

Local & Munl. (189) Department.

MISCELLANEOUS.

G.O., No. 1388 *em*

DATED 21-9-99

INDEXED.

DESPATCHED.

[Despatch Abstract.]

Munl Council. Communicating to the
Collector of Madura the Advocate General's
opinion ^{stating} that the office of chairman
of the Madura — became vacant
on the 11th Feb 1899 and requesting him to
take necessary action upon it.

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Munl. (1899) Department.

CURRENT No. 2383 M

From

The Govt. Solicitor,
Madras

Order

No. 458

Dated } 5th Sept. 99
Received }

Registered 6th Sept. 99

Enclosures C. no. 2176 M of 99 returned

Spare copies nil

SUBJECT.

Forwarding the
Advocate General's opinion that
on the true construction of sections
of the Dt. Muntly Act as amended
the office of Chairman of the
Madura muntly became
vacant on February 11th.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Section 17
G.O. No 1388m 7/2/9-99
O P I N I O N

REPT. 238.3 m

I. I am of opinion that, on the true construction of s.17 of the Madras District Municipalities Act, as amended, the office of chairman of the Madura Municipality became vacant on February 11th 1899.

2. The question turns on the construction to be placed on the words "appointed to be chairman" in section 17. Do these words mean who has been or who may hereafter be &c, or do they mean who may hereafter be &c? No doubt the latter interpretation would be the more convenient, but, in my view, the section cannot be construed so as to limit its application to appointments made after the coming into operation of the amending Act. If the section had run the office of the municipal councillor appointed to be chairman shall be deemed to be vacant on the expiry &c, it might fairly have been argued that the effect of the section was not retrospective. But the actual words of the section are "shall be deemed to have vacated". It seems to me that these words show that it was intended that the section should have a retrospective effect, since they cannot be construed otherwise than as applying to a point of time anterior to the date when the amending Act came into operation.

C. Arnold White

Adv: Genl:

2-9-99

Madras.

(True Copy)

Ernest Saulay

Government Solicitor

(1899) Department

From
Ernest Barclay
Government Solicitor
Madras

To
The Secretary to Government
Local & Municipal Department
Madras

N^o 458

5th SEP. 1899

Dated 5th September 1899
Recd

Encl 1.

Forwarded with enclosure
with reference to the Order of
Government N^o 1235 M. Mis. dated
29 August 1899 Local & Municipal
Ernest Barclay
Government Solicitor

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., No. 1235 M, dated 29th August 99 1899
Current No. 2353 M of 1899, dated 29th September 99 from the Govt. Solicitor
Current No. of 1899, dated from the

SUBJECT.

Chairmanship of the Madras Municipality.

FOR ORDERS.

Genl. No. 1235 M of 29th August 99
+ G.O. 2353 M of 1899

order N^o 1388 M of 21-9-99
with which the foregoing

The Advocate General's opinion will
be communicated to the Com^{rs} of
Madras, who will take the
action necessary upon it, notifying
to the Municipal Council that the
office of Chairman is vacant.

14th 99
I agree
18.9.99

To The Collector of Madras
24/9/99

In reply to the reference made
to him in the Govt. order read above, the
Advocate General expresses the opinion
that on the true construction of Sec.
17 of the St. Municipalities Act, as amended,
the office of Chairman of the Madras
Municipality became vacant on the 11th
February 1899.

12/9/99 If the Advocate General's opinion
be accepted - the proper course

affair is for Government to communicate
the opinion to the Collector and direct him
to notify the Council that the office of
Chairman is vacant & then under
S. 15 of the Act either the Vice Chairman
- if there is one in Madras -
or the Revenue Dist. Officer will take
charge of the duties of Chairman.

15th 99

Then given for copying _____
 Then copied _____ } 189
 Then examined _____
 Then signed 24/9

READ AGAIN G.O., No.
 189

, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.

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