

- (1) பக்கங்களின் எண்ணிக்கை 8
 (2) புதுக்கித் திருப்பிய நாள் 21/84
 (3) ஆதாரங்குறிப்பவர் கருக்கொப்பம் 6/84

தமிழ்நாடு ஆவணக் காப்பகம்.

(136)

தமிழ்நாடு அரசு

P.W.D. துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	589	அச்சகம் பலவகை
நாள் :	28-2-1889	198.

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

4. sheets

6TH FEBRUARY 1889, No. 146 M., LOCAL AND MUNICIPAL.

589

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following paper :—

G.O., dated 9th December 1887, No. 1312 M., Local and Municipal.

Read—the following letter from W. A. LEE, Esq., Chairman of the Municipal Council, Mangalore, to the Chief Secretary to Government (through the Collector of South Canara), dated Mangalore, 9th November 1887, No. 610 :—

With reference to G.O. (Local and Municipal), dated 7th October 1887, No. 1021 M., I have the honor to point out that the payment of the municipal tax on sepoys' huts therein ordered to be refunded, was authorized in paragraph 2 of G.O. (Military Department), dated 4th July 1885, No. 3603, and confirmed by G.O. (Military), dated 13th August 1885, No. 4473, the payment to be made by the Military Department instead of being debited to the Public Works budget. This payment is in the nature of compensation to the municipality for conserving and lighting the cantonment; and, for a part of this purpose, viz., conservancy and part upkeep of roads within cantonment limits, a municipal contribution of Rs. 400 is paid annually to the Officer Commanding, Mangalore (*vide* G.O. (Military), dated 25th September 1875, No. 4666).

2. It is thus evident that the amount nominally levied as a tax on sepoys' huts is really the payment due to the municipality as compensation for taxes under the authority of G.O. (Military), dated 4th July 1885, No. 3603, and that consequently the refund should be effected by a debit of the amount paid in error by the Public Works Department, to the Military Accounts Department.

3. I may here refer to G.O., dated 5th December 1884, Mis. No. 2804, which called for statements as to the cost of conserving the military lines in Mangalore, and from which it would appear that Government were desirous of settling the contribution to the municipality for undertaking the conservancy and lighting of the cantonment. The statements therein demanded were sent with this office letter, No. 686, dated 30th January 1885, but no orders appear to have been passed subsequently beyond that contained in G.O. (Military Department), No. 3603, dated 4th July 1885, authorizing the payment of municipal charges on the Military Department.

4. Under these circumstances, I request that the order contained in G.O., No. 1021 M., dated 7th October 1887, may be cancelled or that the refund be made by the Controller of Military Accounts; and that steps be taken to settle for the future the sum to be received by the municipality for undertaking, as in Vellore, the maintenance of roads in, and the conservancy and lighting of, the cantonment.

No. 3750.

Forwarded.

(Signed) S. H. WYNNE,
Acting Collector.

11th November 1887.

Order—dated 9th December 1887, No. 1312 M., Local and Municipal.

The Chairman is mistaken in supposing that payment of the municipal tax on the huts in question is equivalent to compensation for conservancy of the sepoys' lines, and that it was therefore authorized in paragraph 2 of G.O., dated 4th July 1885, No. 3603, Military, and confirmed by G.O., dated 13th August 1885, No. 4473, Military.

2. These Government orders simply decided that compensation for the conservancy of military lines in cantonments by municipal agency should be paid by the Military Department. In Mangalore, however, no such compensation is payable to the municipality as the conservancy arrangements and the road repairs within the cantonment are carried on by the Military Department itself. On the other hand, a compensation of Rs. 400 is paid by the municipality to the Military Department as these conservancy arrangements extend to a portion of the town occupied by private buildings and station bazaars, for the conservancy of which the municipality is liable. In these circumstances, the Government see no reason to reconsider their Order, dated 7th October 1887, No. 1021 M.

3. The Chairman's letter, dated 30th January 1885, No. 686, was simply recorded by Government, as the conservancy of the cantonment was carried out by the Military Department and no compensation was therefore payable to the municipality.

(True Extract.)

(Signed) H. E. STOKES,
Chief Secretary.

To the Chairman, Municipal Council, Mangalore,
" Military Department, through the Collector of South Canara.

READ—also the following papers:—

From W. A. LEE, Esq., Chairman, Municipal Council, Mangalore, to the Chief Secretary to Government (through the Collector of South Canara), dated Mangalore, 23rd January 1888, No. 794.

With reference to G.O., dated 9th December 1887, No. 1312 M., I have the honor to enclose a copy of resolution No. 19, dated 19th December 1887, of the municipal council, and also copies of correspondence with the Officer Commanding, Mangalore, from which it will be apparent that the assertion contained in the Government order, that the conservancy arrangements of the Military Department "extend to a portion of the town occupied by private buildings and station bazaars" (there are, it may be mentioned, none of the latter), is erroneous; on the contrary, all sweepings and refuse are removed daily from the regimental lines by the municipal service and maintained for the purpose at a cost of Rs. 27 per mensem, and dust-bins were constructed in the lines at municipal expense. It follows, therefore, that the municipal contribution of Rs. 400 is not, as stated in the Government order, a compensation for this object.

2. It is also not a fact that all repairs to roads in the cantonment are carried out by the Military authorities, as they only repair 1 mile and 125 yards. The greater extent of the roads are maintained and all are lighted by the municipality.

3. It is obviously inequitable that the municipality should be expected to pay a contribution to the Military authorities, which is applied by the latter to their own purposes and never accounted for, and receive no compensation in exchange; the council, therefore, hold that, if they are compelled to refund the tax hitherto levied on sepoys' huts presumably with the knowledge and acquiescence of Government, the amount of their annual contribution should be deducted therefrom.

4. Two points in G.O., dated 7th October 1887, No. 1021 M., require elucidation:—(1) It is not stated what period is embraced in the refund therein directed, nor (2) is it clear whether the tax levied on military buildings should also be refunded or whether it can still continue to be collected.

5. The council are unaware whether the cantonment (which is in the centre of the town and includes within its extensive limits several public buildings and private houses and gardens) is to remain under the operation of the Municipal Act or whether it will be administered under the provisions of sections 25 and 27 of Act III of 1880; but in the former case, they consider that, if they are to be deprived of the income hitherto derived from the taxes, the levy of which in future is prohibited, and receive no compensation in lieu of them, they should be relieved of much of the expenditure now incurred in administering the Act within its limits.

No. 254.

Forwarded.

2. The question of what is and what is not a cantonment, and what the nature of a cantonment is where there is a Municipal Act in force and no Cantonment Committee, has always been a puzzling one to officers in the mofussil.

(Signed) S. H. WYNNE,
Acting Collector.

25th January 1888.

From W. A. LEE, Esq., Chairman, Municipal Council, Mangalore, to the Chief Secretary to Government (through the Collector of South Canara), dated Mangalore, 20th April 1888, No. 108.

In reply to memorandum from Government, dated 27th March 1888, No. 271, Local and Municipal, I have the honor to state that the contribution of Rs. 551, originally paid from Municipal funds for the conservancy of the cantonment, was first sanctioned in G.O., dated 15th August 1868, No. 1003, Public Department.

No. 1468.

Forwarded.

(Signed) S. H. WYNNE,
Acting Collector.

23rd April 1888.

From W. A. LEE, Esq., Chairman, Municipal Council, Mangalore, to the Chief Secretary to Government (through the Revenue Divisional-officer), dated Mangalore, 24th August 1888, No. 451.

Referring to memorandum from Government, dated 7th June 1888, No. 459, Local and Municipal Department, I have the honor to forward herewith two statements containing the information therein called for.

ENCLOSURES.

PARTICULARS of receipts within the cantonment limits during the past three years.

Particulars.	1885-86.	1886-87.	1887-88.	Total.
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
Taxes on military buildings	762 10 0	763 2 0		1,525 12 0
Do. other private buildings	517 12 3	506 7 3	497 7 5	1,521 10 11
Land tax, Military Department	1 3 7	1 3 7		2 7 2
Do. private	2 7 0	2 7 0	2 7 0	7 5 0
Profession-tax, State compensation	100 0 0	75 0 0	60 0 0	225 0 0
Do. of civilians, &c.	36 0 0	15 0 0	22 8 0	73 8 0
Taxes on vehicles and animals	14 12 0	64 0 0	37 4 0	116 0 0
Total	1,434 12 10	1,427 3 10	609 10 5	3,471 11 1

PARTICULARS of expenditure within the cantonment limits during the three past years.

Particulars.	1885-86.	1886-87.	1887-88.	Total.
Construction of a slaughter-house	Rs. A. P. 1,304 8 1	Rs. A. P. 2,372 15 8	Rs. A. P. ..	Rs. A. P. 3,677 7 9
Drainage—New works	87 0 4	42 15 6	..	129 15 10
Road repairs	423 8 3	270 0 2	36 7 5	729 15 10
Drainage repairs	4 3 11	10 7 4	..	14 11 3
Toties	157 2 8	216 14 10	365 8 10	679 10 4
Sweepers	123 11 5	122 15 2	121 8 5	368 3 0
Conservancy supervision establishment (proportionate)	48 7 4	56 4 11	38 15 1	143 11 4
Lighting	87 11 5	65 3 8	116 7 7	269 6 8
Public Works supervision establishment (proportionate)	53 3 9	61 13 8	71 7 3	186 8 8
Tools and plant	9 3 11	13 5 11	25 7 8	48 1 6
Hire of cart for removing sweepings from the lines	..	14 14 0	189 7 6	204 5 6
Cost of constructing dust-bins	..	75 0 0	..	75 0 0
Contribution from the conservancy of cantonment	400 0 0	400 0 0	400 0 0	1,200 0 0
Miscellaneous	44 3 6	94 15 10	76 8 9	215 12 1
Total	2,743 0 7	3,817 14 8	1,381 14 6	7,942 13 9

No. 3054.

Forwarded.

MANGALORE,
24th August 1888.

(Signed) S. H. WYNNE,
Acting Collector.

From Brigadier-General M. PROTHEROE, C.B., C.S.I., Quarter Master General, to the Secretary to Government, Military Department, dated Ootacamund, 14th September 1888, No. 3067 B.

The Officer Commanding, Mangalore, has submitted an application to the Commander-in-Chief for additional conservancy allowance for that cantonment because, consequent on the exemption from municipal tax of sepoy lines, * the municipal council has decided to withdraw the conservancy for conservancy purposes and to provide for the conservancy of the same area and maintenance of the same roads as heretofore.

* P.G. No. 6659, dated 31st October 1887.

2. This action on the part of the municipal council seems to the Commander-in-Chief to show that that body misapprehends its position with reference to the cantonment and its conservancy, &c., and His Excellency therefore desires me to submit the matter for the consideration and orders of Government.

3. Sir Charles Arbuthnot believes he is correct in considering that, when cantonments are included within the limits of municipalities, as Mangalore is, Government (in the Military Department) provides funds for the conservancy of all parts of the cantonment in military occupation, e.g., barracks and their precincts, lines of Native troops and their precincts, military buildings and their precincts, and parade grounds, but requires municipalities to provide for the conservancy of that portion of the cantonment not in military occupation, e.g., the area occupied by houses, whether tenanted by Military officers or by Civilian residents, and the station bazaars or non-military native quarters of the town.

4. At Mangalore, Government in the Military Department provides for the former by its payment of the cost of line conservancy and by its allowance for cantonment conservancy of Rs. 322 per annum, * and it has hitherto been understood that the municipal council has acknowledged its liability to meet the charges connected with the latter, though, as a measure of administrative convenience, and one which secures efficient sanitation, it thought it desirable to leave the supervision of matters in the hands of the Military authorities, making them an allowance for the purpose.†

* P.G. No. 4666, dated 25th September 1875.

5. These being the conditions, the Commander-in-Chief submits that the municipal council cannot absolve itself from its liability to provide for the conservancy, &c., of that part of the cantonment which is not in military occupation, though it is of course open to it at any time to modify the practice under which it has entrusted the Military authorities with executive powers in these matters.

6. The accompanying plan of the cantonment shows the five plots of land which are in military occupation; the roads, coloured red in the plan, have hitherto been maintained by the Military authorities with other roads in the cantonment, but now the municipal council has called upon the Public Works Department to take them over, and inasmuch as they pass through the area in military occupation, His Excellency the Commander-in-Chief considers it is perhaps reasonable that their maintenance should be a charge on Imperial funds; but he would urge that the responsibility for maintaining all the other roads in the cantonment, shown in the plan, should remain with the municipality.

No. 6401.

Referred to the Local and Municipal Department, for favor of remarks, with advertence to P.G. No. 1021 M., dated 7th October 1887.

(By Order.)

OOTACAMUND, (Signed) A. KENNEY-HERBERT, Brigdr.-Genl.,
21st September 1888. Secy. to Govt., Mil. Dept.

From Lieutenant-Colonel C. F. THOMAS, Officiating Controller of Military, Accounts, to the Chief Secretary to Government (through the Secretary to Government, Military Department), dated Madras, 12th October 1888, No. F.

Government, in the Local and Municipal Department, having, in October 1887 ruled † that the Municipality of Mangalore should refund the tax levied on huts of the 31st Regiment, Madras Infantry, at Mangalore, for the year ended 31st March 1887, I have the honor, in forwarding the accompanying correspondence, § to request that the Chairman, Municipal Council, Mangalore, may be called upon to make the necessary refund without further delay.

† P.G., Local and Municipal Department, No. 1021 M., of 7th October 1887, communicated under Military Department docket No. 6659, of 31st idem.
§ From the Pay Examiner, to Controller of Military Accounts, No. 831, of 6th October 1888, with 6 enclosures.

2. I may add that this department is not interested in the appeal stated to have been made to Government on the subject.

No. 6883.

Forwarded to the Local and Municipal Department, in continuation of Military Department No. 6401, dated 21st September 1888, for favor of issue of the necessary orders.

(By Order.)

FORT ST. GEORGE,
16th October 1888.

(Signed)

A. KENNEY-HERBERT, Brigdr.-Genl.,
Secy. to Govt., Milly. Dept.

ORDER—dated 6th February 1889, No. 146 M., Local and Municipal.

Mangalore is not, strictly speaking, a cantonment. There is, however, a defined area, within municipal limits, which has been marked out for military purposes, and it has been held (G.Os., dated 17th October 1884, No. 2442, F.D., and 5th December 1884, No. 2804, F.D.), on the advice of the Advocate-General, that section 24 of Act III of 1880 applies to this area. Consequently, under the Resolution of the Government of India, dated 21st December 1883, No. 5—165-81, in G.Os., dated 15th January 1884, No. 104, and 25th February 1884, No. 921, the municipal council is debarred from levying any tax on Government buildings including the sepoys' huts, referred to in G.O., dated 7th October 1887, No. 1021 M. Owing to this exemption and the consequent loss of income to the council, the Government held, as a matter of grace, that the municipality should be paid for the conservancy of the military lines if any such charges were incurred by them (G.Os., dated 17th October 1884, No. 2442, F.D., and 5th December 1884, No. 2804, F.D.). It does not appear, however, that any such expenditure was incurred by the municipal council. The sum of Rs. 400 contributed annually by the municipality to the Military Department appears from the Quarter Master General's letter, dated 14th September 1888, No. 3067 B, read above, to have been utilized under the supervision of the Military authorities for the conservancy of that portion of the cantonment which is not in military occupation. This is a charge for which the municipal council is justly liable without any reference to the tax on huts ordered to be refunded in G.O., dated 7th October 1887, No. 1021 M., and the payment of the contribution should not have been stopped by the council without the orders of Government.

2. From the Quarter Master General's letter read above, it is observed that the Military Department accept responsibility for the 1 mile and 125 yards of road, coloured red in the plan submitted with his letter, and for the conservancy of the parade ground and four other plots containing Government buildings and their precincts. The municipal council will make their own arrangements for the upkeep of all the other roads, and for the conservancy of the rest of the area known as the cantonment. Under this arrangement no contribution will be due by either side and the payment of Rs. 400 made by the municipality may now cease. There can, of course, be no ground for its refund since it represents a payment for work done. The tax on the sepoys' huts, on the other hand, was collected by the municipality after the huts had been exempted and the demand for a refund in this case is not improper. This refund is claimable for the whole period subsequent to the Resolution of the Government of India, dated 21st December 1883, No. 5—165-81, recorded in G.O., dated 15th January 1884, No. 104, but in view of all the circumstances of the case, Government direct that no refund be demanded for any year prior to 1886-87. The refund for 1886-87 demanded by the Controller of Military Accounts should be paid at once by the municipal council.

(True Extract.)

To the Chairman, Municipal Council, Mangalore,
through the Collector of South Canara.
" Military Department.
" Public Works Department.

Exd. P. L. Pereira.

for Chief Secretary.

ms. 1805

12589 n d 28 Feb/89
B

Govt. of {1889} Madras.
LOCAL AND MUNICIPAL.

Communicated to
Communicated to
the S. S. IV Circle with
reference to G.O. 146.

1878 W d 25 Oct 1887
2878 W d 25 Oct 1887

146

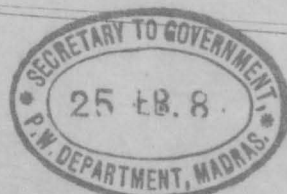
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Issued

Recd. 25/2/89

Encl.

G.O., 6th February 1889, No. 146 M.



12589 n d 28 Feb/89
FEBRUARY.

12589 n d 28 Feb/89

B

Sanitation.

Passing orders on the subject of conservancy
of military lines in Mangalore.

12589 n d 28 Feb/89
28/2

2/3- 227

with order on
2 copies to be