M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 145 — Press Mis.

281.282

Dated 27-1-~~19~~ 1864

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 27th January 1864.

No. 281. Read the following Proceedings of the Board of Revenue, dated 9th January 1864, No. 107:—

Read the following letter from the Collector of Malabar, dated Calicut, 10th December 1863, No. 265.

1. The Board are aware that a considerable revenue is derived from the Ferry funds in this District. It seems to me very desirable that Government should have more distinct legal power than it now possesses towards securing this revenue, which at present is mostly collected from Ferries.

2. Act VIII of 1851 provides for Tolls on public roads and bridges. No mention is made of Ferries; and even with regard to Tolls and Bridges, the Act seems defective.

E. g. Troops and Military Stores and equipages on march, or Police Officers on duty, or any person or property in their custody, are the only exemptions from Toll payments. It is desirable, I think, that Tappal runners and Mail posts should be legally (they are in this District, and I imagine everywhere practically) exempt from Toll demands.

3. A deficiency of a different and more important nature is that though penalties for *refusal* of Toll payment are provided, there are no penalties for *evasion*.

As the Law stands, it seems there is nothing to prevent an individual, whose property abuts on a Government road where a Toll bar is situate, making a road on his property round the Government bar; and, by charging lower rates, inducing traffic to pass and pay at his private gate instead of at the Government gate.

4. So in the case of Ferries; Government can legally exact Tolls now by tolling on the high road at the river bank. But there seems to me nothing to prevent a private individual starting his own Ferry boat, with private approaches, and ferrying passengers and traffic for hire, in a manner that would render it very difficult for any Government Toll to be collected.

5. When we let the right of ferrying for large sums, it is certainly desirable we should have legal means of protecting the right to our lessees. Say we let the right of ferrying at a certain place to A for Rupees 500 per annum. To pay this, cover expenses, and realize a fair profit, A has to collect Rupees 1,000. But if B who pays Government nothing, establishes another Ferry close by, it is evident he can realize an equal profit by charging half rates.

A is left in the lurch owing Government Rupees 500 with nothing to show for it.

Now a vague impression prevails that it is contrary to order to have a private ferry for public use near a public ferry; and this seems our only safe-guard

Only a few days ago an Adigari reported that a private boat had been plying near a rented ferry. The Adigari had gone to the place and made inquiry, but fearing the consequences, no one would own the boat. If no claimant appears, the boat will be advertised, and sold as unclaimed property; but supposing the owner appeared, and justified his conduct, I do not know how I could punish him for the past; or prevent his plying again, and causing loss to the Government lessee.

6. The question seems an important one, and I bring it to the notice of the Board, in order that such steps as they deem necessary may be taken regarding it.

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1. Ordered to be submitted for the consideration of Government.

2. The Board think it desirable that powers should be taken by enactment to establish and maintain public ferries, and to levy tolls on their use, for the maintenance of such Ferries and the approaches thereto, or to farm out such right, and also to preclude the establishment of any private ferry boat plying for hire within a certain distance of a public ferry.

No. 282. ORDER THEREON, 27th January 1864, No. 145.

The Government do not see any necessity for legislation on the subjects noticed by the Board and Collector.

(True Extract.)

(Signed) J. D. SIM,
Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 107.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th January 1864.

Read the following letter from the Collector of Malabar, dated Calicut, 10th December 1863, No. 265 :—

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5. When we let the right of ferrying for large sums, it is certainly desirable we should have legal means of protecting the right we sell. Say, we let the right of ferrying at a certain place to A for Rupees 500 per annum. To pay this, cover expenses, and realize a fair profit, A has to collect Rupees 1,000. But if B who pays Government nothing, establishes another Ferry close by, it is evident he can realize an equal profit by charging half rates.

A is left in the lurch owing Government Rupees 500 with nothing to show for it.

Now a vague impression prevails that it is contrary to order to have a private Ferry for public use near a public ferry; and this seems our only safe-guard.

Only a few days ago an Adigari reported that a private boat had been plying near a rented ferry. The Adigari had gone to the place and made inquiry, but fearing the consequences, no one would own the boat. If no claimant appears, the boat will be advertized, and sold as unclaimed property; but supposing the owner appeared, and justified his conduct, I do not know how I could punish him for the past; or prevent his plying again, and causing loss to the Government lessee.

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(A true Copy and Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.

Copy to J. H. Garstin, Esq., Acting Sub-Collector in charge of Malabar.

Exd. J. Wright.

to 281 & 282.

No. 145.

The Govt do not see any necessity for legislation on the subjects noticed by the Board of Collector.

J. S.

Fort St. George
27th Jany 1864.

Rec'd 1864. Department.
Rev. & Govt for Jany.

No. 111

PROCEEDINGS OF THE BOARD OF REVENUE,

Re. Bd of Revenue 8 April '63
Cl. No 985 in Rec.

Dated 9th January 1864.
Dept 13 Do
Rec'd 14th Do

No. 107.

Submitting a letter from the Collector of Malabar with the Board's opinion that powers should be taken by enactment to establish and maintain public ferries.

No 145. 27 Jany

For order.

- I do not object to a Draft act being prepared for consideration, but do not think it necessary for Govt to move in the Legislature in the matter. Nothing has been shewn by the Collector to render it necessary to take the measure out of the hands of the Board of Revenue, who are not entitled to the credit of the suggestion. Take the opinion of the Board under the Govt order.

The Collector's letter is certainly a very able one, but I am not aware that the Govt has any intention of introducing any measure on the subject of Ferries. I do not think that the Govt should undertake the management of Ferries, but I am not aware that any Law is necessary to enable the Collector to let the Ferries on Contract. The Law as it now stands appears sufficient for the purpose. The Contract is entered into between the Collector and the Contractor, and if the latter does not fulfil his engagements the former can sue him in the Civil Court. The Govt has no concern with the matter. The Collector's suggestions are valid.

J. S.