

6
12-10-36
7

M.R.O. 1-82,400-22-11-80

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	369	Press Mis.
Dated	9-4-	1867

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department,
9th April 1867.*

No. 37. Read the following letter from the Commissioner of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 25th March 1867, No. 41.

With reference to Order of Government, No. 210, of the 26th ultimo, regarding the practice of collecting shell-fish in the Cooum, I have the honor to state that the actual conservancy of that river belongs to the Engineer's Department, a certain sum for repairs, &c., being entered in the Annual Budget Estimate; but the Superintending Engineer, 4th Division, states that the right to grant permission to collect shell-fish has never been exercised by his Department. I forward his letter, in which he states that permission to catch fish appears to have been formerly granted by the Commandant of Engineers, but that it is not known to whom the power has been transferred.

2. The Collector of Madras, to whom I have applied, also disclaims the possession of any such right.

3. The Fishermen themselves state that they collect shell-fish by long established custom, and that they have never obtained express permission from anybody. About 40 persons from Black Town, and about 50 persons from Chintadrepett, practise fishing with nets in the Cooum. Twenty or thirty Pariahs of Chintadrepett and Comeleswaren Covil, and about 20 Pariahs from Black Town, employ themselves in collecting shell-fish. They gain a miserable pittance of from one to two Annas daily.

4. The Municipal Commissioners recently prohibited fishing in the Cooum, but, as it was found that the present Municipal Act (IX of 1865) contained no punitive provision on this point, the prohibition was withdrawn. It is very doubtful if Sections 268, 269, and 290, Penal Code (which are in force in Madras under Act XXI of 1864) could be held applicable to this practice. The new Draft Municipal Bill had been submitted to Government before this matter was agitated, but, should a revised Act be sanctioned by the Legislature, I would suggest that the words "belonging to the Commissioners," in Section 148 of the present Act, should be altered into "not being private property," the definition which is already used in Section 151 of Act IX of 1865. The Municipal Commissioners would then have power to prevent any person from doing anything whatsoever whereby the water of the Cooum might be in any degree fouled or corrupted. At present, it would seem that the practice complained of by the Sanitary Commissioner cannot be legally prevented, except by direct order of Government, to whom the stream belongs.

From the Deputy Collector of Madras, to the Commissioner of Police, Madras; dated Madras, 5th March 1867, No. 26.

In returning the enclosure to your letter, No. 812, of the 4th instant, I have the honor to state that permission to collect shell-fish in the Cooum is not granted by this office, nor can I say what other Department exercises this right.

From the Superintending Engineer, 4th Division, to the Commissioner of Police, Madras; dated Madras, 21st March 1867, No. 5123.

With reference to your letter, No. 812, dated 4th March 1867, I have the honor to inform you that the right of granting permission for collecting shell-fish in the Cooum does not appear to belong to this Department, as the records of

Enclosure.
1 Government Order.

*Proceedings of the Madras Government, Public Department,
9th April 1867.*

this as well as the Executive Engineers' Offices do not show any instance of such right having ever been exercised.

2. I have been informed that the permission to catch fish in the Cooum was formerly granted by the Commandant of Engineers, but my records do not show to whom that power was transferred after the abolition of that Office.

No. 38. ORDER THEREON, 9th April 1867, No. 369.

Communicated to the Legislative Department, in order that a copy of the foregoing letter may be furnished to the Committee on the revised Bill referred to, in the event of its being introduced into the Council for making Laws and Regulations.
(True Extract).

Chief Secretary.

To the Legislative Department.
" Sanitary Commissioner.
" Commissioner of Police.
" Municipal Commissioners for the Town of Madras.

Per 26 Feby/67 Nos. 138-139

hit off 16 April

*Public By Sept
Nos: 9 April/67
From*

*The Commisr of Police,
Madras*

*To
The (supd) to Govt.
For St George*

*(Dated 25"
Recd. 26. } March 1867
20th/7 } Enclosures 2
Reports that the*

*Conservancy of the Cooum
River belongs to the
Engineers Department -
on the number of fishermen
who empty from long estab-
lished practice Police
shall fish therein & suggest
alteration of certain words
in section 168 of revised
Municipal Act so as to
give the Municipal Com-
missioner power to prevent
persons from fouling the
waters.*

With an Order

37. 38

9 April 1867 No 369. —

Communicated to the
Legislative Department in order that
a copy of the foregoing letter may
be furnished to the Committee
on the revised Bill referred to,
in the event of its being introduced
into the Council for making
Laws and Regulations.

To the Legislative Department.
Sanitary Commission
Board of Police
Municipal Com. for the Town of Boston.