

[7]
INDEXED.

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED

5-2-96.

No.

197 M.

When given for copying.

[Despatch Abstract.]

Muml. Council.

*Ordering with remarks
that the election of Mr.
Fischer as Member of
the Madras ——— be
notified.*

NOTIFICATION.

UNDER Section 10 of the Madras District Municipalities Act, 1884, the under-mentioned gentlemen have been duly elected Municipal Councillors of the Municipality of Madura :—

Mr. Robert Fischer.

BACK PAPER, No.

OF 189

FURTHER PAPER, No.

OF 189

READ AGAIN ORDER OF GOVERNMENT, DATED
189 No. , MISCELLANEOUS.

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.
- P — Copy abstract only.
- Q — Copy heading only.

Copied by HA

Examined by

C. No 291

Fort St. George Gazette
Part I. A.

Name of Municipality

1 2

Madura.

No. IX of Elephant Stone Ward

2nd December 1895

463

Selection rules.

7 votes were kept for

[G. 74]

NOTE FOR THE CHIEF SECRETARY

In 9.0. 599 M the appointment of a councillor was forgotten late in order to break his continuity of office. In 9.0. 1383 M it was also held that continuity in the post of councillor involved also continuity of in the office of chairman. Submitted therefore with ref to f.o. 93 M that M. Fisher's re-election may be forgotten after the f.o. a 5-10-96 in the note
3. ii-96
W.H.D.

Signed P. Selvaraj Narayan
Chairman. Delegate.

LOCAL AND MUNICIPAL
DEPARTMENT.

da

FROM

THE CHAIRMAN,

MUNICIPAL COUNCIL,

MADURA.

No.

ENCLOSURE. nil.

Dated

Received

2nd December 1895.

No.

78

SUBJECT.

Reporting the result of the
election in the 9th Ward.

Enclosure No 1.

In a letter.

From

The Collector of Madura.

Recd on Current No. 2532 of 1005
m.p.

Dated 23rd January 1896

Letter No 78 dated 22nd December
1895 from the Chairman Municipal
Council Madura.

[G
74]

NOTE FOR THE CHIEF SECRETARY.

In G.O. 599^M the appointment
8.5.94

of a councillor was suggested late in
order to break his continuity of office,
thus leaving vacant the office of chairman.

In G.O. 1383^M it was also held
5.12.94

that continuity in the post of councillor
involved also continuity of in the
office of chairman. Submitted therefore

with ref to G.O. 93^M that Mr. Fisher's
17.1.96

re-election may be suggested after the

9th, as suggested in the note

WHD

3.11.96

REPORT OF ELECTION HELD

Madura MUNICIPALITY.

Name of Municipality.	Name of ward, if any.	Date of Election.	Number of registered voters.	Number of voters who exercised the privilege.	Names of candidates.	Number of votes obtained by each candidate.	Name of candidate duly elected.	Remarks.
1	2	3	4	5	6	7	8	9
Madura.	No. IX or Elephant Stone Ward	2nd December 1895	463	263	Robert Fischer Esquire " Mr. C. K. Perasawami Naidu " " S. Subramania Iyer Esq " " M. Karuppana Pillai Esq " " G. Srinivasan Row Esq " " P. Narayana Iyer Esq " " M. Anantha Krishna Naidu " " M. V. Sundaramier Esq " " Ranga Rajulu Naidu Esq	121 102 1 Nil Nil Nil Nil Nil Nil	Robert Fischer Esquire	32 votes were rejected under Sec. 24 of the Election rules. 7 votes were kept doubtful.

No. 78

Submitted to Government through the Collector of Madura.

Municipal office,
Madura, 2nd Dec. 1895

(True copy)

Signed P. Selvaraj Naidu
Chairman. Delegate.

List of enclosures to this officer,
 on Current no: 2539 of 1895 dated 23rd January
 to the Chief Secretary to Government, Local
 Municipal Department Madras

Serial Number	Nature of paper	no. of papers
1	Letter no: 78 dated 2 nd December 1895 from the Chaviman Municipal Council Madras.	1
2	Petition dated 16 th December 1895 presented by Mr. C. K. V. Srinivasan Nayudu.	1
3	File of depositions of witnesses	1
	Total	3

Will.
 Collector

[Signature]

Enclosure No 4.

In a letter.

From.

The Collector
of
Madras

Reference on Current No 2539 of 1895
M.P.

Dated 23rd January 1896.

List of enclosures.

4
291 M.P.

Ref: on C No 2539 of 1895
M.P. Madras Collectors office
23rd January 1896

From

J. Twigg Esquire
Collector of Madras

To

The Honorable J. H. Price
Chief Secretary to Government
Local and Municipal Department
Madras

Sir,

Under No 37 of the Rules framed for the conduct
of Municipal Election, I have the honor to report
the result of my enquiry into a petition presented
to me on the 16th December by Mr C. K. Virasami Chetty,
a candidate, against the validity of the election of
Mr Fischer for the 9th ward on the 2nd December 1895.

2 The contest was practically between Mr Fischer
and the petitioner, who secured 121 and 102 votes res-
pectively, while of the other candidates Mr E. S. Subra-
maniam Iyer secured one vote and the rest none.

3 The polling took place in a mantapam which

is trailed round with bamboos. Within this enclosure was the polling booth proper, also enclosed by an open bamboo railing. On arrival at the poll voters were conducted into the outer enclosure, where after identification by bill collectors, they were given slips of paper with their numbers on the voter's list, which they presented to the polling officer when recording their votes.

4. The petition was presented on December 16th, and I posted the hearing for December 20th the last office day before the holidays. The petitioner had however left Madurai, and his wakil had no instructions. After the holidays, I posted the case for the 10th January, but again the petitioner was absent, and as the notice had been short I had to adjourn the case to the 21st. Application was made to summon a large number of witnesses to which I replied that I had no power to do so.

5. The petition in para 3 alleges nine grounds of appeal, the most material being (d) (e) (f) and (g).

(d) That in the case of some illiterate voters the Polling officer Mr Subba haidee scored out the wrong names. The petitioner's wakil stated that unless allowed to examine the ballot papers he should offer no evidence on this point. I refused the request and suggested that they should produce the evidence upon which they had brought this grave charge against the polling officer. An affidavit was then put in from one Toppai Venkatachallam, voter no. 383. to the effect that he had asked the polling officer to score out the names on the ballot paper retaining that of Mr Virasami haidee. On examination the vote in question was found to be in favor of Mr Virasami. The voter though evidently not skilful with the pen had signed his name himself on the paper. This man is said to be ill, but I thought it unnecessary to postpone the enquiry indefinitely in order to give him an opportunity of attending personally. It is simply a question of what he told the polling officer when the two were

None in the booth: there is the word of the officer against the word of the voter. I believe the officer.

II(c). Manikka Geshayya was produced to say that he was absent from Gundurra at Tiruppur: rengundram about 5 miles away on the election day, and did not vote. His vote on examination is found among those of Mr Fischer's supporters. Kolandasami Iyer, a bill collector who was examined later on, stated that he identified the voters as they came to the poll, and gave them their slips, and that Manikka Geshayya did appear and vote. There is no evidence to the contrary but the voter's bare word, and considering the small number of voters (463), the attendance of candidates and their supporters at the poll and the particularly keen interest that was taken in this election, I consider that ^{the} personation of a voter must have been practically impossible. I do not believe this charge.

III(f) Intimidation.

The

The 1st witness Mr Rengaraja Naidu a voter and man of some position says that several Councillors and Municipal Servants were at the poll soliciting votes. In particular, he heard a Councillor Mr Gulam Ali Sahib threaten a voter to increase his municipal tax and remove the flagstone in front of his house if he did not vote for Mr Fischer. Mr Gulam Ali Sahib is Councillor in charge of the ward, so his threats, if he used any, would have some force. He could not say who the threatened voter was except that he was a silk weaver. This witness had also seen Mr Venkatesa Naidu a Councillor and some Municipal Servants on days before the election soliciting votes for Mr Fischer and using the threat to raise taxes.

The 2nd witness, a voter, says he was threatened with increase of tax by the Manager of the Municipal Office.

The 3rd and 4th witnesses stated nothing in support of the petition. The 5th witness was a ^{convener} agent of the petitioner and states that he heard

Gulam Ali Sahib and a bill collector threatening people that their taxes would be increased if they did not vote for Mr Fischer.

The 6th witness a poster says Mr Gulam Ali Sahib threatened him in the same terms.

Messrs Gulam Ali Sahib, Duraisami Naidu (Manager) and Venkatesalu Naidu, all deny having used threats. The first named who is the chief person accused, says he not only used no threats, but never solicited a vote, and took no interest whatever in the election. He goes a little too far however, as did also the Polling Officer Mr Subba Naidu when he states that he does not even know that there is faction in the Municipal Council.

I think it would be very extraordinary if the threat to raise taxes was not employed during this election by some indiscreet supporter or other, but I cannot consider this charge proved as it is necessary it should be proved.

IV. g. The published results of the poll were

Mr Fischer 121

Mr Virasami Naidu 102

Mr Subramonia Ayyar 1

Rejected 32

Doubtful 7
263

The result of my scrutiny of the voting papers is as follows.

2 of Mr Fischer's votes were invalid.

Of the 32 rejected votes, 4 in favor of Mr Virasami Naidu and 1 in favor of Mr Subramonia Ayyar were improperly rejected.

Of the 7 doubtful votes one was properly rejected, and six should count for Mr Virasami Naidu.

The result gives, Mr Fischer 119

Mr Virasami Naidu } 112

Mr Subramonia Ayyar } 2

Rejected 30
263

6. A few words only are necessary on the other ground of appeal.

(a) I am not aware of any rule or order which prevents a Councillor from seeking election while still holding the office of Chairman, and

1215
95

I replied to this effect to a petition under Rule 20 -
objecting to Mr Fischer's Candidature. It is inevitable
however that his position should be used in
conspiring to give him an undue advantage
and I would sugg^t that it is desirable that
it should be ruled that if a Councillor seeks
election while holding the office of Chairman, he
should first resign that office.

This is unnecessary
as Sec 9 of the Bill to
amend Act IV of 1884
provides that no person
is qualified for appointment
as a councillor
"unless he is not
a member of the Council"
or a member of the Council.
{see 10 A(1)}.

(b) & (c) The petitioner on 22 November objected (in
offensive terms) to the appointment of any
one of nine named Councillors as polling
officer. The Chairman appointed Mr Subba
Naidu, and the petitioner then on November 27th
objected to him also. He says he omitted to
mention him in the first petition by mistake.
The delegation of Chairman's powers in connection
with the election was necessary as Mr Fischer
the Chairman was himself a candidate.

(h) & (j). There is no rule that voting papers should
be marked in pencil and such an order
would be injudicious. Many of the notes

were blotted, but not so as to render them

any scrutiny revealed errors in counting the
and it is curious that all except one (Mr Subba
Naidu's second vote) were in favor of Mr
Fischer, but there is no ground for the suggestion
that any of the notes were tampered with.

7. To conclude, though I believe that Municipal Council
did canvass for Mr Fischer, I do not find the charge of
intimidation satisfactorily proved, and my scrutiny
of the ballot papers still leaves Mr Fischer at the head
of the poll though with a reduced majority.

I have the honor to be
Sir
Your most Obedient Servant

W. W.
Collector

Copied by W.R.
Red by W.R.
23/1

In reply

Dept.

291 M

The Collector of
Madura

Reference on Current No 2539 of 1895
M.P.

Enclosure 4

Dated 23rd

Received

January 1896

N^o

Subject



Reporting the result of enquiry into a
petition presented on the 16th December 1895
by Mr. C. K. Virasami Naidu, a candi-
date, against the election of Mr. Fischer
for the 18th ward of the Madura Munici-
pality on the 2nd Idem.

[8]
508-27-3-95.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated

189 , No.

Current No. 291 M. of 1896, dated 23rd January from the Collector of Madura
Current No. of 189 , dated from the

Order. N^o. 197 M. of 1895-2-96

The Government agrees with
the Collector in considering that the
objections raised against the electors
in question have not been substan-
tiated. The petition of objection
will accordingly be rejected and
the name of the successful can-
didate published in the Fort St.
George Gazette.

2. With reference to the ob-
jection made by the Collector in
para. 6 of his letter, he will be re-
ferred to Section 9 of the Bill
amend Act IV of 1884, recently
published in the Fort Saint Geo.
Gazette.

3. The instructions in
G.O. No. 2820 dated 2nd Decem-
ber 1895 regarding
style of prefix to be adopted
in official correspondence in
to native gentlemen have no

28/1/96

... in the Collector's letter.

Section of a Committee
Madura Municipal

12/96
12/96
12/96

29/1/96

C.P.
misc

1972

L. & M.
2000-4-4-96.

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 197 M

DATED 5th February 1896.

[Despatch Abstract.]

Municipal Council.

Ordering, with remarks, that the election of Mr. Fischer
as member of the Madura ----- be notified.

To The Collector of Madura.
(with ~~enclosures~~ ^{ut?})
Forwarded 12/96

Desp. 7/2/96

mitted that the suggestion to justify.

Approved 12
4/2/96

BACK PAPERS.

FURTHER PAPERS.

RECEIVED AGAIN G.O., No.
189

CURRENT No.

LETTER OF GOVERNMENT.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.