

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 1184 L

DATED 29th June 1896

[Despatch Abstract.]

Tolls.

Declining to exempt under section 63 of Act V of 1884, Mr.
Rhodes James from payment of ---- at the Benhove toll-gate.

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	29. 6. 96
No.	1184-L.

INDEXED.

When given for copying.

[Despatch Abstract.]

IsMs

Declining to exempt Mr.
James Rhodes under section
63 of Act V of 1884 from payment
of — at the Benloope tollgate

Extract from the Proceedings of a Meeting of the
District Board, Nilgiris, held on Wednesday, the
20th May 1896.

Present.

The Honble, J. D. Ross, C. I. E., President

Official members.

- (1) Matthew Young, Esquire, Head Assistant Collector Nilgiris
- (2) Surg. Lt. Col. H. D. Cook, Civil Surgeon, Coimbatore
- (3) Surg. Lt. Col. J. Lancaster, District Medical and
Sanitary Officer, Nilgiris.

Non-Official Members.

- (4) The Honble A. P. Hodgson
- (5) J. A. Marjoribanks Esquire
- (6) A. G. Bradnall Esquire
- (7) E. R. Hindersley Esquire
- (8) W. A. Cherry Esquire
- (9) C. Barton Wright Esquire
- (10) M. A. Dy, Abdul Kalam, Hajer Lakher
Mahomed, Saib Avergal, Khan Sahib
- (11) F. H. Griffiths Esquire
- (12) J. Harding Proctor Esquire
- (13) H. Shelchick Esquire

Enclosure I to letter no. 27365
5.6.96

BACK PAPER, No.

OF 189

READ AGAIN ORDER OF GOVERNMENT, DATED
189, No. , MISCELLANEOUS.

FURTHER PAPER, No.

OF 189

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

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

N.B.—

A — Copy in full
B — Not to be copied
P — Copy abstract only.
Q — Copy heading only.

Copied by

Examined by

(14)

- (14) H. G. Sinclair Esquire.
 (15) W. Rhodes James Esq.
 (16) Mr. A. P. P. Manthachala Mudaliar Avergal
 Rao Sahib.
 (17) H. Wapshore, Esquire.

XIV. Res. G. O. No: 718 L. No., dated the 11th April 96,
 on the Subject of Composition of tolls with Mr. Rhodes
 James: —

Proposed by Mr. Hodgson
 And Seconded by Mr. Pascoe.

:— That the Board feels strongly the unfairness
 of Mr. Rhodes James having to pay toll which has
 been widened by its previous Resolutions, —
 exempting him from such payment and these —
 Resolutions, have been ruled to have been ultra-
 vires, the Board would now urge that the
 Governor-in-Council exercise the power reserved
 under Section 63 of Act 5 of 1884, and exempt
 Mr. Rhodes James from all payment.

Carried

(Signed) J. D. P. S.
 President
 District Board.

(Per Secy)

Secretary
 to President

EXED

Local Funds Department.

Nilgiri District Board's Office
 Kotacamund, 5th June 1896.

R.C. No. 273(a)

From

The Honourable J. D. P. S. E.

President, District Board
 Nilgiris,

To

The Chief Secretary to Government
 Local and Municipal Department
 Madras.

Sir,

I have the honour to state that the
 Subject of the Composition of tolls with Mr.
 Rhodes James suggested in G. O. No. 718 L. No.
 dated the 11th April 1896 was placed before
 the Board for its consideration at a meeting
 held on the 20th May 1896 and a copy of the
 Resolution passed is attached.

2. The toll in question has been leased out to a
 Contractor and in my opinion a composition can
 only be effected between him and Mr. Rhodes
 James and he would not of course consent to
 any composition which involved ^a reduction
 in his receipts.
3. I have nothing to add to my letter on which
 G. O. No. 1580 L. No. dated the 2nd September 1895
 was passed; the G. O. which cancelled the

Board's Exemption of Mr. Rhodes James, as
being in excess of the powers conferred upon it
by Law

4 It is true that Mr. Rhodes James is unlucky
enough to be on the wrong side of the toll just
at present, and it is permissible to sympathize
with him in this behalf but it is upon such
accidents that the payment of toll invariably
depends.

5 I do not think any exemption can be forced
on the Contractor, in addition to those contained
in Section 87(3) Act V. of 1884, of which the 63^d
Section seems to me to be wholly inapplicable
to this case. I put the matter to the Board and
~~pointed~~ ^{pointed} out that it might perhaps hesitate to
ask for the exemption of one of its members on
such grounds, but the Board thought Government
might perhaps grant the exemption. In regard to
taxes, the attitude of most Boards illustrates the
position that it is as difficult to tax and to please
as to love and be wise

I have the honour to be

Sir

Yours Most Obedt Servant

W. Cunningham
for President,

Secy St. Board,
Nilgiris

Secy

for President

1896

For orders

Please see the notes and

orders in G.O. No. 1580h dated 2nd Sept. 1895 and No. 718 h dated 11th April 1896. It is submitted that there are no sufficient grounds for the proposed exemption of Mr. Rhodes James under section 63 of the Local Boards Act.

V.R.
16/6/96

It may be said upon his former case because in consequence of the construction of the N. Railway the toll gate has been removed he has to pay tolls but I don't do not see that there is anything inequitable about it.

25/6/96

24/6/96

C.F.

Order No 1184 (Lmsd) 29/6/96

The Govt. ^{reports} ~~do not consider~~ that there are ^{no} sufficient grounds for exempting Mr. Rhodes James from ^{the} payment of tolls under sec. 63 of Act of 1884. ^{although it may be said that he has to pay tolls in consequence of the temporary change in the site of the Banker's toll gate, the change is perfectly equitable}

(from orders)

25/6/96

The President, Dist Board
Nilgiris
Dated 1/7/96

for President

When given for copying _____
When copied _____
When examined _____
When signed _____

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTERS OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only