

MADRAS RECORD OFFICE.

Government of Madras.

Public **DEPARTMENT.**

G.O. No. 847

**Press
Mis.**

Dated 8- 7- 1870

Not to be folded or roughly handled

CH
24/2/37

*Proceedings of the Madras Government, Public Department,
8th July 1870.*

Read the following papers :—

No. 11. From the President of the Municipal Commission, Coimbatore, to the Chief Secretary to Government, Fort Saint George, dated Coimbatore, 13th November 1869, No. 17.

I have the honour to ask the attention of Government to their orders in the Public Department, dated 4th October 1866, No. 1013, and 20th November, No. 1187, and respectfully to request a re-consideration of the latter by which the burthen of maintaining three miles of road beyond the town limits is imposed on the Commissioners.

2. In the first of the two orders referred to above, the Government observe that the road from Pothanore being already tolled at three places, it would be out of the question to levy tolls also at the entrance to the town. In the second, they withdraw the objection on condition that the Commissioners maintain the road from Pothanore to the opposite limits of Coimbatore town.

3. I respectfully submit that, in imposing this condition, a violation of their trust is forced on the Commissioners. They cannot legally spend a single rupee of the funds for which they are trustees for any other than the purposes of Act X. of 1865, and these purposes are restricted to the area comprised within the Municipal limits. Under these circumstances, I trust that Government will see fit to cancel that portion of the order which throws upon the Commissioners the maintenance of the road to Pothanore beyond Municipal limits.

4. In their Order of the 20th November, the Government, in noticing the offer of the Municipal Commissioners to contribute Rupees 500 per mile for the maintenance of the road in question, remarked that they did not consider a contribution of Rupees 1500 at all a fair equivalent for an estimated revenue from tolls of Rupees 14,100. I beg to point out that the sum offered was more than double the maintenance allowance sanctioned by Government, and the Commissioners, assuming that a sufficient allotment for the upkeep of the road had been made by the State, considered that they acted very liberally in doubling the grant.

5. Whatever orders Government may see fit to pass with reference to the future, I have the honour to request that, as the Municipal Commissioners have repaired the road, for the last three years, at a cost of Rupees 7024-10-6, the Superintending Engineer may be instructed to pay over to them the Government maintenance allowance received by him during that time. The Government have already decided that this course should be pursued where Imperial roads pass through Municipal limits, and it was only the other day that I discovered that it had not been followed here. A statement showing the expenditure in each year up to date is appended for the information of Government.

*Proceedings of the Madras Government, Public Department,
8th July 1870.*

STATEMENT showing the Expenditure for Pothanore Road in each Year, from November 1866 to 5th November 1869.

Particulars.	Amount of Expenditure in each Year.		
	RS.	A.	P.
For the half-year ending on the 30th April 1867	2,384	0	0
For the year ending on the 30th April 1868	611	3	0
Ditto ditto on the 30th April 1869	2,791	3	3
For seven months from May to November 1869... ..	1,238	4	3
Total...	7,024	10	6

COIMBATORE,
13th November 1869.

(Signed) H. E. SULLIVAN,
President.

No. 494.

MEMORANDUM.

No. 11-A.

The Under Secretary to Government, Public, &c., Departments, is directed, with reference to the letter from the President of the Municipal Commission in Coimbatore, No. 17, dated 13th November 1869, to request that officer to be good enough to state how much of the sum of Rupees 7024-10-6, therein mentioned, was expended in each year on the portion of the Pothanore road lying outside Municipal limits; or, if this cannot be exactly ascertained, to state the entire length of road from the Railway station to the opposite limit of the Coimbatore town, and the length of the portion above referred to.

FORT SAINT GEORGE,
22nd November 1869.

(Signed) H. E. STOKES,
Under Secy. to Govt.

No. 12. From the President of the Municipal Commission, Coimbatore, to the Under Secretary to Government, Fort Saint George, dated Pollachy, 7th December 1869, No. 19.

In reply to your Official Memorandum, No. 494, dated 22nd ultimo, I have the honour to state, for the information of Government, that, with the exception of thirteen chains and seventeen yards of road lying within Municipal limits, the whole amount, Rupees 7024-10-6, has been expended on the road outside the said limits, measuring two miles, sixty-nine chains, and six yards.

No. 531.

MEMORANDUM.

No. 12-A.

The Secretary to Government in the Department of Public Works is requested to cause to be furnished to this Department a Memorandum of the Allotments of (1) Imperial, and (2) Local Funds allowed for the maintenance of the roads from the Coimbatore Railway Station to Ootacamund from 1866-67 to 1869-70, and to state whether, in calculating the allotments, the portion of the line between the Railway

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Station and Coimbatore Town was included, and, if so, at what rate per mile. An early reply is requested.

(Signed) H. WELLESLEY,
FORT SAINT GEORGE,
21st December 1869.
Actg. Under Secy. to Govt., Pub. Dept.

To the Secy. to Govt., Public Works Dept., Fort St. George.

7th Division, D. P. W.

No. 13. MEMORANDUM of Allotments of Imperial and Local Funds for the maintenance of the Roads from the Coimbatore Railway Station to Ootacamund from 1866-67 to 1869-70, called for in G. O., No. 4009, of 24th December 1869.

Name of Work.	1866-67.		1867-68.		1868-69.		1869-70.	
	Impe- rial.	Local.	Impe- rial.	Local.	Impe- rial.	Local.	Imperial.	Local.
	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.
Road from the Coimbatore Railway Station to Ootacamund by the Coonoor Ghaut, sixty miles...	5,940	6,219	5,940	...	6,600	...	...	...
Road from Pothanore Railway Station to foot of Coonoor Ghaut, thirty-four miles	...	...	...	3,740	...	3,740	...	7,480
New Coonoor Ghaut, sixteen miles	..	6,336	...	9,040	...	14,080	10,000	...
New road from Coonoor to Ootacamund, twelve miles	...	...	...	1,320	...	1,320	2,640	...
Old Coonoor Ghaut, nine miles	...	...	...	990	...	990	...	990
Old road from Coonoor to Ootacamund, 10½ miles.	...	1,093	...	1,150	...	1,150	...	1,100
Total...	5,940	13,648	5,940	16,240	6,600	21,280	12,640	9,570

N. B.—The portion of the line between the Railway Station and Coimbatore Town has been included in calculating the above allotments. The rate per mile was Rupees 110 from each of the above funds in former years, and Rupees 220 from Local Funds in the current year.

(Signed) G. W. WALKER, Colonel, R.E.,
COOONOOR,
31st December 1869.
Superintending Engineer, 7th Division.

To the Secy. to Govt., Public Works Dept., Fort St. George.

Transferred to the Public Department with reference to the Memorandum from that Department, No. 531, of the 21st December 1869.

(Signed) C. A. ORR, Colonel, R.E.,
FORT SAINT GEORGE,
5th January 1870.
Secy. to Govt., P. W. D.

Proceedings of the Madras Government, Public Department.
8th July 1870.

No. 14.

ORDER THEREON, 8th July 1870, No. 847.

The Government, after mature consideration, see no valid ground for disturbing the arrangement arrived at on the introduction of the Municipal Act at Coimbatore, under which the Commissioners, as a condition attaching to the permission accorded them to levy tolls, were charged with the maintenance of the road from Pothanore Railway Station and the opposite limit of the town of Coimbatore.

2. The Government, therefore, resolve to inform the President that the existing arrangements must be continued, or that the Commissioners, in refusing the condition attached to the levy of tolls, must be prepared to abandon that source of revenue.

(True Extract.)

H. E. STOKES,
Under Secy. to Govt.

To the President of the Municipal Commission, Coimbatore.
,, Public Works Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the

President, Municipal Comm^{rs}. / New order 13th Nov. / 64. S. 17
 Crimkatore
 do do / 7th Dec. / 69. S. 19
 Supt of Engineer, 7th Divⁿ / 31st / S. 12

Order thereon between 8th July / 70
 No. 847.

The Government,
 after (mature) consideration,
 do not see reason to question
 the legality or substantial
 equity of the arrangement
 arrived at on the introduction
 of the Municipal
 Act at Crimkatore, under
 which, the Commissioners,
 as a condition attaching to
 the permission accorded
 them to levy tolls, were
 charged

after mature consideration
 see no valid ground for
 disturbing the arrangement

A. A.
 J. D. S.
 W. M. C.

Govt. of 1870 Madras.

PUBLIC.

To

THE PRESIDENT of the
 MUNICIPAL COMMISSION,
 Crimkatore,
 &c. &c.

Dated July, 8th.
 Recd. Encl.

G. O., 8th July 1870, No. 847.

JULY.
 Nos. 11-14.

Informing the Commissioners that they must
 maintain in order the road from Pothanore Rail-
 way Station and the opposite limit of the Town,
 failing which, they must abandon the levy of
 tolls.

charged with the maintenance of the road from Pothanore Railway Station and the opposite limit of the town of Coimbatore.

2. The Govt. therefore resolve to inform the President that the existing arrangements must be continued, or that the Commissioners, in refusing the condition attached to the levy of tolls, must be prepared to abandon that source of revenue.

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51-23-1866

To
The Presd. of the Munc. Comm.
Coimbatore.
— P. H. Department.

I agree in the Lord's opinion that the arrangements constructed in 1866 for the toll on the main road from Pothanore to Coimbatore and the duty of maintaining the whole road for the station to the further limit of the Municipality. The arrangements under which the Municipality of Coimbatore was empowered to levy a toll on the main road from Pothanore to Coimbatore and the duty of maintaining the whole road for the station to the further limit of the Municipality. The arrangements committed an error. It appears to me that the Municipality is only entitled to spend Municipal funds within the Municipal limits. The limits are defined solely for the purpose of assessment but also for the purpose of disbursement. The arrangement may have been a equitable one but it was scarcely a legal one. I think we

ought to terminate it. The Municipality of Combarua should not be permitted to levy any toll on the main road between the ^{city} ~~city~~ ^{and the} further Municipal limits ~~and the~~ ^{that the govt should maintain the road up to the Municipal limit and the Municipality} ~~should maintain it through these limits with the aid of a maintenance act.~~ ^{whose duty of maintaining the road is}.

The road is tolled already at three places beyond Combarua at Chingara, near St. Paul's and at the gap near Patacamuta.

With what has been expended by the Municipality on the road traversing the Municipal limits I would not interfere. Here the Municipality has a right to spend Municipal funds demand for whatever source on an Imperial Road which was also as for

as they were concerned in Municipal road but with respect to that portion of the road beyond Municipal limits towards the ^{city} ~~city~~ ^{and the} further Municipal limits ~~and the~~ ^{that the govt should maintain the road up to the Municipal limit and the Municipality} ~~should maintain it through these limits with the aid of a maintenance act.~~ ^{whose duty of maintaining the road is}.

the amount of the maintenance grant made a long time ago the road also much per mile. The maintenance grant appears to be \$220. per mile. The Municipality would have a claim at this rate for about three miles since the arrangement was introduced - but for the aggregate perhaps one fourth should be deducted, for one fourth has been already paid in the Imperial grant to the Municipality. It may be said that the Municipality has been compensated already by the amount which they have received for the tolls

I don't know how that is, but the
 illegal arrangement (assuming it to be
 illegal) was one proposed by gov. & the
 town. If we were in error we should bear
 the weight of the error & say what we would
 have said if the arrangement had never
 been made.

It is suggested that the Municipal Limits
 Commission might be extended to the
 station. This would, I think, hardly be
 reasonable. It would be unjust - to subject
 so much rural area to municipal taxation
 supporting the ground included to extend to
 some distance on either side of the road and to
 take merely the strip constituted by the road
 would be a detriment for the principles on which
 Municipalities are formed.

I must apologize to Council for the delay which
 has occurred in circulating this paper. It was misplaced
 in connection with another bundle at a kindly shop
 attended by one now. I thought it had gone a long
 time. The other bundle on the water question
 is sent on at the same time.

It seems true that the
 Hollis' view's argument is really
 unbound. It is in accordance
 with the letter of the law.
 The fact made the road at least
 evidence - before the Municipality
 existed and, in order at least
 to provide for its maintenance &c.
 to the local tolls along it. The Mun-
 icipality - which had control
 but not the way towards the farm.
 town or maintenance of the road
 sought to derive a revenue for
 town purposes by levying a toll on it.

where it crossed & left Union
city limits. For this arrangement
the sanction of the state was by law necessary.
and the fact that the sanction could be given
on the municipality being on
the road, for a certain distance.
I can see nothing illegal in this
arrangement. The mere fact that
the pay went to the form of work
done & in order to be done out of
municipal limits seems to be of
no material consequence, though
it gives a colourable pretext for
the kind of argument adopted. The

tolls were lawfully levied on a ~~for~~
state road. The revenue was in fact
interest on capital furnished by the state
and, since the fact could legally be
justly before the fact, could legally be
if the revenue is derived from
be paid to the state - The mun.
municipality is free to remove out of
its limits in many ways. Ex: g^r.
purchasing pipes - lamp - posts & such
other things from places outside its
limits. If the municipality is
to be bound the expenditure - it
should be bound the tolls.
I W B

Public Department.

~~PROCEEDINGS of the MADRAS GOVERNMENT.~~

~~Read the following letter~~

Memo for Orders.

In 1880 the Board of Revenue were directed to take action for the introduction of tolls on ^{exceptional} lines of road of a certain character, and one of the lines on which it was proposed to levy them was the road from the Pothanore Railway Station to Ostacumund, via Coimbatore town and the Coonoor Ghaut. The proposal was sanctioned in G.O. 15 Decr/82 No. 2999 P.H.D.

See Separate Memo.

R.

Gort. of 18 Madras.

To

Dated }
Recd. } 18, No.

Nos.

It was at first intended to place a bar at the Railway Station and at Burliar near the head of the Ghant. On remonstrance from some persons at ^{from} Coimbatore and the Railway authorities, the Pothenore bar was removed to Sunganoor, a point between Coimbatore and M. Thapolliam. A third bar was subsequently (in 1865) placed at the Craignore Cutting, between Cronoor and Ootacamund. The net proceeds of the tolls were credited to local funds and applied to the maintenance of the road from Pothenore to Ootacamund.

2. When the Municipal Act was introduced into the

G.O. 23rd Oct/63 No 3090 P.H.S.

G.O. 19 June/65 No 1367 Rev.

G.O. 4th Oct/66 No 1013 Pub.

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town of Coimbatore, the Commissioners proposed to levy tolls estimated to produce Rs. 1000. The Govt. enquired whether it was intended to toll the through traffic from Pothenore to the Hills; and remarked that "as the road is already tolled at three places, it would be out of the question to levy tolls also at the entrance to the Town, especially as the Municipality have not formed and will not be required to keep up the main road."

3. The President of the Commissioners ^{then} stated that it would be better for them to provide for the maintenance of the "high road through the limits say a distance of

of three miles at 500 Rs.
a mile than give up
the tolls.

The Govt. replied
that the Municipality
must undertake the due
maintenance of the whole
road, from Pothanore to
the opposite limit of the
Coimbatore town, and
with this proviso sanctioned
the introduction of the
Act.

The President
of the Coimbatore Com-
mission now requests
a reconsideration of this
order which he says
imposes on the Commissioners
a violation of their trust,
as they cannot legally
spend a single rupee
of the funds for which
they are trustees for any
other than the purposes of
Act

G.O. 20 Nov 1866 No 1187 Sub.
In violation of the Act

I think so. 50 mile then
entirely wild land
- down to a hill

1866-7 (6 months)	2,384-0-0
1867-8	67-5-0
1868-9	274-3-3
1869-70 (7 months)	1238-4-3
	<u>7,024-10-6</u>

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Acts of 1865, and these
purposes are restricted
to the area comprised
within the Municipal
limits. He states further
that Rs. 500 per mile pro-
posed by the Commission
was double the govern-
ment maintenance allow-
ance. That the Com-
missioners have expended
on the upkeep of the Road
outside Municipal limits
Rs. 7024-10-6, as shown
in the margin; and requests
that whatever Govt. may
see fit to order with
reference to the future,
the Superintending Engineer
may be directed to pay
over to the Commissioners
the maintenance allowance
received by him during
the years specified.
6. Mr. Sullivan
views that expenditure
for

for the purposes of the
^{is restricted} Act to the area com-
prised within the limits
does not seem warranted
by the Act. The definition
of the area is rather for
the purposes of assessment
than expenditure, and
it is obvious that if his
view were strictly acted
on, great inconvenience
and increased expense
might be entailed upon
the Commissioners, and
that it cannot have
been intended to impose
the restriction in question

The misapprehension
probably arises
from the wording of
section 27, Act X of 1865.
copied in the margin.
The words "in any town"
there found, do not appear
to be intended to refer
to

with reference to the
6 & 7. I am of opinion that
Mr. Sullivan's view is strictly
correct, & that under sec 4 of
the Act, the limits of any
municipality are defined
for all the purposes of the
Act, and not for a particular
only. I think the simplest
way of overcoming the diffi-
culty is for the extent of the
road in question, which the
municipality are bound to
repair by previous order,
to be now included within
the limits of the town by
notification under sec 4
of Act X 1865. I Mr.

I would get over the legal
difficulty raised by Mr. Sullivan
in the manner proposed by Mr.
The M^y Chief Secretary. It is clearly
apparent that the maintenance of
a road adds so large a proportion
to the town: Roads should be charged
to the municipalities. — P.M.

Sec: 27. The Governor in
Council shall, determine
the total amount required
to be raised and expended
in

in any year in any town
for the purposes specified
in sec: 25 of this Act, pro-
vided that a sum equal
to 25 per cent of such amount
shall be contributed by
Govt. to the Municipal Fund

to the actual area of the
town, but to mean no
more than "by the Com-
missioners of any
town". No doubt money
"raised in any town" can
be raised only within the
limits of the town, but
this restriction arises not
from sec: 27 but from
other provisions of the
Act.

8. If, however, it
should be held that
the words "expended in
any town" restrict the
expenditure for the
purposes specified in
sec: 25 (which are alone
referred to in sec: 27 and
of which repairs of roads
is one) to the area com-
prised within the limits,
it might still be contended
that

that, under Sec. 29, the
outlay on the road out-
side the limits is, with
the sanction of Govt.,
lawful, as serving a
municipal purpose,
viz: the development of
the Commissioner's province
from tolls. This argument
however would prove
too much, as it would
apply to the repairs of
all or any roads in
the adjacent country
by the Commissioners.
Further should this
view be adopted it
is clear that the Com-
missioners must be
called on to refund
one fourth of the expendi-
-ture, as Govt. are only
to subscribe 25 per cent
of money expended for
the

the purpose specified
in ~~Sec 29~~ in the
annual returns, the
money spent on the
road by the Commissioner
has been included under
the general head repairs,
and some part of
~~the same has been included~~
in the sum on which
the Govt. contribution
has been computed.
9. From the ~~super-~~
-intending Engineer's ~~return~~
-return it appears that
the allotments made
for the maintenance of
the Pothanore and
Ootacamund road
including the portion
between the railway
Station and Com. Station
was up to the current
year, at the rate of
110 Rs per mile from
Imperial and an equal
sum

sum from local. (viz. toll) funds. The amount which should be paid if the President's proposition were acceded to would therefore be taking the distance at 3 miles.

for 1866-7 (six months) — 330

" 1867-8 — 660

" 1868-9 — 660

~~1869-70 (entirely from local funds) 660~~
Rs 2310.

Rs 1485 of which sum was allotted from local funds. It does not appear how an allotment came to be made for this portion of the road. The Public Works authorities must have been aware of the arrangement made with the Commissioners.

10. Under the arrangement now obtaining,

Govt

Govt, in contributing a fourth of the Municipal expenditure on the road, have paid Rs 1756-2-4, whereas under the old arrangement it would have cost them Rs 7125 only, for the same period, and, in future, will cost them nothing, the whole maintenance allowance coming from local funds.

11. Orders are requested

H.S.

Govt. of MS } 20th July 1870.

Public

To the Board of Public Works
Gotaarumud for

Dated July 8. } 1870, No. 147.
Recd.

NO. 11. 14

Informing the Government
that they must maintain
in order the road from
Mottawne Railway Station
and the opposite kind of
the town, failing which,
they would abandon the
way of tolls.