

BACK PAPERS.

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

FURTHER PAPERS.

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

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

Current No 2/54 of 1897, dated 2nd June 1897 from the Chairman. M. C. Namargudi.
Current No. of 189 , dated from the

M.C. Order. No 1608 M. mis. dt 17.7.97.

The chairman will be informed that the adjournment of a few hours in the middle of the day does not constitute a new meeting; ~~and as no~~ ^{nor were any} subjects other than those booked for consideration in that meeting were dealt with in the evening. The proceedings passed by the municipal council of Namargudi on the evening of the 27th March 1897, are ~~therefore~~ ^{quodally} valid. But ~~his~~ ^{the} failure to forward these proceedings within three days of the meeting as required by sub-section (2) of section 31 of Act IV of 1884, as amended by Act III of 1897, was highly irregular, ^{while} ~~and~~ the delay of more than two months in making this reference, ~~is~~ ^{the} reprehensible.

Not done

Not done

2. ^{It is also desired} The Chairman is requested to explain why his letter read above was addressed to the Chief Secretary, and not to the Secretary to Government, Local and Municipal Department, and ^{that} it was not submitted through the Collector, as required by G.O. No. 1162. M, E dated 4th September 1893. Such irregularities (From orders) must be avoided for the future

V.R.
13/11/97

8/11/97

Rto
The Chairman, M. C. Mannargudi
through the Collector
of Tanjore
11/11/97

Again G.O., dated 189 , No.
Current No. 2154 M of 1897, dated 2nd June 1897 from the Chairman M. C. Mannargudi.
Current No. of 189 , dated from the

SUBJECT.

FOR ORDERS.

Clause (1) of Section 29 of the District Municipalities Act IV of 1884, as amended by Act III of 1897 lays down that "the Municipal Council" " * * * shall meet for the transaction of business at least once in every month, upon such days and at such times as they may arrange, and also at other times as often as a meeting shall be called by the Chairman " Under this Section, the Municipal Council of Mannargudi has decided, in its resolution dated 2nd March 1897 (Flag A) that all ordinary meetings of the Council be held on the second and fourth Saturdays of every month. In accordance with this resolution, a notice was issued calling for a meeting of the Council at 7 A.M. on the 27th March 1897, the

last Saturday of the month, but as all the business before the meeting could not be disposed of in the morning, the Council resolved to adjourn the meeting till 4 P.M. and the remaining subjects were disposed of at this adjourned meeting. The Chairman questions the correctness of this procedure and states "I do not find any provision of law which empowers the Councillors who have met to transact business to pass a resolution for holding a meeting according to their will and pleasure". He also points out that a Councillor who was absent at the morning meeting could not attend the evening meeting, although he might have done so if he had been given due notice of it, and that it is not the object of the law to hold meetings without notice to members.

The meeting of the 27th March was convened for the consideration of certain subjects, but as all of them could not be disposed of in the morning, the meeting was adjourned till 4 P.M. and the arrears of the morning were disposed of in the evening. The adjournment of the meeting does not

of course not: it is
the same meeting
JH

But suppose the meeting
had gone on continuously
till 6 P.M., the Councillors
would presumably have been
equally unable to attend
throughout!
JH

appear to constitute a new meeting and as such, the provisions of Section 29 relating to the calling of a meeting, viz: notice to Councillors &c., cannot apply to this. Moreover, it does not appear that any subjects other than those posted for consideration in that meeting were dealt with in the evening. If this had been done, the case would have been different. The Chairman's argument that the Councillors who were absent in the morning might have attended in the evening if notice had been given to them is untenable, seeing that they could have had no room for complaint if all the subjects marked for the meeting had been disposed of in the morning. It would no doubt have been better in such cases to have given notice of the adjournment to all the Councillors, although this is not required by law, but the

mission to do this cannot vitiate
the proceedings of the meeting held
in the evening.

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27/6/97

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The Chairman may be told
that the adj. of a few hours
in the middle of the day does
not constitute a new meeting
there was no fresh agenda
paper.

S.R. 27/7

(ask him why he addresses
the Ch. Sec. & does not send
the reference (to the Police
who probably have saved)
us this police reference
By the bye the meeting was on
27 March & this reference is dated
2 June. ~~Under Sec 31~~; He admits
the pages of the R.C. have not yet
been published at the Sec 31 & 1
requires him to do so within
3 days of the meeting. It was
highly irregular of him to avoid
this duty or delay the reference
for more than 2 mos.)

S.R.

Local & Munl. (1897) Department.

CURRENT No. 2154M

From The Chairman
Municipal Council
Maurangudi.
No. 126

Order.

Dated 2nd June 1897

Received 5 JUN. 1897

Registered 5-6-97

Enclosures - 3

Spare copies

SUBJECT.

Submitting an extract
from the Proceedings
of the Municipal Council
Maurangudi dated
27th Dec 1897 held
in the evening meeting
of that date, for
orders.

15/6 1897

G.O.	No.	Department.	Date.

G.O.	No.	Department.	Date.

No. 126

Dated 2nd June 1897

LOCAL & MUNICIPAL DEPT.

CURRENT No. 2154 m

From H.R. Ry. H.R. Stearns Row at
Harrisburg Pennsylvania
May 1890.

To
The Chief Secretary
to the Government of
Madras.

Sir

I have the honor to submit an
extract from the Proceedings of the
Municipal Council dated 27th March
1897 held in the evening of that date
for your consideration and orders.
A notice was issued calling for
a meeting at 7 P. M. on the 27th —
March 1897. Accordingly the Council
met and transacted some business
and passed a resolution to meet again
at

at 4 P.M. to dispose of the remaining subjects. In this meeting of 4 P.M. - no notice or intimation was issued or given under clause 1 of section 29 of Act No. of 1884. This evening meeting in my humble opinion is contrary to law & proceedings are invalid.

3. Clause 1 of section 29 of the Municipal Act empowers the Municipal Council to fix such days & at such times for holding meetings and also at other times as of ten as a meeting shall be called by the Chairman. Under this power the Council has resolved to hold meetings at 7 A.M. of 2nd & 4th Saturdays of every month. (I enclose copy of the resolution of the Council enclosed). Clause 2 of the same section

Nelson is not specified in the resolution. Says only that ordinary meetings be held on the 2nd & 4th Saturdays.

Section lays down that a meeting shall be convened by the Chairman at the requisition of not less than one third of the whole number of Municipal Councillors and how - under the Amendment Act one fourth of the Municipal Councillors then on the Council. In respect of the different modes by which a meeting is to be held as above shown, I do not find any provision of law which empowers the Councillors who have right to transact business to pass a resolution for holding a meeting according to their will and pleasure. If such is allowable I cannot see how the other members who are not present at a meeting in which a resolution is passed to hold another meeting at a different time

are to know that a meeting is to be held in accordance with the resolutions passed behind their back. A councillor who is unable to attend a morning meeting may be able to attend an evening meeting if he has notice of the same. If no notice is given how is he to know? I do not think that the object of law is to hold meetings without giving notice to members. If such is the object a meeting can be held at any time when a sufficient number of councillors be present - meet accidentally or premeditatedly. Under such circumstances many difficulties may arise which I think it unnecessary to state.

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4. I have enclosed a copy of my view which was expressed in writing when I heard a meeting was to be held and shown to the members present.
5. Coming to pressure of work, I have not been able to report about this earlier.
6. The said proceedings have not been published owing to my view of the law. I therefore have the honor to request that you will be good enough to pass orders on the question raised as it is very important and materially affects the members though a little time has elapsed for making this request.

I have the honor to be
Sir

Your most obedient servant

J. E.

W. H. Sturges
Chairman.

Extract from the Proceedings of the
Municipal Council drawn up and
passed at their meeting held on the
2nd March 1895

Present.

M. R. K. S. Sreenivasa Rao ab Chairman
" K. L. Sreenivasa Mudabai ab Population
" Venkajini chettai ab "
" Gonkida Pillai ab "
" Appanda Mudabai ab "
" J. Siva aiyar ab "
" Arumugham Pillai ab "

Special Subject.

1. Proposed by M. R. K. J. Siva aiyar
averaging that ordinary meetings
be held on the 2nd & 4th Saturdays
of every month & the proposition
was seconded by M. R. K. Sreenivasa
Mudabai ab.

Resolved that ordinary meetings
be held as proposed.

x x x x x x

(Signed)

(Signed) H. K. Streetman
Chairman

(Extract) H. K. Streetman
Chairman

2/5/44

Handwritten notes and signatures on the left page, including "2/5/44" and "2/5/44".

The Council after disposing of a number of subjects this morning resolved to reassemble this evening as some more subjects were necessary.
Accordingly they have assembled now at 5 P. M.

(Signed) H. Jayanatha Rao
Manager
27. 2. 97.

Chairman's view: — "I do not think that a meeting can be held without notice to the Councilors. A member who was not able to attend this morning may be able to attend the meeting in the evening if notice had been given. In my own case as for instance I was not able to attend the meeting this morning, because I had to attend Court and it is a surprise to me to hear at 5-40 that a meeting is to be held just now."

The Council after disposing some subjects
in the morning resolved that other
subjects shall adjourn to 4 p.m.
as it is too late to dispose of too
many subjects pending disposal
and

39 subjects were disposed of in the evening meeting.

(Signed) J. S. Williamson
 Presiding Juror

(Pure Extract).
Mustard
Chamman.

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When given for copying _____
 When copied 10/20/97 189
 When examined _____
 When signed 21/2/97

READ AGAIN G.O., No.
189 .

DATE:

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	..	..	..	A	A	A	A	A	A
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LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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

N.B.—

A = Copy in full.
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P = Copy abstract only.
Q = Copy heading only.