

L. & M.
9,000-3-8-96.
Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. *1579/m*

DATED *30th September 1895.*

[Despatch Abstract.]

Bill to amend Act IV of 1884.

Requesting the Legislative Department to consider the expediency of inserting in the draft-----a clause to section 25 empowering Government to resume institutions and properties once vested in Municipal Councils.

Ep 1579M
30.9.95

Local & Municipal Dept.
Opinion
CURRENT No. 27/5M

BACK PAPERS.

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

FURTHER PAPERS.

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

(a) Sedgwick on
the Construction
of Statutes p. 582.
(note)

Not in
Sedgwick Library

1. In my Opinion dated 5th July 1895, I said that I thought that it would be well to confer the power of resumption therein referred to, by an amendment of Madras Act IV of 1884. This would effectually prevent any doubt or difficulty arising with regard to resumption of certain public institutions once vested in a Municipal Council by Government.
2. Upon further consideration I think that such an amendment is unnecessary. "Over the Municipal Corporation and over its public property, the power of the Legislature is supreme." (a) Government vest in a Municipality certain public institutions for the benefit of the public, and can resume control over them whenever such resumption is necessary in the interests of the public.
3. Under these circumstances it seems to be unnecessary to consider whether Section 15 of the Madras General Clauses Act I of 1891, confers the power of resumption above referred to.
4. For the reasons above given, I think that

that

1220 h 31-7-95
1080 h 8-7-95
370 h 21-3-94

(1895) Department
Local & Municipal Dept.
CURRENT No. 2715 M
From.

Ernest Barclay
Government Solicitor
Madras

To
The Chief Secretary
to Government
Ootacamund

GOVERNMENT OF MADRAS
27. AUG. 1895

11° 465.

Dated 26 August 1895
Recd

Forwarded with reference
to the Order of Government
dated 31st July 1895.
N° 1220. M. This Local
& Municipal.

Ernest Barclay
Government Solicitor

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., dated

Current No. 2715 M. of 1895, dated

Current No. of 189 , dated

189 , No.

26th August from the Govt. Solicitor,
from the

FOR ORDERS.

The current read above
- has the opinion of the Advocate
- General, called for in G.O. dated
31st July 1895, No. 1220 M. May
not the Municipal Council be now
asked to resume possession of the
hospital?

Please see notes in this
Suggesting that there will have to eventually
be a Govt. or Munt. Leprosy Hospital,
probably, in Calicut.

The building was made over
under S. 15 of Act III of 1871 -
Please submit a copy of that
Act

Put up the papers resubmitted.
11/9/95

The Advs. Genl. seems to me
all wrong. I don't think we
can do anything until we
get the Munt. Bill passed -
Sub-clause like (2) in S.
will have to be added to S.
Please see to it

13/9/95

18/9/95

that as the law now stands, Government can
resume control over the institutions referred to

J. H. Spring Branson
Advocate General

Madras
24th August 1895

(True Copy)

Ernest Barker
Government Solicitor

When given for copying _____
 When copied _____
 When examined _____
 When signed _____

189.

READ AGAIN G.O., No.
 189 ,

DATED

CURRENT No.

CLOSURES TO C. No.

ORDER OF GOVERNMENT

ORDER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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C8.

Order 30-9-95-N. 1579 min.

It has recently been brought to notice that although sec. 25 of Act II of 1884 gives Govt. the power to vest certain specified descriptions of institutions & properties in Municipal Councils, yet the Act contains no provision permitting their subsequent resumption.

2. It appears to be desirable that Govt. should be enabled to resume institutions & properties vested under this section in Munc. Councils, & the Legislative Dept. will be requested to consider the expediency of inserting in the Draft Bill to amend Act II of 1884 a clause, to be appended to section 25, to effect this object.

Mr. 2/95 (from order)
 The Regis^{tr} - Dept. 20/9/95
 Dupd 5/10/95