

Local & Munl. (189 /) Department.

MISCELLANEOUS.

G.O., No. 518h

DATED 21-4-1899.

INDEXED. DESPATCHED

[Despatch Abstract.]

Tax Directing that the order of the Collector of Malabar, Cancelling the Tellicherry Municipal Council's resolution regarding taxation of vehicles and animals in the Municipality, shall continue in force permanently.

Date.

Cal & Munl. (189) Department.

CURRENT No. 867m

From

Order N. 518 & Mis. 21-4 99 The Collector of Malabar.

Under Section 35(2) of the Madras District Municipalities Act, as amended, His Excellency the Governor in Council directs that the order of the Collector of Malabar dated 22nd January 1899, Cancelling the Tellicherry Municipal Council's resolu. N. 11 of the 14th idem, shall continue in force permanently.

Order No. 112 of 99

Dated 16-3-99

Received 20-3-99

Registered

Enclosures C. nos. 330 M & 671 M of 99 returned.

Spare copies

1.8

27/3/99

MA 19. 99

SUBJECT.

Resubmitting with remarks

his letter forwarding a copy

his order cancelling the

resolution of the Tellicherry

Municipal Council No. 11 dated

14th January 99.

Note. Sec. 35(2) requires that the Municipal Council should have an opportunity for explanation before the order is made. The order was accordingly referred to the Municipal Council for remarks, but the Collector, without sending it to the Council, states that his order was considered by the Council & recorded, which shows that it has been accepted.

The Chairman, Tellicherry Municipal Council, thus the Collector of Malabar.

Local & Munl. (189) Department.

CURRENT No. 867m

Use

From

Order

N^o. 518 & Mis 21-4 99

The Collector of Malabar.

Under Section 35(2) of the Madras District Municipalities Act, as amended, His Excellency the Governor in Council directs that the order of the Collector of Malabar dated 22nd January 1899, Cancelling the Tellicherry Municipal Council's resoluⁿ N^o. 11 of the 14th idem, shall continue in force permanently.

Endt on C. No. 112 of 99

Dated 16-3-99

Received 20-3-99

Registered

Enclosures C. nos. 830 M & 671 M of 99 returned.

Spare copies

1.2
27/3/99

MA 19. 99

SUBJECT.

Resubmitting with remarks his letter forwarding a copy of his order cancelling the resolution of the Tellicherry Municipal Council No. 11 dated 14th January 99.

Note: Sec. 35(2) requires that the municipal Council should be given an opportunity for explanation before the Govt. confirms the Collector's order. The matter was accordingly referred to the municipal Council for remarks, but the Collr, without sending it to the Council, states that his order was considered by the Council & recorded, which shows that it has accepted his view. The Chairman, Tellicherry, says 20/3/99 that the Collr of Malabar.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Local & Munl. (189 *N*) Department.

CURRENT No. 330 *m*



From

The collector of Malabar

N
Order Reference No. *167*
17/2/99

The collector is requested to submit a copy of the Municipal Council's resolution No. 11, dated 14th January 1899.

D No. *9* of *99*

Dated 22 — 1 — 99

Received

Registered

Enclosures 1

Spare copies.

14-2-99

14/2/99

Copy 14/2/99

SUBJECT

Submitting a copy of his order concerning the resolution of the Tellicherry Municipal Council No. 11, dated 14 January 99, for the reasons stated.

The collector of Malabar
17/2/99

18/2/99

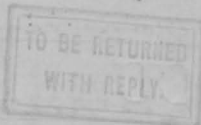
BACK PAPERS

G.O.	No.	Department.	Date.
So	371	Art	4-3-96

FURTHER PAPERS.

G.O.	No.	Department.	Date.

C no 112 of 88
C no 336 of 671 of 1899



No 298 of 13-3-99

Referred to the Municipal Council of Tellicherry for remarks.

J. J. J. J.

Secretary to Govt.

V.R.
8/3/99

COLLECTOR

16 MAR 1899

MAEABAR

LOCAL & MUNICIPAL DEPT.
867 M

To

The Chairman, No Tellicherry
thru the Collr. of Malabar

Resubmitted.

2. My Proceedings
were duly considered
at a meeting & recorded.
This shows that the
Council has accepted
my view & has no
remarks to offer.

Calicut Subd.
16th March 1899

Proceedings of the Collector of Malabar
Dated 22nd January 1899.

Read again the following papers:-

1) This office Proceedings no 289 of 20 97 dated 16th
December 97.

2) This office Proceedings no D 372 dated 17th
November 1898.

3) This office Proceedings no Rg on C. 2343 of 98
dated 12th December 98.

Read also letter from the Chairman Municipal Council, Tellicherry, dated 19th January 99 no 1074 forwarding a copy of the resolution of the Municipal Council dated the 14th inst. regarding tax on vehicles and carts coming to Tellicherry from outstations.

order:

Towards the end of 1897 the Chairman of the Tellicherry Municipal Council attempted to improve the state of the finances, which were in a bad way, by taxing all hackney carriages which passed through the municipality from Cannanore, Padayana, or elsewhere. It was considered that because such carriages were hired to take their occupants into the town, they should therefore be considered to have been let out for hire within the municipality. The order was enforced by seizing all

hastney Carriages which drove into the Municipality from outside, for want of proof that they had not been let out for hire for 15 days within the Municipality.

2. There was naturally a great outcry.

The toll Contractors at Mahé and Rodemallé complained that no hired Carriages from outside would pass through their gates for fear of being seized by the Municipal authorities. Travellers were also put to inconvenience by having to get out of their Carriages at the toll gates, and move into one of the licensed Municipal Carriages.

When the matter was represented to me, I pointed ^{only} to the Chairman that vehicles passing through the Municipal limits could not be considered to have been let out ^{only} within the Municipality, and requested him to withdraw his order.

3. The Chairman appears to have acted on my advice for a time. But in September the Mahé toll Contractor again complained to the Sub Collector that the Municipal authorities had returned to their former practice, and that he was thereby put to loss. The Sub Collector held that my order applied "only to transits passing through Zelicerry, but not to transits which come to Zelicerry, take passengers at Zelicerry, and return

Schin 86.A.

to Badayana. If these transits do so for 15 days or more in the half year, they are liable to tax in the Zelicerry Municipality."

4. I assume for the sake of argument that the Sub Collector's interpretation of the law is correct. How is it to be enforced?

Two methods suggest themselves. one is to do so legally. In order to ascertain whether a transit from Cannanore has taken up passengers in Zelicerry on 15 different dates in the half year, an establishment should be employed whose duty it would be to note the fact as it occurred. It is quite obvious that the cost of such an establishment would be far greater than the amount which it ^{would} bring into the Municipal coffers.

5. The other alternative is to enforce the order illegally, i.e. to presume that every transit passing through from Cannanore, Badayana, or Calicut had been let out for hire within the Municipal limits for the prescribed time, and to detain it until proof was furnished to the contrary. I have already stated that this course had ~~already~~ been tried and abandoned on my suggestion. I therefore cancelled the Sub Collector's order.

6. Now however the Municipal Council has announced its intention of acting on the Sub Collector's interpretation.

Time Expd 330m

Submitted to the Secretary to Government
Local and Municipal Department for
information

Calicut
22-1-99

M. D. D. S.
Collector

As no mention is made of any additional
establishment for enforcing the order
legally, it is clear that the Council
intends to enforce it illegally, as
described in the preceding para.

7. I am quite at a loss to understand
why the Council should persist in its
attempt to clutch fees to which it is not
entitled. Even in a pecuniary point of
view it will not be a gainer. Should
its orders be carried out, there will be a
fall in the receipts from the Koduwalli
and make' toles, and the Dist. Board will
of course withdraw its contribution.
If the Council takes steps to diminish
the income which is now shared between
it and the Dist. Board, the Council may
be quite certain that the loss will not
come out of the District Board's share.

8. The resolution of the Talukhoor
Municipal Council no 11 dated 14th
January 99 is in my opinion illegal.
But even if it is not, the execution
of the order is likely to cause obstruction
and annoyance to persons lawfully em-
ployed, viz transit owners and their passengers.
I therefore cancel it under Section 35 of
the Municipal Act.

sd/ L. W. D. S.
Collector.

* 1/4 of the net receipts of the Koduwalli tole
1/8 of the net receipts of the make' tole