M.R.O 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1384 Press Nis.

383-384

Dated 14 May 1869

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
14th May 1869.

No. 353. Read the following Proceedings of the Madras Government in the Public Department:—

Directing that the question of levying a special water-rate in the Ootacamund Municipality be considered in the Legislative Department on the revision of the Towns' Improvement Act X. of 1865. | (Here enter 28th April 1869, No. 549.)

No. 354. ORDER THEREON, 14th May 1869, No. 1,354.

Miscellaneous. | ORDERED to be recorded.

(True Extract.)

(Signed) H. WELLESLEY,
Acting Under-Secretary to Government.

Exd. F. R. Bantleman.

Govt. of 1869 Gen. Mun.

REVENUE.

To

Dated May, 14th.

Read.

G. O., 14th May 1869, No. 1,354.

MAY.

Nos. 353-354.

Special water-rate in Ootacamund Municipality.—Order in the Public Department directing its levy to be considered in the Legislative Department, accordingly.

Proceedings of the Madras Government, Public Department,
28th April 1869.

No. 246. Read the following Proceedings of the Board of Revenue, dated 23rd March 1869, No. 1985.

Read the following letter from J. W. BREEKS, Esq., Commissioner of the Neilgherry Hills, to the Acting Secretary to the Board of Revenue; dated Mussanagoodi, 3rd March 1869, No. 29.

Proceedings, Board of Revenue, dated 28th January 1869, No. 592.

In accordance with paragraph 12 I communicated the above Proceedings to the President of the Ootacamund Municipal Commission, and I have the honour to forward an extract of a special meeting of the Commissioners on the subject.

2. In paragraph 5 the Board remark that I have not stated what progress has been made with the works, nor whether the maintenance establishment is immediately required. I hope one or other of the two water-projects (north and south of the lake) will be finished by the end of the calendar year. There is, therefore, no immediate necessity for the maintenance establishment; and the Board will observe that the Municipal Commissioners desire to postpone, for the present, any definite expression of opinion as to the water-rate further than "that the water-cess to be "levied should be sufficient only to cover the cost of the channel establishment, and "of keeping the works in good order."

3. The Municipal Commissioners also consider that the works when finished should be put under their control, and in this I quite concur, each channel being handed over as soon as completed.

4. The Board will note what the Commissioners say regarding the necessity for special legislation. I need not refer to their remarks further, except to say that they explain the difficulty which occurred to me when I wrote my letter of the 26th October 1868, No. 57.

5. As regards the Board's suggestion that the rate should pay interest at five per cent., and in ten years redeem the capital, the Commissioners have referred me to an order of Government of 2nd September 1868, No. 1107, Public Department, from the wording of which it is evident that the Government contemplated the execution of the water-projects out of general funds. Water-projects, such as those under execution, are, as the Board say, necessary for the preservation of the public health, and were devised with a view to meet the pressing wants of the community as at present existing. It seems to me hardly fair, therefore, to throw the expense of such works upon the Municipality, which dates only from November 1866. It will be the duty of the Commissioners, for the future, to see "that measures of conservancy keep pace with the growing community;" but I submit that both the water-projects and the reclamation scheme should now be executed by Government to make amends for the neglect of former years.

From the President of the Municipal Commission, Ootacamund, to the Commissioner of the Neilgherry Hills; dated Ootacamund, 27th February 1869, No. 242.

I have the honour to acknowledge receipt of your letter, No. 39, dated the 8th February 1869, giving cover to Board's Proceedings, No. 592, dated 28th January 1869, and, in reply, to submit the accompanying extract, embodying the views of the Ootacamund Municipal Commissioners upon the suggestions made by the Board relative to the new water-supplying scheme now being introduced into this station, as ascertained at a special meeting held on the 22nd instant.

Extract from Minutes of a Special Meeting of the Ootacamund Municipal Commissioners held on the 22nd February 1869.

2. Read Proceedings of the Board of Revenue, No. 592, dated 28th January 1869, received from the Commissioner of the Neilgherry Hills, and containing the Board's recommendations to Government relative to the control of the water-supply now being introduced into Ootacamund, the rate to be charged for water, and the establishment for its conservancy and distribution; and requesting the views of the Municipal Commissioners upon certain points.

In paragraph 12 of these Proceedings, the Board suggest to Government that the water-rate to be levied should cover interest of the public money expended on the water-supply works at five per cent., and that the works should be redeemed by the Municipality within ten years. In paragraph 14 they recommend that Government declare that, as each section is completed, the water-works will be made over to the Municipality, and that the Commissioners be requested to consider what establishment is required, and to provide for its due maintenance.

With reference to the suggestion that the works should be redeemed by the Municipality within ten years, the Commissioners would observe that the Board evidently write under a misapprehension of the decision of Government, which is found in Government Order, Public Department, dated 2nd September 1868, No. 1107. Paragraph 9 of this Order runs as follows :—"Under "the special circumstances presented by Ootacamund, and in consideration of the neglected con- "dition in which the station was transferred to the Municipality, the Government will be willing "to aid the Municipality by a loan of 40,000 Rupees, and to make a grant in aid of works of a "permanent character of Rupees 20,000. *The Government, in addition to this special grant "in aid of the Ootacamund Municipality, is undertaking the charges for the water-supply "of the station*, for the reclamation of the swamp, and for the purchase of the houses on its "borders."

This shows, in language which is not capable of misinterpretation, that the water-supply scheme is to be carried out at the expense of Government entirely; and the circumstance that this statement is coupled with the grant of Rupees 20,000 to the Municipality proves that the Government had no idea of indemnifying themselves from the Municipal Fund for the expenses incurred on account of the water-supply. There is, therefore, no necessity for discussing the Board's suggestion that the Commissioners provide for the realization of the interest of the public money expended.

The Commissioners concur with the Board in thinking that the works, when finished, should be under the Commissioners' control. They apprehend, however, that the works cannot be handed over (as suggested by the Board) in sections, unless by "section," the north and south channels—two distinct and separate sources of supply—be understood. The whole of each channel must be completed before it can be used, as the water, after meeting the requirements of the various houses, must lastly find its outlet into the lake or elsewhere, so as to avoid overflooding and wastage.

The Commissioners are strongly of opinion that the water-cess to be levied should be sufficient only to cover the cost of the channel establishment, and of keeping the works in good order. These charges, as estimated by Mr. Brecks, in communication with Major Farewell, and the rates as proposed by the latter gentleman (paragraph 7) seem reasonable and fair; but, as the completion of the works must necessarily be delayed for a considerable time, the Commissioners would prefer postponing, for the present, any definite expression of opinion as to what may hereafter be found necessary.

In paragraph 13 of the Proceedings, the Board remark that they do not see the necessity for special legislation to authorize the levy of a water-rate as proposed by Mr. Brecks, and quote, in support of their views, Sections 25 and 29 of Act X. of 1865. Upon this point the Commissioners would observe that, under Section 36 of the said Act, there are but five legitimate sources of Municipal Funds, and that Section 29 merely contemplates the case of the amount levied annually in any Municipality being less than that which might be legally collected under the Act. Out of the various heads of Municipal taxation, specified in Section 36, all but one, namely, that of tolls

on carriages, horses, &c., entering Municipal limits, at present obtain in Ootacamund. This source of funds, hitherto unused, would be the means of considerable income to the Municipality, but cannot be drawn upon so long as the Government tolls at Craigmore, Burliar, and Kultutty remain in force. Of the remaining four sources of taxation, one only, namely, that on houses, buildings, and lands, is capable of extension, by raising the present rate on gross annual rentals from five to seven-and-a-half per cent., the highest rate allowed under the Act. Upon this subject the Commissioners have already communicated with the Government, and have recorded their conviction that no higher rate than five per cent. upon house property can, in the present circumstances of Ootacamund, with fairness to house-owners, be imposed.

But, although fully persuaded that any proposal to raise the existing Municipal house-tax would cause among house-owners great dissatisfaction and discontent, the Commissioners nevertheless consider that such rate payers, who would be accommodated by the new water-supply scheme, would be willing and ready to pay a small charge for the advantages they would thence derive. Such a water-cess might be obtained, under Act X. of 1865, by the imposition of an additional rate of one per cent. on house property, the proceeds of which should be raised solely for, and applied exclusively to, the supply channel expenses.

In following this course, however, a serious difficulty will be found arising from the circumstance that the incidence of such additional house-rate would be upon *all* houses at present taxed; while a certain proportion of the house-property, owing to its position or other peculiar circumstances, will in no way benefit by the new water-supply, and thus should be exempted from any extra charge for advantages in which it has no share.

The Commissioners, therefore, consider that a special Act, authorizing the levy of a water-rate, will hereafter be found necessary: unless indeed, and this would seem to be the preferable plan, provision be made on this account in the new Municipal Bill, which, the Commissioners understand, is now under the consideration of the Legislative Council.

(True Extract).

(Signed) N. A. ROUPELL,
President.

OOTACAMUND,
27th February 1869.

Submitted for the orders of Government in continuation of the subject of Proceedings, dated 28th January 1869, No. 592, disposed of in Government Order, 11th March 1869, No. 654.

2. In making their recommendation as to the mode in which the expenditure for provision and distribution of water was to be met, the Board were not aware that Government had announced their intention, as they now learn is the case, of undertaking the charges for the water supply of the station.

3. Regarding the establishment for distribution of water, the Commissioners state that a considerable time must elapse before a commencement can be made in supplying water, and recommend that the settlement of details be postponed.

4. They also point out that the Municipal Act, as at present framed, does not admit of other than general rates, and that, as many rate-payers will not in any way benefit by this scheme, it is desirable that the Act be so modified as to admit of a special rate being enforced against those parties only who are interested in the work.

5. In this respect the Board admit the force of the arguments advanced by the Commissioners.

(True Copies and Extract).

(Signed) A. MACGREGOR,
Acting Secretary.

Proceedings of the Madras Government, Public Department,
28th April 1869.

Transferred to the Public Department.

FORT SAINT GEORGE,
14th April 1869.

(Signed) H. WELLESLEY,
Acting Under Secretary to Government.

No. 247. ORDER THEREON, 28th April 1869, No. 549.

Ordered that a copy of the foregoing Proceedings of the Board of Revenue, together with copies of the Proceedings of Government in the Revenue and Public Departments, dated the 11th and 23rd ultimo, Nos. 654 and 369, be furnished to the Legislative Department, in view to the question of levying a special water-rate in the Municipality of Ootacamund being considered in the revision of the Towns' Improvement Act X. of 1865.

(True Extract).

Chief Secretary.

To the Legislative Department.
" Revenue Department.
" Board of Revenue.
" Commissioner of the Neilgherry Hills.

Exd. A. S. Rodgers.

Revenue Dept. No. 1492.

Govt. of 1869: Madras.

PUBLIC.

To

THE LEGISLATIVE DEPARTMENT.

&c., &c., &c.

Dated April, 28th.

Recd. G. Gray — Encl.

G. O., 28th April 1869, No. 549.

APRIL.
Nos. 246-247.

Directing that the question of levying a special water-rate in the Ootacamund Municipality be considered in the Legislative Department on the revision of the Towns' Improvement Act X. of 1865.

ENTERED.

353/4 — 15 May/69