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MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 1115 Press Mis.

655-656

Dated 19-6- 1866.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department,
19th April 1864.

No. 455. Read the following Proceedings of the Madras Government in the Legislative Department:—

Passing orders on the Public Works Proceedings relative to the passing of an Act founded on the English Carriers Act. } (Here enter 9th April 1864, No. 71.)

No. 456. ORDER THEREON, 19th April 1864, No. 1,115.

Communicated to the Superintending Engineers 1st and 2nd Divisions.
(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 1st Division.
„ Do. do. 2nd Division.

Exd. S. T. Augustin.

Proceedings of the Madras Government, Legislative Department, 9th April 1864.

No. 1. Read the following Proceedings of Government in the Public Works Department.

Read letter from J. R. BOYSON, Esq., Government Solicitor, Madras; to Colonel W. I. BIRDWOOD, R. E., Secretary to Government, Public Works Department, dated Madras, 21st July 1863, No. 507.

I have the honor to acknowledge the Proceedings of Government, noted in the margin, referring for the further consideration of the Advocate General, the proposed Rules for licensing boats on the Canals in the Godavery District, herewith returned.

Dated 16th July 1863, No. 1917, Public Works Department.

2. I submitted them to the Acting Advocate General with the former correspondence on the subject, and have also conferred with him thereon, and I now forward a copy of his further opinion.

COPY—OPINION.

The Acts to which I referred are 11 Geo. 4, and 1 W. 4, C. 68, and the Railway and Canal Traffic Act of 1854, 17 and 18 Vic. 31, which need only be looked at to see the general nature of their provisions.

2. The Canal and River Constable Act III and IV, Vic. C. 50 may be advantageously looked at with reference to the measures adapted for keeping the peace on the Godavery and other great navigable rivers.

3. I see no objection to such rules being framed and enforced forthwith as are contemplated in the Proceedings of Government in Public Works Department of 16th July 1863, No. 1917.

(Signed) J. B. NORTON,
Advocate General.

MADRAS, 20*th July* 1863.

(True Copy.)
(Signed) J. R. BOYSON,
Government Solicitor.

Order, 30*th July* 1863, *No.* 2143.

Communicated to the Superintending Engineer, 1st Division, with reference to Proceedings, dated 28th April and 16th July 1863, Nos. 1055 and 1917 respectively, and with a request that a revised Draft of Rules may be prepared and submitted prohibiting parties declining to pay the toll from using the Canals in the Godavery District.

2. The question of passing an Act founded on the English Carriers Act will be considered in the Judicial Department, to which Department the papers as per margin will be transmitted.

Proceedings, 28th April 1863, No. 1055, with Draft of Rules.
Do. 16th July „ „ 1917.
Do. 14th do. „ „ 1880.

(True Extract.)
(Signed) W. I. BIRDWOOD, Colonel, R. E.,
Secretary to Government.

No. 2. ORDER THEREON, 9th April 1864, No. 71.

The Governor in Council is of opinion that it would not be advisable to pass in the Madras Legislative Council such a Carriers Act as was recommended by the late Acting Advocate General.

Proceedings of the Madras Government, Legislative Department, 9th April 1864.

2. The extension of Railways and Canals, and the increase of Transit and Steam Navigation Companies, calls for legislation upon the subject of Carriers. But legislation to be effective ought to be of an Imperial character. Merely local Acts would produce a conflict of laws which would be most injurious to Commerce. Great inconvenience would arise if a Transit Company, carrying on operations in different Presidencies, were to be subject to different degrees of liability in respect of goods conveyed from Bengal to Madras, and from Madras to Bengal.

3. The Governor in Council resolves therefore, to call the attention of the Government of India to the defective state of this branch of the law, and to suggest that a general Act should be passed placing the law of Carriers by land and by water as nearly as possible on the same footing in India and in England.

(True Extract.)

Wm Bragge

Asst. Secretary to Govt.

To the Public Works Department. With 2 spare copies
„ Advocate General.

Exd. R. H. Lee.

Lr

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No 1115

Communicated to the
Supg Engineer 1st & 2d Division

Chepauk
19th April 64

To The Supg Engineer 1st Dn
" " 2d Dn

X 87

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Dated 20th April

P. W. 1864 Depte
Pro. of Govt. Jud. Dept.
No. 1578
Pro: of Govt. in the
Legislative Depte
Dated 9 April
Received 13
No. 71
No. 1145 - 19th April 64
Passing orders on
the M. Pro. relative to the pass-
ing of an Act founded on
the English Carriers Act -

No. 455-456

With an Order -

Exd: R. H. Lee.