M.R.O. 14—18,000—57-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 3136 — Press ~~Mis.~~

404 - 405

Dated 17 - 11 — 1866.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
17th November 1866.

No. 404. Read the following Proceedings of the Madras Government in the Public Department:—

Passing orders on letter from Acting Collector of Kurnool, regarding the question raised by him in connection with the Municipal water-rate refused to be paid by certain parties. } (Here enter 6th November 1866, No. 1,136.)

No. 405. ORDER THEREON, 17th November 1866, No. 3,136.

Miscellaneous.

Communicated to the Board of Revenue.

(True Extract.)

(Signed) J. GROSE,
Under Secretary to Government.

To the Board of Revenue, with Proceedings Public Department, No. 1,136.

Exd S. T. Augustin.

Proceedings of the Madras Government, Public Department, 6th November 1866.

No. 23. Read the following letter from C. N. POCHIN, Esq., Acting Collector of Kurnool, to the Chief Secretary to Government, Fort Saint George; dated Kurnool, 11th October 1866, No. 50.

You will oblige me by bringing the following letter to the notice of Government, should you feel any doubt regarding the question contained in it.

2. In accordance with the Notification of Government, the Towns' Improvement Act was introduced into Kurnool on 5th July last. Prior to this, a water-rate had been levied, and every house, without exception, called upon to contribute. I am told that the sum, Rupees 8468, should be collected yearly.

3. Great difficulty is experienced in raising the above amount; many of the inhabitants having withheld their quota, on the ground that the rate is illegal, from the fact of their not having applied for the water.

4. The Schedule at the end of Act X of 1865 describes what rates and taxes may be levied, and I fail to see that a water-rate is included. I now inquire whether I am warranted, on behalf of Government, in issuing processes for the distraint of property, in cases where parties who have never applied for water have become defaulters to the above rate. I would remark that ryots have the option of paying for the use of water from the Irrigation Company, and to me it appears that the inhabitants of Kurnool should be acknowledged to have the same privilege. The water is purchased from the Irrigation Company, and carried by the Municipal Commissioners into the Town. There is great discontent regarding this water rate, so much so, that I apprehend the Civil Courts will be called upon to decide the right, should distraint warrants be issued to be made.

5. I request an early reply, as the matter is emergent.

No. 24. ORDER THEREON, 6th November 1866, No. 1136.

Mr. Pochin is informed that he cannot act in this matter "on behalf of Government." Whatever measures may be adopted must be adopted by the Municipality, at their own discretion and on their own responsibility, under Act X of 1865 (Madras).

2. Mr. Pochin's letter leads to the inference that the water-rate was introduced under Act XXVI of 1850. If this was the case, Section 3 of Act X of 1865, (Madras) saves the rights of the Commissioners in respect to "any assessment made," or to "any money due," prior to its introduction.

3. As to the future, the Commissioners have it in their power to resort to the taxes mentioned in Sections 37, 45, and 65 of Act X of 1865 (Madras), and can thus meet the difficulties they apprehend.

4. The Government deem it right to warn the Commissioners that this course may be necessary under any circumstance next year. The bulk of their present revenue accrues from tolls, and these are necessarily levied on the general traffic of the District, and arise from the use of roads and bridges, the construction of which has been met from the Public Treasury. The Commissioners, therefore, must be prepared to undertake the maintenance of these works for some distance beyond Municipal limits, and must not expect that the entire proceeds of the tolls on them will always be available for local purposes.

(True Extract).

Secretary to Government.

To the Acting Magistrate of Kurnool.
" Revenue Department.

Exd. J. H. Burns.

Rev. 1866 - Department
Prov. Govt. Secretary's Office
No. 4052.

Proceedings in the
Public Department.

Started 6th 3 Nov.
Received 13th 1866.
No. 1136.

Passing orders on
letter from Agbold of
Burnaal regarding the
question raised by him
in connection with the
Municipal water rate re-
fused to be paid by cer-
tain parties. —

No. 3136.

Communicated
to the Board of Revenue

17th Nov 56.

5 Copies Table A to Rule with Dr. Q.D. No 1165 Dated 17th Nov 56

No. 3136 - 17 Nov.
Written Order

No. 4044 & 45.