No. 146. Read the following letter from the Government Solicitor, to the Chief Secretary to Government, Fort St. George, dated Madras, 17th August 1872, No. 398 :—

I have the honour to acknowledge the receipt of the Order of Government, dated 26th ultimo, No. 988, Financial Department, relative to the steps to be taken to insure the removal of the wrecks which are causing the damage and endangering the stability of the beach road, and in reply have to state, for the information of Government, that upon receipt of the above order, and upon being requested by the Officiating President to the Municipal Commission at Madras, I placed myself in communication with Mr. T. G. Clarke, the Senior Magistrate of the Town Police Court, with the view to proceeding against the present owners of the *Invereshie*, *Armenian*, *John Scott*, *Hotspur*, *&c.*, under the provisions of Section 308 of the Criminal Procedure Code, as suggested in the Advocate-General's opinion referred to in the above order; but the Magistrate on hearing the facts of the case, as stated in the official letter of the Officiating President to the Municipal Commission to you dated 28th June 1872, No. 123, intimated that he (the Magistrate) was of opinion that the proposed proceedings were premature, seeing that no actual damage had as yet been done to the beach road or to the sea wall which protects it, and suggested that, for the present, proceedings might be taken under the provisions of Section 23 of Act XXII. of 1855, as the wrecks in question were, in his opinion, decided obstructions to the free navigation of the port. The suggestion of the Magistrate was thereupon communicated to Mr. H. D. E. Dalrymple, the Conservator of the Port of Madras, and he then submitted, through me, a case for the opinion of the Advocate-General as to the extent of the powers of the Conservator of the Port under the last-mentioned Act in the present case, and at the same time pointed out that, in his opinion, the wreck of the *Hotspur* in its present position was dangerous to boats and small crafts. On this case the Advocate-General gave his opinion, a copy of which I herewith forward for the information of Government.

2. The matter, therefore, now remains in the hands of the Conservator of the Port, and I have for the present abstained from instituting proceedings before the Magistrate under Section 308 of the Criminal Procedure Code.

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OPINION.

If the spot where the *Hotspur* is wrecked is within the limits of the Port of Madras, as declared and defined under Sections 3 and 4 of Act XXII. of 1855, and its remaining in that position is a source of danger or an impediment to boats navigating the port, I am of opinion that the Conservator's right course will be to give the owners notice that he intends forthwith to proceed under Section 23 of the Act.

2. The Conservator will find provisions in Section 39 as to the mode in which to deal with any property recovered. Care should be taken not to occasion any unnecessary loss of property.

(Signed) H. S. CUNNINGHAM,
*Advocate-General.*

*8th August* 1872.

*Proceedings of the Madras Government, Financial Department,*
*26th August* 1872.

No. 147. ORDER THEREON, 26th August 1872, No. 1117.

To be recorded.

(True Extract.)

R. S. ELLIS,
*Chief Secretar*

Copy of 1872 Madras.

FINANCIAL.

*Dated August, 26th.*

*Read.*

*Encl.*

*G. O., 26th August 1872, No. 1117.*

**AUGUST.**
**Nos. 146-147.**

Recording letter from the Government Solicitor, stating the steps taken by him in the matter of prosecuting the owners of the vessels wrecked during the late cyclone.

5/

# Opinion.-

If the spot, where the "Hotspur" is wrecked, is within the limits of the Port of Madras, as declared and defined under sections 3 & 4 of Act XXII of 1855, and its remaining in that position is a source of danger or an impediment to boats navigating the Port, I am of opinion that the Conservator's proper Course will be to give the owners notice that he intends forthwith to proceed under section 23 of the Act.-

2. The Conservator will find provisions in section 39 as to the mode in which to deal with any property recovered. Care should be taken not to occasion any unnecessary loss of property.-

/Signed/ H. S. Cunningham
Adv: Genl.
8. 8. 72.

(True Copy)

H. G. Sarchard
Government Solicitor.-

Public 1872. September

No 1581

From
The Government Solicitor
Madras

To
The Chief Secretary to Government
Ootacamund.

Dated 17th
Read 23 August.

No 398.

Enclosure 1.—

Informs the course adopted by him for the removal of the wrecks which are causing damage and endangering the stability of the Beach road — also forwards a copy of the advocate Generals opinion thereon. —

Ootac 26 August 1872 No 1177
Consulte Recorded.

W B 28/8/72

28/8/1872

Ootacamund 26th August 1872.

Enclosure in letter from the Government Solicitor, Madras, to the Chief Secretary to Government, dated 17th August 1872. No 398.

Public 1581/72

Govt. of {1872} Madras.

Financial

Dated Augt: 26.
Recd.

Encl.

G. O. 26 Augt, 1872, No 1117.

Nos. 146. 147.

Recording letter from the Govt. Collector stating the steps taken by him in the matter of prosecuting the owners of the vessels wrecked during the late Cyclone.

M.R.O. 1—77,006—8-6-37.

(1) Number of pages 12

(2) Date of repair 26-1-40

(3) Initials of the Referencer

# MADRAS RECORD OFFICE.

## Government of Madras.

Finance DEPARTMENT.

G.O. No. 1117 Press Mis.

146-147

Dated 26-8- 1872.

146-147 6/7

**Not to be folded or roughly handled**