No. 33. Read the following letter from the Officiating President of the Municipal Commission, Madras, to the Chief Secretary to Government, Fort St. George, dated Madras, 24th August 1872, No. 175 :—

With reference to the Order of Government, dated 26th July 1872, No. 988, directing me, in communication with the Government Solicitor, to proceed as indicated by the Advocate-General for effecting the removal of the wrecks which are causing damage to the beach roads, I have the honour to state, for the information of Government, that, immediately on the receipt of your telegram on the same subject, which preceded the Order, I put myself in communication with Mr. Prichard, and informed him that I was prepared to take such action as I may be advised.

2. On the 15th instant I again wrote to know what steps had been taken in the matter, and in reply received a letter, of which the enclosed is a copy, which I forward for the information of Government, from which it will be seen that the matter has been removed from the cognizance of the Municipality to the hands of the Conservator of the Port.

From H. G. PRICHARD, Esq., Government Solicitor, Madras, to the Officiating President of the Municipal Commission, Madras, dated Madras, 17th August 1872, No. 397.

I have the honour to acknowledge the receipt of your letter to the address of Messrs. Prichard and Barclay of the 15th instant, No. 167, requesting to be informed what steps had been taken with reference to the Order of Government of the 26th July 1872, No. 988, Financial Department, and in reply have to inform you that, upon the receipt of this Order, 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 your official letter to the Chief Secretary to Government, Fort St. George, dated 28th June 1872, No. 123, intimated that he 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, 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, and he then submitted, through me, a case for the Advocate-General's opinion as to the extent of his power 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 the following 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," and the matter now remains in the hands of the Conservator of the Port.

Under the above circumstances, I have for the present abstained from instituting proceedings before the Magistrate under Section 308 of the Criminal Procedure Code.

Proceedings of the Madras Government, Financial Department,
4th September 1872.

No. 34. ORDER THEREON, 4th September 1872, No. 1180.

To be recorded.

(True Extract.)

R. S. ELLIS,
Chief Secretary.

Exd. J. Wright.

Govt. of {1872} Madras.

FINANCIAL.

Dated September, 4th.

Read.

G. O., 4th September 1872, No. 1180.

SEPTEMBER.

Nos. 33-34.

Recording letter from the Officiating President of the Madras Municipality, reporting that the matter of proceeding against the owners of the wrecked vessels in the Madras surf is at present in the hands of the Conservator of the Port.

Encl.

56

No. 175

Municipal Commissioners' Office.

Madras 24th August 1872

To

The Chief Secretary

to Government

Fort Saint George

Sir,

With reference to the order of Government dated 26th July 1872 No. 988 directing me, on communication with the Government Solicitor, to proceed as indicated by the Advocate General for effecting the removal of the wrecks which are causing damage to the beach roads, I have the honor to state for the information of Government that immediately on the receipt of your Telegram on the same subject which preceded the order, I put myself in communication with Mr. Richard and informed him that I was prepared to take such action as I may be advised.

2. On the 15th inst. I again wrote to know what steps had been taken in the matter and in reply received a letter of which the enclosed is a copy which I forward for the information of Government from which it will

will be seen that the matter has been re-
moved from the cognizance of the Municipa-
lity to the hands of the conservator of the Port.

I have the honor to be
Your Most Obedient Servant

Alex Ritherdon
Offg. President
Municipal Commission

High Court House
Madras 17th August 72

No 397

From H. G Prichard Esqr.
Government Solicitor. Madras

To Colonel A. Ritherdon
Offg. President. Municipal Commissr.

Sir,

I have the honor to acknow-
ledge the receipt of your letter to the address
of Messrs Prichard and Barclay of the 15th
Instt. No 167 requesting to be informed what
steps had been taken with reference to the
order of Government of the 26th July 1872. No.
988 Financial Department and in reply to
have to inform you that upon the receipt
of this order I placed myself in communica-
tion with Mr. J. G Clarke the Senior Magis-
trate of the Town Police Court with the view
to proceeding against the present owners of
the "Inverskip", "Armenian", "John Scott"
"Holspur" &c. under the provisions of Sec-
tion 308 of the Criminal Procedure Code,
as suggested in the Advocate Generals
opinion

opinion referred to in the above order, but the Magis-
trate on hearing the facts of the case as stated
in your official letter to the Chief Secretary to
Government, Fort Saint George, dated 28th
June 1872, No. 123, intimated that he 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, and suggested that for the present,
proceedings might be taken under the pro-
visions of Section 23 of Act XXII of 1855 as
the wrecks in question were in his opinion de-
cided 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, and he
then submitted, through me, a case for the
Advocate Generals opinion as to the extent of
his power under the last mentioned Act in
the present case, and at the same time pointed
out that in his opinion the wreck of the Hot-
spur" in its present position, was dangerous to

Boats, and small crafts, on this case the
Advocate General gave the following opinion.

"If the spot where the "Hotspur" is
wrecked, is within the limits of the Port of
Madras, as declared and defined under Sec-
tions 3 & 4 of Act XXII of 1855 and its remain-
ing 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," and the matter now remains in
the hands of the Conservator of the Port.

Under the above circumstances, I
have for the present abstained from insti-
tuting proceedings before the Magistrate
under

under Section 308 of the Criminal Procedure Code.

I have the honor to be
Sir
Your Obedient Servant
(Signed) H. G. Prichard
Government Solicitor

(True copy)

Aug. Ritteerden
Off. President
Municipal Commissioners

...rt. of {1872} Madras.

Financial

Date Sept. 4
No 33 Encl.

...O. 4 Sept. , 1872, No. 1180.

Nos. 33. 34

...ording letter from the Offg.
...Secy. of the Madras Munich.
...reporting that the matter of
...proceeding against the owners
...of the wrecked vessels in the
...Madras Surf is at present
...in the hands of the Conser-
...vator of the Port.

M.R.O. 1—77,066—8-6-37.

(1) Number of pages 12

(2) Date of repair 21.12.09

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 1180 Press / Mis.

Dated 6-9- 18 12

33-34 7/8

Not to be folded or roughly handled