

1. Number
2. Date of issue
3. Initials of Reference
M.R.O. 1-50,000-10-10-20.

MADRAS RECORD OFFICE. *G*

Government of Madras.

Public **DEPARTMENT.**

G.O. No.

1526

Press
Mis.

Dated

10-10

1971.

Not to be folded or roughly handled

12.5.07

No. 27. Read the following letter from the President of the Municipal Commission, Salem, to the Chief Secretary to Government, Fort St. George, dated Salem, 27th September 1871, No. 122 :—

I have the honour to bring to the notice of Government a technical difficulty which has been experienced in the working of Schedule D. of the Towns' Improvement Act III. of 1871.

2. A few days ago a series of charges were brought against the toll-gate contractor, one of which was exacting for *unladen carts* the rates fixed for *carts laden*. The facts of the case are as follow :—

It is a common practice for bandymen, travelling homewards with empty carts, to provide themselves with fodder for their cattle. In many cases they buy a bundle or two of straw whenever they find it cheap, and carry it along with them for use on the road. The toll-gate contractor has levied on such carts the rates leviable on *laden carts*. On being charged, the contractor argued that the carts were *laden*; that it did not signify, so far as he was concerned, whether the cart contained one bundle of straw or grass, or ten, or whether the bundles were *bonâ fide* consumption on the road or for sale; and, lastly, that Act III. of 1871 does not define the term *laden*, so as to exclude carts carrying such bundles from the operation of his contract.

3. The term "*laden*" is not defined in the Act, but the Commissioners take it that the term was not intended to signify or include return carts containing a few bundles of straw or grass, nor do they think that the legislature intended that carts under such circumstances should fall within the meaning of the term *laden*.

4. As any opinion or construction put on the term *laden* by the Commissioners will not be binding on the toll contractor as not having the force of law, they have requested me to refer the question to Government.

No. 28. ORDER THEREON, 10th October 1871, No. 1526.

The Government have not the power to interpret the law. The question in each case must be left for judicial decision.

(True Extract.)

Captain, R. E.,
Acting Joint Secretary, P. W. D.,
for Chief Secretary.

To the President of the Municipal Commission, Salem.

Municipal Commissioners' Office
No. 122 Salem 27 September 1871. 3-

To
Hon.
C. J. Longley Esquire
President to the
Salem.

To
The Honourable R. S. Ellis, C. B.
Chief Secretary to Government
Fort Saint George
Madras.

Sir,
I have the honour to bring to the
notice of Government a technical difficulty
which has been experienced in the working
of Schedule D of the Towns' Improvement
Act III of 1871.

2. A few days ago a series of charges
were brought against the Poll Lake Contractors
one of which was charging for unladen carts
the rates fixed for carts laden. The facts
of the case are as follows:-

It is a common practice for brack
men, travelling homeward with empty carts,

Govt. of 1871 Addenda.

PUBLIC.

To
THE PRESIDENT OF THE
MUNICIPAL COMMISSION,
Salem.

Dated October, 1871.

Recd.

And

G. O. No. 1026 October 1871, No. 1426.

OCTOBER.
1871. 27-28.

Information with reference to the difficulty
experienced in the working of Schedule D of the
Towns' Improvement Act III of 1871, comes to the
term unladen not to the properly defined, that Gov-
ernment have not the power to interpret the law

to provide themselves with fodder for their cattle. In many cases they buy a bundle or two of straw whenever they find it cheap, and carry it along with them for use on the road. The Toll Gate Contractor has levied on such carts the rates leviable on laden carts. On being charged, the Contractor argued that the carts were laden, that it did not signify, so far as he was concerned, whether the cart contained one bundle of straw or grass, or ten; or whether the bundles were for bonafide consumption on the road, or for sale, and lastly, that Act III of 1871 does not define the term laden so as to exclude carts carrying such bundles from the operation of his Contract.

3. The term "laden" is not defined in the Act; but the Commissioners take it that the term was not intended to signify, or include, return-carts, containing a few bundles of straw or grass, nor do they think that the Legislature intended ~~that~~ carts, under such circumstances,

should fall within the meaning of the term laden 57

4. As any opinion or construction put on the term laden by the Commission will not be binding on the Toll-Contractor, having the force of Law, they have requested me to refer the question to Government.

I have the honour to be,

Sir,

Your most obedient servant.

President

Comptroller
et

Noted. 10 October 1871. No 1520.

The Govt. have not the power to interpret the law. The question in each case must be left for judicial decision.

ALL

P. Mc. Alexander

c. 8/10. 27-28

Public Affairs

1871

Chas. H. Smith

Chief Secretary

to Government

Wm. A. Burgh

No 2082

Oct 12 1871

Bringing to the

notice of Government

a Colonial Office

only in the working

of Schedule D.

Not in order.

Court. of 1871 Madras.

Public

The Pres. Comm. Genl.
Calcutta.

Dated 8th

Recd

G. O. 10 Oct

1871, No.

Nos. 27. 28.

Referring to the difficulties
referred to the difficulty
existing in the working
of Schedule D of the
Improvement Act of 1874
owing to the Commission
not being properly defined
that both have not the power
to interpret the law.