[R. O. 10]
5,000—21-7-09.

MADRAS RECORD OFFICE.

Block No. 3

Paper taken out of the Records from the charge of the Referencer,

Dept. L & M. Press / Mis. / Rout. No. 1672, dated 28-9-1898 Rack No. / Range.

Date taken out.	For what purpose. Department.	C. No.	Year.	Initials of Referencer.	Date returned.	Initials of attender.
2-12-09	MR	1586	09	[illegible]	20/12/09	[illegible]
8-10-10	L & M	3333	/10	[illegible]		
	MR	1623	/10			
21-4-15	MR	1278	/15	22-4-15		

[L. & M. 1,000—14-6-98.]

Local & Munl. (189) Department.

PRINTED.

G.O., No. 1672 M.

DATED 28/9/98

INDEXED.

[Despatch Abstract.]

Tolls.

Stating that Municipalities should be independent of the District Board in their dealings with toll-contractors, but that after a lease has actually been entered into and the District Board called to anticipate the receipt of a definite contribution from the proceeds, this sum should not be reduced except with the consent of the District Board and that any remission which may be granted by a Munl. Council of its own accord should be met from its own share.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government {1898} of Madras.

LOCAL AND MUNICIPAL.

Recd. } 1898. *Enclosures*

Regd. *Spare copies*

G.O., No. 1672 M., 28th September 1898.

SEPTEMBER.

Tolls.

Stating that Municipalities should be independent of the District Boards in their dealings with toll-contractors, but that after a lease has actually been entered into and the District Board led to anticipate the receipt of a definite contribution from the proceeds, this sum should not be reduced except with the consent of the District Board and that any remission which may be granted by a Municipal Council of its own accord should be met from its own share.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following paper:—

From M.R.Ry. M. RAMASWAMI AIYAR, Chairman, Municipal Council, Chidambaram, to the Secretary to Government, Local and Municipal Department (through the Head Assistant Collector and Collector of South Arcot), dated 24th July 1898, No. 335.

I have the honour to submit the following for the orders of Government.

2. The toll-rent of this Municipality for the year 1896–97 was sold by the Council in public auction as usual on 7th March 1896; the sale was knocked down to the highest bidder, Abharanam Pillai, for Rs. 8,000. There occurred two breaches in the Coast road between this town and the Coleroon river during the high floods of August 1896. These breaches were not closed till November following and the road was not passable for carts during the interval in consequence of the breaches. The toll-renter complained that he had thereby sustained a great loss and applied to the council for remission. The Council by its resolution No. 4 passed at its meeting held on the 16th January 1897 granted him a remission of Rs. 1,000. This resolution was communicated to the President, District Board, with this office letter, No. 115, dated 4th June 1897, by way of explanation for the contribution made to the District Board being one-third of the actual receipts only and not of the full amount for which the farm was sold.

3. In paragraph 6 of his covering letter, No. 638, dated 19th June 1897, to the administration report of this Municipality for 1896–97, the Revenue Divisional-officer remarked that there was nothing in the agreement executed by the renter which authorized remissions for any cause whatsoever, that he (Head Assistant Collector) was rather inclined to think that the renter did not suffer a real loss and that it seemed to him to be open to question whether the Municipality can be allowed to mulct the District Board of its one-third share of the Rs. 1,000 remitted without the consent or even the knowledge of that body. In paragraph 3 (3) of the order reviewing the administration report, the Government drew the attention of the council to the above remarks of the Head Assistant Collector regarding the indiscriminate grant of remission to the toll-contractor and expressed that the District Board should have been consulted before granting the large remission and directed that this should invariably be done for the future in like cases.

4. As usual, the contribution of one-third of the actual collections under tolls minus the small expenditure of Rs. 5–8–0 incurred in printing D schedule forms for toll boards was duly remitted to the District Board. The District Board, however, at its meeting held on the 31st March 1898, passed a resolution to the effect that the full contribution on Rs. 8,000 (the amount for which the tolls were let) should be paid by the Municipal Council to the District Board as the remission granted to the contractor, as appeared from the report of the Head Assistant Collector, was not on justifiable grounds.

On this resolution being placed before the Council at its meeting held on 6th April last, it was resolved to point out to the District Board that the Municipal Councillors were unanimous in granting to the contractor the remission of Rs. 1,000,

that Mr. Varada Row, the then Acting Head Assistant Collector, on the strength of whose opinion expressed in his covering letter to the Municipal administration report, the majority of the District Board appears to have carried the above resolution, was not in charge of this revenue division at the time when the Coast road was damaged by the Coleroon floods in 1896, and that the councillors were in a better position to judge of the justness or otherwise of granting the remission under the circumstances, and to request the District Board to be good enough to reconsider its resolution.

6. On the above resolution being communicated to the President of the District Board, he sent a reply (No. 615, dated 11th May 1898), to the effect that the sense of the Board was against the reconsideration of the resolution passed on 31st March, that it is not likely to be altered, that the wording thereof might be amended to make it plainer, that the District Board objects on principle to the grant of remissions to contractors, that it cannot, of course, interfere with the resolution of the council which is at perfect liberty to forego its revenue if it pleases, but that the Board is not prepared to countenance and endorse the action of the Municipal Council by agreeing to forego a proportionate amount of the sum due to it under the contract, and that in these circumstances, he (President) requested that the full amount of the contribution due to the Board may be paid.

7. On the above reference of the District Board President being placed before the Municipal meeting held on 1st June 1898, the Council resolved that all the circumstances connected with the remission in question be represented to Government with the request that it will be pleased to state whether the Council is legally bound to contribute to the District Board one-third of the net total receipts or one-third of the gross receipts under "tolls", and that the payment of Rs. 333–5–4 (being one-third of the remitted amount) demanded by the District Board do lie over pending the decision of Government.

8. This Municipality has been contributing to the Local Fund Board from 1876–77 (*vide* paragraph 2 of G.O., No. 131, dated 21st January 1876, reviewing the budget estimate of the Vriddhachalam Local Fund circle for that year) a third share of its toll farm receipts, deducting incidental and necessary expenses incurred for the erection of toll-sheds, &c.

9. The annual sale of the farm in public auction vests in the Council and the District Board's approval was never sought for the confirmation of the sale.

10. In the three years noted below this Council has granted remissions to the toll contractors under similar circumstances—*vide* administration report of those years; it does not appear that the Local Fund Board was consulted in the matter. The contribution paid then to the District Board was only one-third of the actual receipts and not of the amounts for which the farm was sold. It seems that the Council has followed these precedents in the case of the remission now objected to by the District Board:—

Year.	Amount for which the farm was sold.	Amount remitted.	Net collections.	Contribution paid to the District Board.
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
1881–82	4,825 0 0	200 0 0	4,625 0 0	1,541 10 8
1882–83	3,000 0 0	291 10 8	3,208 5 4	1,069 7 1
1887–88	3,000 0 0	124 0 0	2,876 0 0	958 10 8

11. It does not appear that there is any record to show that the Municipal Council is, by any contract, bound to obtain the consent of the District Board before granting remissions to the toll contractors or to pay to the District Board a third of the amount for which the farm is leased out without deducting such remissions as the Council might have thought fit to make.

* * * * * *

Government {1898} of Madras.

LOCAL AND MUNICIPAL.

Proof for approval

If Hon Sec says that the Agenda Conference with sufficient fulness throughout the year of the case, that will serve to the letter of Respect to the letter in reference as has been done. Para 12 of the letter may be omitted

Recd. } 1898. *Enclosures* Nil

Regd. } *Spare copies* 5/10/98

Press
Strike off as revised
5/10/98

G.O., No. 1672 M. 28th September 1898.

SEPTEMBER.

Tolls.

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1887-88	3,000 0 0	124 0 0	2,876 0 0	958 10 8

11. It does not appear that there is any record to show that the Municipal Council is, by any contract, bound to obtain the consent of the District Board before granting remissions to the toll contractors or to pay to the District Board a third of the amount for which the farm is leased out without deducting such remissions as the council might have thought fit to make.

12. The papers noted below are submitted for reference:—

1. Copy of Municipal Council's Resolution No. 4, dated 16th January 1897.
2. Extract from this office letter No. 115, dated 4th June 1897.
3. Copy of District Board's Resolution No. 10, dated 31st March 1898.
4. Copy of Municipal Council's Resolution No. 1, dated 6th April 1898.
5. Copy of District Board President's letter, dated 11th May 1898.
6. Copy of Municipal Council's Resolution No. 6, dated 1st June 1897.
7. " " " No. 7, dated 31st July 1882.
8. " " " No. 3, dated 14th March 1883.
9. " " " No. 5, dated 28th April 1888.

Local & Munl. (1898.) Department.

CURRENT No. 2657/M.

From The Collector of South Arcot

Order

DESPATCHED 10 AUG. 98

No. 577 Sup

Dated

Received 11 AUG. 1898

Registered

Enclosures (One Jr Co) 9-

Spare copies

SUBJECT.

Submitting with remarks the Chidambaram Municipal Chairman's letter requesting to issue orders ~~soliciting instructions of Government~~ in the matter of paying Contribution to the D.B. Board on account of tolls.

a/13/9

24/8

ocal & Munl. (1898.) Department.

CURRENT No. 2657/98.

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From

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24/8

BACK PAPERS.

G.O.	No.	Department.	Date.
fo	1431	Rev	11-10-94
"	803	Rev	21-7-88
"	2636	Fin	21-11-83
"	1982	Fin	9-12-82
"	439	Fin	9-5-82
"	2829	Fin	5-12-77
	13	Fin	21-[illegible]-[illegible]

FURTHER PAPERS.

G.O.	No.	Department.	Date.

587/August 1898

Local & Munl. (1898) Department.

No 1180/Cur 98

4P

Forwarded.

I think the nature of the contract between the District Board & the Municipality in a matter of this kind requires clearer definition. On the one hand it is admitted that the Municipality remitted 1/3 of the ~~the~~ amount for which the tolls were originally sold, without consulting the District Board, on the other hand the Municipality never consults the District Board on other matters affecting the tolls e.g. ~~the~~ lowest amount for which the tolls shd be sold, or the filing of a suit against a defaulting contractor. In the latter case it is doubtful if the District Board would share the costs of such a suit with the Municipality. Under ordinary circumstances the District Board leaves the Municipality a free hand as regards the tolls. As a matter of fact, the Municipality contributes to the District Board 1/3 of the net receipts, not 1/3 of the gross receipts, as expenses for printing &c are deducted before the 1/3 share is paid. It is a question whether the principle of paying only a proportion of the net receipts would cover the present case.

DESPATCHED
2 AUG. 98

J M Wallace
for H.A.C.

Order –

CURRENT No.

HEAD ASSISTANT COLLECTOR'S OFFICE
27 JUL 1898
SOUTH ARCOT.

COLLECTOR'S OFFICE
3 AUG 98
SOUTH ARCOT

From

The Chairman
Municipal Council
Chidambaram

No. 335-

Dated 24th July 1898

Received

Registered

Enclosures None

Spare copy

SUBJECT.

Soliciting instructions of Government in the matter of paying contributions to the District Board on account of Tolls

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Proceedings of the Municipal Commissioners of Coimbatore passed at their Meeting held on Saturday the 16th January 1897.

Present

Mr R Ry G Ramasamy Iyer avergal Chairman

Rao Bahadur Lal Achan Saib avergal

Mr R Ry V Subbaroya Mudaliar avergal

Kandasamy Mudaliar avergal

Mr J A W Villiers

Mr R Ry M & Ramasamy Iyer avergal

K Vanaha chariar avergal

M. Sambasivam Iyer avergal

C. R. Srinivasa Iyer avergal

absent 3 Commissioners

+ + + +

contractor on account of the unexpected
breaches in the Trunk Road leading to
Tanjore from the beginning of
August last to the end of November.

+ + + +

contractor

occurred in the coast (Canal in consequence
of the high floods in the Caliroon
(Vide copy of Resolution No 1 of 16-1-97 enclosed)
the collections therefore amounted to
only Rs 7000 plus Rs 9-1-10 being the
interest levied for non-payment of
which on due date deducting Rs 5-8-0
sent in printing & Schedule forms
Toll Boards, the net collections
amounted to Rs 7003-9-10 and an
stand of this viz Rs 2334-0-7 more
mitted to the District Board.

+ + + +

Local & Munl. (1898) Department.

CURRENT No. 2657/98.

Order

From
The Collector of
South Arcot

DESPATCHED
10 AUG 98

No. 577
Secy

Dated

Received 11 AUG 1898

Registered

Enclosures (one file) 9.

Spare copies

SUBJECT.

Submitting with remarks the Chidambaram Municipal Chairman's letter requesting to issue orders ~~soliciting instructions of Government~~ in the matter of paying Contribution to the D.B. Board on account of tolls.

BACK PAPERS.

G.O.	No.	Department.	Date.
Lo	1431	Rev	11-10-94
"	803	Rev	21-7-88
"	2636	Final	21-11-0
"	1912	Final	9-12-82
"	439	Final	9-5-82
"	2829	Final	5-12-77
	131	Final	21-10-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

587 Engineer 1898

Local & Munl. (1898) Department.

Ro 1180 Cur 98

4P

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I think the nature of the contract between the District Board & the Municipality in a matter of this kind requires clearer definition. On the one hand it is admitted that the Municipality remitted 1/3 of the amount for which the tolls are originally sold, without consideration of the District Board, on the other hand the Municipality never consults the District Board on other matters affecting the tolls e.g. the lowest amount for which the tolls shd be sold, or the filing of a suit against a defaulting contractor. In the latter case it is doubtful if the District Board would share the costs of such a suit with the Municipality. Under ordinary circumstances the District Board leaves the Municipality a free hand as regards the tolls. As a matter of fact, the Municipality contributes to the District Board 1/3 of the net receipts, not 1/3 of the gross receipts, as expenses of printing &c are deducted before the 1/3 share is paid. It is a question whether the principle of paying only a proportion of the net receipts would cover the present case.

DESPATCHED 2 AUG. 98

G.W. Wallace
for H.A.C. Collr
30.7.98

CURRENT No.

HEAD ASSISTANT COLLECTOR'S OFFICE 27 JUL. 1898 SOUTH ARCOT.

COLLECTOR'S OFFICE 3 AUG 98 SOUTH ARCOT

From

The Chairman
Municipal Council
Chidambaram

No. 335-

Dated 24th July 1898

Received

Registered

Enclosures None

Spare copies

SUBJECT.

Soliciting instructions of Government in the matter of paying contributions to the District Board on account of Tolls

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Proceedings of the Municipal Commissioners of Trincomalee passed at their Meeting held on Saturday the 16th January 1897

Present

The R^Ry G. Ramasamy Iyer Avergal Chairman

Kafaree Lebbe Ishak Saibo Avergal

The R^Ry V. Subbaraya Mudaliar Avergal

" Kandasamy Mudaliar Avergal

The " A. W. Villiers

The R^Ry The G. Ramasamy Iyer Avergal

" K. Vanaka chariar Avergal

" M. Sambasivam Iyer Avergal

" C. V. Srinivasa Iyer Avergal

absent 3 Commissioners

+ + + +

contractor on account of the unexpected
breaches in the Trunk Road leading to
Tenjore from the beginning of
August last to the end of November.

+ + + +

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...occurred in the Coast Road in contiguous
of the high floods in the Caliroan
(Vide copy of Resolution No 4/16-1-97 enclosed)
the collections therefore amounted to
only Rs 7000 plus Rs 9-1-10 being the
interest levied for non payment of
which undue date deducting Rs 5-0-0
being in printing Schedule forms
of all Boards, the net collections
amounted to Rs 7003-9-10 and one
third of this viz Rs 2334-0-7 were
remitted to the district Board.

+ +

I have &c
(Sd) M. Ramasamy Iyer
Chairman

(True extract)

M Ramaswami Ayy
Chairman

Extract from the Proceedings of the
District Board, South Arcot, passed
at a meeting held on the 31st March 1897.

10 Read papers relating to the remission
of Rs 1000 granted by the Villupuram
municipality to the Villupuram Bandar
toll gate contractor with a view
to the District Board in 1896-97.

Also the District Board's Resolution
No 9 dated 30th November last.

The majority of the Board is
of opinion that the full contribution
of Rs 8000 should be paid by the
Municipal Council as the remission
granted for the contractor, as appears
from the report of the Head
Assistant Collector was not
an justifiable grounds.

+ +

(Sd) H. Subbayya
...ct Board's resolution
No 1
...ected
Were

Ref on our Regn No 615/BB of 1897.

Communicated to the Chairman Municipal Council Chidambaram for information. It is requested that the balance of the contribution due to the District Board may be paid at an early date.

(Sd) K. Subbaraya Iyer
Vice President
District Board.

31-3-1898

(True copy)

N. Ramaswami Ry
Chairman

Proceedings of the Municipal Commissioners of Chidambaram passed at a special meeting held on 6th April 1898.

Present

In R Ry Sr Ramaswami Iyer avargal
Chairman

E. K. Wallace Esquire
Acting Head Assistant to
Sundra Mudali

In R Ry Ananda Nataraja Chettiar avargal

" G Appasawmy Iyer avargal

" Sr. C Ramaswami Iyer avargal

" V. Chidambara Chettiar avargal

Kadir Saib Labb Khan Saib avargal

In R Ry V Subbaraya Mudaliar avargal

" Sr. Sambasiwami Iyer avargal B.A.

" V. Swaminatha Pata Vathiar avargal B.A.

absent 6 Commissioners.

I Read endorsement from the President District Board Sundra Mudali dated 31st March 1898 No 615 requesting early payment of the balance of the Cess contribution due for 1896-97 under District Board's resolution

Ref our cur Rgn No 615 of 1897

The council resolves to point out to the District Board that the Municipal Councillors were unanimous in granting to the contractor the remission of Rs1000 objected to by the District Board, that the Acting Head Assistant Collector, on the strength of whose opinion expressed in his covering Minute of the District Municipal Council appears to have carried the resolution, was not in charge of this Division at the time when the Beach Road was damaged by the Cyclone floods in 1896 and that the Councillors were in a better position to judge of the justness or otherwise of granting the remission under the circumstances and to request the Board to be good enough to reconsider the resolution

+ + + +

to contractors. It cannot of course interfere with the resolution of the Council which is at perfect liberty to forego its remuneration if it pleases, but the Board is not prepared to countenance and endorse the action of the municipal council by agreeing to forego a proportionate amount of the sums due to it under the contract. In these circumstances, I have the honour to request that the amount of the contributions due to Board may be paid

for i

Ba

I have &c

(Sd) K. Subbiraya Ayyar

for President & Board

(TrueCopy)

M Ramaswami Ayy

Chairman

Proceedings of the Municipal Council of Cuddalore passed at their Meeting held on the 1st June 1898

Present

In the Hon. Srinivasa Chariar avargal

Chairman. Delegate

E. K. Wallace Esquire Acting Head Assistant Collector

Landholders

In the V. Subbiroya Mudaly avargal

" G. Appasawmy Ayyangar "

" Pannambala Pillai "

" In C Ramaswami Ayyar "

" Arunatha Kataraja Chettiar "

Hon'ble Khan Sahib "

absent & Council.

+ + + +

Municipality for 1896-97.

Resolved that all the circumstances connected with the remission of Rs1000. be stated to Government with the request that it will be pleased to state whether the Council is legally bound to contribute to the District Board one third of the net total receipts or one third of the gross receipts and that the payment No. 3338-4 to the district Board do be suspended pending the decision of Government.

+ + + +

Proceedings of the Municipal Commissioners of Chidambaram and passed at a meeting held and the 14th day March 1883.

Present

The R Ry Ch. Ramalinganaiy Pundaliar avergal
Presiding Member

" T. Ekambaranaiy Iyer avergal

" M Parasurama Mudaliar avergal

" Chattu Muna Raya Pillai avergal

" Ambalavana Pundaliar avergal

Absent the Hon'ble Mir Khadir Baksh Saib avergal

Absent 10 Members

+ + + +

Proceedings of the Municipal Committee of Chidambaram passed at a meeting held on the 20th April 1888

Present

G. A. W. Williams Esquire. Chairman

Messrs V. Swaminatha Jata Vathiar avergal J.P.

" G. Appasawmy Iyer avergal

" M. C. Ramaswamie Iyer avergal

" P. Chidambara Pillai avergal

" Natta Dena Raya Pillai avergal

also 9 Committee.

+++++++++++++++++++++++++++++

5. Read petition presented by the Public contractor's agent for 1887-1888 requesting remissions in the Contract amount on account of heavy losses sustained by his master.

The contractor's agent agrees to pay in the sum of Rs 500 due by him within a fortnight.

In default, the Council resolves to credit the deposit to Municipal Funds, on the payment of the balance sum, the balance of Rs 124 to be remitted.

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(Sd) G. A. W. Williams

Chairman

Verse

Municipal Office
Chidambaram.
Dated: 24th July 1898.

No 335

From

18

The Chairman.
Municipal Council.
Chidambaram.

To

The Secretary to Government
Local and Municipal Department
Fort Saint George.

(Through the Head Assistant Collector and Collector of South Arcot.)

Sir,

I have the honour to submit the following for the orders of Government.

2. The Tolls rent of this Municipality for the year 1896-97 was sold by the Council in public auction as usual on 7th March 1896, the sale was knocked down to the highest bidder Abharanam Pillai for Rs 8000. There occurred two breaches in the beach road between this Town and the Coleroon River during the high floods of August 1896. These breaches were not closed till November following and the road was not passable for carts during the interval in consequence of the breaches. The tolls renter complained that he had thereby sustained a great loss and applied to the Council for remission. The Council by its resolution No 4 passed at its meeting held on 16th January 1897 granted him a remission of Rs 1000. This resolution was Communicated to the President District Board with the [illegible] letter No [illegible] dt 4th June 1897 by which [illegible] were

explanation for the contribution made by the District Board being one-third of the actual receipts only and not of the full amount for which the farm was sold.

3. In para 6 of his covering letter No. 638 / 19.6.97 to the Administration Report of this Municipality for 1896-97, the Revenue Divisional Officer remarked that there was nothing in the agreement executed by the renter which authorized remissions for any cause whatsoever, that he (Head Assistant Collector) was rather inclined to think that the renter did not suffer a real loss and that it seemed to him to be open to question whether Municipality can be allowed to mulct the District Board of its one-third share of the Rs 1000 remitted without their consent or even the knowledge of that body. In para 3(3) of the order reviewing the Administration Report, the Government drew the attention of the Council to the above remarks of the Head Assistant Collector regarding the indiscriminate grant of remission to the Toll Contractor and expressed that the District Board should have been consulted before granting the charge remission and directed that this should invariably be done for the future in like cases.

4. As usual, the contribution of one-third of the actual collections under Toll Rents the small expenditure of Rs. 5-8-0 incurred in printing of schedule forms for Toll Boards was duly remitted to the District Board. The District Board, however, at its meeting held on the 31st March 1898, passed a resolution to the effect that the full contribution of Rs 8000 (the amount for which the Toll was let) should be paid by the Municipal Council to the District Board as the Toll Contractor has failed to collect as appeared from the report of the Head Assistant Collector, was not on justifiable grounds.

5. On this resolution being placed before the Council at its meeting held on 6th April last, it was resolved to point out to the District Board that the Municipal Councillors were unanimous in granting to the Contractor the remission of Rs 1000, that Mr. Varada Row the then acting Head Assistant Collector, on the strength of whose opinion Expressed in his covering letter to the Administration Report, the majority of the District Board appears to have carried the above resolution, was not in charge of the Revenue Division at the time when the boat Road was damaged by the cyclone flood in 1896, and that the Councillors were in a better position to judge of the justness or otherwise of granting the remission under the circumstances and to request the District Board to please reconsider its resolution.

6. On the above resolution being communicated to the President of the District Board, he sent a reply (No. 615 / 11.5.98) to the effect that the sense of the Board was against the reconsideration of the resolution passed on 31st March, the matter is not likely to be altered, that the wording thereof might be amended to make it plainer that the District Board objects on principle to the grant of remissions to Contractors, that it cannot, of course, interfere with the resolution of the Council which is at perfect liberty to forego its revenue if it pleases, but that the Board is not prepared to com[illegible]

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2657/M.

Submitted to Government.

5P

In G. O No $\frac{131}{21\text{-}1\text{-}76}$ it was decided that the Municipal Council Chedambaram should pay over to the District Board one-third of the net proceeds of the tolls. The District Board has not interfered with the discretion of the Municipal Council in accepting or rejecting bids offered for the toll gate farm, and no objection has of course been raised to the deduction of incidental Expenses, E.g. Erection of toll sheds.

When the farm is leased out in auction it may be premised that bidders discount all Circumstances likely to affect the probable receipts, and the District Board shares with the Council any losses due to diminished bids on this account. In the instance under discussion, the farm was sold for Rs 8000 and a Contract was duly entered into. Under the terms of this Contract the Contractor was not entitled to any remission under any Circumstances. Hence the diminution in the net receipts is to be attributed solely to the action of the Municipal Council in passing a resolution granting Rs 1000 remission.

The District Board was never consulted / were

in the matter, and the Contention of the Council that as it is allowed a free hand in auctioning the tolls so it should be permitted to decide independently of the Board whether or no remission should be granted seems to me unsound, as in the latter Case, the Council is dealing with an ascertained Sum of money due to the District Board out of which it has, in my view no power to grant remissions— The Council is at perfect liberty to be generous out of its own share of the proceeds.

In his letter the Chairman quotes three ~~these~~ instances in which remissions were granted on previous occasions. My office has been unable to trace any Correspondence on the subject. I Consider, however, that the grant of remissions is wrong in principle. Especially where, as in the present Case no provision is made for them in the Contract, It is quite certain that the Council would have got nothing more out of the Contractor in the Converse Case of an unexpected influx of traffic and largely augmented receipts— The District Board was of the same opinion.

which the resolution was passed of which a Copy is forwarded by the Chairman or it might have been worded differently.

My objection to abating anything from the Claim of the Dt. Board to 1/3rd of Rs 8000 is based not so much on the fact that the grounds on which remission was granted were not justifiable as on the principle that the Council ought to have adhered to the terms of the Contract and that the share of the District Board in the amount due to the Council under that Contract being already ascertained the Council had no power to voteaway any part of it to the Contractor.

W. H. Thomson
for A.S. Collector.

South Arcot
Collector's office
Cuddalore
9th August 1898

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

Current No. 2657/98 of 189 8, dated 9th August 1898 from the Collector of South Arcot.

Current No. of 189 , dated from the

P.S. Order. No. 1672 M dy 28/9/98

H.M. The Government is of opinion that Municipalities should be independent of the District Boards in their dealings with toll-contractors, but that after a lease has actually been entered into and the District Board led to anticipate the receipt of a definite contribution from the proceeds, this sum should not be reduced except with the consent of the District Board. Any remission which may be granted by a Municipal Council of its own accord should be met from its own share. In the present case, therefore, the District Board is entitled to one-third of the amount, for which the tolls were

is split the G.O. in the case was not printed. Print & circulate. The papers can be read that with copy of following & file see the point of the

RS
23/9/98

in full, M.C. Chief

Note- For precedents, please see
G.O 2829 Fl 5-12-1877, para 3 of × I
G.O No 1728 m 15th Nov 1894. ○ J

ut to Press. 29-9-98

ature. 10-10-98

int. 15-10-98

NUMBER OF COPIES REQUIRED. { Order complete. 620 / Letter only. / Order complete with Letter.

DATED

57 h ——— Print Chairman's letter, & the Endorsements of the Hd Asstt Colls & the Collrs fully.

Opn
Please Short print
Ed
28/9

BEING MEANT FOR DESPATCH

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