3-11-1903 √

[L. & M. 9,000-5-8-96.]

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 861/m

DATED 20th May 1895.

[Despatch Abstract.]

Madras Municipal Commission.

Recording Proceedings of a general meeting of the Madras municipal commissioners held on 25th February 1895 and abstract proceedings of the same date.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[7

INDEXED.

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.
G.O., DATED 20-5-95
No.
861 m

When given for copying.

[Despatch Abstract.]

Recording Progs. of a general meeting of the Madras Municipal Commissioners held on 25th May 1895, and abstract Progs. of the same date

Gen. Dept.
12.

1895.

Madras Municipality.

From

The President,

Municipal Commission.

MADRAS.

To

The Chief Secretary
to Government -
Fort-Saint George

G. No. 115

Dated 14th May 1895.

Recd. 15 MAY. 95

Enc. 2

SUBJECT.

Forwarding full proceedings of a General Meeting of the Commissioners held on 25th February 1895, together with a copy of abstract proceedings of the same date.

Previous order. dt 20-5-95 No 861 Lang

Recorded.

C.S. C.S.
16/5/95 16.5.

16/5 A.L.P.S.

Read again in Order of Government, dated
1889, No. , Miscellaneous.

Back Paper, No. of 189 .

Further Paper, No of 189 .

Enclosures.

Current No.

Statement with ditto.

Order of Government

Statement with ditto.

Papers not filed up, being meant for despatch in original (not paged).

N.B.—
A — Copy in full.
B — Not to be copied.
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Q — Copy heading only.

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Examined by

MINUTES of the PROCEEDINGS of a GENERAL MEETING of the MUNICIPAL COMMISSIONERS for the CITY of MADRAS, held at their Office Premises, No. 22, Errah Bauloo Chetty Street, Black Town, on Monday, the 25th February 1895, at 5 P.M., under the provisions of the City of Madras Municipal Acts I and VII of 1884 and II of 1892.

PRESENT:

Lieutenant-Colonel G. M. J. Moore, C.I.E., *President.*
F. Rowlandson, Esq.
M.R.Ry. P. Theagaroya Chetty Garu.
M.R.Ry. R. Balakistnama Chetty Garu.
M.R.Ry. R. N. Pragasa Mudaliar Avargal.
M.R.Ry. Salla Gurusawmy Chetty Garu.
M.R.Ry. M. Venkataramiah Chetty Garu.
M.R.Ry. C. Yetherajulu Nayudu Garu.
M.R.Ry. P. M. Sivangnana Mudaliar Avargal.
Cowasjee Eduljee, Esq.
Haji Mahamad Abdul Hadi Badsha Sahib.
M.R.Ry. P. V. Kistnasawmy Chetty Garu.
M.R.Ry. M. Varadarajulu Chetty Garu.
M.R.Ry. G. Subbarayalu Chetty Garu.
M.R.Ry. M. Ramakistnaiya Pantulu Garu.
J. DeCaster, Esq.
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The Honorable P. Rungiah Nayudu Garu.
M.R.Ry. W. S. Venkataramanjulu Nayudu Garu.
M.R.Ry. P. Vijiaranga Mudaliar Avargal.
N. Subrahmanyam, Esq.
M.R.Ry. G. Subramania Iyer Avargal.
M.R.Ry. R. Balajee Row Avargal.

No. 1.

Resolution No. 7 of the Commissioners at their General Meeting held on 28th January 1895, *deferring consideration of the proposition moved by M.R.Ry. R. N. Pragasa Mudaliar Avargal till meeting in February* 1895.

Proposed by M.R.Ry. W. S. Venkataramanjulu Nayudu Garu and seconded by M.R.Ry. P. Theagaroya Chetty Garu—

"That the consideration of this resolution be adjourned *sine die*."

Carried.

No. 2.

Statement of landed property owned by Municipal outdoor employés.

Recorded.

No. 3.

Proceedings of the Standing Committee, dated 25th January and 1st February 1895.

Recorded.

No. 4.

Statement of Receipts and Disbursements from April 1894 *to January* 1895.

Recorded, subject to audit.

No. 5.

Progress Report of works for December 1894 *and January* 1895.

Recorded.

No. 6.

M.R.Ry. P. Theagaroya Chetty Garu moved the following resolution of which he had given notice:—

"That a Committee consisting of the President, Surgeon-Lieutenant-Colonel H. D. Cook, the four Commissioners of the 1st Division, and Messrs. Sivangnana Mudaliar Avargal and P. V. Kistnaswamy Chetty Garu be formed to select a suitable place for erecting sheds for accommodating cholera patients of the 2nd and 3rd Divisions of the Madras Municipality."

Mr. F. Rowlandson seconded.

Carried.

No. 7.

M.R.Ry. V. Varadappa Nayudu Garu moved the following resolution of which he had given notice:—

"That a Committee composed of the following gentlemen be appointed to consider as to the necessity for a new market or to take steps to improve the existing markets, both public and private:—

The President,
Mr. Lovery,
Hon'ble Rungiah Nayudu Garu,
M.R.Ry. P. Theagaroya Chetty Garu,
M.R.Ry. G. Subramania Iyer Avargal,
Mr. Rowlandson,

with power to add to their number."

M.R.Ry. P. Vijiaranga Mudaliar Avargal seconded.

To this, as an amendment, M.R.Ry. W. S. Venkataramanjulu Nayudu Garu proposed and M.R.Ry. Salla Gurusawmy Chetty Garu seconded—

"That the word 'public' be inserted between 'existing' and 'markets' and the words 'both public and private' be omitted."

Lost.

The original resolution on being put to the Meeting was carried.

The Meeting terminated.

G. M. J. MOORE, Lieut.-Col.,
President, Municipal Commission.

Municipal Office, Madras,
February 1895.

MADRAS: PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

Hon. Rungiah Naidu,
P. Theagaroya Chetty,
G. Subramania Iyer, and Mr. F. Rowlandson, with power to add to their number."

On the 7th November last a proposition was placed before the Commissioners by Mr. Gantz for the formation of a Market Committee. That proposition was carried by the Commissioners unanimously and that Committee after meeting three or four times ceased to exist as its members one after another vacated their seats as the time of their office expired and so the Committee was not able to send any report of its deliberations. Everybody knows that the present General Market is a standing disgrace to Madras and that every important city in India possesses splendid markets. I simply move this proposition to revive the Market Committee which ceased to exist.

MR. Vijiarunga Mudaliar seconded the proposition.

MR. PRAGASA MUDALIAR:—If it is simply the revival of the Market Committee proposed by Mr. Gantz, I have no objection, but Dr. Varadappa Naidu's proposition goes further as it asks the Market Committee to consider the advisability of opening a new market. As regards that, he will remember that at a meeting held on the 26th September 1892 the question of having a new market was fully discussed and at that time there were great hopes and a great deal of speculation from the tobacco tax. With this, it was thought that a new market could well be furnished for the city. This question was discussed at two meetings very fully and at last Mr. Gantz said that the public feeling was not in favour of having a new Market at a great cost, especially when more urgent needs of the town were neglected. He therefore said "to have a half loaf was better than having no loaf at all." He then asked a Committee to be appointed for suggesting improvements to the existing markets, both private and public. Under these circumstances it is undesirable and will simply be a waste of time if the Committee should be asked to go into the question of a new market.

THE PRESIDENT:—You can throw it out, if you don't like it.

MR. VENKATARAMIAH CHETTY:—The result of the last Committee had not been made known to us. That being so I do not see why we should not have this Committee.

MR. PRAGASA MUDALIAR:—Mr. Gantz' resolution says that a Committee should be appointed to consider what steps should be taken to improve the existing markets private and public.

THE PRESIDENT:—That does not preclude the Committee from suggesting a new market. Even if the Committee recommends a new market you can throw it out.

MR. VENKATARAMANJULU NAIDU:—I do not know if this Committee would be able to go into the question of Sanitary requirements of all the markets. The Committee should in my opinion confine itself to the consideration of the question whether or not it is desirable to improve the General Market or to open one or more new markets in its place in suitable localities. That will be a more systematic way of doing business. Therefore I propose an amendment "that the word 'public' be inserted between 'existing' and 'markets' and the words 'both private and public' be omitted."

Mr. Gurusami Chetty seconded the amendment.

MR. NICHOLAS:—We have been considering the subject of a new market for the last 21 years. I joined the Commission in 1874, when we had a long discussion about a new market. We spent large sums in getting designs, one of which was submitted by Mr. Chisholm. Still we have no new market and I do not think we shall ever have it.

The amendment was then put to the vote and lost.

The original proposition was next put to the vote and carried.

The meeting then terminated.

THOMPSON AND CO., PRINTERS, MADRAS.

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Mr. Rowlandson,
with power to add to their number."

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To this, as an amendment, M.R.Ry. W. S. Venkataramanjulu Nayudu Garu proposed and M.R.Ry. Salla Gurusawmy Chetty Garu seconded—

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Lost.

The original resolution on being put to the Meeting was carried.

The Meeting terminated.

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President, Municipal Commission.

Municipal Office, Madras,
February 1895.

MADRAS: PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

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N. Subrahmanyam, Esq.
M. R. Ry. G. Subramania Iyer Avargal.
M. R. Ry. R. Balajee Row Avargal.

THE PRESIDENT :—Gentlemen, I have got some questions to answer, but before proceeding to do so, there are two points which I should like to bring before the Commissioners in order to ascertain their opinions upon them. I had no time to bring them up before the meeting in the regular way, but as they are urgent, I think they may be disposed of now. One is the Proceedings of Government in regard to the Madras Harbour appointing a representative Committee. The G. O. says :—

"As the Madras Harbour is now so nearly completed, the subject of improving the means which it provides for working the trade of the Port is one which should have early attention. The Government therefore cordially approves of the proposal of the Harbour Trust Board to appoint a strong Representative Committee to consider the whole question.

2. The following officers will be appointed to represent Government :—

The Hon. Col. J. Pennycuick, R. E. (President), the Hon. Mr. A. T. Arundel, I. C. S., Mr. F. R. Upcott, M. I. C. E., the Collector of Sea Customs, Madras; and the undermentioned bodies will be invited to nominate as members the number of gentlemen noted below, the names of those selected being intimated to Government at a very early date.—

The Harbour Trust Board	...	2
„ Chamber of Commerce	...	2
„ Trades Association	...	2

A.—No. 63 cases and 44 deaths, 9th Feb.

Q.—Is cholera still prevalent in Madras ? If so, in what localities ? Give the total number of attacks and deaths from its first occurrence in December last up to date ? Give the date of the occurrence of the last case ?

A.—No. 166 cases and 115 deaths. The last case was reported from the General Hospital on the 21st Feb.

Q.—Has any investigation been made either by the Health Department of the Municipality or by the Government as to the cause of outbreak of cholera in the Lunatic Asylum ? If so, what is the result of the investigation ?

A.—An investigation has been made by the Government Medical Officers. The result has not been communicated to me.

Q.—In the opinion of the Health Department what mode of treatment or what remedies were more successful in the treatment of patients in the outbreak of cholera in December last ?

A.—The Health Department has not found any mode of treatment or any remedies successful in the treatment of cholera cases.

Q.—Was cholera found to be more prevalent in localities reclaimed from swamps by depositing the dry rubbish of the town than in other places ? Were any cases of cholera reported to have occurred in the locality known as *Chanikolam* which was reclaimed from a large swamp by depositing rubbish sometime ago and now turned into habitations ?

A.—In the recent outbreak the disease never got a hold in the town. Nearly all the cases, with the exception of those that occurred in the Lunatic Asylum and Perambore Chucklipalliam were attributed to importation or to communication with imported cases. Moreover, reclamation by rubbish has been so general in the town that it would be practically impossible to discriminate between the parts affected and those not affected by it for statistical purposes. No cases occurred in Chanikolam in the recent outbreak. The spot maps localizing the fatal cases in 1891 and 1892 show that deaths occurred in the locality in those years.

Swamps and Rubbish Depositings.

Q.—Has vegetation and growing of gardens upon the reclaimed swamps by rubbish deposits any salutary effect in converting it into a better place ?

A.—Vegetation is generally believed to exercise a salutary effect on made soils.

Q.—Is not earth used as a good disinfectant and may not a sufficient layer of fresh earth over a rubbish deposit prove harmless to the neighbourhood ?

A.—Earth is a deodorizer rather than a disinfectant. It also has nitrifying powers which are very variable, being due to certain organisms, which chiefly occupy the surface layers of cultivated land, and which are much more plentiful in some kinds of soil than in others. A thick layer of soil over a deposit of rubbish may prove harmful by shutting it off from the air.

Q.—Is it not a fact that three-fourths of Kariangootay in Choolay was filled up with rubbish some years ago and not the place greatly improved since, by gardening and cultivation ? Is it not a great nuisance to have small portion of it left unfilled ?

A.—Yes. The place has improved in appearance, but no excavations have been made to ascertain the condition below the surface. As a swamp the portion unreclaimed is a nuisance.

Q.—Will Kariangootay tank, already filled up to a most part, with rubbish, be made worse by filling the small remaining portion of it as before, after all the water in it being pumped out and a sufficient layer of earth is made to cover the rubbish deposit ?

A.—All the Sanitary Officers who have reported upon the town have condemned the system of reclamation by rubbish as one of the most obvious causes of its unhealthiness. In the face of such a body of expert testimony, I should not feel justified in ordering the deposit of rubbish anywhere in the town where it was not absolutely unavoidable for want of a better system of disposal.

Q.—Will the President be pleased to state whether the Kariangootay locality may be greatly improved if the remaining small portion of the tank be filled up by the dry rubbish taking care to have a sufficient earth to cover it ?

A.—It is the general opinion that no place in a town can be greatly improved by the deposit of rubbish within 10 years of the time when such deposit is made, and excavations that have been made go to show that it is not safe after 20 years or more. Consequently I am not prepared to say that Kirangootay would be greatly improved by it.

Q.—What do you consider to be the least depth of a swamp which if filled up by dry rubbish cannot contaminate the subsoil ?

A.—It is not considered safe to tip rubbish in a swamp in a town under any conditions or any circumstances. The rubbish may contain disease germs which will breed there, and the rain water percolating through the layer of purifying and fermenting rubbish will carry down noxious matters to contaminate the subsoil water and perhaps gain access to wells within a radius of half a mile or more.

Q.—It is not a fact that miasmatic vapors emanating from a swamp are more injurious to health than a garden grown on a reclaimed swamp ?

A.—This depends upon a variety of circumstances. I do not think a definite equation can be made.

Q.—Is it not a fact that malaria is more prevalent in the neighbourhood of a swamp than that of a garden grown on a swamp reclaimed by filling with town rubbish ?

A.—The Health Officer is unable to give an unqualified opinion on the point. The malarial microbe does not appear to affect all swamps, and there are parts of Madras where there are no swamps which breed malarial fever of a most pernicious type. Even if it is granted that swamps in general are worse than cultivated land reclaimed with rubbish, it does not follow that the reclamation of a swamp near human habitations with rubbish is justifiable, the proper course being to reclaim it with clean earth, sand cinders or building debris.

Q.—Is there any practical data on which the Health Department refuses to allow even a shallow swamp being filled up with dry rubbish in cases where the owner promises to turn the reclaimed swamp into a garden and not to build habitations over it ?

A.—The Health Department, or rather the Health Officer only gives an opinion on the sanitary aspect of any matter referred to him and I pass orders on it. He considers that the town of Madras with its excessive death-rate affords a practical illustration of the ill-effect of reclamation by rubbish in the neighbourhood of human habitations.

Q.—Do any particular kind of diseases, as observed by the Health Department, prevail in the neighbourhood of gardens where organic manures as the refuse of stables, tanneries, etc., are used ?

A. The Health Officer can give no data on this question from his owu personal observation. He has known attacks of dysentry follow the manuring of a garden, but though nuisance is often considerable, he has not generally observed ill-effects to health from it. The use of manure however is an entirely different matter from reclamation by rubbish, for as a rule the cultivator, and more especially the Indian cultivator, does not use more manure than is sufficient for his purpose and this is not more than the nitrificatory organisms in the soil can nitrify and the roots of plants take up, so that it is generally rendered innocuous.

Resolution of Mr. Pragasa Mudaliar.

THE PRESIDENT:—The next subject that we come to is the resolution of Mr. Pragasa Mudaliar, the consideration of which had been deferred at the last meeting. Each of you had a copy of his speech which he made in moving the resolution the other day. The resolution runs in these terms:—

"The Commissioners are of opinion that the Proceedings of the Standing Committee Nos. 13 and 14 of the 19th October, and No. 10 of the 2nd November 1894, are *ultra vires* inasmuch as the subjects disposed of therein, do not come within the scope of the powers and duties conferred on it by the Act, and further that there is no provision empowering the Commissioners to impose on the Standing Committee duties other than those contemplated by the Act, or to interfere with the proceedings of that Committee generally by way of rejection or confirmation except in accordance with the provisions of the Act."

I do not wish to say much on the subject, but it appears to me there seems to be a good deal of misapprehension on the part of Mr. Pragasa Mudaliar with regard to this matter. The Standing Committee in their proceedings do not dispose of all matters that come up before the Commissioners. The Standing Committee take general cognizance of all matters connected with the Municipality. These matters are brought before them and they go into them in detail and it would be impossible to deal with the subjects in meetings like these. They have time and opportunity to go into the papers which are circulated and discuss them in a small body which consists of only eight. They simply give their views to the Commissioners in the form of proceedings either for confirmation or otherwise. In the Proceedings there are certain things which the Standing Committee under the Act dispose of as I do. To say that the Standing Committee are acting *ultra vires*, because they go into subjects which ultimately come up before the Commissioners for confirmation or rejection, seems to me unwarranted. I say there is nothing in the Act which can prevent the Standing Committee from going into any question connected with the Municipality. They are at liberty to give their opinion on any question of the Municipality.

Mr. Rowlandson :—Is that the point at issue ?

The President :—Yes. I say there is nothing to prevent the Standing Committee from considering any question. If the Standing Committee consider and dispose of questions, then there is a mistake. Of course, a slight error has been committed with regard to an entry of one thing there. It is put as "sanctioned," but it simply ought to have been "recommended for approval." Then the Commissioners would have passed it and it would have gone up to Government. In fact in writing letters to Government, I say "I have the honor to forward the resolution of the Standing Committee approved of by the Commissioners." The Standing Committee simply go into the details of matters for the simplification of business. The other point which Mr. Pragasa Mudaliar took up is the question about a letter from the Agent and Manager of the Madras Railway. As regards this matter, I need not at all place the papers before the Commissioners nor the Standing Committee. It is within my power to dispose of it. It refers to a depôt which is paid for from the grant. I simply put it before the Standing Committee, because it is a question connected with the Agent and Manager. If you observe you will find that the Standing Committee simply recommend that the Agent and Manager be further addressed. I wrote to the Agent and Manager and after some correspondence on the subject I finally disposed of it. There is nothing *ultra vires* in my bringing a subject before the Standing Committee. Then again with regard to the application for the compensation of Mr. Davies for the damage he sustained by his horse having put its feet into a hole in the road, it will be remembered that the Commissioners at their budget meeting passed a resolution "that the amount allotted in the budget for law charges be passed on the understanding that no civil or crimiaal suit other than those provided for in the Act be instituted or defended without sanction of the Standing Committee." You cannot say where there was any action of the Standing Committee that is *ultra vires*. I admit that as to the removal of the fountain there is a mistake in the mode of entering it in the Proceedings of the Standing Committee.

Mr. Pragasa Mudaliar :—Suppose an officer delegates duty which is not given under law, will the exercise of that jurisdiction by the other person be legal ?

The President :—That is not the point at issue.

Mr. Pragasa Mudaliar :—That is what you are saying.

The President :—We are not in Committee, Mr. Pragasa Mudaliar. The way that Mr. Pragasa Mudaliar has put it I quite understand. He simply raises a question of legality. He does not wish to curtail the powers of the Standing Committee and does not say that the Standing Committee have taken extra powers or if they did it, he does not attribute any bad motive to them. I may be just as right as he is wrong or I may be wrong. It seems to be a matter of common sense that unless the Standing Committee go into details of all matters and submit them in the form they do now, to the Commissioners, it would be impossible for us to carry on the work of the Municipality. It would simply mean that the Commissioners would have to meet here and go into matters as the Standing Committee do twice a month. The Standing Committee are not only appointed as actual advisers to the Commissioners, but also to a certain extent the powers of the Commissioners are delegated to them and the work which they do will be found practically impossible to be done by the Commissioners. It seems to

me there is no question of legality at all. It is merely a question of common sense. If it is a question of legality let those persons who are concerned come forward and say they object to the Proceedings of the Standing Committee. When the Standing Committee have not arrogated to themselves any powers that have not been given to them under the Act, it is not right that the Commissioners themselves should raise this question. I further contend that sec. 80 of the Act says :—"Shall attend to such other duties as are in accordance with the provisions of the Act." This is sufficiently comprehensive to allow the Standing Committee to take up the administrative and to a certain extent, the executive work which the Commissioners could not from the nature of their constitution dispose of.

Mr. Gurusami Chetty said :—Mr. President and Brother Commissioners, the questions under consideration are whether the proceedings of the Standing Committee Nos. 13, 14, dated 19th October, and No. 10 of the 2nd November 1894 are *ultra vires* inasmuch as the subjects disposed of therein are not expressly referred to in the Act, and whether the Commissioners can impose on the Standing Committee duties other than those contemplated by the Act, or to interfere with the proceedings of the Standing Committee generally by way of rejection or confirmation except in accordance with the provisions of the Act. The mover of the proposition has studied the subject with very great attention and placed clearly before us, in his valuable speech, the meaning of the several sections of the Act bearing on the question under consideration, and relating to the powers and duties of the Commissioners, those of the Standing Committee, and the relation that exists between the two bodies. It is admitted on all hands that the general administration of the Municipal affairs is vested in the Commissioners who ought to possess extensive powers to be able to direct and regulate all the Municipal affairs of the city. I do not, for a moment, say that the arguments in favour of the view taken by the mover of the resolution are purely speculative and unsupported by the language of the sections of the Act, but, on the other hand, I am prepared to admit that the wording of the several sections seem to favour the view taken by my learned friend. According to section 61 of the Act the list of the powers and duties of the Commissioners therein given is not exhaustive but only illustrative, and it follows from it that the Commissioners are empowered to exercise all the necessary administrative powers for the regulation of Municipal affairs. Sections 78 to 80 describe the powers and duties of the Standing Committee; sections 78 and 79 set out the powers, and section 80 sets out specifically some of the powers, and the last clause of that section lays down that the Standing Committee shall attend to such other duties as are in accordance with the provisions of this Act. The construction placed by the mover of the Resolution upon the last clause of the section is that the duties contemplated in it are only such duties as are expressly provided by Act. It seems to me that a more liberal interpretation of the said clause would include all the other duties which are not inconsistent with the provisions of the Act, or all the other duties which are connected with the general administration of Municipal affairs. My learned friend, the mover of the resolution, has pointed out 16 duties imposed on the Standing Committee by the several sections of the Act, and argues that these and these alone are the duties covered by the last clause of section 80. I beg to submit, but I may be wrong, that these 16 duties pointed out by him are only illustrative of other similar duties not expressly mentioned in the Act, and do not exclude other duties which are connected with the general administration of the Municipal affairs of the City. You will further observe that there is no penalty attached to the decisions of the Standing Committee as they are always subject to the approval of the Commissioners, and that no possible harm could arise from the disposal of the questions such as are now under consideration, when the decisions of the Committee are subject to being approved by the Commissioners. It would be impossible for a large body of Commissioners to take up all matters in the first instance and to dispose of the same themselves, and it is necessary, on the ground of expediency, that a smaller body like the Standing Committee should dispose of all matters in the first instance and pronounce its decision thereon, subject to the final approval of the Commissioners. It seems to me that the Legislature could not have intended otherwise; and though the first reading and narrow construction of the language of the section seems to favour the view taken by the mover, yet a liberal construction placed on it, coupled with the facts that the list of the powers of Commissioners enumerated in the Act is only illustrative, and that the Commissioners in whom is vested the general administration of the Municipality should possess all the powers necessary to completely regulate and control

the various Municipal affairs of the city clearly, tend to show that the subjects disposed of by the Standing Committee in the three proceedings under consideration are such as could have been dealt with by it: in other words the said proceedings are not *ultra vires*.

MR. ROWLANDSON:—Section 77 of the Act gives the Commissioners power to delegate their powers to the Committees, but it has not given them power in any place to delegate their powers to the Standing Committee. As the power is given to them to appoint Special Committees, it implies that power is not given to delegate to the Standing Committee any of the powers which are not specifically given to it. I think that the intention of the legislature is that the Standing Committee should confine itself to the particular matters which the Act specified and no further.

MR. SIVAGNANA MUDALIAR:—What is the meaning of the words "*in accordance with* the provisions of this Act?" They must be read with clause 2 of section 80 which says "shall hear appeals *as provided by* this Act;" and if so read it gives a wider meaning to the words "*in accordance with* the provisions of this Act." There are certain provisions made for hearing the appeals, and so the Standing Committee can hear only such appeals as are provided for under the Act. When such a limitation is not placed in clause 6 it is wide enough to give the Standing Committee power to attend to such other business as are *in accordance* and *not inconsistent with* the provisions of the Act. Therefore it cannot be said that the proceedings of the Standing Committee are *ultra vires*.

MR. VENKATARAMIAH CHETTY:—It seems to me that the construction placed upon the words "shall hear appeals as provided by this Act" by my predecessor is not quite right. I believe the provisions regarding the hearing of Appeals by this Act refers to the procedure. Whereas the last clause of section 80 provides for the performance and discharge of the executive duties created by the Act. It seems to me that section 77 which has been pointed out by Mr. Rowlandson is fatal to that construction. If it is that the Municipal Commissioners by reason of the largeness of their members are to delegate all their powers and if such delegation has, as a matter of course, to take place to the Standing Committee, then what is the object of the Special Committees being formed mentioned in section 77. It seems to me also considering how in every enactment provision is made for discharge of duties or creation of powers not inconsistent with the provisions of the Act, the legislature intended to do so when it expressed the words "shall attend to such other duties as are not inconsistent with the provisions of the Act." It also seems to me that the Act being intended to regulate the action of a corporation like the Municipality not having the power to do anything which is not prescribed under the Act nothing could be delegated to be done by this body, which the Act itself does not empower the Standing Committee to do. Suppose the Standing Committee is not entitled to do anything under the Act, can the Commissioners say the Standing Committee can do this or that by delegating their powers to them. There is another question which I think is very important. If the Standing Committee for the purpose of expediency bestow their attention in the first instance to the questions that come before the Commissioners, then objection to that is, that if the Commissioners themselves in the first instance bestow their attention upon such questions they may thrash them out and come to a conclusion in regard to them once for all. If there is a question of vital importance which the Commissioners alone can deal with and if you have the Standing Committee dealing with it, in the first instance our action will simply be arrested. We know it is human nature generally that when a subject is submitted for approval, it is not supposed that the bigger body will bestow that thought and attention as they would otherwise do. I think therefore that the Act contemplates that the Standing Committee cannot do as a matter of right whatever it likes and its action cannot be legal unless what it does is prescribed by this Act. The expression "as are provided under the Act," "does not mean," "not inconsistent with the act;" it goes with the verb "hear" and not with the noun "appeals."

MR. BALAJEE ROW:—The Municipal Act is made for the purpose of managing the affairs of the Municipality by the Commissioners. No doubt powers are given to the President in some cases and in some cases to the Commissioners, sometimes, to the Governor and so on. But the whole tenor of the Act seems to me that the Municipal Commissioners as a body are responsible for all acts done and they have powers given to them by section 77. The Standing Committee has certain powers under section 80 and the last clause of it means that all the duties which the Commissioners have to do are to be done by the Standing Committee is subject to approval by the Commissioners. Therefore the Standing Committee acquires all its powers by nomination by the Municipal Commissioners, and it can do work much better by reason of its being a small body. I do not agree with Mr. Rowlandson in the construction he placed on section 77. That seems to be a section which enables the Commissioners to appoint Committees to do something which the Standing Committee could not do. For instance we have been appointing Committees now and then say for market, etc., but all that is done under section 77. It is quite distinct from section 80. I consider the Standing Committee is right in attending to all the duties which are in accordance with the provisions of this Act.

MR. VENKATARAMANJULU NAIDU:—Am I in order if I propose an amendment?

THE PRESIDENT:—Yes, certainly. If it is a proper amendment.

MR. VENKATARAMANJULU NAIDU:—The subject is a very important one and is based upon questions of law which it is not possible for the Commissioners to go into. The best course is to appoint a small Committee to go into the whole question. I therefore propose "that the consideration of this subject be adjourned till a Committee consisting of certain Commissioners went into it and reported upon it."

THE PRESIDENT:—That is not an amendment, but a separate Resolution altogether. This question must be decided on its merits as it stands. You can propose the adjournment of the consideration of the subject and appoint a Committee at another meeting.

MR. VENKATARAMANJULU NAIDU:—I will then propose "that the consideration of this question be adjourned *sine die*."

Mr. Theagaroya Chetty seconded the amendment.

MR. NICHOLAS:—This has already been postponed for one month, and I think it is better to decide it more quickly.

MR. ROWLANDSON:—I think it is better to leave the question an open one until we get the opinion of a competent legal authority.

MR. VENKATARAMANJULU NAIDU:—The question is so important that we should get the opinion of some competent gentlemen. Here we are not in Committee and we cannot discuss the subject in all its bearings. I cannot see what harm there is in postponing this question. If there is a concensus of opinion that the Proceedings of the Standing Committee are *ultra vires*, it is very necessary to have it definitely settled that the proceedings of the Standing Committee may not run counter to the provisions of the Municipal Act. Under these circumstances the Commissioners cannot do better than adjourn this subject and consider it fully at another meeting.

The motion for adjournment was then put to the vote and carried.

Statement of Landed Property.

THE PRESIDENT:—The next subject is merely a formal statement of landed property owned by Municipal out-door employees.

MR. NICHOLAS:—Is it only a formal thing or does it lead to any good?

THE PRESIDENT:—I don't think it leads to any good, because when they want to acquire property they have it in the name of others.

MR. NICHOLAS:—On two or three occasions I advocated its discontinuance. I now move "that this statement be discontinued."

MR. PRAGASA MUDALIAR:—Is he in order?

THE PRESIDENT:—Yes.

MR. PRAGASA MUDALIAR:—When the Standing Committee's proceedings were before the meeting, I wanted to move a resolution; but you told me I was out of order.

THE PRESIDENT:—No.

MR. PRAGASA MUDALIAR:—Please refer to the proceedings.

THE PRESIDENT:—There is no use in arguing the question. It would not come on for another year, Mr. Nicholas, and you can bring it up then.

MR. NICHOLAS:—Yes. I withdraw my proposition.

The statement was recorded.

Proceedings of the Standing Committee.

THE PRESIDENT :—Now we come to the proceedings of the Standing Committee, dated 25th January and 1st February 1895.

MR. PRAGASA MUDALIAR :—I would like to say a few words in regard to Resolution No. 9 of the Proceedings of the Standing Committee, dated 1st February 1895, wherein certain tenders are disposed of. Of course I do not pretend to say the Commissioners have power to supervise that thing, but I draw your attention to it on quite different grounds. You will find that in regard to one, the lowest and most favourable tender does not seem to have been accepted. That is of Thulukanam Mudali. Coming to No. 2 (Schedules) there are four tenderers. Then again Thulukanam gave below the Schedule rate while Mahomed Ali Jivaji's tender was higher. In this case too the lowest tender was not accepted. These are the two cases in which the most favourable tender has not been accepted. In the Proceedings of the 25th of January, I find that in regard to tender for supply of medicines the most favourable tender was accepted. That is that of Munusamy Chetty. I have no objection to the acceptance of the tender wherever it is favourable to the Municipality. But I would draw the attention of the Commissioners to the very great loss that we would sustain by accepting the tender of Mahomed Ali Jivaji and not that of Thulukanam Mudali. You will find that on an average 17 thousand Rupees worth of articles are supplied to the Municipality every month and in the whole year it comes about 2 lakhs of Rupees. Owing to the recent proposal for the extension of water-works, we will have to purchase about 3 lakhs of Rupees worth of pipes. The President will, of course, get them from Jivaji. By not accepting the lowest tender of Thulukanam, I find upon calculation that we lose about 90 thousand Rupees during the three years. Under these circumstances, sir, I would draw your attention under clause H. of section 61 to the great wastage of Municipal funds if the tender of Jivaji is to be accepted.

THE PRESIDENT :—You may depend upon it, that these tenders were not accepted without full consideration. As a matter of fact I accepted the tenders with the sanction of the Standing Committee. Very often the cheapest tender proves to be the most expensive. That is one of my objects, in discussing tenders in the Standing Committee and consulting their wishes. It is not necessary for me to give the reason why I did not accept Thulukanam's tender. I can only say that it has been fully considered and I am perfectly satisfied that the Municipality will eventually benefit by the acceptance of Jivaji's tender to a much greater extent than the loss that we are told by Mr. Pragasa Mudaliar that we would sustain.

MR. SUBRAMANIAM :—I was one of those who accepted the tenders for the explanation given by the President. I am not aware that any member of the Standing Committee raised his voice against it.

MR. VENKATRAMANJULU NAIDU :—I was present at the Standing Committee meeting when this question was disposed of, and I must corroborate the statement of Mr. N. Subramaniam. I argued the matter very fully with you, sir, and said that it was to the interest of the Municipality to accept the lowest tender provided the tenderer is competent to fulfil his engagement. You offered an explanation, I accepted it, and voted with you.

THE HON. MR. RUNGIAH NAIDU :—I do not know whether we have any voice at all to question it. I don't think we have any power to do it.

MR. VENKATRAMIAH CHETTY :—Does this come before us for approval ?

THE PRESIDENT :—No, it is a part of the Proceedings. Neither the Commissioners nor the Standing Committee can make me accept a tender unless I choose to do so. I may tell you that these things come before the Commissioners for their information.

MR. PRAGASA MUDALIAR :—I do not move anything and do not sit in judgment over the Proceedings of the Standing Committee. All that I suggest to the President and to my fellow Commissioners is the consideration that the acceptance of Jivaji's tender will possibily lead to a loss of 90 thousand Rupees.

THE PRESIDENT :—I am perfectly satisfied that the acceptance of the other tenderer will lead to a greater loss than that.

The Proceedings were recorded.

Miscellaneous.

The statement of Receipts and Disbursements from April 1894 to January 1895 and the Progress Report of works for December 1894 and January 1895 which the President showed 100 per cent. work, were next recorded.

Accommodation for Cholera Patients.

MR. THEAGAROYA CHETTY :—The proposition of which I gave notice runs in these terms :—"That a Committee consisting of the President, Surgeon Lt.-Col. H. D. Cook, the four Commissioners of the 1st Division, and Messrs. Sivagnana Mudaliar Avergal and P. V. Krishnasawmy Chetty Garu, be formed to select a suitable place for erecting sheds for accommodating cholera patients of the 2nd and 3rd Divisions of the Madras Municipality." Gentlemen, in moving this resolution I may point out that the First Division is most fortunate in everything connected with the Municipality. I believe some of the papers went round the Commissioners and what was contained in them is perhaps out of memory by this time. It is two years ago that a place was selected in the 1st Division to put in cholera patients of the 2nd and 3rd Divisions. The selection was made by the Health Officer and by the Surgeon of the 1st District, and sanctioned by Government. Here I have a sketch of the place, gentlemen, (The speaker then explained the place selected pointing to the plan). I inspected the place myself and I object to it on the ground that it is not suited for cholera sheds. If only a number of Commissioners appointed to inspect the place will go there and see it they will find how unfitted it is for cholera purposes. I pointed out the place to the President, Health Officer and the Surgeon of the District which appeared to me to be well-suited and which was situated in a good locality. But a long letter came from the Health Officer condemning the place as one where a rubbish depôt was situated. Unfortunately the Health Officer was misled. There was never a rubbish depôt there. There was a garden of cocoanut trees of 30 or 50 years' standing. I suppose he was misled by seeing a rubbish depôt a little farther away from the place. Unfortunately when the executive do a thing which is objectionable they always stick to it whether it is right or wrong. I can give you many instances in which wrong was done to the 1st Division. For my part I could have selected many other places for cholera purposes and I do not think it will be accepted by the executive at all. I want this Committee, because their opinion will have some force with Government. There are many places which could be utilised for cholera sheds which will not in any way interfere with the people. It is the interest of the 1st Division to see that the place selected is not in any way dangerous to the inhabitants of the locality. The place now selected has a number of houses around it and once a cholera breaks out there, the whole of the Tinnevelly Settlement which is near it will be blown up. Besides, the place selected seems to be a costly one. It costs Rs. 16,000 for about 40 grounds. The cost seems to be disproportionate to the area of the land and to the purpose for which it is required. It costs about Rs. 345 a ground in a locality where it ought not to cost even Rs. 150. Perhaps that is not after all a question of great concern. My object is that a number of Commissioners should go round the place selected and recommend some suitable site. It appears as if there is no place fit for it in the 2nd and 3rd Divisions and it is only the 1st Division where cholera sheds, rubbish depôts and other bloody things should be consigned.

MR. ROWLANDSON :—I beg to second the resolution *pro forma*. I do not think it can do any harm but I do not know if it will do any good. I do not mind serving on the Committee if it can do any good.

THE PRESIDENT :—There is no occasion for me to go into the matter. It is very likely that Government may ask me some questions. If I can find another site I shall only be too glad.

MR. SUBRAMANIAM :—I hope, sir, that the Committee will make its report soon.

The proposition was then put to the vote and carried.

Madras Markets.

MR. VARDAPPA NAIDU :—I beg to move : "That a Committee composed of the following gentlemen be appointed to consider as to the necessity for a new market or to take steps to improve the existing markets, both public and private.

The President,
Mr. Lovery,

Hon. Rungiah Naidu,
P. Theagaroya Chetty,
G. Subramania Iyer, and Mr. F. Rowlandson, with power to add to their number."

On the 7th November last a proposition was placed before the Commissioners by Mr. Gantz for the formation of a Market Committee. That proposition was carried by the Commissioners unanimously and that Committee after meeting three or four times ceased to exist as its members one after another vacated their seats as the time of their office expired and so the Committee was not able to send any report of its deliberations. Everybody knows that the present General Market is a standing disgrace to Madras and that every important city in India possesses splendid markets. I simply move this proposition to revive the Market Committee which ceased to exist.

Mr. Vijiarunga Mudaliar seconded the proposition.

Mr. Pragasa Mudaliar:—If it is simply the revival of the Market Committee proposed by Mr. Gantz, I have no objection, but Dr. Varadappa Naidu's proposition goes further as it asks the Market Committee to consider the advisability of opening a new market. As regards that, he will remember that at a meeting held on the 26th September 1892 the question of having a new market was fully discussed and at that time there were great hopes and a great deal of speculation from the tobacco tax. With this, it was thought that a new market could well be furnished for the city. This question was discussed at two meetings very fully and at last Mr. Gantz said that the public feeling was not in favour of having a new Market at a great cost, especially when more urgent needs of the town were neglected. He therefore said "to have a half loaf was better than having no loaf at all." He then asked a Committee to be appointed for suggesting improvements to the existing markets, both private and public. Under these circumstances it is undesirable and will simply be a waste of time if the Committee should be asked to go into the question of a new market.

The President:—You can throw it out, if you don't like it.

Mr. Venkataramiah Chetty:—The result of the last Committee had not been made known to us. That being so I do not see why we should not have this Committee.

Mr. Pragasa Mudaliar:—Mr. Gantz' resolution says that a Committee should be appointed to consider what steps should be taken to improve the existing markets private and public.

The President:—That does not preclude the Committee from suggesting a new market. Even if the Committee recommends a new market you can throw it out.

Mr. Venkataramanjulu Naidu:—I do not know if this Committee would be able to go into the question of Sanitary requirements of all the markets. The Committee should in my opinion confine itself to the consideration of the question whether or not it is desirable to improve the General Market or to open one or more new markets in its place in suitable localities. That will be a more systematic way of doing business. Therefore I propose an amendment "that the word 'public' be inserted between 'existing' and 'markets' and the words 'both private and public' be omitted."

Mr. Gurusami Chetty seconded the amendment.

Mr. Nicholas:—We have been considering the subject of a new market for the last 21 years. I joined the Commission in 1874, when we had a long discussion about a new market. We spent large sums in getting designs, one of which was submitted by Mr. Chisholm. Still we have no new market and I do not think we shall ever have it.

The amendment was then put to the vote and lost.

The original proposition was next put to the vote and carried.

The meeting then terminated.

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MUNICIPALITY OF MADRAS,
General Department.

Madras, 14 May 1895.

From

LIEUT.-COL. G. M. J. MOORE, C. I. E.,

President, Municipal Commission.

To

The Chief Secretary to Government,
Fort Saint George.

SIR,

I have the honor to submit herewith for the information of Government full proceedings of a General Meeting of the Commissioners held on 25th February 1895, together with a copy of Abstract proceedings of the same date.

I have the honor to be,
Sir,
Your most Obedt Servant,
G. M. Moore Lt Col
President, Mun. Comm.

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2

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