

MADRAS RECORD OFFICE.

Government of Madras.

Public **DEPARTMENT.**

G.O. No.	<i>1520</i>	Press Mis.
Dated	<i>4-12-1967</i>	

Not to be folded or roughly handled

No. 24. Read the following letter from the President of the Municipal Commission, Trichinopoly, to the Chief Secretary to Government, Fort Saint George; dated Trichinopoly, 29th October 1867, No. 33.

I have the honor to request the sanction of Government to the annexed bye-laws. The first three have not received the sanction of Government on any previous occasion, but the last one has been sanctioned in the case of several Municipalities with a little variation.

BYE-LAWS.

1. The owner or occupier of every house standing on, and surrounded by, land of an area exceeding eight grounds, shall provide a good and sufficient latrine in a convenient place within such area, for the use of servants and persons employed in or about such house, and shall keep the same in a clean and proper manner, subject to the penalty or penalties provided for in bye-law No. 6 of this Municipality.

2. That owners or occupiers of property within Cantonment limits be required to provide a wall or hedge around their compounds, and to keep the same in proper order and repair;—height, four feet.

3. That owners or occupiers of property within the same limits be required to provide a dust bin for the deposit of house sweepings, &c., and a pit, with a low surrounding wall, for stable refuse.

4. The Commissioners may, by a notice issued to the owner or occupier of any premises, require the external walls belonging to such premises to be whitewashed in a given time.

(Signed) G. VANS AGNEW,
President, Municipal Commission.

No. 25. ORDER THEREON, 4th December 1867, No. 1520.

Proposed bye-law No. 1 is not approved. Sections 88 and 89 enable the Commissioners generally to abate nuisances, and the Government do not consider it desirable to make special enactments affecting private property, such as are proposed in the draft bye-law.

2. In lieu of draft bye-law No. 2, the following bye-law, approved and sanctioned in the case of Cuddapah will be substituted. The latter, it will be observed, applies only to *existing* fences and boundaries.

“The owners or occupiers of premises abutting on public roads shall keep the walls, hedges, and existing boundary marks, in good repair, and in such order, as regards height, size, or other particulars, as may, from time to time, be ordered by the Commissioners in writing.”

3. No. 3 is not approved, the Government not being prepared to compel the inhabitants of Municipalities to provide dust bins at their own expense.

4. In lieu of draft bye-law No. 4, the following bye-laws, similar in effect but more definite, will be substituted.

“The external walls of houses, yards, &c., bordering the public ways shall be lime washed once at least annually, unless specially exempted by the Commissioners. Such lime-washing shall be effected before the 1st October in each year.”

“If the lime-washing shall not be performed within the time, or as often as, specified above by the owner or occupier of the building, it shall be done by the Municipal Commissioners, and the expense incurred therein shall be recovered in the same way as arrears of rates on houses, &c., are recoverable, under Section 74 of Act X of 1865.”

5. Considerable trouble and waste of time have been entailed upon Government, owing to the President not having observed the instructions contained in the Notification published in the *Port Saint George Gazette* of the 26th July last. The statement to the effect that none of the first three of the draft bye-laws had been previously sanctioned is not correct, and that to the effect that the last had been sanctioned "with a little variation" is vague.

(True Extract).

Chief Secretary.

To the President of the Municipal Commission, Trichinopoly.

Exd. J. H. Burns.

Trichinopoly Municipal Commission Office
29th October 1867
No. 33

From

G. Trans. Agnew Esquire

President Municipal Commission
Trichinopoly

To

The Honorable A. S. Adambast
Chief Secretary to Government
Fort St. George

Sir,

I have the honor to request the sanction of Government to the annexed Bye-Laws. The first three have not received the sanction of Government on any previous occasion but the last one has been sanctioned in the case of several Municipalities with a little variation.

Bye-Laws

1. "The owner or occupier of every house standing on, and surrounded by land of an area exceeding eight (8) grounds shall provide a good & sufficient latrine in a convenient place within such area for the use of servants and persons employed in or about such house and shall keep the same in a clean and proper manner subject to the penalty and penalties."

"penalties provided for in Rye Land Act
of this University."

2. "The same, and a secure safe Pro-
-perty within Canton limits be re-
-quired to provide a wall or hedge
-around their compounds and to keep
-the same in proper order and repair
-height 4 feet."

3. "That an ^{any} occupier, of pro-
perty, within the same limits, be re-
quired to provide a dwelling for the
destitute & cause, sweeping of canals,
&c., with a law, surrounding all for
"State refuse."

4 The Commission may lay
a notice issued to the owner or occu-
piers of any premises require the
external walls belonging to such pre-
mises to be whitewashed in a given
time.—

Have the honor to be,

22

James L. Luedin, Esq.

Maus Agnew

President

Municipal Commission

but where is that in Ky. Can't find it

~~not~~ ~~from~~ ~~74~~

51

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter

from the President of the Municipal Commission in Chinnopoly.

Recd letter 30th Oct. 1867 N^o 33.

Order thereon 4th Dec^r. 1867 N^o 1520.

Proposed Bye Law N^o 2 is not approved; Sections 88 and 89 enable the Com. commissioners generally to abate nuisances, and the Government do not consider it desirable to make special enactments affecting private property such as are proposed in the draft Bye Law.

In lieu of draft Bye Law N^o 2 the following Bye Law approved and sanctioned in the case of Cuddalore

W. H. W. A. H.

1520
The Municipal Commission
Chinnopoly
To the Secretary to the Government
Madras

1520
1520
1520

By the Secretary to the Government
Madras

Cuddapah will be substituted. The latter it will be observed applies only to existing fences and boundaries.

"The owners or occupiers of premises abutting on public roads shall keep the walls, hedges, and existing boundary marks, in good repair, and in such order, as regards height, size, or other particulars, as may, from time to time, be ordered by the Commissioners in writing."

No 3 is not approved, the Government not being prepared to compel the inhabitants of municipalities to provide dust bins at their own expense.

In lieu of Draft Bye Law No 4 the following Bye Law, similar in effect but more definite, will be substituted.

The

11
"The external walls of houses, yards, &c., bordering the public ways shall be lime-washed once at least annually, unless specially exempted by the Commissioners. Such lime-washing shall be effected before the 1st October in each year.

"If the lime-washing shall not be performed within the time, or as often as specified above by the owner or occupier of the building, it shall be done by the Municipal Commissioners, and the expense incurred therein shall be recovered in the same way as arrears of rates on houses &c., are recoverable under Section 74 of Act X of 1865."

Considerable trouble
and

The Statement to the effect that none of the first three of the Draft Bye Laws had been previously sanctioned is not correct, and that to the effect that the last had been sanctioned "with a little variation" is vague.

To the President of the Union & Commission
Metropolitan
Sept 12

Read the following letter from the President of the Municipal Commⁿ, Indianapolis.

I object to No. 2 & 3,
 as being unnecessary
 except to the intent
 of better health of the
 House. Bye laws similar
 to those now proposed
 have sanctioned for many
 other municipalities?
 think No. 3 is *infringing*
 by A.

These letters 30th Feb 1867 No. 33.

The second, third
 fourth of the foregoing
 laws are approved and
 sanctioned. Bye law No.
 to exceed the provision
 the Act, and is not
 sanctioned. Sections

In his letter, Mr. Pickens has requested to conform to the G.O., we repeat the date of a bye-law formerly sanctioned, but marginally inserted. - But, if a bye-law of this kind, he is entitled varied as the President states that one of the proposed B. Laws has been, it cannot be properly said to have been previously sanctioned. -

Proposed By Laws No. 1, goes
beyond the Law. Too what-
ever intended to do in Buckingham,
has required in Madison the
enactment of Section 134 Act of
1865. It has been repeated in

To the President of the Council Comm. Michinopoly.
Legislative Dept

The second, third and fourth of the foregoing Bye laws are approved and sanctioned. Bye law No. 1 appears to exceed the provisions of the Act, and is not therefore sanctioned. Sections 88 and ⁸⁹ ~~the~~ will enable Commissioners to abate nuisances such as is contemplated by the proposed Bye Law. This addition to the Conservancy Sections of the Towns Improvement Act will, however, be duly considered when the Law is under revision.

me

Section 158 of the new
Municipal Act (1x of 1867).

It cannot therefore be enacted
as a By-law.

No 2 proposed By-law seems
to be also beyond the
legitimate reach of a By-law.
But, further, I think it is
arbitrary in character, and
objectionable on the simple
ground that for sanitary
reasons the fewer walls & a
hedge, the better for a (an-
nouncement). - Why should not
a proprietor have a ditch
or a sunk fence, if he desires
to prevent trespassers on the
area of his property? -

No 3 - In regard to the provision
of dust bins has properly been
regarded as a municipal
charge. I would intimate
that it should be so treated
at Trillickopolis.

No 4 proposed By-law is
far from being an improvement
though it is an alteration of a
By-law & the Govt. have on several
occasions sanctioned. In its present
shape it is vague and general and will
create difficulties and hardships when
it comes to be enforced.

A copy of Trillickopolis By-law No 6 should
have been submitted by the President when
quoting it.

I may add that I do not agree with this draft
in respect of the application of Sections 88 and 116.
I don't see how it can be used to abate
a nuisance of the kind mentioned or to remove
which nothing has been said or appeared.

W.D.M.

The President objects to By-laws No 2 & 3
& approves of No 1.
Mr. Phillips speaks to No. I, rightly. I think
considering that it exceeds the scope of
a By-law, and unduly interferes
with private property.
Sections 88 ~~was~~ was quoted as
giving general authorities to the
Commissioners to ensure the cleanliness
of houses - but does not lay down the
special manner in which business
shall be kept.
Sections 89 & 88 might have been
cited. Section 116 was a clerical
error.

2 In answer to Mr. Arlath's query -
By-laws similar to ~~those~~ ^{these} have
~~been~~ ^{been} sanctioned.

I cannot find, or remember, any
provision similar to that proposed
in No 3. (I have searched & find
that none such has been approved
No 2 - is somewhat similar to
a By-law passed for Cullinstown,

Proc. 10th August 1867 No. 1004.

but the latter only requires owners
to keep existing fences in good
order, that proposal of Mr. Vans
Agnew requires them to provide
fences - &c. That sanctioned affecti-
vely premises abutting on the public
roads, Mr. Vans Agnew's applies
to all property in the Cantonment.

2. The Trichinopoly (sanctioned)
By-laws are put up, and
one similar to that proposed
by Mr. Vans Agnew with
regard to compulsory
whitewashing is also
sent.

FB

Charles
1867. Department.

No. 1520

PROCEEDINGS OF GOVERNMENT.

Dated 4th Decem. 1867