

when the toll was under amani. All that is necessary is, I think, that Government should retrospectively sanction the lease which cannot now be cancelled without exposing the town council to a civil action.

3. Hereafter the Government may direct that the toll be leased out annually by the Collector, as is done in the case of the ferries in this district.

4. With regard to the proposal of the town council that their inspector should be appointed as supervisor under the Act, the council are now satisfied that section 12 of the Act affords a sufficient means of checking the obstruction complained of, and that a supervisor is unnecessary.

Reference on the above, dated 20th May 1886.

The Collector's letter is not sufficiently definite: by whom does he propose that the tolls shall be leased out; by himself or by the Vice-President? Does he consider that any supervising staff is necessary other than that maintained by the lessee? Are the whole of the net profits to be handed over to the municipal council, or is any portion to be kept for expenditure outside the town? And what are to be the terms of the lease?

He should report definitely what procedure is necessary to give legal sanction to the past; what procedure will effect the transfer from the Vice-President's hands to his; and what procedure will be necessary in the future.

(Signed) H. A. SIM,
Acting Sub-Secretary.

To the Collector of Malabar, with file to be returned.

Read—the following letter from H. N. WINTERBOTHAM, Esq., Acting Collector of Malabar, to the Secretary to the Board of Revenue, dated Calicut, 31st May 1886, No. 2124:—

In reply to the Board's reference, dated 20th May 1886, on Government Register No. 742 of 1886, and General Register No. 2125 of 1886, I have the honor, respectfully, to point out that in paragraph 3 of my former letter I suggested that the toll should in future be leased out by the Collector. In paragraph 4 I stated that the town council were now satisfied that no supervisor was necessary, as section 12 of the Act afforded sufficient means of checking obstruction. I do not think any supervising staff need be maintained.

2. The Board will see, on referring to G.O., dated 19th January 1882, No. 105, Financial (which forms one of the enclosures to the present reference), that the entire tolls are to be handed over to the municipality in aid of the reclamation scheme therein referred to, which was estimated by Colonel Mead to cost not less than Rs. 18,000. Up to date the town council have collected the following sums:—

	RS.	A.	P.
1882-83	...	...	...
1883-84	...	...	...
1884-85	...	...	...
1885-86	...	...	...

For the current year the toll has been leased for Rs. 1,630.

I do not understand that Government propose at present to reconsider the order already passed under which the entire net proceeds of the toll are to be handed over to the town council.

3. The terms of the annual lease should be that, in consideration of being permitted to levy tolls at the rates sanctioned in the *Fort St. George Gazette* of 22nd March 1882, No. 41 (enclosures to the Board's present reference) from (date) to (date), the lessee should pay the auction amount in the prescribed instalments. The auction would be held under the same rules as are applicable to the other tolls in the district.

4. With regard to the concluding paragraph of the Board's reference, I have the honor to state that if Government are pleased to overlook the unintentional irregularity

of the town council in leasing out the toll without the sanction of Government, nothing further need be done to legalize the past. The irregularity injures no one and can give no ground for complaint. For the future all that is necessary is that Government, in supersession of their Order, dated 22nd March 1882, Mis. No. 345, Financial, should direct, under section 7 of the Canals and Ferry Act, I of 1870, that on and after 1st April 1887, the toll on the Kalvetti canal should be annually leased out by the Collector.

Resolution—dated 9th June 1886, No. 1290.

Submitted to Government in reference to G.O., dated 16th February 1886, No. 1126.

2. The Collector reports that for the current and for the last three years, the tolls have been leased out by the Vice-President of the municipality; the retrospective sanction of Government is asked for for this.

3. He recommends that a similar course be adopted in future, the Collector taking the place of the Vice-President, and reports that the arrangement is likely to prove more satisfactory and economical than taking the tolls under direct management.

4. The Board support this recommendation; no supervising staff and no deduction from the tolls on behalf of Government appear to be necessary nor any step other than the issue of a short notification under section 7 of the Canals and Ferry Act empowering the Collector to lease the tolls out annually.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department.
Copy to the Collector of Malabar.

ORDER—dated 14th July 1886, No. 581, Revenue.

Miscellaneous.

The retrospective sanction sought in paragraph 2 of the foregoing Proceedings is accorded, and the recommendation in paragraph 4 is approved. The following notification will accordingly be published in the Fort St. George and the Malabar District Gazettes:—

NOTIFICATION.

In supersession of G.O., No. 345, dated 22nd March 1882, Financial Department, His Excellency the Governor in Council is pleased to direct, under section 7 of the Canals and Ferry Act, I of 1870, that from and after 1st April 1887, the tolls on the Kalvetti canal shall be annually leased out by the Collector of Malabar.

(True Extract.)

(Signed) H. E. STOKES,
Secretary to Government.

To the Board of Revenue.
„ the Financial Department, with papers returned.
„ the Superintendent, Government Press.

Exd. W. H. French.

60 Copies.

19-1-24 BIII ✓

Original

Govt. of 1886 Madras.

REVENUE.

Issued

Recd.

Encl.

G.O., 14th July 1886, No. 581.

JULY.

Tolls on Kalvetti Canal.

Retrospective sanction granted for the lease of the — as requested, and the notification directing that in future the tolls should be annually leased out by the Collector, ordered to be published in the Fort St. George and the Malabar District Gazettes.

19-1-24

Financial Dept
Local & Municipal Funds.

Forwarded to the
Under Secretary to Govt,
Revenue Dept with refer-
ence to Memo of the 30th
June 1886.

Encl. 1/1/86

Copy
to the
Under Secretary to Govt
Revenue Dept.

Ag. Under Secretary

In G.O. No. 681 of 11-7-86

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BOARD OF REVENUE, 9TH JUNE 1886, No. 1290.

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—the following G.O., dated 16th February 1886, Mis. No. 1126, Revenue:—

Read—endorsement of the Financial Department, dated 1st February 1886, No. 45, transferring letter from the Chairman, Municipal Council, Cochin, dated 16th December 1885, No. 231:—

By notification, dated 19th January 1882, published in the Fort St. George and District Gazettes, the Government made the provisions of Act I of 1870 (Madras) applicable to the Kalvetti canal, or navigable channel, within the limits of the Cochin Municipality, and in their proceedings, dated 3rd March 1882, No. 614, authorized the Vice-President to collect the tolls of the canal under section 7 of the Act.

2. As there have been several complaints of obstructions to navigation caused by timber and bamboo rafts, &c., being kept in the canal, the councillors at a meeting held yesterday resolved to request Government that the inspector of this municipality for the time being, may be appointed as supervisor of the canal, under section 9 of the Act, with the proviso that he should exercise the powers conferred on him under the control of the Municipal Council. I have therefore the honor to submit the matter for early orders.

Order—dated 16th February 1886, Mis. No. 1126, Revenue.

The Government consider that there is no other course open than that the Revenue authorities should collect the tolls and pay the net proceeds over to the municipality. The Board of Revenue will report how this can best be done.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Board of Revenue, with copy of G.Os., Nos. 105,
dated 19th January 1882, Financial Department, and 345, dated 22nd March 1882,
Financial Department.

Reference on the above, dated 5th March 1886.

Referred to the Collector of Malabar for report.

(Signed) C. F. MacCARTIE,
Acting Secretary.

To the Collector of Malabar, with file to be returned.

READ—the following letter from H. M. WINTERBOTHAM, Esq., Acting Collector of Malabar, to the Secretary to the Board of Revenue, dated Calicut, 28th April 1886, No. 1644:—

In reply to the Board's reference, dated 5th March 1886 on Government Register No. 742 of 1886, I have the honor to report that the right to collect tolls on the Kalvetti canal has been leased out by the Cochin Town Council for the current official year for Rs. 1,630. This course has been followed for the last three years, the town council having overlooked the provision in section 7 of the Canals and Ferry Act, 1870, by which the right to lease out such tolls is reserved to Government.

2. There is no question but that this leasing out of the toll is the most economical and satisfactory arrangement. Under it the receipts are now double what they were when the toll was under amani. All that is necessary is, I think, that Government should retrospectively sanction the lease which cannot now be cancelled without exposing the town council to a civil action.

3. Hereafter the Government may direct that the toll be leased out annually by the Collector, as is done in the case of the ferries in this district.

4. With regard to the proposal of the town council that their inspector should be appointed as supervisor under the Act, the council are now satisfied that section 12 of the Act affords a sufficient means of checking the obstruction complained of and that a supervisor is unnecessary.

Reference on the above, dated 20th May 1886.

The Collector's letter is not sufficiently definite: by whom does he propose that the tolls shall be leased out; by himself or by the Vice-President? Does he consider that any supervising staff is necessary other than that maintained by the lessee? Are the whole of the net profits to be handed over to the municipal council, or is any portion to be kept for expenditure outside the town? And what are to be the terms of the lease?

He should report definitely what procedure is necessary to give legal sanction to the past; what procedure will effect the transfer from the Vice-President's hands to his; and what procedure will be necessary in the future.

(Signed) H. A. SIM,
Acting Sub-Secretary.

To the Collector of Malabar, with file to be returned.

READ—the following letter from H. M. WINTERBOTHAM, Esq., Acting Collector of Malabar, to the Secretary to the Board of Revenue, dated Calicut, 31st May 1886, No. 2124:—

In reply to the Board's reference, dated 20th May 1886, on Government Register No. 742 of 1886, and General Register No. 2125 of 1886, I have the honor, respectfully, to point out that in paragraph 3 of my former letter I suggested that the toll should in future be leased out by the Collector. In paragraph 4 I stated that the town council were now satisfied that no supervisor was necessary, as section 12 of the Act afforded sufficient means of checking obstruction. I do not think any supervising staff need be maintained.

2. The Board will see, on referring to G.O., dated 19th January 1882, No. 105, Financial (which forms one of the enclosures to the present reference), that the entire tolls are to be handed over to the municipality in aid of the reclamation scheme therein referred to, which was estimated by Colonel Mead to cost not less than Rs. 18,000. Up to date the town council have collected the following sums:—

	RS.	A.	P.
1882-83	690	2	9
1883-84	1,280	0	0
1884-85	1,345	0	0
1885-86	1,520	0	0

For the current year the toll has been leased for Rs. 1,630.

I do not understand that Government propose at present to reconsider the order already passed under which the entire net proceeds of the toll are to be handed over to the town council.

3. The terms of the annual lease should be that, in consideration of being permitted to levy tolls at the rates sanctioned in the *Fort St. George Gazette* of 22nd March 1882, No. 41 (enclosures to the Board's present reference) from (date) to (date), the lessee should pay the auction amount in the prescribed instalments. The auction would be held under the same rules as are applicable to the other tolls in the district.

4. With regard to the concluding paragraph of the Board's reference, I have the honor to state that if Government are pleased to overlook the unintentional irregularity of the town council in leasing out the toll without the sanction of Government, nothing further need be done to legalize the past. The irregularity injures no one and can give no ground for complaint. For the future all that is necessary is that Government, in supersession of their order, dated 22nd March 1882, Mis. No. 345, Financial, should direct, under section 7 of the Canals and Ferry Act I of 1870, that on and after 1st April 1887 the toll on the Kalvetti canal should be annually leased out by the Collector.

RESOLUTION—dated 9th June 1886, No. 1290.

Submitted to Government in reference to G.O., dated 16th February 1886, No. 1126.

2. The Collector reports that for the current and for the last three years, the tolls have been leased out by the Vice-President of the municipality; the retrospective sanction of Government is asked for for this.

3. He recommends that a similar course be adopted in future, the Collector taking the place of the Vice-President, and reports that the arrangement is likely to prove more satisfactory and economical than taking the tolls under direct management.

4. The Board support this recommendation; no supervising staff and no deduction from the tolls on behalf of Government appear to be necessary nor any step other than the issue of a short notification under section 7 of the Canal and Ferry Act empowering the Collector to lease the tolls out annually.

(True Copies and Extract.)

Acting Sub-Secretary.

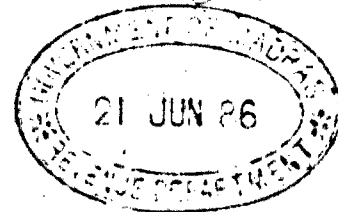
To the Secretary to Government, Revenue Department.
Copy to the Collector of Malabar.

Exd. A. Aubert.

REVENUE DEPARTMENT.

1886.

Board of Revenue,
MADRAS.



Printed June th.

Proceedings, 9th June 1886, No. 1290.

Submitting to Government letters from the Collector of Malabar requesting retrospective sanction for the arrangement by which the tolls of the Kalvetti canal were leased out by the Vice-President of the Cochin Municipality for the current and the last three years, and recommending that they be in future leased out by the Collector instead of by the Vice-President.

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P.O.

5819/14-7-86

The retrospective sanction ^{ought} ~~asked for~~ in para 2 of the foregoing Rep. is accorded & the recommendation in para 4 is approved. The following notification will accordingly be published in the Fort St. George & the Malabar District Gazette:

Notification.

In pursuance of P.O. No. 345 of 22nd March/86, H.E. the Governor in Council is pleased to ~~cancel~~ direct, under sec. 7 of the Canals Act, 1870, that from and after 1st April 1887 the toll on the Kalvetti canal shall be annually leased out by the Collector of Malabar.

8/7

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136 Board of Rev.
5. Financial Off.
1. Sup. of P. Res.

26.7.86

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14/7