M.R.O. I—82,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1256 Press ~~Mis.~~

20—22

Dated 6.8.1863 19

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department,
6th August 1863.

Read the following papers :—

No. 20. Proceedings of Government in the Revenue Department, dated 5th June 1863, No. 971.

Submitting remarks on the Bill to amend Act VIII of 1851, *for enabling Government to levy tolls on public roads and bridges.* (Vide Proceedings Revenue Department, dated 5th June 1863, Nos. 84 and 85.)

No. 21. Proceedings of Government in the Public Works Department, dated 25th July 1863, No. 2,058.

With reference to the Memorandum from the Assistant Secretary to Government in the Legislative Department, Government observe that they have no remarks to offer in the Public Works Department on the Bill "to amend Act VIII of 1851 *for enabling Government to levy tolls on Public Roads and Bridges."* (Vide Proceedings Public Works Department, dated 25th July 1863, Nos. 681 and 682.)

No. 22. To the Under Secretary to the Government of India, Home Department, (Legislative,) dated Fort Saint George, 6th August 1863, No. 1,256.

I have the honor by desire of His Excellency the Governor in Council, to acknowledge the receipt of your letter, No. 2,404, dated 11th April 1863, forwarding for the opinion of the Madras Government copy of a Bill "to amend Act VIII of 1851 for enabling Government to levy tolls on public roads and bridges."

2. In reply I am directed to state that the Governor in Council considers the Bill an improvement on the existing law in two respects :—

(*a.*) In drawing a distinction between laden and unladen carts, and charging the former higher tolls than the latter.

(*b.*) In taxing carts without springs according to the number of bullocks drawing them, instead of making no difference on this account.

3. His Excellency would not recommend the abolition of the present distinction between carts with low wheels and narrow tires, and carts with large wheels and broad tires. The former being very destructive to roads, it is only just they should be charged higher for the greater injury they cause.

4. In the opinion of the Madras Government the tolls prescribed in the Bill are, for *maximum* rates, too low. It is not the policy of Government to establish numerous toll gates along any line of road, but on the contrary to have as few as possible, and it is, therefore, desirable that the maximum limit of the tolls should not be too low. It is evident that a toll of 4 Annas for an ordinary laden cart would be wholly inadequate on a road of a hundred miles in length, or even on a hill pass which had cost large sums of public money to form ; while on the other hand it might be better, and generally would be better, to levy twice that amount at a single gate, placed in a good situation with trustworthy supervision at hand to prevent abuses, than to have two or more gates along the line involving greater expense in collection and greater risk of fraud or oppression.

5. The Governor in Council is strongly of opinion that a matter of this kind should be left for local legislation. It appears to him to be impolitic to frame a table of rates suited for all India, to ignore all local peculiarities, and to withhold from Governments vested with in other respects large administrative powers, the petty power of fixing a turn-pike rate.

6. I am, however, directed to observe that the original Act (No. VIII of 1851), requires amendment in one respect, viz., that upon a literal construction of its provisions it would appear as if only a single toll could be established on any single line of road—this ought to be remedied, and a certain distance (say ten miles) fixed as the minimum interval between two tolls.

7. In conclusion I am desired to take this opportunity of soliciting the withdrawal of the order marginally noted, prohibiting tolls on imperial roads, as no reasons exist in this Presidency for any such restriction.

Letter from the Officiating Secretary to the Government of India, dated 3rd May 1860, No. 2,274.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Revenue Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Proceedings of the Board of Revenue, dated 16th May 1863:—

Read Proceedings of the Madras Government, Revenue Department, dated 13th May 1863, No. 829.

(In Cons. 13th May 1863, No. 2,928.)

The Board see no objection to the revised maximum rates, as it will always be at the discretion of Government to limit the charge in practice to what is thought proper in each case.

(A true Extract.)

(Signed) W. HUDLESTON, *Secretary.*

Order thereon, 5th June 1863, No. 971.

1. The Governor in Council considers the Bill an improvement on the existing Law in two respects:—

I. In drawing a distinction between laden and unladen carts and charging the former higher tolls than the latter.

II. In taxing carts without springs according to the number of bullocks drawing them, instead of making no difference on this account.

2. His Excellency does not approve of the abolition of the present distinction between carts with low wheels and narrow tyres and carts with large wheels and broad tyres. The former are very destructive to roads, and it is only just they should be charged higher for the greater injury they cause.

3. The tolls prescribed in the Bill are, for *maximum* rates, too low. It is not the policy of Government to establish numerous toll gates along any line of road, but on the contrary to have as few as possible. It is, therefore, desirable that the maximum limit of the tolls should not be too low. It is evident that a toll of 4 Annas for an ordinary laden cart would be absurd on a road of a hundred miles in length—or even on a hill pass which had cost large sums of public money to form; while on the other hand it might be better and generally would be better to levy twice that amount at a single gate, placed in a good situation with trustworthy supervision at hand to prevent abuses, than to have two or more gates along the line involving greater expense in collection and greater risk of fraud or oppression.

4. The Governor in Council is strongly of opinion that a matter of this kind should be left for local legislation. It is impolitic to frame a table of rates suited for all India, to ignore all local peculiarities, and to withhold from Governments vested with in other respects large administrative powers, the petty power of fixing a turn-pike rate.

5. The Governor in Council observes that the original Act requires amendment in one respect, viz., that according to its *letter* at least, only a single toll can be established on any single line of road. This ought to be remedied and a certain distance (say, ten miles) fixed as the minimum interval between two tolls.

6. The Governor in Council would also take this opportunity of pressing the withdrawal of the order marginally noted prohibiting tolls on Imperial roads. No reasons exist in this Presidency for any such restriction.

Letter from the Officiating Secretary to the Government of India, dated 3rd May 1860, No. 2,274.

(True Extract.)

Secretary to Government.

To the Judicial Department.
,, Department Public Works.

Exd. S. T. Augustin.

Judicial 1863 Departt

(Legislative)

No. 58

Pros of Govt in the
Revenue Departt
No. 971

D/ 5th } June 1863
R/ 5th }
16 do

7 Spare Copies

58-L
No. 1233

Submitting remarks
on the Bill to amend
Act VIII of 1851 for
enabling Govt to
levy tolls on public
roads and bridges

PUBLIC WORKS DEPARTMENT.
Public.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Memorandum from the Assistant Secretary to Government, Legislative Department, to the Secretary to Government, Public Works Department, dated Madras, 18th July 1863, No. 184:—

It is requested that the Report of the Public Works Department on the Bill "to amend Act VIII of 1851 for enabling Government to levy tolls on Public Roads and Bridges," which was referred to in the Judicial Proceedings of Government, No. 681, dated 4th May last, may be expedited, to enable this Department to reply to letter from the Government of India No. 2,404, dated 11th April 1863.

(Signed) J. D. MAYNE,
Asst. Secy. to Govt., Legislative Department.

ORDER THEREON, 25th July 1863, No. 2,058.

The Government have no remarks to offer in the Public Works Department on the subject of the Proceedings referred to in this Memorandum.

(True Extract.)

Colonel, R. E.,
Secretary to Government.

To the Judicial Department.

Exd. S. T. Augustin.

Procd 4th May 1863 No 1349
Fol 1233

Procdgs Aug 11 1863 Home Deptt.
(Legislative)
No 65

A.L. No 1256.

Procs of Govt in the
Pub. W. Deptt No 2058.

Dd 25th
Rd 28th April

10 Spare Copies

No 1649

With reference to the Memo. from the Asstt. Secy. to Govt in the Legislative Deptt, Govt observe that they have no remarks to offer in the P.W. Deptt on the Bill "to amend Act VIII of 1851 for enabling Govt. to levy tolls on Public Roads & Bridges."

21.-

decpd 8

No 1256

To

The Under Secretary to the
Government of India
Home Departt (Legislative)

Sir,

I have the honor, by desire of His Excellency the Governor in Council, to acknowledge the receipt of your letter No. 2404, dated 11th April 1863, forwarding for the opinion of the Madras Government copy of a Bill "to amend Act VIII of 1851 for enabling Government to levy tolls on public roads and bridges."

2. In reply I am directed to state that the Governor in Council considers the Bill an improvement on the existing Law in two respects:—

(a) In drawing a distinction between laden and unladen carts and charging the former higher tolls than the latter.

(b) In taxing carts without

springs

springs according to the number of bullocks drawing them, instead of making no difference on this account.

3. His Excellency would not recommend the abolition of the present distinction between carts with low wheels and narrow tyres and carts with large wheels and broad tyres. The former being very destructive to roads, it is only just they should be charged higher for the greater injury they cause.

4. In the opinion of the Madras Government the tolls prescribed in the Bill are, for *maximum* rates, too low. It is not the policy of Government to establish numerous toll gates along any line of road, but on the contrary to have as few as possible, and it is, therefore, desirable that the maximum limit of the tolls should not be too low. It is evident that a toll of 4 annas for an ordinary laden cart would be ~~absurd~~ on a road of a hundred miles in length — or even on a hill pass which had cost large sums of public money to form; while on the other hand it might be better, and generally would be better, to levy twice that amount at a single gate, placed in a good situation with trustworthy supervision at hand to prevent abuses, than to have two or more gates along the line involving greater expense in collection and greater risk of fraud or oppression.

— Wholly inadequate

5. The Governor in Council is strongly of opinion that a matter of this kind should be left for local legislation. It ~~is~~ appears to him to be impolitic to frame a table of rates suited for all India, to ignore all local peculiarities, and to withhold from Governments vested with in other respects large administrative powers, the petty power of fixing a turn-pike rate.

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Act (No VIII of 1851) requires amendment in one respect, viz, that ~~according to its letter at least~~, only a single toll ~~can~~ could be established on any single line of road — this ought to be remedied, and a certain distance (say, ten miles) fixed as the minimum interval between two tolls.

upon a liberal construction of its provisions it would appear ~~that~~ as if

In conclusion I am desired to take this opportunity of soliciting ~~the sanction of the~~ His Excellency the Viceroy ~~and Governor~~ General for the withdrawal of the order marginally noted prohibiting tolls on Imperial roads, as no reasons exist in this Presidency for any such restriction.

Letter from the Offg. Secy to the Government of India, dated 3rd May 1860, No. 2274.

Fort St George
6th August 1863

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Judicial 1863 Dept.

No. 1250.

To the Under Secretary to
the Govt. of India

Dated 6th August 1863.

F. No. 2181.

Communicating the views
of the Madras Govt. on
the Bill to amend Act
VIII of 1851 for the levy
of tolls on public roads
and bridges.—

Carried

20@22