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John Brown
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Local and Municipal Dept

Executive (1899) Department.

ORDINARY PRINTED.

G.O., No. 87

DATED 24-7-99

INDEXED.

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[Despatch Abstract.]

Bill further to amend the Marcos Local Board
Act V of 1884

Cong to the Select Committee on the ———— progo.
L. the dept on the subject of inserting a
provision in the Local Board Act empowering
a Local Board to make by-laws for securing
cleanliness, safety & order in the streets.

For 1/2

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

FURTHER PAPERS.

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

Government {1899} of Madras.
LEGISLATIVE.

Recd. } *Enclosures*
Regd. } 1899. *Spare copies*

G.O., No. 87, 24th July 1899.

JULY.

Bill further to amend the Madras Local Boards Act V of 1884.

Communicating to the Select Committee on the — proceedings, Local and Municipal Department, on the subject of inserting a provision in the Local Boards Act empowering a Local Board to make bye-laws for securing cleanliness, safety and order in the streets.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

Read—the following paper :—

G.O., Mis. No. 1424 L., dated 18th July 1899.

Read—the following letter from the Superintending Engineer, I Circle, to the Chief Engineer, Public Works Department, dated 19th May 1899, No. 1108 G.E. :—

I have the honour to bring to your notice that materials for the Cocanada water-works have to be carted along a new Local Fund road called "Brodie's road."

2. Under ordinary circumstances, this road would carry little more than ordinary station traffic. The material carts cut it up badly, and the District Board Engineer stopped traffic on it.

3. Two courses were open to us, either to construct a new road for our carts or to come to an agreement with the Local Fund Engineer. The new road would have followed a circuitous route on a sand track, would have taken a long time to construct, and have been very expensive.

4. The Local Fund Engineer was prepared to re-open the road, provided Rs. 250 were paid to the Board to meet the expense of repairing the road.

5. As far as the amount goes, the sum asked is reasonable enough, and I permitted the Executive Engineer, Gódavari eastern division, to accept the terms, under Public Works Code, Volume I, Chapter VII, paragraph 20.

6. The Examiner, Public Works Accounts, objects to admit the charge, as it is an unusual one, and requests sanction of Government to admit it.

7. I have the honour to request that the charge may, in this case, be admitted; but it, at the same time, appears to me desirable that a ruling of Government should be obtained, as to what rights a Board or Municipality possess to regulate the amount and nature of the traffic on roads within their jurisdiction.

8. In the present case, there is no doubt that the carts would have destroyed the road, and great delay and inconvenience would have been caused to the work, had traffic been stopped. I, therefore, acceded to the Local Fund Engineer's terms. Other cases, however, of a similar nature are sure to arise, and it would be as well to have the position clearly defined.

Order—Mis. No. 1424 L., dated 18th July 1899.

Under the Madras Local Boards Act V of 1884, no Local Board is competent to prohibit traffic on any road. The action of the District Board's Engineer, Gódavari, in the present case in prohibiting the use of "Brodie's road" by carts conveying materials for the Cocanada water-works was not therefore warranted by law. In the circumstances of the case, however, the Local Board was fairly entitled to a contribution towards the additional expenditure entailed on it by the wear and tear caused to the road on account of the unusually heavy traffic passing over it.

2. Under section 255 (1) (iv) of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, a Municipal Council is empowered to make bye-laws for securing cleanliness, safety and order in the streets and a bye-law prohibiting the passage of heavily-laden carts along a particular road within municipal limits would apparently be legal. The advisability of introducing into the Madras Local Boards Act a similar clause will therefore be recommended, in the Legislative Department, for the consideration of the Select Committee of the Legislative Council appointed to consider and report on the Bill to amend Act V of 1884.

(True Extract.)

(Signed) F. J. WILSON,
for Secretary to Government.

To the Public Works Department.
" Legislative Department.

ORDER—No. 87, Legislative, dated 24th July 1899.

Communicated to the Select Committee on the Bill further to amend the Madras Local Boards Act V of 1884.

(True Extract.)

C. J. WEIR,
Ag. Secretary to Government.

To the Select Committee on the Bill further to amend
the Madras Local Boards Act, V of 1884.

Legislative (1899) Department.

CURRENT No. 200

Read a - 40

resp

From

The Local Municipal Dept

Order No. 878 247.2

Communicated to the Select Committee on the Bill further to amend the Madras Local Board Act of 1884.

No. 14242

Dated 18-7-99

Received

Registered

Enclosures

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24/7/99

686/7-99
24

SUBJECT.

Road Stating with remark that no Local Board is competent to prohibit traffic on any under the Madras Local Board Act of 1884.

The Select Committee on the Bill further to amend the Madras Local Board Act, 1884.

24/7/99

Tob

31.7.99.

G.O.	No.	Department.	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Local and Municipal Dept.

Cor No 1618 L

Hot Orders.

In the Indorsement referred above, the Public Works Department refers for the remarks of the Local and Municipal Department a suggestion made by the Superintending Engineer, Trich Circle, that a ruling of Government should be obtained, as to what rights a Local Board or Municipal Council possesses to regulate the amount and nature of the traffic on the roads within its jurisdiction.

2 Under Section 255 (1) (iv) of the Madras District Municipalities Act of 1884 as amended by Act III of 1897, "the Municipal Council may, from time to time, make by-laws ... for securing cleanliness, safety and order in the streets" and a by-law prohibiting the passage of heavily laden carts along a certain road will therefore be perfectly legal.

3 The Madras Local Boards Act of 1884, however, does not contain a similar provision and no Local Board is therefore competent to prohibit traffic on a particular road.

tion of the District Board Engineer
Podavari, in the present case in prohibi-
ting the use of "Woddis Road" by carts through the roads under the Act
conveying materials for the Cocanada water works and subsequently throwing
it open to such traffic after put upon it. The Board cannot
the Public Works Department had promised to pay a contribution of Rs 250
to the Local Board to meet the cost of repairing the road, was therefore
illegal, although in the circumstances of the case the Local Board appears
to be fairly entitled to a contribution towards the additional expenditure
incurred on it by the wear and tear caused to the road on account of the
unusually heavy traffic passing over it. In G.O. No 2156 L dated 13 November
1895, the payment by the Chingleput District Board of an annual contribu-
tion of Rs 250 to the Cantonment Committee, St Thomas Bazaar towards
the maintenance of the Cantonment roads was sanctioned by Government
in consideration of the fact that these roads were subjected to very great
wear and tear by the passage of a large number of carts conveying materials
to the Madras Local Boards

This is apparently
the roads under the Act
which has the duty of maintaining them
The Board cannot
interfere with the traffic
on the roads except by
imposing tolls upon it.

b.p.b.
5.7.

Yes. I think it will be
an improvement. Transfers
to Legist. with a view
to the addition being
made with the sanction
of the Select Committee.

Act 7.7.99

Act is now under revision, it is sub-
mitted that the question of introducing
a clause therein empowering the District
Board to make rules for securing
cleanliness, safety and order on the
roads may be recommended for the
consideration of the Select Committee
of the Legislative Council appointed
to consider and report on the Bill
to amend the Act in question.

The above suggestion
is submitted may be
adopted. A sect. in Local
Bds Act. similar to 255 (1) (iv)
Dist. Municipalities Act is
much wanted.

b.p.b.
5.7.99.

To. H. P.
Transfer upon P. H. D. has been
b.p.b.
5-7

31.7.99.

First copy sent to P. 10

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READ AGAIN G.O. No. 189

DATED

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ENCLOSURE TO C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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