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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 273	Press Mis.
Dated 7-2-1876.	

Not to be folded or roughly handled

Municipal Funds.

Read the following papers:—

No. 77. From H. S. THOMAS, Esq., President of the Municipal Commission, Combaconum, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Vallam, 12th January 1876, No. 6:—

Being doubtful whether the enclosed resolution is in accord with the intentions of the Act, I beg to draw the attention of Government thereto.

2. It seems to me that a Reading Room is not one of the objects detailed in view of the diffusion of education, and that, if it were so held, the construction might, with equal justice, be extended to the supply of any instructive work or periodical, and it would be very hard to draw the non-instructive line.

EXTRACT from the Proceedings of the Municipal Commissioners of Combaconum, dated 30th November 1875.

Read letter from the Honorary Secretary of the Committee of the proposed Prince of Wales' Town Hall and Reading Room, requesting the Commissioners to contribute towards the building.

Proposed by M.R. Ry. C. Lakshimi Narasimiah, seconded by Gobusubbraya Chettiar, and carried that the Municipality contribute Rupees 3,000 out of the allotments of 1876-77 and 1877-78 on the condition that the Committee hand over the amount raised by subscriptions to the Commissioners and leave to them the design and execution of the building and the management of the institution.

(Signed) T. GOVINDA ROW,
Vice-President.

No. 101.

Referred, through the Government Solicitor, for the opinion of the Advocate-General as to the legality of the proposed appropriation of municipal funds.

FORT ST. GEORGE,
24th January 1876.

(Signed) W. HUDLESTON,
Chief Secretary.

No. 78. From H. G. PRICHARD, Esq., Government Solicitor, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Madras, 31st January 1876, No. 54, forwarding the following opinion of the Advocate-General:—

OPINION.

The only words in Section 29 of the Towns Improvement Act, 1871 (Madras), which would seem to cover the proposed "Prince of Wales' Town Hall and Reading Room" at Combaconum are those contained in the concluding sentence of sub-section 3; and, though a Town Hall and Reading Room is a "work of public utility," it cannot, in my opinion, be regarded as one of the public works contemplated in this part of the sub-section, which is dealing, not with the construction of buildings, but with such matters as the cleansing of streets and tanks, &c. The construction of buildings is provided for in sub-section 2 and the commencement of sub-section 3, and it appears to me that a Municipality would scarcely be

*Proceedings of the Madras Government, Financial Department,
7th February 1876.*

justified under the Act in applying its funds to the construction of any other buildings than those there specified.

(Signed) H. S. CUNNINGHAM,

Advocate-General

31st January 1876.

No. 79. ORDER THEREON, 7th February 1876, No. 273.

The Advocate-General's opinion will be communicated to the President of the Combaconum Municipality. The Government cannot sanction the proposed application of municipal funds.

(True Extract.)

Chief Secretary

No. 6

President's Office
Vallam, 12th January/7

From

H. S. Thomas Esq.
President
Municipal Commission
Combaconum

To

The Honorable W. Hudleston
Chief Secretary to
Government
Madras

Sir,

Being doubtful whether
the enclosed resolution is in accordance
with the intentions of the act,
I beg to draw the attention of
Government thereto.

2. It seems to me that a
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diffusion of education, & that
if it were so held the con-
struction might with equal
justice be extended to the
supply of any instruction work
or

Bolt of 1876
Madras.

FINANCIAL.

To

THE PRESIDENT OF THE
MUNICIPAL COMMISSION,
Combaconum,
&c., &c., &c.

Dated February, 7th.

Issued

Recd.

Encl.

G.O., 7th February 1876, No. 273.

FEBRUARY.
Nos. 77-79.

Municipal Funds.—The proposed application
of municipal funds to the construction of a Town
Hall and Reading Room at Combaconum not
sanctioned under the opinion expressed by the
Advocate-General.

or periodical, and it would
be very hard to draw the now
instructive line.

I have the honor to be
Sir,
Your most-obl. servt.

Exc. A

Wm. Thomas
President

1. Read letter from the
Honorary Secretary of the Com-
= mittee of the proposed Prince
of Wales' Town Hall & Reading
Room requesting the Commis-
= sioners to contribute towards
the building.

(Signed)

(Signed) T. Govindakur
Vice President

(True Extract)

M. Murali
President

5/11/50

Copy of a resolution
of the Combaconum
Municipal Council
relating to
contribution for the
erection of a Town
Hall & Reading Room
in Combaconum
the Royal Engineers
the Public Trust
to the Public Trust
to the Public Trust

Enclosure
to the
The President
Municipal Council
Combaconum
to the
The Chief Secretary
to Government
Madras
Letter No. 1000/1/76.
No. 6.

DP 11

Opinion.

The only words in Section 29 of the Towns Improvement Act 1871 (No.) which would seem to cover the proposed "Prince of Wales' Town Hall and Reading Room" at Combaconum, are those contained in the concluding sentence of subsection 3: and though a Town Hall and Reading Room is a 'work of public utility', it cannot, in my opinion, be regarded as one of the public works contemplated in this part of the subsection, which is dealing not with the construction of buildings but with such matters as the cleansing of streets and tanks &c. The construction of buildings is provided for in subsections II and the commencement of subsection III, and it appears to me that a Municipality would scarcely be justified under the Act in applying its funds to the construction of any other buildings than those there specified.

/ Signed / H. L. Cunningham
Adv. Genl.
31st 1. / 76.

/ True Copy /
H. L. Richard
Government Solicitor.

Reading only.

N^o 54.

Madras, 31st January 1876.

From
H. G. Richard
Government Solicitor
Madras.

To
The Honorable W. Studdleston
Chief Secretary to Government.
Fort St. George.

Sir,

1. I have the honor to acknowledge the receipt of the Order of Government dated 24th January instant, N^o 101, together with its enclosures, (made on letter from the President Municipal Commission Combaconum to Government dated 12th January instant, N^o 6) requesting the Advocate General's opinion as to the legality of the proposed appropriation of Municipal Funds.
2. I submitted the matter for the consideration of the Advocate General and I now forward herewith a copy of his opinion and return the enclosures which accompanied the above Order of Government.

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 Govern-
ment, Fort St. George, dated
31st January 1876, N^o 54.

d. 20th-287
76.

Govt. of 1876 Madras.

Encl

G.O., 7th May, 1876, No. 273

Nos. 77-79.

Municipal Funds - The
proposed application of
Municipal funds to the
Construction of a Town Hall
and Reading Room at Comba-
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under the ^{provision of}
proposed by the ^{Advocate}
General -