

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 882 L.

DATED 26-4-1899.

INDEXED.

DISPATCHED

[Despatch Abstract.]

Tolls

Stating that the opinion of the President of the District Board, the Nilgris, that the Supt of Telegraphs, Bellary Division, is liable to pay toll at the Gudalur toll-gate when he again comes to it on a journey to Calicut even though he had once paid the toll on coming from Mysore to Gudalur is correct.

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Munl. (1899.) Department.

CURRENT No. 9252



From
 The President of
 District Board
 The Nilgiris
 No. 423/03.
 Order No. 882 dated 26-4-99
 The President's opinion
 in para 2 of his letter is correct
 1.8
 18/4/99
 21-4-99
 I don't see that it is wrong
 condition is suitable to
 to Bangalore
 21-4-99

Dated 17th March 1899

Received

Registered

Enclosures (Screen)

Spare copies

Despatched 21-iii-99

SUBJECT,

Note
 It contains some wrong that a
 person coming from Mysore & meeting
 turning up to Sulliam battery road to
 the Bangalore Rd. he calls upon to pay
 toll again when he starts from the
 Bangalore. But it seems legal. a
 Mr. W. W. W. in the future seems correct.
 I don't think to do to avoid similar
 trouble in future would be to make a
 road to the Bangalore from the Mysore
 road, but this cannot easily be
 done. also probably it would be
 inconvenient to more to gate

To the President, District Board,
 The Nilgiris.

Copy 27/4/99

Denial of liability to pay
 a toll of 8 annas on his
 bicycle and cart, which pass
 through the Gudalur Toll-gate.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Nilgiri District Board Office
17th December 1898.

Re. No 428/88.

From,

C. J. Wair Esq^r

President, District Board

in Nilgiris

To,

The Telegraph Superintendent

Calcutta.

Sir,

The toll-gate keeper ^{of Gudalur} brings to notice that you refused to pay toll of 8 as, viz, 4 as for a bicycle and 4 as for a laden cart, when you passed through that gate on the 9th instant, on the ground that you paid toll 2 days ago. As the amount is rightly due from you, I have the honour to request that you will be good enough to remit the same to me at your early convenience.

I have etc

(Sd) W. C. Murray
for President
88.

(True Copy)

W. C. Murray
for President
88.

W. C. Murray

Enclose 1 to Letter No C 428/88. D/17th March 1899.

Government Telegraph Department
Belgaum, 30th December 1898.

No. 5329

From,

The Superintendent of Telegraphs
Ballary Division

To,

The President,
District Board
The Nilgiris

Sir,

With reference to your letter No. 423/98 dated the 17th of November 1898, I have the honor to inform you that on my journey from Tippacadu to Calicut, I halted at the Gudalur Travellers' Bungalow which is on the Tippacadu Calicut Road.

2. So far to the Bungalow I had to pass through the toll gate and paid the toll that was demanded.

3. On leaving the bungalow on my journey onwards to Calicut toll was demanded which I declined to pay.

4. It seems obvious to me that the Gudalur Travellers' Bungalow must be considered on either the Tippacadu side of the Gudalur toll-gate, or on the Calicut side of the Gudalur toll-gate.

Enclosure 2 to letter No. C. 423/98 of 17. 8. 99

and that it cannot be considered as on both sides.

5. If you are not prepared to accept this explanation I request that the case may be sent up to the Government of Madras for orders.

D. h. h. etc

(Sd) S. W. Law.

Superintendent
Bellary D2

Forwarded to the District Board Engineer, the Nilgiris, with the previous papers for favour of remarks.

(Sd) W. C. Murray
For President

Re. no. 282/98-99

Note on subject with a sketch submitted.

(Sd) E. Haldwell

District Engineer.

11-1-99.

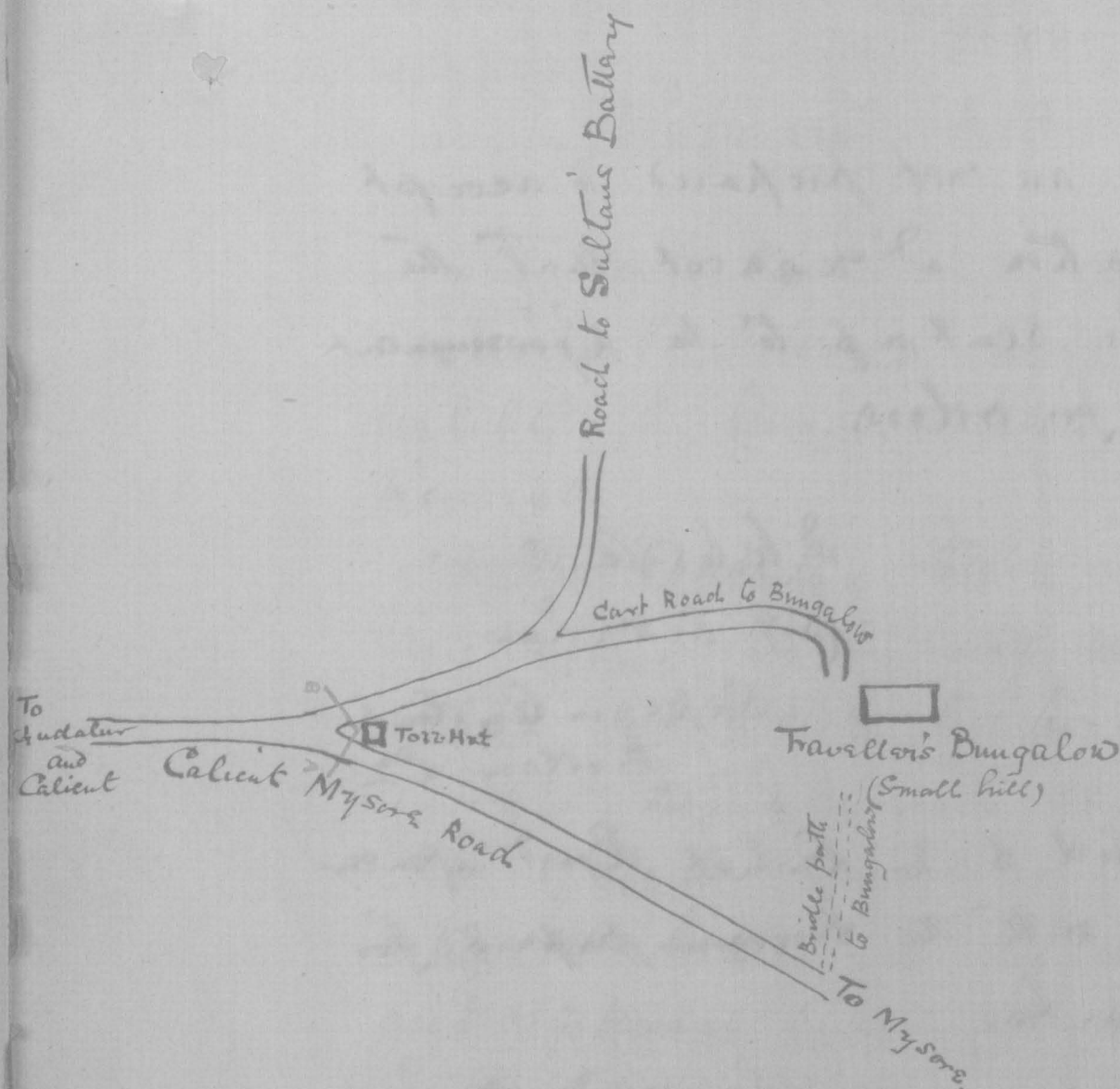
(True copy)

For President,
D.B.

Ray

6
925/2/99

Enclosure 3 to Letter No. C. 423/53. Dated 17-3-89



Notes

Red line A. Toll-gate on Calicut-Mysore Road.

— Do — B. Toll-gate on Gudalur-Sultan's Battery Road.

(Sd) E. Haldwell

District Board Engineer

11-1-99. The Nilgiris

(True Copy)

For President
D.B.

Ray

Refm C No 282
98-89

Engineer's Note

The contention of the Telegraph Super-
intendent, Ballary Division, regarding non-
liability to tollage charged at Gudaalur is
incorrect.

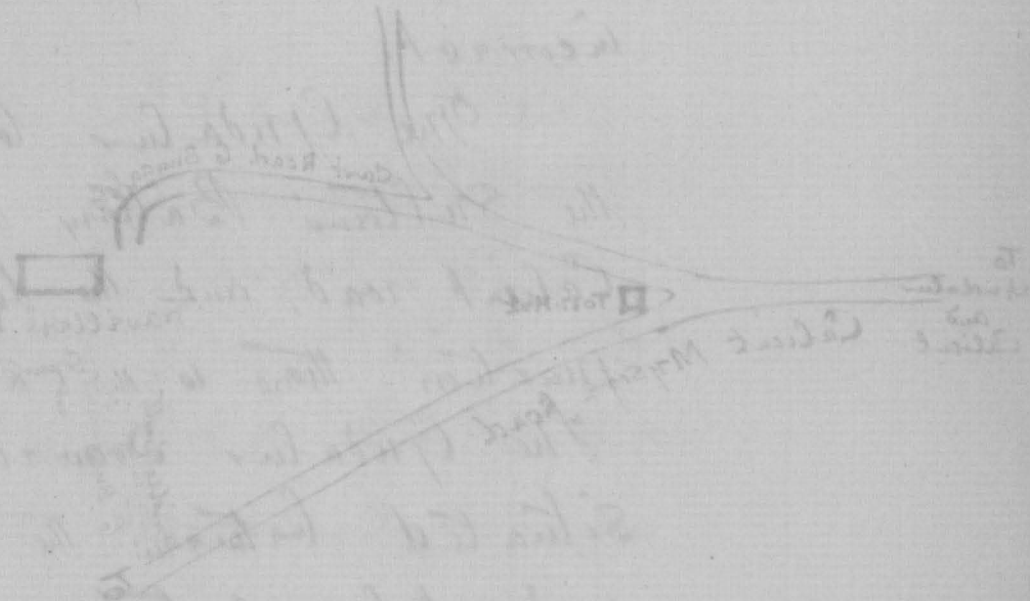
The Gudaalur toll is at the junction of
the Sultan's Battery road with the Mysore
Calicut road, and the toll bar being at the
junction there is a gate across each road.
The Gudaalur Travellers Bungalow is
situated between the two roads, but its east
road approach takes off from the Sultan's
Battery road a little on the Mysore side
of the toll-gate. Vide sketch attached.

A traveller on wheels from Mysore to
Calicut desiring to use the Bungalow —
would thus after passing the Mysore-Calicut
road toll gate have to turn backwards, and
on resuming his journey would have to
repass this gate.

Only one tollage charge is made for the
passage through both gates at a time, and
had either gate been repassed the same day,
no further charge would have been made.

A toll payment covers re-passage —

Enclosure to Letter No C 423/88. d/ 17-3-89.



5
925/2/99

through the gate for the day only, and if the gate be passed again, from any direction, after this limit of time, a fresh charge is incurred.

The rules on the subject are most clear and distinct, and leave no room for doubt or misapprehension.

In this case the Superintendent - passes through the toll gate on the 7th and after an interval of two days, travels through the toll gate again on the 9th and yet refuses to pay the charge that was most clearly due. Such action is a distinct evasion of a lawful tax and is, I submit wholly indefensible.

(Sd) E. Haldwell
Dist. Bd. Engineer
The Nilgiris

True Copy with Copy of Sketch forwarded to the Telegraph Superintendent, Bellary Division, with reference to his letter No. 5829 dated 30th December 1898. It will now be seen that the toll is rightly due from him, he having passed through the gates on two different dates. Had he passed through both the gates any number of times on the same day only a single toll

would have been levied. Under these circumstances it is presumed he would not dispute the toll which he is requested to remit.

(Sd) W. C. Murray
For President
58.

(True Copy)

For President
58.

True

Government Telegraph Dept
Bangalore 2nd February 1899

No 5952

From, The Superintendent of Telegraphs
Ballary Division

To, The President, District Board
The Nilgiris

Sir, With reference to your endorsement
No 423/08, dated the 17th of January 1899, I
have the honour to request that the ruling
of the Madras Government may be
obtained with regard to the case.

2. My contention is that the Gudalur
travellers bungalow lies on, and the
boundaries of one side of the compound
are continuous with the Mysore-Calicut
road and that the toll gate at Gudalur was
sanctioned with the object of levying toll
on carts &c. passing through the Gudalur
toll gate when proceeding from one place
to another on:

- (i) The Calicut - Mysore road.
- (ii) The Calicut - Sultan's Battery road.
- (iii) Sultan's Battery - Mysore road.

and that it could not have been intended to

Enclosure 5 to letter No C. 423/08. d/17-3-99

4
920/2/99

a traveller halting there on his way from
Mysore to Calicut should have to pay
toll on the day he arrives and also on
the day he leaves the Travellers Bungalow
at Gadalm.

3. I consider that the sketch forwarded
with your letter is misleading in as much as
it does not give the distance from the toll
gate to the so called "Cart road to Bungalow"
which is really a drive to Bungalow and
the so called "bridge path to Bungalow" is
really a path to Bungalow.

I have etc.

Sd/- S. W. Rao.
Superintendent
Ballary D.

(True Copy)

For President
DB.

Aug

3
925/1/99

Rec^m 423
2.3-89

Proceedings of the President, District Board,
the Nilgiris dated 2nd March 1899.

Read Correspondence ending with letter
No 5952 dated 2nd February 1899 from the
Superintendent of Telegraphs, Ballary
Division, regarding a toll of 8 as due by
him.

Order

The Superintendent on leaving the
Bungalow to resume his journey onward
to Calicut undoubtedly passed a toll-bar
and the mere fact that he did so, rendered
the toll fees legally payable from him -
unless he was exempted under by the proviso
to Section 90 Act V of 1884. But as he
had halted.

But as he had halted 2 days at the
Bungalow this proviso could have no
application.

The objections which he urges are -
really objections to the situation of the toll
bars but this has been approved by Government.

These remarks will be communicated
to him with a request that the amount
due he paid.

(Sd/- C. J. Wair
President DB

P.T.O.

Enclosure to Letter No 6 C. 423/58 d/17. iii. 89

(True Copy)

Forwarded to the Superintendent of
Telegraphs, Bellary Division, with the request
that he will be good enough to remit
the amount.

(Sd) W. C. Curran
for President
S.B.

(True Copy)

For President
S.B.

Ans

2
925/2/99

Government Telegraph Department.

No 6681. Belgaum. 7th March 1899.

From,

The Superintendent of Telegraphs
Bellary Division.

To,

The President,
District Board
The Belgies.

Sir,

With reference to your letter No. 423
dated the 2nd of March 1899, I have the
honour to request that the case may be
referred to the Government of Madras to-
gether with the whole of the correspondence
for orders.

2. The situation of the Toll bars may
have been approved of by the Madras —
Government but I cannot think it is the
intention of that Government that advan-
-tage should be taken of the peculiar —
situation of the toll bars to levy tolls —
twice on any person making one and the
same journey from Mysore to Calicut,
just because that person after paying
tolls to pass through the toll gate halts 2
days at the Gudalur Bungalow before
continuing on his journey.

Enclosure to Letter No. 423/55/99 of 17-3-99

I have &c
(Sd) S. W. Leo
Superintendent
Ballary D.
(True Copy)

for President
SB

Recd

Postal and Department

THE NILGIRI DISTRICT BOARD'S OFFICE,

Dated, Ootacamund, 17th March 1899.

FROM

C. No. 423
O. S.

C. J. Weir Esq. J.C.S.

PRESIDENT, DISTRICT BOARD,

The Nilgiris.

LOCAL & MUNICIPAL DEPT.

CURRENT NO. 9252

TO

THE SECRETARY TO GOVERNMENT,

LOCAL AND MUNICIPAL DEPARTMENT,

Madras.

SIR,

At the request of the Telegraph Super-
intendent, Ballary Division, I have the honour
to forward herewith for the orders of Govern-

ment copy of
This office letter No. R.C. 423 of 17-12-98. Correspondence as
Telegraph Superintendent's letter 5329 of 30-12-98. per margin relating
This office No. R.C. 423 of 9-1-99. to his denial of
Engineer's note R.C. 423 of 11-1-99. his liability to
with sketch. pay toll of Sammas
This office R.C. 423 of 17-1-99. on his bicycle
Tel. Superintendent's No. 5952 of 2-2-99. And cart, which
This office Proceedings R.C. 423 of 2-3-99.
Tel. Superintendent's No. 6681 of 7-3-99.

passed through the Gudalur Toll-gate. The
Toll-keeper might have proceeded under
Sec. 90 (3) of the Local Boards' Act V of 1884
at the time, but it appears to have been
impracticable. The only remedy now is
by a Civil Suit on the part of the District

9252/199

Board, as the toll-gate in question is -
managed departmentally, but it is
hardly worth the while of the Board
to take such a step seeing that the
amount involved is only 8 Annas.

2. The Superintendent's legal liability,
to pay the toll seems to me indisputable.
and it would be impossible to allow every-
one who had once paid the toll on coming
from Mysore to Gudalur, and then pro-
ceeded along the Sultan's Battery road
to claim exemption for an indefinite
period whenever he again came to
the Gudalur toll-gate on a journey to
Calicut.

I have the honour to be

Sir

Your Most Obedient Servt

J. B. President

DB

Any

21/3

21/3