant-General's circular, No. II, dated 27th February 1885, regarding the payment of — on Government buildings.

P. W. D.

No 2316 Way 6th Oct 1885.

Gobt. of {1885} Madras.

FINANCIAL.

Communicated to the Supdg: Engineer V Circle & the Consg: Architect to Govt.

2. [illegible] foregoing order will take the necessary steps [illegible] of the valuation of the buildings & will explain the causes of the delay which is said to have occurred.

3. The Financial Order quoted in para 3 was communicated by G.O. No 2038 Way/ 2nd Septr 1885.

S.E. V Circle
Exr P.W.D.
Consg. Architect

Financial (47) Dept

Furnished

M.

P. Rajagopalachariar 885
Local Fund Assistant

Madras 11th November 1886

To the Chief Sect. P.W. Dept.

With Order

G.O. No. 1 dated 8-1-85
" " 7224 dated 7-10-85

B/ " 2329C. 27-11-83 " 1398 dated 7-1-85
" 45D. 10-1-84 " 1770 dated 30-7-85
" 123C. 17-1-84 " 2038 dated 2-9-85
" 2062D. 19-11-84
" 1210C. 16-7-85
" 1253C. 23-7-85
" 2400 dated [illegible]

(2) Rev 8567.

Govt. of {1885} Madras.

M.

85

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Sep: 25-85

Ch

1-10-85

Ch

Con: Architect

Ex: P.W.A.

Asst. 141/9.

a. 29.9.85

1-10-85

Dear

10-10-85

Dear

W

P.W.D.

Govt. of {1885} Madras.

FINANCIAL.

Issued

G.O., 17th September 1885, No. 521 M.

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PUBLIC WORKS SECRETARIAT,
Fort St. George, 188 6.

To

The Chief Engineer & Secretary to Govt.
Public Works Department.
Chief Auditor.
Public Works Accountant.
Chief Engineer for Irrigation.
Superintending Engineer, Public Works Department.
Executive Engineers, Public Works Department.
Municipal Commissioners.

Sir,

I am directed to forward, for information and guidance, a copy of the undermentioned paper:—

From the Secretary to the Government of India, Public Works Department, No. 521 M., dated 17th September 1885.

Regarding the payment of Municipal Taxes on Government buildings.

I have, &c.,

Chief Secretary to Government.

For C. No. 5736

Communicated to the Supdg: Engineer V Circle & the Consg: Architect to Govt.

2. Adverting to para 3 of the foregoing order, the Supdg: Engr. will take the necessary steps in view to the early [illegible] of the buildings and will explain the cause of the delay which is said to have occurred.

3. The financial order quoted in para 3 was communicated by G.O. No 2038 Rev dy 2d Septr 1885.

(Signed) [illegible]

S.E. V Circle
Exr P.W.A.
Consg: Architect

No 2316 Rev 6th Oct 1885

No 2316 Rev 6th Oct 1885

With order

Govt. of {1885} Madras.

MEMORANDUM.

Requested for reference the undermentioned papers :—

Public Works Secretariat,
10th November 1885.

To

The Chief Engineer
Public Works Department

For C. No. 8736

Municipal Tax.

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17th September 1885, No. 521 M., Financial.

GOVERNMENT OF MADRAS.

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2. I do not imagine that the Accountant-General had any idea of the litigation he would call forth by this circular. It is evident that the circular was drafted without a previous perusal of this Municipal Act, for it forbids the payment of Municipal taxes until all legal means have been taken to reduce excessive assessments, but, under section 192, an appeal cannot be made from my decision unless the tax has been paid, so the Collector will be in this dilemma that he cannot pay until the appeal be decided, and he cannot appeal unless he pay. The circular will result in a dead lock.

3. I am anxious that this question, notwithstanding the circular of the Accountant-General, be now settled in a way that will prevent annual recurrence of this dispute, and I await patiently the statistics to be furnished by the Department of Public Works when their valuation shall be concluded, but at present it is inconvenient to have delay in Municipal receipts. On June 30th there fell due Rs. 42,900, the interest and Sinking fund on the Government loan of 1869. The Accountant-General will probably charge penal interest on this sum. I have the honor to ask that the taxes on Government buildings, Rs. 35,647-1-6, may be paid in anticipation of the decision which will be given about the valuation, or, at least, that the amount may be taken as a part setoff against the Rs. 42,900.

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2. The only object of the resolution of the Government of India was to lay upon the department which was presumably the most competent to perform it, the duty of satisfying itself that the taxes imposed by municipalities were equitably assessed, and if they should seem not to be so, the duty of taking all necessary legal measures to have these assessments reduced. If the Collector of Madras has complained against the valuation of all the Government buildings in Madras without exception, he has done so, I presume, at the instance of the Executive Engineer of the division, and he is moreover entirely within his rights in so doing. The Executive Engineer, however, should have been prepared with any evidence he had to offer in proof of the excessiveness of the assessments on all or any of the buildings, and it is apparently his unpreparedness which has led to the delay in the settlement of the matter.

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(True Extract.)

W. WILSON,
for *Chief Secretary*.

To the President, Municipal Commission, Madras.
" Accountant-General.
" Public Works department.

Exd. J. Wright.

Govt. of {1885} Madras.

FINANCIAL.

Issued

Recd. *Encl.*

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SEPTEMBER.

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" Public Works department.

Exd. J. Wright.

Govt. of {1885} Madras.

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Recd.

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Govt. of {1885} Madras.

FINANCIAL.

Issued

Read.

Encl.

G.O., 17th September 1885, No. 521 M.

SEPTEMBER.

Municipal Tax.

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Issued

Recd. *Encl.*

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L.O. 8&2516 W—6-10-86—

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Exd. J. Wright.

P. W. D.

No 2316 Way 6 Octr 1885.

Communicated to the Supty: Engineer V Circle & the Consg: Architect for ref.

2. Adverting to para 3 of the foregoing Order, the Supty: Engineer will take the necessary steps in view to the early completion of the valuation of the buildings & will explain the cause of the delay which is said to have occurred.

3. The financial order quoted in para 3 was communicated by G.O. No 2038 Way 2 Septr 85.

(Signed) [illegible]

S. E. V Circle

Exr P. W. A.

Consg: Architect

Govt. of {1885} Madras.

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SEPTEMBER.

Municipal Tax.

Directing the President, Municipal Commission, Madras, to arrange for the early liquidation of the balance of loan of 1869, and ordering the modification of the Accountant-General's circular, No. II, dated 27th February 1885, regarding the payment of — on Government buildings.

With Order

GOVERNMENT OF MADRAS.

FINANCIAL DEPARTMENT.

READ—the following papers :—

From G. T. MACKENZIE, Esq., President of the Municipal Commission, Madras, to the Chief Secretary to Government, dated Madras, 28th July 1885, R. No. 1085.

The House, Water, and Lighting taxes for the current half-year on the Government buildings in Madras, amounting to Rs. 35,647-1-6, fell due on 15th April 1885, and would have been paid but for a circular, No. II, dated 27th February 1885, issued by the Accountant-General. The valuation of these buildings in the Municipal books was, in almost every case, the old valuation which had been accepted by Government for many years past, but because of this circular, the Collector of Madras, under section 130 of Act I of 1884, has complained against the valuation of all the Government buildings in Madras without exception, and the Public Works department are engaged on a fresh valuation of all these buildings. The Collector's objection is pending before me as I wish to know the result of the Department of Public Works valuation before I pass a decision under section 190. Colonel Burton informs me that his valuation will not be completed before the end of August, and, in the mean time, the Municipality is kept waiting for its money.

2. I do not imagine that the Accountant-General had any idea of the litigation he would call forth by this circular. It is evident that the circular was drafted without a previous perusal of this Municipal Act, for it forbids the payment of Municipal taxes until all legal means have been taken to reduce excessive assessments, but, under section 192, an appeal cannot be made from my decision unless the tax has been paid, so the Collector will be in this dilemma that he cannot pay until the appeal be decided, and he cannot appeal unless he pay. The circular will result in a dead lock.

3. I am anxious that this question, notwithstanding the circular of the Accountant-General, be now settled in a way that will prevent annual recurrence of this dispute, and I await patiently the statistics to be furnished by the Department of Public Works when their valuation shall be concluded, but at present it is inconvenient to have delay in Municipal receipts. On June 30th there fell due Rs. 42,900, the interest and Sinking fund on the Government loan of 1869. The Accountant-General will probably charge penal interest on this sum. I have the honor to ask that the taxes on Government buildings, Rs. 35,647-1-6, may be paid in anticipation of the decision which will be given about the valuation, or, at least, that the amount may be taken as a part setoff against the Rs. 42,900.

From H. F. CLOGSTOUN, Esq., Accountant-General, to the Chief Secretary to Government, dated Fort St. George, 4th August 1885, No. 1912.

Presidency Audit department.

In forwarding letter from the President, Municipal Commission, Madras, No. 1085, of 28th July 1885, I have the honor to state that circular, No. II, dated 27th February 1885, which is stated to have called forth the litigation which the President so strongly deprecates, is merely a modification of my circular, No. VII, of 6th

September 1883, which is based on resolution of the Government of India in the Financial department, No. 2333, dated 28th July 1883, and which directed that no Municipal taxes on buildings occupied by the Civil or Public Works departments should in future be paid until a certificate had been obtained by the department concerned from the Executive Engineer, approving of the assessment.

2. The only object of the resolution of the Government of India was to lay upon the department which was presumably the most competent to perform it, the duty of satisfying itself that the taxes imposed by municipalities were equitably assessed, and if they should seem not to be so, the duty of taking all necessary legal measures to have these assessments reduced. If the Collector of Madras has complained against the valuation of all the Government buildings in Madras without exception, he has done so, I presume, at the instance of the Executive Engineer of the division, and he is moreover entirely within his rights in so doing. The Executive Engineer, however, should have been prepared with any evidence he had to offer in proof of the excessiveness of the assessments on all or any of the buildings, and it is apparently his unpreparedness which has led to the delay in the settlement of the matter.

3. Under these circumstances, and in view of the fact that the President declares his intention of awaiting the result of the Executive Engineer's valuation before he passes a decision under section 190 of the Municipal Act, it is for Government to decide whether they will comply with either of the requests of the President in paragraph 3 of his letter. The circumstances might perhaps be reasonably taken into consideration in deciding whether any, and, if so, what, penal interest shall be charged to the Municipality for default in payment on the 30th June last of the sum of Rs. 42,900, being the interest and Sinking fund on the Government loan of 1869.

ORDER—dated 17th September 1885, No. 521 M., Financial.

In the circumstances stated, the House, Water, and Lighting taxes for the current half-year on the Government buildings in Madras, amounting to Rs. 35,647-1-6, which fell due on the 15th April last, will be taken as a partial setoff against the interest and Sinking fund (Rs. 42,900) on the loan of 1869, payable on the 30th June last. The President will arrange to pay the balance with interest on it at 4 per cent. at an early date.

2. With reference to paragraphs 2 and 3 of the President's letter, the Accountant-General is informed that his second circular is *ultra vires*, and should be modified so as to allow of payment of taxes due being made before the appeals are presented, the necessary adjustments being made in the accounts after the appeals are disposed of, this being the course prescribed under section 192 of the City of Madras Municipal Act, the provisions of which cannot be overruled by any order of the Accountant-General. The President would have been justified in enforcing the provisions of the law.

3. The delay in the valuation of the buildings referred to is unsatisfactory; but in conducting it the remarks in paragraph 2 of G.O., 10th August 1885, No. 378 M., should be borne in mind.

(True Extract.)

W. WILSON,
for *Chief Secretary.*

To the President, Municipal Commission, Madras.
" Accountant-General.
" Public Works department.

Exd. J. Wright.

P. W. D.

Govt. of {1885} Madras.

FINANCIAL.

Issued

Recd. Encl.

G.O., 17th September 1885, No. 521 M.

N° 2316 Way 6th Oct 1885.

SEPTEMBER.

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With order

N° 2316 Way 6th Oct 1885.

Communicated to the Supdg: Engineer V Circle & the Consg: Architect to Govt.

2. Adverting to para 3 of the foregoing order, the Supdg: Engr: will take the necessary steps in view to the early completion of the valuation of the buildings and will explain the cause of the delay which is said to have occurred.

3. The financial order quoted in para 3 was Communicated by G.O. N° 2038 Way 2d Septr 1885.

(Sigd) [illegible]

S.E. V Circle

Exr P.W.A.

Consg: Architect