M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 926 Press Mis.

118-119

Dated 7th April 1929

Not to be folded or roughly handled

No. 118. Read the following Proceedings of the Board of Revenue, dated 6th March 1869 :—

Read the following letter from the Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Edawanna, 21st February 1869, No. 50.

I HAVE the honor to forward the enclosed papers, through the Board, for the orders of Government. I am not sure whether they should have been sent direct to Government or not; but the subject will, I think, interest the Board, and I request instructions for guidance in future cases.

Letter from Secretary, District Road Committee, to Collector, dated February 1869, with two enclosures.
Do. from J. W. Minchin, to Collector, dated 16th February 1869.

It will be seen that a Meeting of "land-holders" in the districts of South and South-East Wynaad apply for permission to levy tolls on the Mupynaad road (District Road No. 27 of the Malabar Road List,) under Act II. of 1868 (Madras).

2. The line runs from near Nadghany, at the head of the Karkur Ghaut, to Chundale on the Government road, about five miles from the head of the Tamberacherry Ghaut.

It passes through, or hard by, the active planting centres of Devala, Cherambady, Tenuta, Meypadi, etc., and is of the highest importance to a large Coffee area, as giving egress from the estates to the Karkur and Tamberacherry Ghauts, and ingress from the labor and grain-producing countries.

The road is now reported passable for carts, but in most places it is only passable as a dry-weather road, and no more. The trace is generally very good, as far as the gradients and general direction are concerned. It requires widening, however, over long sections; drainage is wanted throughout; and the bridging is only temporary. There was an old Military road which, I imagine, had the same general direction for a small portion of the way; but it had been entirely abandoned, and the present line has been newly traced almost entirely by planters interested in opening it. It has been constructed so far from allotments from District Road Funds aggregating Rupees 10,800* expended by planters and by contributions† from private funds.

	Rs.
In 1867-68	5,000
In 1868-69	5,800
Total ...	10,800

† In a letter from Messrs. Vertue and Minchin these are given as amounting to Rs. 15,100; but I am not sure on what this amount is calculated, and I think it must embrace expenditure that must have been incurred wholly or partly on estate roads at any rate.

The length is some thirty-six miles from the Nadghany junction to the Meypadi junction, where one branch turns to Chalipoya (three miles), and another to Chundale (four miles).

3. On receipt of Mr. Minchin's letter, dated February 1869, I wrote:—

"I observe that Rupees 4,650 is estimated as the total return from proposed "tolls on the Mupynaad road; whilst the cost of toll-bars, keepers, etc., is put down "at Rupees 3,000. The cost of bars, lodges, etc., would not be annual; but that of "toll-keepers alone comes to more than fifty per cent. on the estimated collections.

"2. When the cost of collections is likely to be so heavy, the road so incom-"plete, and the amount collected so utterly inadequate as shown by you, to do much

"real good, I myself cannot but think the proposition to apply the Tolls Act "somewhat premature, though I am quite prepared to forward your letter and "its enclosures to Government as requested.

"3. I think it would be well, however, to make several points clearer before "the matter is laid before Government. I should be glad to be able to state exactly "the number of bridges of more than, say, ten feet span required. I should be "obliged by a list, each bridge being consecutively numbered from the Nadghany "end, and its position indicated with reference to the sections specified in your letter "under notice. It should be noted, "also, whether any, and which of these "may be reckoned upon to last, say, three "years. A rough estimate might be "given of the probable cost of really "strong temporary bridges over the "streams not bridged* sufficiently "already. If any money is forthcom-"ing it would probably be most usefully expended, considering the present state "of the road, in making the temporary bridging secure.

* "You say the bridges on section 9 cannot be supposed to outlive the monsoon. It was, I think, distinctly understood, when Mr. Winterbotham undertook the work on that section of the road from the Local Fund allotment of the current official year, that the bridges were to be such as might fairly be expected to last three years at least."

"You say the tolls from the Cherambady District will not exceed Rupees 1,600. "I see only Rupees 1,400 put down in the Proceedings of the Meeting. But the "total return is estimated at Rupees 4,650.

"The repairs at Rupees 100 per mile will come to Rupees 4,300; but deduct-"ing the estimated cost of collection (Rupees 3,000), the net amount available will "be only Rupees 1,650, or little more than Rupees 30 per mile. I think you rather "under-estimate what Rupees 100 a-mile would do; but would the advantages "obtainable by the expenditure of Rupees 30 a-mile be worth the annoyance and "expense of tolls? Therefore, I would ask if the Committee wish their request, "for the application of the Tolls Act, to be considered absolute, or only conditional "on Government giving grants-in-aid."

4. In his reply,† Mr. Minchin seems to say that though the amount expected to be raised by tolls will allowedly be quite inadequate, and the planters would much prefer Government managing tolling and construction, yet that if Government will not do this, as the Tolls Act is the only machinery in the planters' reach, they are desirous to work it rather than do nothing. He gives a list of the bridges occurring on the road. It will be seen they are all temporary. He does not answer directly my last question.

† Dated 16th February 1869.

5. At the Meeting of the planters held at Cherambady it was estimated that estates, aggregating 5,922 acres, were interested in the road. The representatives of 3,525 acres were present, and of these the representatives of 3,185 acres voted for, and those of 340 acres only against the introduction of the Tolls Act. A clear majority, therefore, of the planters are in favor of the Act; and this being the case, as like Mr. Minchin and his co-adjutors, I see at present no other way of making those who use the road assist towards its improvement and up-keep. I beg to recommend that Government sanction the introduction of the Act accordingly.

Proceedings of the Madras Government, Revenue Department, 7th April 1869.

6. It will be seen the Committee recommend:

(II.)—That four toll-bars be placed on the road: one between Devala Bazaar and Nadghany junction; one between Sluvellyn estate and Nellialam bridge; one between Sholady bridge and Tenuta Nairs; and one between Chois Bazaar and the Culputtah Chundale junction.

(III.)—That the amount of toll to be levied at each bar be double the rates levied on the Coonoor Ghaut as per Schedule.

(IV.)—That estates be allowed to compound at the rate of two Rupees per ton of crop last picked, to be paid in advance, situated in the Tenuta and Devala Districts, and four Rupees per ton in the Cherambady District. That the road shall then be open to them for the year for all traffic, the year to be counted from 1st May to 30th April. These propositions appear to me unobjectionable.

7. The Committee go on to resolve:

(V.)—That as the amount estimated as necessary for the year's expenditure is Rupees 7,300.

	RS.
Say 43 miles of road, at 100 Rupees per mile	4,300
Erection of four toll-bars and lodges, at 150 Rupees... ...	600
Pay of four toll-keepers, at Rupees 600 per year	2,400
	7,300

While the amount expected to be collected from the tolls is only Rupees 4,650—

				RS.
Say Coffee	Devala,	700 tons, at	2 Rupees...	1,400
	Cherambady,	300 ,,	4 ,, ...	1,200
	Tenuta*	300 ,,	2 ,, ...	600
Grain, etc.,	Devala...			300
	Cherambady			200
	Tenuta...			500
	Chundale subscription			250
				4,650

The Committee request the Secretary to draw up a petition to Government, praying them—

1*st.*—To subsidise the Toll Funds.

2*nd.*—That as the road, although passable for carts, cannot be said to be open for cart-traffic; Government be requested to sanction again Rupees 5,000 from Local Funds for the improvement of the worse portions, and to build the bridges on the Chundale junction that are now only temporary.

3*rd.*—That as this is really the most important line of road in Wynaad, that Government take it up as an Imperial road.

8. On which I would remark that Rs. 10,800, as above shown, from General Local Funds, have already been contributed towards the road; but that I think Rupees 5,000 may be allotted for 1869-70 also from District Road Fund, because the road is in itself very important, and because the planters have done so much to

help themselves on it. But I must deprecate, as a rule, the allotment of General District Funds to roads tolled under special Act, as its toll proceeds are all specially applied instead of being carried to the General District Fund.

9. I cannot agree with the opinion "that the road is the most important in Wynaad," (except to those living on it), nor recommend that it be classed as Imperial.

If the Road Cess were levied in Wynaad this is a road that might fairly look to help from it.

THE Board resolve to submit these papers for the consideration and orders of Government.

2. The road is thirty-six miles in length, and may be described generally as connecting the Tamberacherry and Karkur Ghauts. The expenditure on it is given as Rupees 26,000, of which Rupees 10,800 have been drawn from the District Road Fund, (although Wynaad is still exempt from the Road Cess,) and Rupees 15,100 have been contributed by the planters. The road is still incomplete, though passable for carts.

3. The Association's first request is, that the road be brought on the Imperial List, and finished and maintained at the expense of the State. There can be no question of the great utility of the road; but, in justice to other parts of the country, the Board cannot advocate compliance with this request. Wynaad already receives a larger share of public funds for its roads than any other tract of similar area, population, and revenue.

4. As an alternative to this the Association request that the road may be made over to them, and tolls levied under Act II. of 1868. It appears that all who benefit by the road do not contribute towards it, and those who have contributed, and are still willing to contribute, naturally demur to bearing the whole burden.

5. The proceeds of the tolls, four in number, are estimated at only Rupees 4,650, while the toll establishments alone will cost Rupees 2,400, or more than fifty per cent., and the cost of keeping up the road is estimated at Rupees 4,300 yearly. The tolls will thus be insufficient for the purpose for which they are levied.

6. Under the circumstances, and considering the difficulty of preventing abuses in such a secluded tract, the Board cannot recommend compliance with this request.

7. The proper course, in their judgment, is to introduce the Road Cess Act and finish and keep the road as a local line.

8. The application for a further grant from the Road Fund is quite inadmissible, so long as Wynaad enjoys its present immunity from the Road Cess.

9. The orders of Government are requested on the subject of paragraph 1 of Mr. Ballard's letter, as to whether such applications are to be sent direct to Government.

No. 119. ORDER THEREON, 7th April 1869, No. 926.

Miscellaneous.

THE Right Honorable the Governor in Council concurs with the Board of Revenue in considering that the application of Mupynaad District Road Committee for permission to toll that road, under the Wynaad Tolls Act of 1868, cannot be acceded to in its present shape.

2. It is essential that the tolls, imposed under the Act in question, should be fixed at such rates as are likely to yield an income sufficient for the maintenance of the roads on which they are levied, and His Lordship in Council accordingly directs that the Committee be requested to revise the rates, and to submit a fresh application for the introduction of the Act, accompanied by the requisite information on the several points specified in Section 10. If the estimate of receipts, as submitted by the Committee, can be accepted as approximately correct, it would appear to be necessary to double the rates proposed, which would produce an income of Rupees 9,300, a sum which is apparently not in excess of the requirements of the case.

3. The Committee of the Mupynaad District Road, and the other members of the Planting Interest in Malabar, should also be informed that the Government do not feel justified either in constituting the road in question an Imperial line, or in authorising any further expenditure from the District Road Fund, which is raised in other parts of the district under the Road Cess Act, upon the construction and maintenance of cross-roads in Wynaad; and that consequently the proprietors of estates must provide for such expenditure either by subscription or by availing themselves of the provisions of the Tolls Act. Should no steps be taken in this direction within a reasonable period, the Government will be compelled to introduce the Road Cess Act into Wynaad.

4. With advertence to paragraph 1 of Mr. Ballard's letter, and paragraph 8 of the Board's Proceedings, the Government resolve to direct that all applications for permission to levy tolls under the Tolls Act of 1868 be submitted for their orders through the Board of Revenue.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue, with one enclosure.

Exd. F. R. Bantleman.

The Board resolve to submit these papers for the considerations and orders of Government.

The road is thirty six miles in length and may be described generally as connecting the Tambunchenny and Kantam Chauki. The expenditure on it is given as Rs. 26,000, of which Rs. 10,800 have been drawn from the District Road Fund (although Nynaah is still exempt from the Road Cess) and Rs. 15,100 have been contributed by the Planters. The road is still incomplete though passable for carts.

The Association's first request is that the Road be brought on the Imperial list, and finished and maintained at the expense of the State. There can be no question of the great utility of the road, but in this like to other parts of the country, the Board cannot advocate compliance with this request. Nynaah already receives a larger share of Public Funds for its roads than any other tract of similar area, population and revenue.

As an alternative to this the Association request-

10300 B.P.C.
15-10-03

Calcutta Public Library
REVENUE
To
THE BOARD OF REVENUE
Date of Issue
Date of Return
G. O. No. dated
LENT.
Rs. 110-15-10.
Town Hall Library
Presidency College
Issue of Books will be made to Readers
Applications for Books not in Circulation
Any Book lent out must be returned

request that the road may be made over to them, and Tolls levied under Act II of 1868. It appears that all who benefit by the road do not contribute towards it and those who have contributed and are still willing to contribute, naturally demur to bearing the whole burden.

The proceeds of the Tolls, four in number, are estimated at only Rs. 4650 while the Toll Establishments alone will cost Rs. 2400 or more than 50 per cent and the cost of keeping up the Road is estimated at Rs. 4300 yearly. The Tolls will thus be insufficient for the purpose for which they are levied.

Under the circumstances and considering the difficulty of preventing abuses in such a secluded tract the Board cannot recommend compliance with this request.

The proper course in this judgment is to withdraw the Road Cess Act and finish and keep the road as a Local one. The application for a grant from the Road Fund is quite inadmissible so long as Nowgaon enjoys its present immunity from the Road Cess.

The orders of Government are requested on the subject of para 1 of Mr. Ballard's letter as to whether such applications are to

R. Deb.

No 744.

I doubt whether the circumstances stated are such as will justify the Govt. in making over a Committee of Planters a piece of public imperial road, 36 miles in length. If the tolls collected are already insufficient there would seem little or no prospect of the Committee being able to do what they would with the tolls.

I therefore agree with the Board of Revenue that the Planters proposal cannot be entertained.

I may however, as an alternative measure be willing now to apply the Road Cess Act to the road, if it can be shown to be one

I think it my particular duty to submit to Government my opinion & advice in a case which is recommended by the Board. The application & Signature of the Directors Road Co but will not materially vary the provisions of the Road Act, for if a Road Co is incorporated the Plaintiffs can hardly be expected to make them pay for going Tolls. And if appears to me but the Distributing is the Letter of the 5th October last that established many matters by the Road Co but should not be applied to Ireland.

I would direct the Master

to intimate to the Municipal
Authorities of Dublin with the purpose
of sanctioning the application
of the Dublin Main Drainage Board
in particular as the plaintiffs
apprehend that such notice of
Bill as will probably be
sufficient to bring the matter
of this action and finally
the specific injunction on
the second ground specified
in section X of the Act,
that the Works are not pursued
to completion. The words
in special words and that
they cannot sanction in future
the appropriation of funds
raised in other parts of the
District of Pembroke under
the Board Act & the
Consolidation & maintenance of
Roads in Ryland; and
that accordingly the plaintiffs
wish to have the words the

that provide for sanctioning
Municipal Authorities & maintaining
Sewers & Subscriptions &
& providing that the Rates of
the provisions of the Public
Act.

Under the particular circum-
stances of Ryland that
the Traffic during a great
part of the year is limited
the Works must be pursued
& sanctions under the Bill
as expeditiously as
under that the Ryland
funds may be raised.
This I think should be
in addition to the plaintiffs
main object of the Bill.

J. P. A.

12th March 69

Revenue Depr. 11

11

W. 926

Proceedings of the Madras Govt. under date the 9th Sept. 1869.

Read the following Rep. of the Bd. of Revenue -

Submitting papers & stating to the levy of tolls on improved Road in Wynaad Malabar Dt. under Act 2 of 1868 -

(R. 6th March 1869 No. 1)

The Right Honble the Governor in Council concurs with the Board of Revenue in considering that the application of Mr Ryland's District Road Committee for permission to toll that road under the Wynaad tolls Act of 1868, cannot be acceded to in its present shape -

His Lordship in Council is however of opinion that as this is the first application to

I would suggest that Govt. must congratulate the Committee upon the success which has attended their exertions in carrying out the provisions of the Act, and upon the spirit with which the Board of Revenue have entered into the consideration of the question of the alteration of the Act which has been found necessary in the working of it.

This being, as far as I can answer the first proposal of the Planters & amendment of the Act I would give them a chance. I would say that the Govt. will give up the road on condition that the rates of toll levied after the receipt of the approval of Government to the alterations necessary for the maintenance of the road. I adopt the Govt. Architects Report with one addition that the planters be told that if the rates of toll imposed cannot be made to cover the purpose indicated the Govt. will be under the necessity of withdrawing the road from

Wynaad 1869

Mr Ryland

I would say; If it is essential that the Tolls imposed under the Act in question should be fixed at such rates

No.

Circuit

Mr R

to put in force the
enactment in question
which has been re-
-ceived, it would be
impolitic to reject it
altogether - He ac-
-cordingly resolves
to direct that the Com-
-mittee be informed
that the Govt will be
prepared to sanction
the application of the
Tolls Act to the Dun-
-fynaird road, on the
consenting to adopt
such rates of tolls as
will probably be suf-
-ficient to keep the
road in fair order, and

is an existing
gild an income
sufficient for the
maintenance of the
roads as they
are kept and the
Lordship in Council
assisting Grants
out the Committee
to consider & report
the rates and to
make such applica-
-tions for the introductions
of the Act accompanied
by the specific information
as the several points
specified in Section X

and furnishing
the requisite inform-
-ation on the se-
-veral points spe-
-cified in Section 10
of the Act - If
the estimate of
receipts as sub-
-mitted by the Com-
-mittee can be ac-
-cepted as approxi-
-mately correct,
it would appear
to be necessary
to

to double the rates proposed, which would produce an income of Rupees 9,200, a sum certainly not in excess of the requirements of the case.

which is apparently

3. The Committee of the Wynaad District Road in question and the other members of the Planting Interest in Malabar should

should also be informed that the Government do not feel justified either in constituting the road in question an Imperial line or in authorising any further expenditure from the District Road Fund which is raised in other parts of the District under the Road Cess Act, upon the construction and maintenance of cross roads in the Wynaad, and that consequently the proprietors of Estates must provide for such expenditure either by subscription or by availing themselves of the provisions of the Tolls Act. Should no steps

steps be taken in this direction in due course, the Government will be compelled to introduce the Road Cess Act into the Wynaad, though they are aware that such a measure would bear hardly in certain individual cases, where a heavy outlay has already been incurred in the construction of private roads connecting properties with the main lines of communication.

With advertence to para: 1 of Mr. Ballard's letter and para 8 of the Board's Proceedings the Government resolve to direct that all applications for permission to levy tolls under the Tolls

within a reasonable period

I would omit this

RJA.

Tolls Act of 1868, be submitted for their orders through the Board of Revenue

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16 Copies to the Bd of Revenue & Govt Law Dept 8th

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