M.R.O. 1—77,000—8-8-31.

(1) Number of pages 6

(2) Date of repair

(3) Initials of the Reference

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	1951	Press Mis.
		33-34
Dated	4-10-	1815.

H/S

Not to be folded or roughly handled

No. 2026 1875

Proceedings of the Highy Court of Judicature at Madras, 10th September 1875.

Read letter dated the third May 1875 No. 297 from the Magistrate of Bellary referring for the orders of the High Court, the question of the legality or otherwise of the bye-law quoted in his letter dated 12th Ultimo.

This reference arises out of the ruling of this Court in the Proceedings dated 24th April 1875. In the Proceedings of that date the Court ruled that the Town Magistrate acted rightly in refusing to convict under a bye-law which appeared to him to be illegal. The District Magistrate now refers for the decision of the High Court the question of the legality or illegality of the bye-law under which the Town Magistrate refused to convict.

The bye-law in question (No. 36) relates to the sale of meat or fish and is as follows:— "No meat or fish shall be sold except in such places as may be appointed by the Commissioners."

The High Court observes that the bye-law quoted is one of the Bye-laws, in number altogether 43, which were originally sanctioned with a penal clause attached to them having reference to them all. The offence created by it is not therefore beyond the operation of the penal

clause

Collector

clause, which in the case of another bye-law formed one of the grounds of this Court's decision in the Proceedings dated 17th February 1875.

The High Court is however of opinion that the bye-law is subject to the further objection, taken in the Proceedings of the 17th February, that it is repugnant to a provision latent in the act itself. The Subordinate Magistrate was therefore right in holding that the bye-law was illegal.

(True extract)
(Signed) J. Weir
Ag. Registrar, Appeal
Side.

(True Copy)
W Master
Collector & President.

Encl. H.I.H.

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BELLARY COLLECTOR'S OFFICE.

No. 87

Dated 18th September 1875.

From, and President M. C.

THE COLLECTOR OF BELLARY.

To,

The Chief Secretary to Government,
Coimbatore.

Sir,

With reference to the Proceedings of Government, Financial No. 692, dated 31st March 1875, and No. 970 dated 1st May 1875, I have the honor to state that the Town Magistrate having refused to convict under the bye-law which restricted the sale of meat and fish to a particular place, I referred the matter to the High Court.

2. I now beg to forward copy of their Proceedings passed on the subject. The effect of this ruling will be that meat and fish instead of being offered for sale in a cleanly roomed market house, will be kept for sale in any and every street and in small and stuffy boutiques. In fact this has been the case in Bellary, ever since the Town Magistrate refused to convict.

3. It will be very difficult for the Commissioners or the Police now to detect cases of sale of bad meat & fish, and it is a matter of great regret that the Commissioners have lost the advantage of a bye-law which has been worked for many years with very good effect.

I have the honor to be,
Sir,
Your most obedient servant,

W Master
Collector & President.

Encl. H.I.H.

Finance DEPARTMENT.
Municipal-Bye-Laws

BELLARY COLLECTOR'S OFFICE

Dated 18 September 75 No. 87

To,
The Chief Secretary
to Government
Madras

No. 2166

Enclosure. one

Received 20. Sept 75.

Reports a Ruling of the Weight borne on one of the Bye Laws of the Bellary Municipality

Acknowledgment
with orders

Govt. of Madras. 1875

Secl

G. O. 4th October 1875. No. 1951

Nos. 33 — 34

Municipal Bye-laws. Ruling of the High Court on one of the Bye-laws of the Bellary Municipality restricting the sale of meat and fish to a particular place Communicated.