M.R.O. 1—77,005—8-6-37.

(1) Number of pages 12

(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

G.O. No. 2105	Press / Mis.
	230-231
Dated	18

10/11

Not to be folded or roughly handled

Madras Municipal Act.

No. 230. Read the following letter from H. G. PRICHARD, Esq., Government Solicitor, to the Hon. D. F. CARMICHAEL, Officiating Chief Secretary to Government, Fort Saint George, dated Madras, 9th October 1875, No. 491, forwarding the following opinion of the Advocate-General:—

OPINION.

Bye-laws may be framed under Section 232 of Act IX. of 1867 (*m.*) for (amongst other objects) preserving order and cleanliness in the town and for carrying out any of the purposes of the Act. Conservancy is mentioned in the Preamble as one of the objects of the Act; but it would, I think, be dangerous to use the power of making bye-laws for the purpose of suppressing a right which has apparently been exercised for a number of years by a considerable class; as the prohibition is wanted only between March and July there is no hurry about the matter, and the safer course will be to amend the Municipal Act in this respect.

2. The exposure of shell fish or heaps of mud on the river banks (see paragraphs 9 to 11 of the Committee's Report, Proceedings of 18th April 1871,) might probably be prohibited in a bye-law, and this might be made and sanctioned without more delay.

3. I may observe that from the statements contained in these papers as to the amount of sewage collected in the Cooum and its consequent condition, it might, not without reason, be contended that it is already vested in the Commissioners as a "public sewer or drain" under Section 144 of the Act.

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

30th September 1875.

No. 231. ORDER THEREON, 28th October 1875, No. 2105.

The Governor in Council concurs with the Advocate-General in opinion that, in order to prevent fishing in the Cooum, it will be safer to amend the Madras Municipal Act of 1867 in this respect, than to frame a bye-law under the Act for the purpose.

2. The papers on this subject will accordingly be communicated to the Legislative Department, in view to the matter being dealt with in that department in connexion with the proposed revision of Madras Act IX. of 1867.

(True Extract.)

Officiating Chief Secretary.

To the Legislative Department.
„ President of the Madras Municipality.
„ Commissioner of Police.

Exd. J. Wright.

Third Department.

No. 2367

From The Government Solicitor

Dated 9th October 1875. 1491

FOR ORDERS.

Forwarding Notes of Counsel's opinion as to whether the Municipal Commissioners of Madras can legally frame a Bye-Law to prevent fishing in the Cooum.

At the Advocate General seems doubtful as to the framing a bye-law which will stand. I think we had better send the correspondence to the Leg. Dept to be put with the papers relating to the Draft Bill amending the Mun: Act Bill

Govt. of Madras.

FINANCIAL.

To

THE LEGISLATIVE DEPARTMENT,

&c., &c., &c.

Dated October, 28th.

Issued

Recd.

Encl.

G.O., 28th October 1875, No. 2105.

OCTOBER.

Nos. 230-231.

Madras Municipal Act.—The opinion of the Advocate-General concurred in that in order to prevent fishing in the Cooum it will be safer to amend the Madras Municipal Act of 1867 in this respect, than to frame a bye-law under the Act. The papers accordingly communicated to the Legislative Department to be dealt with in connexion with the proposed revision of Madras Act IX. of 1867.

FOR ORDERS.

S. O. No. 2105 27. 28 Oct 1875. Fishing in the Coom

28-10-75 No. 2105.

Public 28.10.

C 12/19

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Received today

No. 491.

Madras 9th October 1875.

From

H. G. Pritchard
Government Solicitor
Madras.

To

The Honorable L. F. Carmichael
Officiating Chief Secretary to Govt
Cotacamund.

Sir,

I have the honor to acknowledge the receipt of the Order of Government dated 11th September last, No 1140, Public Department, together with its enclosures, requesting the Advocate General's opinion whether the Municipal Commissioners can legally frame a bye-law to prevent people fishing in the Coom.

2. I submitted the matter for the consideration of the Advocate General and I now forward herewith a copy of his opinion—

I have the honor to be
Sir,
Your Most Obedient Servant.

H. G. Pritchard
Government Solicitor.

No 230

Communicated to the President of the Colombo Municipal Commissioners in continuation of C. O. of 11. Sept. 75. No. 1140.

To the President of the Colombo Municipal Commissioners
11/10/75

Transmits 1875. Despatch from Governor Longden with Memorandum and Minutes

S.O. 2104

To the Officiating Colonial Secretary to Ceylon. Colombo

Dated 9th October 1875

Rec'd 13th Do.

Ans'd

Entered

Forwards copy of the Petition presented to him by the Municipal Commissioners praying that a Bye-Law may be framed & passed for the purpose of preventing the pollution of the Canal

for Mr Hope's opinion

Opinion.

Bye-laws may be framed under Section 232 of Act IX of 1867 (m.) for (amongst other objects) preserving order and cleanliness in the Town and for carrying out any of the purposes of the Act. Conservancy is mentioned in the Preamble as one of the objects of the Act: but it would, I think, be dangerous to use the power of making bye-laws for the purpose of suppressing a right which has apparently been exercised for a number of years by a considerable class, as the prohibition is wanted only between March and July there is no hurry about the matter and the safer course will be to amend the Municipal Act in this respect.

2. The exposure of shell fish or heaps of mud on the river banks (See paras: 4-11 of the Committee's Report, Proceedings of 18th April 1871) might probably be prohibited in a bye-law and this might be made and sanctioned without more delay.

3. I may observe that from the statements contained in these papers as to the amount of sewage collected in the Coorum and its consequent condition, it might, not without reason, be contended that it is already vested in the Commissioners as a "public sewer or drain" under Section 144 of the Act.

/Signed/ H. S. Cunningham
30. 9. /75.

/True Copy/

A. L. Richard
Government Solicitor.

Madras Municipal Act.

30

Financial Department. 15

PROCEEDINGS of the MADRAS GOVERNMENT.

READ ~~the following~~ letter from the Govt. Solicitor dated 9th October 1875 No. 491 forwarding the Advocate General's Opinion as to whether the Municipal Commissioners for the Town of Madras can legally frame a bye-law to prevent fishing in the Cooum River.

Order. 28th Oct. 1875 No. 2105.

The Governor in Council concurs with the Advocate General in Opinion that, in order to prevent fishing in the Cooum, it will be safer to amend the Madras Municipal Act of 1867 in this respect, than to frame a bye-law under the Act for this purpose.

Enclosure to letter from the Government Solicitor to the Officiating Chief Secretary to Government dated 9th October 1875 No. 491.

A. Hill 2104

21-3-11

Govt. of {1875} Madras.

Civil

To

Dated 28 } October 1875, No.
Recd. } 2105

Nos. 230 — 231

Madras Municipal Act

The opinion of the Advocate General concurred in that in order to prevent sticking in the Courts it will be safer to amend the Madras Munl. Act of 1867 in this respect, than to frame a bye-law under the Act.

The papers accordingly communicated to the Legislative Department to be dealt with in connection with the proposed revision of the Madras Act IX of 1867