

(1) Number of pages 12

(2) Date of repair 26-9-40

(3) Initials of the Referencer C

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	P70	Press Mis.
Dated	1-5-	1875.

7/8

Not to be folded or roughly handled

Municipal Bye-laws.

No. 3. Read the following letter from H. G. PRICHARD, Esq., Government Solicitor, Madras, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 15th April 1875, No. 193, forwarding the following opinion of the Advocate-General:—

OPINION.

With reference to G.O., No. 282, of the 31st March 1875, No. 692, there are no means, as it appears to me, for bringing the Proceedings of the High Court, No. 351, of the 17th February 1875, as to the bye-laws of the Bellary Municipality under the consideration of a Full Court.

2. The Judges have expressed a strong opinion that all communications to them from Government should come through a Secretary to Government, and not through the Advocate-General.

3. Nor do I think that, even if it were possible to have the matter reconsidered by a Full Bench there would be any chance of getting a different ruling, as on both grounds the order is, in my opinion, right. The penalty for breach was not properly sanctioned by Government, and the bye-law itself is beyond the powers conferred by the Act on the Municipal Commissioners. Various restrictions of and regulations as to trade are permitted, but among these there is not the power to prohibit the sale of fruit or vegetables except at places appointed by the Commissioners.

4. I feel no doubt, therefore, that the bye-law is illegal, and that any further consideration of the point by the High Court would result thereby in a repetition of the opinion already expressed by the Judges.

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

14th April 1875.

No. 4. ORDER THEREON, 1st May 1875, No. 970.

The decision of the High Court recorded with G.O., dated 31st March 1875, No. 692, will now be communicated to all Presidents of Municipalities for information.

(True Extract.)

D. F. CARMICHAEL,
Officiating Chief Secretary.

To all Presidents of Municipal Commissions.
„ Board of Revenue.

Exd. J. Wright.

Opinion

With reference to Government order No 282 of 31st March 1875 No 692, there are no means, as it appears to me, for bringing the proceedings of the High Court No 351 of 17th February 1875 as to the Byelaws of the Bellary Municipality under the consideration of a Full Court.

2. The Judges have expressed a strong Opinion that all Communications to them from Government should come through a Secretary to Government and not through the Advocate General.

3. Nor do I think that, even if it were possible to have the matter reconsidered by a Full Bench there would be any chance of getting a different ruling, as on both grounds the order is, in my opinion right. The penalty for breach was not properly sanctioned by Government and the byelaw itself is beyond the powers conferred by the Act on the Municipal Commissioners. Various restrictions of and regulations as to trade are permitted but among these there is

not

Govt. of 1875

FINANCIAL.

To AG. PRESIDENTS OF MUNICIPAL COMMISSIONS.

cc. cc. cc.

Dated May, 1st

Issued

Recd.

G.O., 1st May 1875, No. 970.

MAY.

Nos. 34.

Municipal By-laws.—The decision of the High Court as to the legality of certain convictions under a bye-law framed by the Municipal Commissioners of Bellary, recorded with G.O., dated 31st March 1875, No. 692, communicated to all Presidents of Municipalities for information.

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Byelaw is illegal and that any further
Consideration of the point by the High
Court would result thereby in a
repetition of the opinion already expressed
by the Judges.

/Signed/ H. S. Cunningham
14. 4. 75

(True Copy)

A. G. Richards

Government Solicitor

N^o 193.

Madras, 15th April 1875.

From H. G. Richard
Government Solicitor
Madras,
To The Honble: W. Huddleston
Chief Secretary to Government
Fort St. George,

Sir, With reference to the Order of Government dated 31st March 1875, N^o 692, Financial Department, requesting the opinion of the Advocate General as to whether steps can be taken to bring under the consideration of a full Court the question regarding the legality of certain convictions under a bye-law framed by the Municipal Commissioners of Bellary, I have now the honor to forward you herewith a copy of the Advocate General's opinion on the above question.

I have the honor to be,

Sir,
Your most Obedient Servant,

H. G. Richard
Government Solicitor.

Enclosure in letter from
the Government Solicitor,
to the Chief Secretary to
Govt. dated 15th April 1875.
N^o 193.

L. J. L. N^o 929
1875-

4-74 by 75-82 55-56.
 31 March 75-82 - 287-282

[Signature]

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The decision of the High Court recorded with
 L.O. 27312 back 1875 to 692 will now
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 of Municipalities for information.

[Signature]

Annexed 1875. Report
 of Municipalities. By the
 Government of India for
 the Government of India.

Copy of the Report to be
 sent to the Government of India.

Report 1875
 (Part 16) April

1875
 Volume 1.0

To forward a copy of the
 Report to the Government of India
 on the question regarding the
 legality of certain provisions
 under the Municipalities Act
 the Municipal Commission
 of Bombay.

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 with order

Gobt. of 1875 Madras.

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G.O. 1st May, 1875 No. 970

Nos. 3-4.

Munis - Bye Laws
The decision of the High
Court as to the legality
of certain convictions under
a bye-law framed by the
Munis Courts of Bellary,
recorded with G.O. of 31st
Feb. 1875, No 692, comm.
to all Presets of Munici-
palities for information.