L. & M.
2,000-8-8-96.

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1580 L.

DATED 2nd Septr 1895.

[Despatch Abstract.]

Tolls.

Cancelling the resolutions of the Nilgiri District Board dated 12th July 1893, No.20, and 26th April 1895, No.6, exempting Mr.Rhodes James from the payment of ---- at the Benhope toll-gate, as they were in excess of the powers conferred upon it by law.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 2-9-95

No. 1580 L.

INDEXED.

When given for copying.

[Despatch Abstract.]

Talks
Cancelling the resolutions of the Nilgiri Distt. Bd dy. 12-7-93 & 20 & 26-4-95 No: 6, exempting Mr. Rhodes James from the payment of tolls at the Benbope toll Gate; as they were in excess of the powers conferred upon it by law.

D.S.

1895

Local & Municipal Dept.
CURRENT No. 23487

From
The President,
District Board,
Nilgiris

To
The Chief Secretary to
Government
Local and Municipal
Department
Madras

Dated 7/95
Despatched 12 August 95
Received 17 AUG 95

Encl. Invd. (2)

Subject

Enquiring if the exemption granted to Mr Rhodes James from the payment of tolls at the Benthope Toll gate in its present site is legal

(with order)

Wm Order
Wm 2-9-95 No. 1580
The resolutions of the District Board dated 12th July 1893 No 20 and 26th April 1895 No 6, being in excess of the powers conferred upon it by law, are cancelled under section 37 of the Local Boards Act. (2) If necessary the Board can compound with Mr Rhodes James under section 87(2).

V.R. 22/8/95
W 26-8-95
8/8 278

Wm
It may be very hard on the proprietor of the Benthope estate that this temporary shifting of the toll bar should subject him to toll but it cant be helped.

8/8 277

See Corr. W 22-8-95

To
The President, District Board
Nilgiris
P.T.O.

Dated 5/9/95

Ans 6
21/10/95

BACK PAPER, No. OF 119

FURTHER PAPER, No. OF 189

ENCLOSURES.

CURRENT No

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL (not paged).

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Examined by

of July 1893 was then upheld. The matter was not discussed and my views were not laid before the meeting. but I think the matter is one, that need not come before the Board, which has no power to override the provisions of the law. In my opinion the Exemption granted by the Board to one of its members is neither legal nor Equitable and I beg Government will be pleased to give me a ruling on the point.

I have the honour to be,
Sir,
Your most obdt Servant
Allan Jones
Vice President
Dt Board
Nilgiris

2nd

"of the Madras Local Boards Act I of 1884,
"that from and after the 20 June 1893, the
"Benhope toll gate now situated in the 16th
"mile, 7th furlong on the Kullar-Dotacamund
"Road will be removed to the site below—
"Benhope Rest House, at the intersection of the
"old and new ghaut Roads, in the 19th mile, 3½-
"furlong on the same road."

3. The notification in question leaves no option to the District Board to Exempt, as it has done, any person or class of persons from payment of tolls, except the cases of Exemption specially provided for by clause 3, of Section 87 of the Act. The District Board, however, with Mr Wolfe Murray as President, on a reference from Mr. Rhodes James, one of its members, ruled in July 1893 that his cart, which had not needed to pass through the bar, in its former position, should be exempt from paying toll at the bar, in its present position, or rather that the Board would refund him the amount, at the cost of the contractor, to whom, to prevent fraud, he ~~was~~ was in the first instance to pay toll.

4. In these circumstances, I held that the Board's Resolution was ultra vires and directed that the matter should again be placed before a meeting and it was accordingly considered on the 26th April 1895, when presided by the acting Collector. The previous Resolution of

Local Fund Department.

Cir. No. 273 D.B.
75

Nilgiri Dt. Board's office
Ootacamund 7 August 1895

From

J. D. Rees Esq C.S.E.
President,
Dt. Board, Nilgiris

Local & Municipal Dept.
CURRENT No. 23482

To

The Chief Secretary to Government,
Local and Municipal Department,
Madras.

Sir,

Upon a reference made to me by the contractor of the Benhope toll Bar, I ruled, contrary to the Resolution of the District Board passed on the 12 July 1893, a copy of which is attached, that all carts passing by the Benhope toll Bar, must pay toll at the new Site, to which the bar was temporarily removed during the conduct of blasting operation by the Railway, with the sanction of Government contained in its order No 1329 L. Mis., dated 16 June 1893.

2. My ruling is, I think in accordance with the terms of the notification approved by Government, such published in the Fort St. George Gazette dated the 20 June 1893, which, for convenience of reference is subjoined:-

"With the approval of the Right Honourable "the Governor in Council, the District Board of "Nilgiris hereby notifies, under Section 88—

Resolution.

The Board will take steps to carry out its previous Resolution of July 1893. in regard to Mr. James' refund and will also take steps to put the toll bar back in its original portion at the earliest safe date.

(Sd) H. A. Sim
President,
Dt. Bd, Nilgiris

(True Extract,

for President
Dt. Board, Nilgiris

2RD

23482/95

Extract from the Proceedings of a meeting of the District Board, Nilgiris, held on Friday, the 26th April 1895

President.

H. A. Sim Esq. President.
1 Mr. Young Esq. Head Assistant Collector
2 A. M. Jones Esq. Dy Collector
3 C. G. Douglas Esq. Dt. Forest officer Nilgiris

Non-official Members.

4 J. A. Manjoribanks Esq.
5 L. W. Grey Esq.
6 W. D. Wilbraham Esq,
7 Barton Wright Esq,
8 Diwan Bahadur Maruthachala Mudaliar Avl. Rao Sahib.
9 Diwan Bahadur Abdul Rhyman Hajee Takeer Mahmud Sait Avl. Khan Sahib.
10. H. Sheldrick Esq,
11 H. Wapshare.
12. J. R. Griffith Esq.
13. H. P. Hodgson Esq,
14 E. G. Windle Esq.

6. Read letter dated 19th March 1895 from A. Rhodes James, requesting insertion in the Toll-Contractor's license for 1895-96, that all monies paid by the Benhope carts shall be refunded by the Contractor to the Board, for refund to him—

Resolution.

The Board considers that, under the circumstances, Mr Rhodes James' carts going to or coming from the Nettupolyum side from Benhope Estate, are not to pay toll at the new Benhope toll gate. The Board resolves to call up the Contractor's license in order that the following conditions may be entered thereon. All money paid as toll by carts going to or from Mr Rhodes James' Estate of Benhope shall be refunded by the Contractor to the Board. Mr Rhodes James will send to the Board every month a statement of carts which go to or from his Estate through this toll, and the Board will refund him the tolls so paid.

(Sd) O. Wolfe Murray
President,
Dt Board,
Nilgiris

(True copy)

for President
Dt Bd. Nilgiris

IRD.

2/2348/95

Inclosure No. 1 to letter No. 2783/95

Extract from the Proceedings of a meeting of the District Board Nilgiris held on Wednesday the 12th July 1893.

Present.

D. Wolfe Murray Esq. President.
1 H. V. Cobb Esq. Head Assistant Collector.
2 Surgeon Major G. Walker, Civil Surgeon, Cotacamund.
3 Rhodes Morgan Esq. District Forest officer.

Non-official Members.

4. J. A. Manjoribanks Esq.
5. A. Allan Esq.
6. A. G. Beadnell Esq.
7 E. G. Windle Esq.
8. Barton Wright Esq.
9. L. N. Grey Esq.
10. H. G. Sinclair Esq.
11 H. R. Griffith Esq.
12. Rhodes James Esq.
13. W. L. Edmiston Esq.
14. H. D. Wilbraham Esq.
15. W. C. Deane Esq.
16 E. R. Kindersley Esq.
17 Diwan Bay P. Tarana Iyah Avl.
18. Dewan Bay. Abdul Rahiman Hajee Fakeer Mahmed Sait, Avergal, Khan Sahib.

20. Read letter from Mr. Rhodes James dated the 14th June 1893— ~~the Board to~~

When given for copying ____
When copied ____
When examined ____
When signed ____
} 189.

READ AGAIN G.O., No. DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT.							
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