

[L. 1000-1000]

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 1655 M

DATED 24-9-96

INDEXED.

[Despatch Abstract.]

Municipal Commission

Recording Proceedings of meetings of the
Municipal Commissioners, Madras, held on 29th June
and 27th July 1896.

BACK PAPERS.

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

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

Local & Munl. (1896) Department.

CURRENT No. 1548 M

From
THE PRESIDENT,
Municipal Commission,
Madras.

Order No 1655 Muni 24.9.96.

G. No. 322

Recorded.

Dated 11 September 1896.

Received 12 SEP 96

Registered "

Enclosures 4.

Spare copies

SUBJECT.

Forwarding full proceedings
as also Copies of abstract
proceedings of the meetings
of the Commissioners held
on 29 June and 27 July 1896.

BACK PAPERS

G.O.	No.	Department.	Date.

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G. No. 322

MUNICIPALITY OF MADRAS.
General Department.

Madras, 11 September 1896.
To Municipal Dept.
254/6 M

From R. E. Ellis Esq., Mem. Inst., C.E.,
Lieut. Col. G. M. J. MOORE, C.I.E.

Ag. President, Municipal Commission.

To
The Chief Secretary to Government,
Fort Saint George.

SIR,

Enclosures
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I have the honor to submit herewith for the ----
information of Government full proceedings as also copies
of abstract proceedings of the Meetings of the Commissioners
held on 29" June and 27" July 1896.

I have the honor to be,

Sir,

Your most obedient servant,

R. E. Ellis.

Ag. President, Munl. Comm.

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 29th June 1896, at 5 P. M., under the provisions of the City of Madras Municipal Acts I and VII of 1884 and II of 1892.

P R E S E N T :

Lieutenant-Colonel G. M. J. Moore, C.I.E., *President*.
H. Ormerod, Esq.
M. R. Ry. P. Theagaroya Chetty Garu.
M. R. Ry. R. N. Pragasa Mudaliar Avargal.
M. R. Ry. P. M. Sivangnana Mudaliar Avargal.
Covasjee Eduljee, Esq.
Haji Mahomed Abdul Hadi Badsha Sahib.
M. R. Ry. P. V. Kistnasawmy Chetty Garu.
M. R. Ry. G. Subbarayalu Chetty Garu.
The Hon'ble V. Mahomed Sheriff, Khan Bahadur.
M. R. Ry. M. Ramakistnaiya Pantulu Garu.
E. H. Elliot, Esq.
M. R. Ry. V. Varadappa Nayudu Garu.
M. R. Ry. W. S. Venkataramanjulu Nayudu Garu.
M. R. Ry. Rao Bahadur C. Kalyanasundaram Chettyar Avargal.
B. Lavery, Esq.
M. R. Ry. M. O. Parthasarathy Iyengar Avargal.
M. R. Ry. G. Subramania Iyer Avargal.
M. R. Ry. P. Subramania Iyer Avargal.

Questions & Answers.

THE PRESIDENT :—Gentlemen, there are some questions to be answered—put by Mr. Theagaroya Chetty and Mr. Varadappah Naidu.

The following are the questions and answers :—

By Mr. P. Theagaroya Chetty,

Q.—How many Indigo dyeing yards are there in the 1st Division and in what localities are they?

A.—36. 16 in West Ward and 20 in Centre Ward.

Q.—For how many yards notices were given to remove?

A.—17.

Q.—What are the grounds on which yards are allowed to remain in their old places?

A.—Absence of complaints from inhabitants in the locality and distance from the road side.

Q.—Is there any yard in the 1st Division round which no other dwellings exist except those occupied by coolies that are engaged in that industry?

A.—There are some.

Q.—If so, will you mention those yards whose surroundings are entirely occupied by people engaged in that industry?

A.—9 in Solayappen Street, 4 in Streerungammal Street.

Q.—Who are the Municipal officials that made enquiries as to the surroundings and from whom they got the information?

A.—Health Officer, Sanitary Inspector and Ward Overseers. Information was obtained from neighbouring inhabitants.

By DR. V. VARADAPPA NAIDU :—

The necessity for constructing a wooden overbridge at the Elephant Gate Railway Crossing

Q.—Did any correspondence take place in 1892 between the Madras Municipality and the Madras Railway Company in regard to the desirability of constructing a Wooden overbridge at the Elephant Gate railway Crossing?

A.—Yes, the project was under consideration in 1893.

What was the outcome of such correspondence?

That as the Municipality did not feel disposed to contribute towards the cost of the proposed overbridge at the Elephant Gate crossing, and as the bridge is only required for the convenience of the public, the Agent and Manager was no longer in a position to consider the project.

Is the Municipality prepared to contribute a moiety of the cost of construction of this intended bridge, if the Railway Company undertake to do so?

That is for the Commissioners to decide. Will the President be pleased to place on the table all the correspondence regarding this matter. The papers are here.

The Triplicane Parthasarathy Covil Tank.

Q.—What action has been taken by the President to enforce on the Dhurmakurthas of the Parthasarathy Covil, the construction of an Iron Fence in 4 feet of water of the Triplicane Tank in order to prevent accidental drowning cases, which of late, have become very frequent?

A.—That has been abandoned.

Q.—What will be the cost of such an Iron Fencing? Are the Dhurmakurthas prepared to undertake it?

A.—The estimate for that fencing was Rs. 3,500. The Dhurmakurthas were not prepared to undertake it, but I am glad to say that I have received a letter to day agreeing to a fence being constructed all round the tank. This should not exceed Rs. 2,500.

Re-instatement of a Commissioner.

THE PRESIDENT brought to the notice of the Commissioners that Mr. N. Subrahmanyam vacated his seat on the Commission owing to absence from three consecutive General Meetings. It was left to the Commissioners to decide the question about his re-instatement.

The Commissioners resolved to re-instate him.

Exemption from tolls.

THE PRESIDENT :—The first business is the consideration of the G. O. No. 477 L., dated 11th March, 1896, referring for remarks, the Draft Bill regarding the exemption from tolls of persons and property belonging to the army. The Government is going to pass a new Act for the whole of India which will exempt what is now exempted in Section 174 of the Municipal Act. They merely want to take out Section 174 and put it in a new Act. There can be no objection to that.

It was proposed by Mr. W. S. Venkataramanjula Naidu, and seconded by Mr. P. Subramaniya Iyer, and carried "That the Commissioners see no objection to that portion of Section 174 which refers to the Military and Government being embodied in one Act for the whole of India."

Powers of the Commissioners.

THE PRESIDENT :—The next subject is the G. O. No. 823, M. Mis., dated 13th May, 1896, sanctioning with remarks, the retention of the services of Dewan Bahadur P. Ramasawmy Chettiar as Revenue Officer of the Madras Municipality, till 31st March 1897.

MR. R. N. PRAGASA MUDALIAR :— I beg to propose the following resolution :—

"That the Commissioners respectfully request the Government to reconsider G. O. No. 823 M. Mis., dated 13th May 1896, as they are of opinion that the privilege of making recommendations which the said G. O. denies to them is of great importance to efficient administration of the Municipality, is not opposed to the spirit of the City of Madras Municipal Act, of 1884, and has been in effect conceded by the previous administrations."

I shall not detain you long with my remarks, as the question before the meeting is a very simple one. For my part, I do not read the G. O. to convey anything more than an expression of the opinion of Government in the matter of recommendations made by the Commissioners unasked. Of course, Government has as much right to express its opinion as we have a right to express ours. I cannot, for one moment, conceive how this G. O. is understood by some to be a snub or reprimand. All I can say is that those who view it in this light do not realise the position of this Corporation as it is constituted by this Act, for the relation existing between the Government and the Municipal Commissioners, is not that which exists between master and servant. The Municipal Commissioners, under the Act, are entrusted with the administration of Municipal affairs, whilst Government is vested with certain specific powers. Each has to perform a duty of its own. Reading through the Act from beginning to end, we find that the legislature has constituted the Commissioners as an independent Corporation to discharge the duties devolving on them according to the best of their judgment. Only in two instances the Government is empowered to interfere by way of directing and overruling the Commissioners and their actions. The one case is where the Commissioners omit to fulfil any duty or carry out any work imposed on them by the Act, in which case Government has the power to order the Commissioners to fulfil such duty or carry out such work, failing which a special officer may be appointed. The other case is in the matter of the Budget where Government has the absolute power to reject or modify all or any of the items entered in the Budget or add thereto any item. Besides these, we find no other instance in the Act empowering Government to interfere with the actions or deliberations of the Commissioners. Even for wrongs committed by them, or for any shortcomings on their part, it is not for Government to interfere for granting relief. Redress ought to be sought from a different tribunal, so that the theory of Government snubbing the Commissioners is simply imaginary. The question that we have now to decide is, whether in recommending an extension to the Revenue Officer we have gone beyond our province. If it should be decided by this meeting that our recommendation was beyond our functions, then let us admit it, and there is an end of the matter. If it should be decided that we have not gone beyond our province, we have a right to maintain our view and to express our opinion to Government. Probably some here might say that our action in expressing an opinion on the G. O. in question 'would be similar to that of an obstinate and evil-disposed child who repeats an offence immediately after punishment for the sake of opposition.' I say it is not so. The legislature has conferred on the Commissioners independence of action in that we have the right to state our views on any G. O.; for you will find from Section 61 f that among the powers and duties of the Commissioners is "to express an opinion on orders or references coming from the Governor-in-Council." If that is so let us freely express our opinion on the G. O. now before the meeting. To my mind the G. O. appears to be somewhat ambiguous. An extension for one year has been sanctioned, apparently on the ground that the Revenue Officer is mentally and physically fit for the duties of his office. So far it is all right. But the G. O. goes on to add that no further extension will be granted. Under the Code the retirement of an officer is not contingent on age. Whatever the age may be, if an officer is mentally and physically fit for efficiently discharging the duties of his office the Code is in favour of the retention of such officer. I wonder then, whether it is a matter of certainty that, at the expiration of this one year, the Revenue Officer would become totally unfit, mentally and physically to discharge the duties of his office, so as to incapacitate him to continue in service. I fail to see the necessity for this remark. There is another thing which I am not able to understand in this G. O. As regards the merits of the recommendation itself on behalf of the Revenue Officer, there was apparently nothing to be questioned. Government does not attempt to point out its impropriety, or its inexpediency, or the risk that is likely to be run, or the danger that is likely to be incurred to Municipal interests, by a recommendation such as that made for an extension of the Revenue Officer's term of office. If on any one of these grounds the recommendation was negatived, one can understand the subsequent remark in the G. O.—viz that our recommendation was beyond our province. Taking the G. O. as a whole, it appears to me that the remark of Government is not only uncalled for, but is quite out of place. Let us now see the line of argument on which Government concludes that in recommending an extension, the Commissioners have gone beyond their functions. "The law permits Government," it is said, "at its discretion to remove the Revenue Officer, and, therefore, the question whether he having attained 55 years of age, is mentally and physically fit for the duties of his office, and should be retained therein, is one entirely for the consideration and decision of His Excellency the Governor-in-Council." In other words, as the law does not expressly authorise the Commissioners to make recommendation in such a case, the action of the Commissioners was irregular. To be a little more plain, the argument comes to this. The law confers certain powers and duties on the Commissioners, and among them to make recommendations in certain cases. It nowhere expressly provides that they shall make a recommendation in a case like the one in question. Therefore their making a recommendation in such a case was beyond their functions, that is, in as much

as to say, that the express mention of certain powers, duties, rights, and privileges in the Act as belonging to the Commissioners, is the exclusion of every other power, duty, right or privilege. The fallacy of such an argument is plain when we consider that the Act does not exhaustively define the powers and duties of the Commissioners. Section 61 says "the following are among the powers and duties of the Commissioners." After the use of such an expression in this section, can any one conceive that besides the powers and duties expressly mentioned in the Act the Commissioners dare not exercise any other powers or duties, however conducive they may be to Municipal administration with which they are charged. In passing, I would ask you to consider and note that whilst the legislature thought it expedient to vest the Commissioners with the major power of recommending the summary removal from office of the President or officers appointed under Section 37—a recommendation which shall be binding on Government. If supported by 25 Commissioners, whether the framers of the Code could have intended to withhold from the Commissioners the minor power of making simple and ordinary recommendations in matters affecting Municipal interests. Lastly Government observes that the Revenue Officer, having attained 55 years of age, the question whether he is "mentally and physically fit for the duties of his office and should be retained therein, is one entirely for the consideration and decision of His Excellency the Governor in Council." No one ever attempted to question this right of the Governor in Council. But what I would ask is, has the Governor in Council the data on which he is to consider and decide whether the Revenue Officer is fit or not for the duties of his office. The Revenue Officer does not discharge his daily duties under the direct supervision of Government, nor has the Government the means of knowing or seeing personally whether, in the discharge of his duties, the Revenue Officer is efficient or not. Government can have no knowledge or can form no opinion, except on hearsay. Who then are the fit and proper persons to give this information to Government? Surely nobody can be more competent than the President and the Commissioners. If that is so, can it be said that in giving this information to Government the President or the Commissioners misapprehend their position? I think not. In my humble opinion the principle laid down in this G. O. does not appear to be in harmony with the general scope and intentions of the Act. Referring once more to section 61 which is very comprehensive, I think it would be devoid of any meaning were such recommendations as are conducive to the interests of the Municipality and not contrary to the intentions of the legislature supposed to be prohibitory because they are not specially mentioned in some section or other of the Act. I need hardly say that we have hitherto been acting on such an understanding of the Act, and I have at the last special meeting adduced several instances to show that our views and actions have always been so interpreted and accepted by Government. The question, in my opinion, is a very serious one as involving an important principle. If we, as a body entrusted with and responsible for the proper administration of Municipal affairs, are precluded from expressing our view in matters affecting Municipal interests, if our hands are to be tied down, if we are simply to assemble in this hall as so many ornamental figures, only to nod our heads occasionally, the sooner we are out of this Corporation the better. In conclusion, judging the question from a common sense point of view, I am at a loss to understand what harm could be caused or what danger would arise by a recommendation such as the one in question; whilst such recommendation would be no trespass on the rights of Government, for they are nothing more than suggestions, they must be calculated from the facts furnished to help Government in arriving at a satisfactory decision. I am, therefore, decidedly of opinion that in making the recommendation on behalf of the Revenue Officer, the Commissioners have not misapprehended their position nor gone beyond their province.

MR. BADSHA SAHIB seconded the resolution.

MR. M. O. PARTHASARATHI IYANGAR:—Was any recommendation made by the Commissioners on a previous occasion?

THE PRESIDENT:—Yes. Last year.

The resolution was put to the vote and carried.

MR. P. THEAGAROYA CHETTY, supported by Mr. Venkataramanjulu Naidu, demanded a poll which was taken with the following result:—

For:—Dewan Bahadur C. Kalyanasundaram Chetty, the Hon'ble Mr. Mahomed Sheriff Khan Bahadur, Mr. W. S. Venkataramanjulu Naidu, Mr. R. N. Pragasa Mudaliar, Mr. Abdul Hadi Badsha Sahib, Mr. G. Subramaniya Iyer, Mr. M. Ramakrishna Pantulu, Mr. G. Subaroyala Chetty, Mr. B. Lavery, Mr. P. V. Krishnasawmy Chetty, Mr. P. Theagaroya Chetty, Mr. P. Subrahmaniya Iyer, Mr. P. N. Sivagnana Mudaliar, Mr. H. Ormerod, and Mr. E. H. Elliott.

Against:—Mr. M. O. Parthasarathi Iyengar.

Not Voting:—Dr. V. Varadappa Naidu and Mr. Cowasjee Eduljee Panday.

Proceedings of the Standing Committee.

THE PRESIDENT:—The next business is the consideration of the proceedings of the Standing Committee dated 5th June 1896. There is only one point in it viz the request of the Commandant of the Volunteer Guards for a grant from the Municipality. In his letter he says "I have ascertained that the Municipalities of Calcutta and Rangoon assist the Volunteer bands with donations" I wrote to the Calcutta Municipality; and this is their answer:—"In reply to your letter No. 129 dated 8th Instant I beg to inform you that the Commissioners do not subscribe towards the maintenance of the Calcutta Volunteer band." Of course the point is whether it is within the Act. The Standing Committee passed a resolution saying that this is not within the provisions of the Act. If the Commissioners wish to give it, the only way to do it is to give it with the sanction of Government under Section 33 which provides for a grant by the Municipality for public ceremonies or entertainments. I do not think it can come under any other Section.

MR. VENKATARAMANJULU NAIDU:—While it is not done in Calcutta why should we do it?

MR. G. SUBRAMANIA AIYAR:—What has the Municipality to do with it? What is the principle of it?

THE PRESIDENT:—The principle of it is that the Volunteer band is very hard up and it wants to get some money, and it would not get any thing without asking.

MR. G. SUBRAMANIA AIYAR:—Our duty is to attend to local wants.

MR. VARADAPPAH NAIDU:—Do they entertain the public?

THE PRESIDENT:—They play in the People's Park.

MR. VARADAPPAH NAIDU:—Do we pay anything for it?

THE PRESIDENT:—We pay for all the lighting.

The proceedings of the Standing Committee were confirmed.

Miscellaneous.

The following were recorded:—

Statement of receipts and disbursements, from April 1895 to March 1896.

Progress Report of works for February and March, 1896.

The meeting then terminated

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 27th July 1896 at 5 P. M. under the provisions of the City of Madras Municipal Acts I and VII of 1884 and II of 1892.

PRESENT :

R. E. Ellis, Esq., Mem. Inst. C. F., *Ag. President.*
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.
Haji Mahomed Abdul Hadi Badsha Saheb.
M. R. Ry. P. V. Kistnasawmy Chetty Garu.
M. R. Ry. M. Varadarajulu Chetty Garu.
M. R. Ry. G. Subbarayalu Chetty Garu.
J. DeCaster, Esq.
M. R. Ry. V. Varadappa Nayudu Garu.
The Hon'ble P. Rungiah Nayudu Garu.
M. R. Ry. Rao Bahadur C. Kalyanasundaram Chettiyar Avargal.
B. Lavery, Esq.
N. Subrahmanyam, Esq.
M. R. Ry. G. Subramania Iyer Avargal.
M. R. Ry. P. Subramania Iyer Avargal.

An Absentee Commissioner.

THE PRESIDENT:—Gentlemen, we have a quorum now, and we may proceed with the business. The first matter before the meeting is the reinstatement of Surgeon Lt.-Col. Maitland who has been absent from three consecutive General meetings.

MR. V. VARADAPPA NAYUDU proposed and MR. P. SUBRAMANIA IYER seconded "that he be reinstated."

THE COMMISSIONERS resolved to reinstate him.

Building Bye-laws.

THE PRESIDENT:—The next matter before the meeting is the G. O. No. 1088 M. Mis., dated 29th June, 1896, not approving of the modified draft Bye-Laws re Buildings under Section 413 (f) of Act I. of 1884.

MR. R. N. PRAGASA MUDALIAR:—I propose that the consideration of the question be deferred till the next General Meeting. The G. O. was circulated only recently, and the subject treated of in it is a very important one, affecting the interests of every citizen of Madras. I think it is right that we should go very carefully into these byelaws. The Govt. very properly points out in the beginning of the G. O. that we make a wholesale thing of every building, and the Government thinks that some distinction should be made between minor buildings and important buildings with reference to their relative value. The bye-laws now proposed apply to extensive additions as well as slight ones. I do not think the Government is right in the suggestion it makes at the very end of the G. O. As the subject will be considered at the next meeting, the whole thing may well be discussed then.

MR. R. BALAKISTNAMA CHETTY:—Seconded the proposition.

MR. N. SUBRAHMANYAM:—I do not see the object of deferring it. The only thing that we have to do is to record this G. O. When we reconsider the byelaws we can do so, stating our reasons for so doing. We cannot do anything in this G. O. We may send up the byelaws again, if we are of the same opinion as before, giving our reasons for adhering to our former opinion.

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Mr. R. N. PRAGASA MUDALIAR:—That is virtually the same thing.

Mr. S. GURUSAWMI CHETTY:—We cannot consider with this G. O., as to what the byelaws should be. We may frame another set of byelaws and request the Government to sanction them.

Mr. N. SUBRAHMANYAM:—I would propose an amendment "that the G. O. be recorded."

Mr. P. SUBRAMANIA AIYAR:—Seconded the amendment.

Mr. PRAGASA MUDALIAR:—The Government makes several observations in this G. O.; and by merely recording this G. O., we will not have an opportunity of discussing the various points raised in it.

THE PRESIDENT:—The executive will bring the matter up.

Mr. P. THEAGARAYA CHETTY:—Then is it an understood thing that this matter will be brought up again?

THE PRESIDENT:—The papers will be circulated again to the Commissioners. The amendment was put and carried.

Proceedings of the Standing Committee.

THE PRESIDENT:—The next matter is the proceedings of the Standing Committee, dated 19th June and 3rd July 1896. The proceedings were recorded.

Statement of Receipts and Disbursements.

THE PRESIDENT:—The next matter is the statement of receipts and disbursements for April and May 1896.

Mr. R. N. PRAGASA MUDALIAR:—I would like to ask a question about a sum of Rs. 8,000 allotted for expenditure during the current year, for widening the Trivettore High Road. Four months of the year have already elapsed, and I would like to know if there is any likelihood of that expenditure being incurred during the current year.

THE PRESIDENT:—I can only tell you that the place was surveyed, and that the Engineer has a memorandum on his table to write to the parties as to the amount of compensation they would require. I do not know if he has written. When I left office, that was one of the first things to be done.

The statement was recorded.

Progress Report.

THE PRESIDENT:—The next matter is the progress Report of works for April and May 1896. This was recorded.

Mr. Pragasa Mudaliar's Resolution.

THE PRESIDENT:—The next matter is the resolution of Mr. Pragasa Mudaliar about the bathing fountain.

Mr. PRAGASA MUDALIAR:—The resolution which I move on notice is to the following effect:—

"That in the antiquarian interests of the City of Madras the present work at the Old Jewish Cemetery in Mint Street cease, and that the Government of Madras be requested to have the place explored under cultured and qualified supervision with the view of having it converted not into a bathing fountain, but into a garden, with the tombs duly preserved, such as may prove an attraction to lovers of old Madras."

In the course of last month my attention was drawn to an article in the *Madras Times* in reference to the demolition of certain monuments and graves in the old Jewish cemetery at the southern end of Mint street, the object being to set apart that piece of ground for the purpose of being used as a bathing place. At the very first sight it seemed to me that the work that was set on foot was, to say the least, most undesirable. I wrote at once to the Acting President, pointing out the

undesirability of converting an historic spot into a bathing place, and suggested the suspension of the work, pending the survey of the locality by some competent officer of Government. The President, in reply, has kindly informed me that he had stopped all work, and suggested at the same time that it would be well if I moved a resolution so that the wishes of the Commissioners may be ascertained. I am confident, Gentlemen, that for the reasons that I shall presently adduce in proof of the unsuitability of this locality for a bathing place, my resolution will meet with your acceptance.

1. Most if not all houses in the Mint street have house service. The owners of these houses would sooner have a bath at home from their own fountains rather than go to a common bathing place at some distance from their houses. Moreover, the present site being situated at the extreme end of the street, very few of the residents of this street would resort to the place. So far as I have been able to gather, this bathing place will chiefly be utilized by the somaries and loafers who loiter about that part of the town.

2. It is the opinion of our Engineer that the water-supply in this street is already bad, and he doubts whether it would be wise for us to make it worse, as large quantities of water are used in bathing places.

3. That in antiquarian interests this cemetery is likely to attract many persons, and to such of them the erection of buildings as bathing places for males and females must not only prove an obstruction, but must be a source of positive nuisance.

4. The establishment of bathing places in the midst of and over existing graves must be rather repugnant to Hindu minds, and hence they are not likely to be much utilised.

5. The existence of old monuments two centuries old, and of several slabs and graves 3 feet underground, probably older still, is of such archæological interest that exploring the place by qualified persons is likely to lead to discoveries which must prove of immense value. The erection of bathing places here must be a great bar to probable discoveries.

6. Viewing our action from a Christian, Hindu or Mahomedan point of view, the disturbing of existing graves, which we are practically doing by the laying of pipes, though it is alleged we are not disturbing them at all, must indeed be revolting to pious minds.

7. The general report in the vicinity is that the place is haunted, and that the king tree in the centre is the abode of a *Moonee*. If such is the popular opinion, of which there is but little doubt, it is not very likely that this bathing place would be much frequented, especially by Hindu females.

8. The view of a Jew with whom I had a talk, and who is now in Government employ, is that our action in the present matter is nothing less than a desecration of sacred ground. Such a feeling is natural to every one, and I think it deserves to be respected. I think that the above reasons should induce us to abandon the work we have inaugurated. If there should be any among us who consider that the work should not be abandoned for these reasons, to them I shall adduce yet another.

Lastly, there is a very serious objection to the erection of a bathing place on this spot, and I say that the carrying out of this work would be thoroughly illegal. Section 227 provides that "the Commissioners shall set apart places within the city (not being the property of Government or private property) for the purpose of being used as bathing places." The question is—whether this old cemetery is the property of the Commissioners, for if it is the property of Government or of private persons, the Act does not authorise us to put up bathing fountains thereon. Under Section 233 all public streets, with certain reservations, with the pavements, stones and other materials thereof and all trees growing thereon or the side thereof are vested in the Commissioners, and therefore the Commissioners can do anything with them in carrying out the purposes of the Act. Likewise under Section 254 for the purpose of drainage, "all sewers, drains, drainage works, tunnels, culverts in and alongside or under the street or any building and all works, materials and things appertaining thereto are vested in the Commissioners." Here again the Commissioners would be perfectly justified in doing or undoing the present state of things for carrying out the purpose of the Act. So far as I have been able to see there is nothing in the Act to show that a property such as this Jewish cemetery is, is vested in the Commissioners by the Act. Moreover, this particular cemetery does not come within the purview of the Sections of the Act relating to the "Burial and Burning Grounds." If, then, this ground is not vested in the Commissioners by the Act, it must at least be transferred to the Municipality, unconditionally, to be treated as Municipal property. For the purpose of ascertaining

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whether there has been any such transfer of property, I have been referring to the records, and I am surprised to find that we could not have committed a greater blunder than in deciding the erection of bathing fountains in this place. It appears that the Health Department found this place to be very dirty, and without trying to find out the owners thereof, called upon the Public Works Department to clean the place. When this was being done, the matter was reported to the Deputy Collector who wrote to this Department to say that there were three isolated tombs on this land, which was the property of Government, and that the tombs were looked after by his Department, and requested at the same time to be informed if the land was required by the Municipality, and for what purpose and whether we were willing to take up the land on an annual lease of one rupee, on the understanding that the tombs are preserved and maintained in good condition. Just at this juncture a suggestion was made to provide in this place bathing fountains. The proposal of the Deputy Collector was accepted, and a lease bond was accordingly executed. It will thus be seen that we were beginning to put up bathing fountains, which we are not authorised to do by Section 227 of the Act, as the place where they were intended to be put up was the property of Government. What is still more wonderful is we were going to spend Rs. 2,257 in the face of certain conditions in the lease bond, which it is as well for you to know. Clauses 3, 4, 6 and 10 of the Muchilika runs as follows:—

Clause 3.—I further agree that the said land shall be used solely for the purpose of cultivation and that no buildings of whatsoever kind or description shall be erected thereon without the previous consent of the Government for that purpose shall have been obtained.

Clause 4.—I do also agree that if any buildings shall be erected on the said land without the previous consent of Government, shall not be required to pay any sum of money by way of compensation or otherwise for such buildings at any time or under any circumstances whatsoever.

Clause 6.—If, however, Government do not do this, but determine to make over the land to others on lease or on other conditions, I bind myself to leave the land clear of all disputes before the evening of the 30th June, being the last month of the current Fusli.

Clause 10.—If the Government want the land before the end of the Fusli for any public purpose, I agree to restore it within a week from the date of receipt of a notice to that effect without claim to compensation for any loss or damage in that behalf.

It is needless for me to offer any remarks on these conditions of the lease bond. Irrespective of the illegality of the construction of bathing places in Government land, I think it is simply absurd for us to spend a large sum of money upon this work to restore it to Government within a week from the date of receipt of a notice to that effect, without any claim to compensation for any loss or damage in that behalf. I am sure that after what you have heard you will have no hesitation in supporting my resolution, and I hope also that the President will see fit to give back the land to Government and to get the lease cancelled. Of course the Health Department will see that the place is kept clean by the Deputy Collector. Before concluding I think our thanks are due to the *Madras Times* for having drawn our attention to the subject before it was too late.

Mr. P. THEAGARAYA CHETTY:—I second the proposition, reserving my remarks.

THE HON'BLE MR. RANGIAH NAYUDU:—Was there any correspondence between the Government and the President about this land, either before or after the lease bond had been executed?

THE PRESIDENT:—The original correspondence was with the Collector. Recently there was a D. O. sent to the Chief Secretary.

DR. VARADAPPA NAYUDU:—We do not know anything about this correspondence.

MR. PRAGASA MUDALIAR:—There was only one letter from Government and one from the President.

It was proposed by Dr. VARADAPPA NAYUDU, and seconded by Mr. DeCaster that the consideration of the matter be deferred and the papers connected with the subject be circulated.

The Elephant Gate Crossing.

DR. VARADAPPA NAYUDU, in moving the following resolution:—“The Commissioners consider it absolutely necessary that a wooden foot overbridge at the Elephant Gate Crossing be constructed for the convenience of the public, and that they are prepared to contribute a moiety of its cost if the Railway authorities undertake to construct it,” said:—

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I need not talk much and take up your time about the necessity of this foot overbridge at the Elephant Gate crossing. I am certain that many of us who have had any occasion to go by that gate must have noticed the crowd and confusion that takes place when the crossing is closed. This is a gate through which all the heavy traffic of the Salt Cotaurs must pass. You know hundreds of heavy laden carts, drawn by coolies, obstruct the passage when the gate is closed, and thereby all the passers are put to great inconvenience. You must also remember that it is through this gate large number of Oobera coolies must go to the town daily, and their number is not small, but very large. When the crossing is closed, carriages, heavy laden carts, and people crowd together in confusion, and it is no wonder that accidents occur when crowds of people rush hurriedly as soon as the crossing door is opened. You know that this crossing is closed as many times as the train passes. A small wooden foot overbridge will remove all these difficulties. It is the duty of the railway authorities to build a bridge of this nature, but as they persistently refuse to build one unless the Municipality subscribe half of its cost, it is better that we should pay half the cost, which amounts to about Rs. 1,200 and have it constructed once for all to obviate the public inconvenience. I trust that all the Commissioners will, without an exception, look upon this as an urgent necessity and give their assent for its construction.

MR. M. VENKATRAMIAH CHETTY:—Seconded the proposition.

MR. G. SUBRAHMANIA AIYAR:—Our decision will have to depend upon the fact whether the passenger traffic is so congested at this part any more than at any other similar railway crossing. The question is whether the public inconvenience is caused by us, in which case we are bound to contribute towards the cost of the foot bridge. It would no doubt be convenient to have a foot bridge but the cost will have to be considered by the President in communication with the Railway people.

DR. VARADAPPA NAYUDU:—I think the Railway authorities communicated to the President sometime ago.

MR. THEAGARAYA CHETTY:—Before we decide the question, it would be better if we know the communication. It may be that the Commissioners declined to give any assistance or it may be that the Railway authorities tried to throw the whole burden upon the Municipality. I propose as an amendment, “that the subject be deferred and the papers circulated.”

MR. DECASTER seconded the amendment.

The amendment was put and carried.

Revision of Assessment.

DR. VARADAPPA NAYUDU:—The resolution of which I gave notice views in these terms:—“The Commissioners consider that a general revision of assessment of the buildings is not necessary at present, and that a period of ten years be fixed as a limit for each revision.” I would like to move it at the next general meeting of the Commissioners, and therefore I beg to propose an adjournment of the meeting.

MR. THEAGARAYA CHETTY:—It is only 5-40 P. M. and I do not see why we should adjourn the meeting.

DR. VARADAPPA NAYUDU:—Then I withdraw the proposition. The proposition was with the permission of the meeting withdrawn. The meeting then terminated.