10-8-18

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	Department.	C. No.	Year.			

L. & M.
9,000-8-8-90.

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 1220 M

DATED 31st July 1895.

[Despatch Abstract.]

Leper Hospital, Calicut.

Requesting the Advocate-General to give his opinion whether section 15 of Act V of 1891, in spite of the effect of section 12 of the same Act, would permit Government to resume institutions which have been vested in municipal councils under the Towns Improvement Act of 1871 and the District Municipalities Act IV of 1884 or may hereafter be so vested under the latter of the above Acts or similar enactments.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

OPINION.

I think the safest course will be to amend the Act by conferring upon Government the power of resuming the buildings and institutions &c., which may be vested by Government in District Municipalities under Madras Act IV of 1884, section 25.

J. H. Spring Branson

Advocate General

Madras
5th July
1895.

(True Copy)

Ernest Barclay

Government Solicitor.

Local (1895) & Municipal Department
CURRENT No. 2203 M

Mem 830/95
Cur 1629 M/95
Cur 1277 M/95
370 M 21-3-94

From
Ernest Barclay
Government Solicitor
Madras

To
The Chief Secretary
to Government
Ootacamund

No. 354

Dated 5 July 1895
Recd

CHIEF SECRETARY
7 JUL 1895
GOVERNMENT OF MADRAS

Forwarded w/ opinion of the Advocate General ~~with reference~~ ~~to the Order of Government~~ asked for in G.O. dated 20 June 1895 No 830 Local & Municipal

Ernest Barclay
Government Solicitor

13/7

[G./25.]
600—7-5-95.

L & M 3/ DEPARTMENT.

8

C. No.s 2806 M/94 and 1001. 1629 & 2203 M. of 95

FOR ORDERS.

I should make a further refce to the Adv. Genl. pointing out the bearing of the Gen: Clauses Act.

25/7/95

Please see notes & orders on the first two of the currents read above.

With the second current the Collector of Malabar forwards copies of the correspondence that took place between the Mission authorities and the Council when the hospital was handed over to the former. It will be seen that the Council exacted no conditions from the Mission except that a leper hospital should continue to be maintained in the building.

The Govt. of India's letter about lepers in G.O. 1080 M/8.7.95 * has ~~[illegible]~~ altered the position of Govt. in respect to the matter, & it is now chiefly for consideration how the Govt. can re-obtain possession of the Hospital.

As long as the Mission controls it, ~~it~~ they will endeavour, probably, to avoid conducting it on non-sectarian

* vide G.O. 60 Legisl./12-8-95

lines, so that Govt. cannot well allow it to take the place of a Govt. institution for lepers in Calicut.

(~~Section~~ Para. 2. of the Govt. of India's letter shows that it is considered necessary that lepers should not be compelled to attend religious observances at Govt. leper asylums as the Draft drawn up by India's order for the isolation of lepers Bill had an express provision to this effect.)

The Mission are hardly likely to give up the Hospital to Govt. for the mere asking, nor perhaps would the withdrawal of the Council's small contribution of Rs. 200 annually make them give it up. Perhaps however Govt. might, — should it be eventually decided that a Leper Hospital in Calicut is required — by the effect of representing to the Mission that the Hospital is wanted by Govt.

For it does not appear possible to compel the Mission to now return the Hospital. The Advocate-General was asked whether, under the existing law, ~~would permit~~ the power to vest includes the power to resume, & though his opinion is not an elaborate one, & he does not seem to have thought of the General Clauses Act, he says

FOR ORDERS.

[G./25.]
600—7-5-95.

DEPARTMENT.

C. No.

FOR ORDERS.

that he considers it would be best to amend Act IV of '84 sec. 25. (see Current 2203-M.)

But even were this section ~~law act~~ amended specifically as proposed, it is doubtful whether it wd. be possible for Govt. to resume the present Hospital, for the Council in which Govt. vested it has again transferred it to a third party. (This transfer was certainly made with the permission of Govt., & it might on that ground be able to resume the hospital.)

For the present it appears only to be possible to suggest to the Council that if it does not like the lepers to be compelled to attend at religious instructio[n] it can withdraw its contribution of Rs. 200, and in order to get back the Hospital into Govt.'s hands, either to represent all the facts to the mission & ask them to give it back, or to await the amendment of Act IV of '84 & then see whether the resumption can be enforced under an amended sec. 25 even though the Council has passed on the hospital to a third party.

Orders are solicited.

W.C. 22.7.95 The A.G.'s reply is of the Inspect and thinks the question asked.

24/7/95

C.S. Read current 2203 M.

Order. 31.7.95. No. 1220 Mun.

Sec 15. of Act I of 1891 (the Madras General Clauses Act) provides that "where an Act, confers a power....to issue orders, the power shall be construed as including a power exercisable in the like manner, and subject to the like consent & conditions, if any, to rescind, revoke, amend, or vary the .... orders". The Advocate General will be requested to give his opinion whether this section, notwithstanding the effect of section 12. of the same Act, would permit Govt. to resume institutions which ① have already been vested in Municipal Councils under the Towns Improvement Act 1871, and the District Municipalities Act (IV of '84) ② may hereafter be so vested under the latter of these Acts or similar enactments.

W.C. 26.7.95 (from orders.)

29/7/95

To Advr. General

Desp. 3/8/95

Leper Hospital at Calicut

H.M.

FOR ORDERS.

C 25/7

26/7

When given for copying ——
When copied ——
When examined ——
When signed —— } 189

READ AGAIN G.O., No. DATED
189 ,

CURRENT NO.

ENCLOSURES TO C. NO.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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19-3-17.
13-9-20. B.T.I. ✓

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1060 A.L. 15-7-95

3-2-10

INDEXED.
Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 31-7-95
No. 1219 M.

When given for copying.

[Despatch Abstract.]

Health Officer

Recording letter from the President, Munl. Commission, Madras, reporting that Mr. J. Neild Cook, Health Officer, Madras Municipality handed over charge of his Office to the President on the afternoon of 17th July, 1895.

Read again Order of Government, dated
189 , No , Miscellaneous.

Enclosures.

Current No

Statement with ditto.

Order of Government

Statement with ditto.

Papers not filed up, being meant for despatch in original (not paged).

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Back Paper, No. of 189

Further Paper, No. of 189

Copied by

Examined by

Genl. Dept.
9

Genl. D
12

G. No. 232

MUNICIPALITY OF MADRAS.
General Department.
Madras, 17 July 1895

URGENT

From

Lieut.-Col. G. M. J. MOORE, C. I. E.,
President, Municipal Commission.

To

The Chief Secretary to Government,
Fort St. George.

Sir,

With reference to para 2 of G.O. dated 5th July 1875. No. 1060 A.M. I have the honor to report that M J. Nield Cook, Health Officer, Madras Municipalit has handed over charge of his office to me this da after-noon.

I have the honor to b
Sir,
Your most Obed. Serv
G. M. J. Moore
President, Mmul Co

17 July

The Chief Secretary to Government
Fort St George

With reference to [illegible] 1895 [illegible] I have the honour to report that [illegible] handed over charge of his office to me [illegible]

I have the honour to be
Sir
Your most obedient
[illegible]
President [illegible]

5,000—21-7-09.

Paper taken out of the Recor

Dept. L&M Press/Mis./Rout. No. 1219, date

Date taken out.	FOR WHAT PURPOSE.		
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3. 2. 10	L&M MR	4198 M/ 311	10

1895. 2324 M

Madras Municipality.

From

The President,
Municipal Commission,
MADRAS.

To

The Chief Secretary
to Government
Fort: St: George.

G. No. 232

Dated
Despd. 17th July 1895
Recd. 19 JUL. 95 18th " 1895

Enc.

SUBJECT.

Reporting that Mr. J. Nield Cook health officer: Madras Municipality handed over charge of his office to the President on the afternoon of 17th July 1895.

Order. 31-7-95 No. 1219 Mis.

Recorded.

V.R.
25/7/95

27/7/95

R. O.

10604 L 15-7-95

Local & Municipal Dept.
Genel: Deptt.
CURRENT No. 1895. 2324 M

Madras Municipality.

From

The President,
Municipal Commission,
MADRAS.

To

The Chief Secretary
to Government
Fort: St: George.

G. No. 232

Dated 17th July 1895
Despd. 18th " 1895.
Recd. 19 JUL. 95

Enc.

SUBJECT.

Reporting that Mr. J. Nield Cook health officer Madras Municipality handed over charge of his office to the President on the afternoon of 17th July 1895.

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H
Misc.

Order 31-7-95 No. 1219 Mun.

Recorded.

25/7/95

V.R.
25/7/95

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PAPERS NO
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5,000—21-7-09.

MADRAS RECORD OFFICE.

Block No. 111

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3. 2. 1	L&M MR	4198 m 311	10		15/3/10	