M.R.O. 1—77,006—8-6-37.

(1) Number of pages 18

(2) Date of repair 14.2.40

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. ~~[illegible]~~ 1445 Press ~~Mis.~~

225-227

Dated 23-10-1872.

10/4

225-227

Not to be folded or roughly handled

Read the following papers :—

No. 225. From the President of the Municipal Commission, Salem, to the Chief Secretary to Government, Fort St. George, dated Salem, 17th September 1872, No. 96.

At a meeting of the Municipal Commissioners of Salem, held on the 10th instant, it was resolved that the following two bye-laws be submitted to Government for sanction :—

(1.) "When in the opinion of a Committee, composed of the President or Vice-President, the Zillah Surgeon, and two Commissioners, it shall be deemed necessary, for the public safety, to remove from their houses persons attacked by small-pox, the Commissioners shall issue a Notice, and the party to whom such Notice is directed shall, within twenty-four hours of its receipt, remove the diseased person, if a minor (as defined in the Penal Code), or, in the case of an adult, shall move out or cause himself to be removed to such places as the Commissioners may from time to time appoint."

(2.) "The term 'laden' shall be held to mean 'a fair load.'"

Illustrations.

(*a*).—A bandy conveying only the driver with his food and forage for the bullocks, or empty sacks, but without a load, is "not laden."

(*b*).—A bullock or other animal with a pack saddle and empty sack, but without a load, is "not laden."

(*c*).—A led horse, pony, mule, or ass, with his saddle and bridle, but not ridden, is "not laden," unless the rider dismounts in view of the gate-keeper.

2. The first of these bye-laws is framed with the object of preventing the spread of small-pox within the town by removing for a time to a quarantine shed persons attacked by the disease, in cases where the houses are so small as not to admit of the infected person being kept separate from the rest of the household.

3. The second is intended to prevent any improper charges being levied by the Toll Contractor in the future, though as yet the complaints under this head have been very few.

4. I have therefore the honour to request that Government will be pleased to accord their early sanction to the above bye-laws.

Referred to the Advocate-General for his opinion as to the legality of the first bye-law proposed.

OOTACAMUND,
24th September 1872.

(Signed) W. HUDLESTON,
Secretary to Government.

No. 226. OPINION.

If these proposed bye-laws are made under Section 163 of Act III. of 1871 (Madras), the first does not seem to me to be warranted by the Act. Bye-laws may be made "for the management of all matters connected with conservancy;" but this expression must be taken with reference to the 'Conservancy Clauses,' Sections 96—155 and the powers conferred by these sections, and does not, in my opinion,

warrant the Committee in passing a bye-law to enable themselves to exercise a power distinct from and of a more stringent character than any contained in the Act. The Commissioners have considerable powers under Sections 143 and 151 in the case of over-crowded or impure houses; but the power to call upon a diseased person to remove from his own house to a quarantine shed is of a different nature from anything contemplated by the Act, and must be conferred on the persons exercising it by distinct enactment.

2. As to the second bye-law I think the Courts might be safely left to interpret the word "laden," nor is the explanation given by the Committee especially felicitous. A grossly over-laden animal would, according to its terms, be exempt from toll.

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

15*th October* 1872.

No. 227. ORDER THEREON, 23rd October 1872, No. 1445.

The opinion of the Advocate-General is communicated for the information of the President of the Salem Municipality.

2. The first bye-law proposed is clearly one which could not be enforced without special legislation, but the Government are willing to sanction the second. The illustrations given by the Commissioners seem sufficient.

(True Extract.)

Acting Under Secy. to Govt.

To the President of the Municipal Commission, Salem.

Exd. F. R. Bantleman.

Abstract

Of the two bye-laws one marked under section 103 of Act III of 1871 (M), the other under Act - Bye-laws may be rejected for non-compliance with the requirements of such Act. Communication with Government; but the Bye-laws should be taken into consideration

Opinion of the Advocate-General on the 'Chuttrams Clause' 595-

155 & 156 Powers conferred by Act Section 2 Act, in 'Any Chuttram'; Grant of the Committee in Madras' a Tope Land to erect Chuttrams & Choultries a Grant, a Choultry, a Chuttram, a Choultry

Govt. of {1872} Madras.

FINANCIAL.

To
THE PRESIDENT OF THE
MUNICIPAL COMMISSION,
Salem.

Dated October, 23rd.

Recd. *Encl.*

G. O., 23rd October 1872, *No.* 1445.

OCTOBER.
Nos. 225—227.

Communicating the Advocate-General's opinion regarding two bye-laws proposed for the Salem Municipality, and passing orders respecting them.

No 96. Municipal Commissioners Office
Salem 17th September 1872

9E

From

C. T. Longley Esquire
President Munl Comrs
Salem.

To

The Honble R. S. Ellis C.B.
Chief Secretary to Govt
Fort St George
Ootacamund

Sir,

At a meeting of the Municipal Commissioners of Salem held on the 10th Instant, it was resolved that the following two Bye-laws be submitted to Government for sanction.

"When in the opinion of a Committee composed of the President or Vice President, the Villak Surgeon and two commissioners, it shall be deemed necessary, for the public safety, to remove from their houses, persons attacked by Small-pox, the commissioners shall issue a notice and the party to whom such notice is directed,

Encl Bye laws
From
The Collector Salem

Go 23rd Oct 1872
Rec 25th Oct
No 1145

By Road

Revenue Collector &c
Bycolam Purpose &c
Salem Circuit -

Mr Thomas

Comd. forwarded to President
Municipal Salem -
The 1st Bye Law is clearly
wrong - & the 2nd is of
doubtful utility
BR

shall, within 24 hours of its receipt remove the diseased person if a minor (as defined in the Penal Code), or, in the case of an adult, shall move out or cause himself to be removed, to such places as the Commissioners may from time to time appoint"

2. The term "laden" shall be held to mean "a fair load"

Illustrations

(a) A bandy conveying only the driver with his food and forage for the Bullocks or empty sacks, but without a load is "not laden"

(b) A bullock or other animal with a pack-saddle and empty sack but without a load is "not laden"

(c) A led horse, pony, mule, or ass with his saddle and bridle but not ridden is "not laden", unless the "rider" dismounts in view of the gatekeeper.

2. The first of these Bye-laws is framed with the object of preventing the spread of Small-pox within the town, by removing, for a time, to a Quarantine shed, persons attacked by the disease, in

cases where the houses are so small, as not to admit of the infected person being kept separate from the rest of the household.

3. The second is intended to prevent any improper charges being levied by the Toll Contractor, in the future, though as yet the complaints under this head have been very few.

4. I have therefore the honor to request that Government will be pleased to accord their sanction to the above Bye-laws.

I have the honour to be
Sir
Your most obedt Servant

C. J. Loveley
President

Compd. 2/2/87

Financial Department.

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13

PROCEEDINGS *of the* **MADRAS GOVERNMENT.**

Read the following letter from the President of the Municipal Commission, Salem, dated 17th September 1872, No. 96. Opinion of the Advocate General - 15 Oct 72

Order thereon of Council 23rd Oct 1872 No. 1445

The opinion of the Advocate General is communicated for the information of the President of the Salem Municipality.

2. The first bye-law proposed is clearly one which could not be enforced without special legislation

1872
Financial Department.
From
C. F. Langley Esqr
Officiating Chairman
Salem Municipality
To
The Hon'ble R. F. Ellis &c. &c.
Chief Sec. to Govt.
Dated 17th Sept. 1872
Rec'd 20th Sept. 1872
No. 444
Submitting two Bye-laws for sanction
No 2 3/4 Calendared 23 Oct 1872

No. 444.

Referred to the Advocate General for his opinion as to the legality of the Bye-laws proposed.

L. Huthnston
Secy to Government

Extracted
24 Sept 1872

To the Government Solicitor.

Referred.

& sanction the second.
The illustrations given
& the Commissioners seem
sufficient to prevent
any such strained interpretation as that suggested & the Advocate
General-

JJ.

Govt. of {1872} Madras.

Financial

To

The Secy. Municl. Commrs.
Salem.

Dated Oct 23. } 1872, No. 445
Recd.

Nos. 225-227.

Commrs. Advs. Genl's opinion regarding two bye-laws proposed for the Salem Municipality & passing orders reflecting them.