

26-10-97 ✓

[L. & F.
2,000-5-97.]

Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 2289 M

DATED 26-10-97

INDEXED. *2*

DESPATCHED

[Despatch Abstract.]

Electors

Stating that, under Rule 2, of the Rules for the — of Chairman of Municipal Council issued in G.O. No. 214 M D/7th March 1886, the successful Candidate must obtain the votes of more than one-half of the total number of members then on the Council, in order to secure a valid election and that as Dr. Oliver failed to do this at the first ballot, the — was rightly held by the Chairman to be invalid. ✓

BACK PAPERS.

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

FURTHER PAPERS.

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

[L. & M.]
150-30-6-97.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., No. dated 189 .
 Again G.O., No. dated 189 .
 Current No. 35317 of 1897, dated 11th October, from R.C. Chidambaram made
 " " 35407 " 1897, " 11th October, " to the Municipal
 " " " 1897, " " " or Oliver, Trichinopoly

ORDER. N: 2289 min D/26/10/97

Under Rule 2 of the Rules for the election of Chairmen of Municipal Councils issued in G.O. NO. 21417, dated 7th March 1888, the successful Candidate must obtain the votes of more than one-half of the total number of members then on the Council, in order to secure a valid election. As Dr. Oliver failed to do this at the first ballot, the election was rightly held by the Chairman to be invalid.

/ From orders /

Done Sharp
213
26/10/97

137
23/10/97

26/10/97

To
The Petitioner
Chairman, m.c. Trichinopoly
26/10/97

Local & Munl. (1897) Department.

CURRENT No. 3531 *M*

From

R. C. Chethumbara Mudaliyar &
other Municipal Councillors
Trichinopoly.

Order

No.

Dated 11-10-97

Received 14-10-97

Registered 14-10-97

Enclosures

Spare copies.

SUBJECT.

Praying that in the circumstances stated Dr. Oliver may be declared as duly elected chairman of the Trichinopoly municipality and that necessary orders may be passed ~~before~~ before the 27th Instant on which date the Council stands adjourned for election.

BACK PAPERS.

G.O.	No.	Department.	Date.
80	1465	do	21-6-97
"	1966	do	17-12-94
"	1739	do	21-2-94
"	214	do	7-3-88

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL & MUNICIPAL DEPT.
3531/M

Trichinopoly, 11th October 1897.

To

The Chief Secretary to Government,

LOCAL AND MUNICIPAL DEPT.,

FORT ST. GEORGE.

MADRAS.

SIR,

We the undersigned Municipal Councillors of Trichinopoly, beg to submit the following for the just consideration of His Excellency the Governor in Council:

Under clause 1 of G. O. No. 214 M. of 7th March 1888, the Collector of the District gave notice, for the election of Chairman in our Municipality, fixing the 7th instant, as the date.

2. Twenty three Councillors out of the total strength of 24, attended and a ballot was taken, with this result. DR. F. G. OLIVER got 12 votes, DR. W. O'HARA got 9 votes. The two candidates DR. OLIVER and DR. O'HARA not voting at all and another Councillor LIEUT. HOPE being absent.

3. A second ballot was repeated, resulting in DR. OLIVER getting only 11 votes and in consequence DR. O'HARA getting 10 votes. The meeting had to be adjourned.

4. Before the members dispersed, it was brought to the notice of the Councillors that under G. O. No. 1966 M. of 17th December 1894, DR. OLIVER was duly elected in the first ballot itself and that there was no necessity for a second ballot which was held in ignorance of the existance of the above G. O.

5. On the strength of legal advice that we took, we have ventured to send in this petition for the liberal consideration of His Excellency the Governor in Council and for reasons, among others, stated below, we are of opinion that DR. OLIVER was duly elected in the first ballot itself.

6. Under G. O. No. 214 M. of 7th March 1888, the successful candidate should secure the votes of more than half the total number of Councillors then on the Council. This rule was interpreted to enable a candidate seeking election to vote for himself. That the above G. O. was so considered even by the Government is clear from the fact that on the 21st October 1889, MR. S. T. RENGASAMY IYER was elected by his getting 12 votes including his own, out of the then strength of 22 Councillors and his appointment was also gazetted. But for the amending G. O. of 1894, DR. OLIVER could have voted for himself and thus secured in the first ballot 13 votes out of a total strength of 24.

But the rule has now been altered.

7. In passing an amendment subsequently (vide para 2 of G. O. No. 1966 M. of 17th December 1894,) the Government lays down what the principle is and applying that principle, we are emboldened to think that Dr. OLIVER has secured the confidence of a majority of *other members* for, in our Council which consists of 24 members, there are only 23 *other members* (other than the proposed candidate who could not validly vote for himself) and 12 being a majority of 23, Dr. OLIVER has secured 12 votes in the first ballot itself.

8. The proposed Councillor is incapacitated to vote for himself and he is as it were, not on the Council for the purpose of this election. To say that Dr. OLIVER should secure at least 13 votes excluding his, is same as saying that the principle is not "that the Chairman elected should possess the confidence of a majority of the other members of the Council" as laid down in para 2 of G. O. No. 1966 M. of 17th December 1894, but it is that he should secure one vote more than a majority which is not the intention of the Government as it is clear from the above G. O.

9. Taking the other view of the question *i. e.* that the candidate elected should possess the absolute majority of the members then present including the candidates, the Government of course having done away with the consideration of quorum in this case, even then, Dr. OLIVER has been elected by a majority as LIEUT. Hope was then absent.

We therefore pray that, under the above circumstances His Excellency the Governor in Council will be pleased to declare that Dr. OLIVER was duly elected and that necessary orders may be passed before the 27th instant on which date the Council stands adjourned for election.

We beg to remain,
Sir,

Your Excellency's

Most obedient and humble servants,

M. Chethumbara Prada
Mamamahabuearyear

T. S. Chellappaiah

M. S. Mesurier
Asst Agent S.R.

avw Hope Lieut
S. S. O.

H. Kanyamudram Pillay
Mookeraman Pillay

By order of the Council

Local & Munl. (1897) Department.

CURRENT No. 3540 *M*

Telegram

From

Dr. Francis G. Oliver

Trichinopoly.

Order

No.

Dated 11-10-97

Received 15-10-97

Registered 15-10-97

Enclosures *Reply pass for Rs two*

Spare copies.

SUBJECT.

Requesting that the Chairman Municipal Council, Trichinopoly may be instructed to correct the interpretation of G.O. No. 1366 dated 17th December 1894, to avoid the arrangement of re-election because the petitioner has already secured a majority of 12 votes and has been duly elected as Chairman of the Trichinopoly Municipality.

114 OCT 1897

BACK PAPERS.

G.O.	No.	Department.	Date.
	Cm 3531/197	te	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

3540M

TELEGRAPHS. Monthly Number. 1250

CHIEF SECRETARY INDIAN GOVERNMENT OF MADRAS

12-OCT. 1897

To Government of Madras (Office)

From Trichinopoly (Office)

Words 67/15 Day 11 Hour 9 Minute 25

Official Instructions. Rs two Rupees

To Chief Secretary to Government of Madras (Person)

From Dr Francis G. Oliver (Person)

Trichy Municipal chairmans election
 Seventh instant 24 Councillors
 2 Candidates not voting
 present out of remaining
 22 I obtained 12
 Dr O'Hara 9 I have secured
 majority Chairman States
 13 votes required misund
 stands G.O. 1966 of December
 94 arranges for Re-election
 Request early orders to
 Correct him +

Recd. from L.N. Sent to L.N.

At Hrs. Mts. by At Hrs. Mts. by

for a/c Telegraph Master.

OOTACAMUND 11-10-97

E

For orders

The point for consideration in this case is whether Dr. G. Oliver was duly elected as chairman of the Trichinopoly Municipal Council in the first ballot.

Rule 2 of the rules for the election of chairman issued in G.O. No. 244 N.D. 7th March 1894, lays down that "no election under these rules will be recognized as valid unless the successful candidate obtains the votes of more than half the total number of members then on the Council. The Trichinopoly Municipal Council had its full complement of 24 members on the 7th October 1897, when the meeting for the election of a chairman was held and of these 23 were present at the meeting. Dr. Oliver obtained at the first ballot twelve votes and Dr. O'Hara nine votes, the two candidates abstaining from voting in accordance with Rule 4 as amended by G.O. No. 196 of 17th December 1894. The Chairman is of opinion that in order to secure a valid election the successful candidate should obtain the votes of at least thirteen Councillors, which is one more than half the total number of members on the Council, a second ballot was taken, but even at that, an absolute majority was not obtained by any of the candidates. The petitioners

who are some of the municipal Comm. Cellors of Richmond. - Content that the Chairman has misunderstood G.O. No. 1966 und 17th December 1894, that applying to the present case, the principle enunciated in para 2 of this order, which is that the Chair. man should possess the Confidence of the majority of the other members of the Council, Dr. Oliver must be held to have been duly elected at the first ballot seeing that he obtained twelve votes, which ~~represents~~ ^{constitutes} a majority of the other members of the Council (excluding himself) and that a second ballot was unnecessary. It is however observed that the remark contained in para 2 of G.O. No. 1966 und 17th December 1894, cannot be held to have cancelled or modified the provisions of Rule 2 of the rules for the election of Chairmen, under which an election will not be recognized as valid unless the successful Candidate obtains ^{more than} the votes of half the total number of Councilors then on the Council. These rules have the force of law and they must be observed so long as they are in operation. The Chairman is therefore to be right in holding that Dr. Oliver's election at the first ballot was not valid and that thirteen votes should be obtained by the successful Candidate for a valid election.

As the rules state candidate must obtain the votes of "more than one half the total members then on the Council" Dr. Oliver did not do so. His election was right if held by the Chairman & the minutes.

23/10/97
 AS
 1897

When sent for copying *W. H. 10*
 When copied _____ 189.
 When examined _____
 When signed *26/10/97*

READ AGAIN G.O. No. 189
 DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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

N.B. -
 A = Copy in full.
 B = Not to be copied.
 P = Copy abstract only.
 Q = Copy heading only.