

Marine (1899) Department.

G.O., No. ^{204 + 204}/_A Marine

DATED th 4 March 1899.

R J 469m
31-5-99

Boat Rules

[Despatch Abstract.]

Ordered that the Govt of India be informed
of the grounds on which it is held that the Govt
of Madras have now no power to fix the rates of
hire for licensed boats plying for hire.

Letter to the Govt of India.

2. $\frac{204 \text{ Mar } 2}{A} \text{ } 4-3-88$

Sir,

I am directed to acknow-
ledge the receipt of your letter
No. 5749 SR d/ 31st December 1898
requesting to be informed of the
grounds on which it is held that
the Government of Madras have
now no power to fix the rates of
hire for licensed boats plying for
hire.

2. In reply, I am to forward
for the information of the
Government of India, the

Marine (1899) Department.

CURRENT No. 40

Order

From The Govt of India

No. 574952

Dated 31-12-98

Received 7-1-99

Enclosures

Spare copies

SUBJECT.

Licensed Boats.

Requesting to be informed of the ground on which it is held that the local Govt have no power to fix the rates of hire for plying for hire.

24/3/99

fla

accompanying copy of the Proceedings of This Government No 532 Marine d/ 14th June 1897 with which is printed a Communication from the Acting Advocate General, Madras, d/ 10th ~~June~~ ^{May} 1897 in para 11 of which, commenting on the Madras boat rules, he states that "the legality of some of the other rules, especially the one enabling Government to fix rates of hire from time to time, seems as questionable as the rules which have been declared ultra vires" by the High Court in the decision of which a copy was forwarded with the Hon. Sec. to the Govt. letter No. 245 Marine d/ 2nd April 1898.

3. I am to add that the legality of the rule empowering the Government to fix rates of hire has not, it is believed, been decided by any Competent ~~Universal~~ Court of Law -

I have &c

Am
24/2/99
m

Am. 2288 Nov 298

The Secretary to the Government of Madras,
Marine Department

Sir,

I am directed to refer to the correspondence ending with your letter No 245 Marine dated the 2nd April last, and with reference to the concluding sentence of paragraph 2 of your letter No 99 Marine dated the 7th February 1898, to request that, with the permission of His Excellency the Governor in Council, the Government of India may be informed of the grounds on which it is held that the Government of Madras have now no power to fix the rates of hire for licensed boats flying for hire.

2nd The High Court's decision forwarded with your letter of the 2nd April last do not refer to this point, while in the correspondence forwarded with your endorsement No 457 Marine dated the 18th December 1890 the opinion of the Advocate General, Madras dated the 25th August 1890 is recorded that section 6 clause (K) of the Indian Ports Act X of 1889, read

read with section 15, gives the Local Government
power to make rules for, among other matters,
fixing rates of hire for boats conveying cargo
or passengers," and the Government of India
are not aware of any doubt as to the
correctness of this opinion having since
been expressed by any competent authority.

I have the honour to be,
Sir,

Your most obedient Servant,

J. A. Wilson

Offg. Secy to the Govt of India