[L. & M. 91]

.006—23-10-91.

(1897)
1897

Local & Munl. (190) Department.

MISCELLANEOUS.

G.O., No. 2815 M.

DATED 16-12-1897. 190 .

[Despatch Abstract.]

Municipal Council.- Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 8; requesting the council to state within one month its objections, if any, to these proposals, and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Read. — *Enclosures*

1897.

Regd. — *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following papers :—

I

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

ENCLOSURE.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890–91	4
1891–92	9
1892–93	28
1893–94	75
1894–95	34
1895–96	105
1896–97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417–5–4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643–1–8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. MURPHY,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. DANCE,
Collector.

II

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

Enclosures.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar, stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. Lemerle, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. Koroth Ramunni Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Koroth Ramunni Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

Present:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. DANCE,
Collector.

III

Petition—from ATCHARETH PARAKAT KUNHAMED, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. DANCE,
Collector.

IV

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

ENCLOSURES.

(i)

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Checkilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Checkilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A. F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from Koroth Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. Lemerle, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. Dance,
Collector.

V

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

ENCLOSURES.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi, Marar and five others.

Petition—from K. RAMUNNI and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

M. C. MURPHY,
Ag. Sub-Collector.

27*th November* 1897.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry (paragraphs 1 and 2 only).
,, Collector of Malabar.

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } *Enclosures*
1908.
Regd. 1897 } *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following papers :—

I

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

ENCLOSURE.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890–91	4
1891–92	9
1892–93	28
1893–94	75
1894–95	34
1895–96	105
1896–97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620-14-7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106-13-11 were actually served. I have now issued bills for a sum of Rs. 3,765-0-3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643-1-8. To this is to be added about Rupees 1,789-8-6 on account of bills *to be received*—thus aggregating Rs. 10,432-10-2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897-98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months. This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill,-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. MURPHY,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

C. W. DANCE,
Collector.

II

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G. came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these Councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to unnecessary interference of some of the councillors.

ENCLOSURES.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. LEMERLE, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. [illegible] RAMUNNI Avargal and others, Municipal Councillor Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Koroth Ramunni Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate Municipal Council, Tellicherry.
To—M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

PRESENT:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the Proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. X—The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subsequently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. DANCE,
Collector.

III

Petition—from ATCHARETH PARAKAT KUNHAMED, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. DANCE
Collector.

IV

Letter—from Messrs. K. RAMUNNI and five others, Municipal Councillors, of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

ENCLOSURES.

(i)

Letter—from Messrs. K. RAMUNNI and five others, Municipal Councillors, of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Checkilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Checkilodan Amed Kutti Haji) sent in a requisition to the Chairman-delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed so that it was neither a special meeting nor an

ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors prerent who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

———

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from K. RAMUNNI and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. LEMERLE, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. DANCE,
Collector.

V

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistance with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Mminute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th ins'ant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15 h instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

M. C. MURPHY,
Ag. Sub-Collector.

27th November 1897.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's lettter, dated 11th November 1897, No. 814.

G. W. Darner

Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. Tremenheere,
Ag. Secretary to Government.

To the Chairman, Municipal Council, Tellicherry
(paragraphs 1 and 2 only).
,, Collector of Malabar.

Mr. Mathews
Go. No. 2875 of 97
16-12-97

16

Local & Munl. (1897) Department.

CURRENT No. 3938

From The Collector of Macassar.

Order

15 NOV 1897
SECRETARIAT LOCAL & MUNICIPAL DEPARTMENTS

No. 2875/4212
dis 97.

Dated 11th November 1897

Received 15-11-97

Registered 15-11-97

Enclosures 2

Spare copies

SUBJECT.

Submitting a memorandum on the existing state of Municipal Affairs at Telicherry, received from the Chairman through the Sub-Collector.

a/8874

17

BACK PAPERS.

G.O.	No	Department.	Date.
Lo	2410	Rev	2-11-97
"	2119	Rev	20-9-97
"	1774	Rev	13-8-97
"	1587	Rev	13-7-97
"	1447	Rev	15-6-97
"	635	Rev	20-3-97
"	1027	Rev	26-4-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

29

Municipal office,
Tellicherry. 19th October 1897.

No 672.

From,

The Chairman,
Municipal Council,
Tellicherry.

To,

The Collector of Malabar,
Through the Sub. Collector
of Malabar.

Sir,

I have the honor to forward herewith for such action as you may deem fit to take, a Memorandum on the existing state of Municipal affairs of this town. As an official Councillor, I think it my duty to acquaint you the controlling authority of the Municipality, with its present deplorable condition.

I have to
(Sd) A. Fernandez.
Chairman-Delegate.

"True Copy."

Collector.

Calicut.
11th November 1897.

P. T. O.

Clerk

C.P. No. 417

Memorandum

On the 4th Instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs 159-5-4 in the Treasury to the credit of the Municipality (excluding deposit of Rs 242-6-7) while a sum of over Rs 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the Demand and Collections from all heads of Municipal revenue up to the half year ending 30th September 1897.

Previous years arrears up to end of 31st March 97.									Last half year ending 30th September 1897								
Demand			Collection			Balance			Demand			Collection			Balance		
5,907	5	1	1,543	7	10	4363	13	3	13,417	5	4	3346	14	6	10070		6

4. As regards the arrears of previous years I observe that 689 distress warrants issued to the Bill Collectors in the following years, ha

been left unexecuted-

1890/91	4 warrants
1891/92	9
1892/93	28
1893/94	75
1894/95	34
1895/96	105
1896/97	256

For the 1st half year ending 30th September — 178.

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689.

On bill collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned the bill Collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half year's demand, though

though it amounted to Rs 13417-5-4, yet bills were issued only for Rs 5620-14-7 since 13th July 97 though they ought to have been issued on 1st April 1897. Again of the bills issued, only those amounting to Rs 3106-13-11 were actually served. I have now issued bills for a sum of Rs 3765-- 3 and further bills are under preparation for the last half year.

6. The liabilities referred to in para 2 up to 30th September as per bills already received in the Municipal office amount to Rs 8643-1-8 To this is to be added about Rs 1789-8-6 on account of bills to be received - thus aggregating Rs 10432-10-2. This comprises principally salaries of the several establishments which have not been paid for 2 and 3 months and supply and other Contractors' bills which are in arrears for 6 months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and Coolies refuse to work hospital, gravel and other Contractors object to continue supplies and the several establishments grumble and murmur and I fear, the municipality must come to a dead-lock, unless the Collection

of

of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half yearly bills the rate payers will be subjected to serious hardship in that they will have to pay the full years taxe in a lump.

7. On the 13th instant I managed to pay the seavengers and Coolies their arrears of pay for August out of the Collections made since the 7th instant. If the seavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in para 6 there is, I am told, about Rs 500 to be refunded to parties on account of vacancy remissions &c. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st of April last have not even been commenced to be written up. In the absence of

of these registers there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897/98.

1 Register of vacancy remissions
2. Do licenses for animals
3. Do — vehicles
4 Do miscellaneous licenses
5 Do estimates
6 Do of advances
7 Do — deposits

The undermentioned registers have not been written up in the new forms supplied.

1 Register of arrear demand
2 Do of Contingent Charges
3 Do of Office furniture
4 Do of immoveable property
5 Do of Stationery

no register of applications for Copies is forthcoming. It would appear that one was kept but it is missing. One has however now been opened.

In the Inward and outward Correspondence registers, no disposals have been marked and there is therefore no means of finding out

out what papers are pending.

A register for bills received in the office is kept but as disposals are not marked, it is difficult to know what bills have been paid.

The Tappal Book gives no totals of postage spent every day.

The ledger was not compared for the past several months nor totalled for some months - This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office - It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess - There is no arrangement observed in keeping them and no lists are maintained - Since 1884 destroyable records have not been destroyed and no one seems to know anything about them - As I said above, the record room is also a room for keeping Kerosine

Lamps

lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to Municipal buildings, roads &c are missing - No one can tell me where they are or what became of them - For want of them the works cannot be taken in hand. A rigorous search is being made for them. Besides some correspondence papers there were 230 profession tax and other petitions pending disposal on the day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number - In the case of these 230 petitions the delay is as follows:-

over 1 year	6
6 months	22
Below 6 months & over 1 month	150
one month	52

12. Contract bonds have not been taken from the following contractors - They should have

have been signed on or before the 1st April last.

1. Hospital Contractor — A. P. Kunhamed
2. Publicewerks do — Syed Abdulla
3. Sydar Palli Cart-stand do — O. Mordu Kutti
4. Jubilee market do — V. Abdulla Kutti
5. Small pox hospital Compound Lessee — E. Choyi

Of these I got two signed but the remaining Contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the Contracts.

13 - Security has not been taken from two acting bill Collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the Treasury has also not furnished security; so also Sub Inspector Kamaran who is entrusted with the Collection of scavenging fees.

14. Several petitions and revision lists referred to Councillors for report and scrutiny have not been returned, but no record is kept of such references to Councillors and Municipal Subordinates and the system of sending reminders is foreign to this office.

On

On personally asking one or two Councillors about the references standing against their names they tell me that they have received no such references at all. References made a year or more ago have I learn never come back to the office and the papers have disposed of themselves. I may also note that except a few, the Councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection I find that hundreds of private buildings are in a dilapidated and dangerous Condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and back yards of houses and Compounds are in a filthy Condition.

Cholera

cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult seeing that since the 7th Instant the Collection has amounted to Rs 3224-4-5.

18. The lists of voters and of persons qualified to be Councillors were according to the ~~notification~~ resolution of the Council to be published on the 2nd August 97 but they were put up only on 1st October with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd Instant has to be put off under the circumstances.

In conclusion, I think it due to the Manager to say that he is not wholly responsible for

for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

A Kennedy

19. 10. 97

1
3938/no of 1897

"True Copy"

Endt. on 2956/R. 97.

3938/M

Forwarded,

The state of affairs disclosed in this Memorandum shows the inefficiency and carelessness which must have characterized the administration of the late Chairman. I have never known the affairs of a Municipality, to be in such a deplorable condition. I do not agree with the Chairman Delegate's remarks about the Manager. Judging by the Condition of affairs revealed in this Memorandum, he deserves summary dismissal.

(Sd) M. J. Murphy.
Sub. Collector

Tellicherry
26-10-97

To 2547/R/97 (~~True Copy~~).

Submitted.

2. The ~~mismanagement~~ Maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a secretary, seeing that its selection of Chairman has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

Collector.

Calicut
11th November 1897

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Local & Munl. (1897) Department.

CURRENT No. 4047/M

Order

From

The Chairman
Municipal Council
Tellicherry

No. 814

Dated 11th November 1897

Received 22.11.97

Registered 22.11-97

Enclosures 9

Spare copies

SUBJECT.

Reporting the conduct of certain Councillors of Tellicherry Municipality for orders of Government

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G O.	No.	Department.	Date.

32

No 814.

Municipal office
Tellicherry 11th November 1897.

LOCAL & MUNICIPAL DEPT.
DIARY No. 4047/M

From

The Chairman,
Municipal Council,
Tellicherry,

To

The Secretary to Government,
Local and Municipal Department
Fort St George,

Through

The Sub Collector of
Malabar

Sir,

I have the honor to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th Instant, it was resolved by a majority of one that the Sub Collector's letter No. 1483/dis dated 27th October 1897 which formed one of the subjects on the agenda paper be taken up for consideration at a meeting to be held on the 10th Instant. I pointed out at once that under the provisions of Section 29 of the Municipal Act, the Councillors could not fix a date for the Special meeting except upon a requisition made under Clause 2; but regardless of my objection the resolution was carried, I referred the matter to the Sub Collector for orders along with a minute of dissent which was sent to me by some of the Councillors under Section 31 of the

Ex. A.

33

Act

3. On the 8th, 9th and 10th Instant I received letters from some of the Councillors asking me to issue a notice for the meeting of the 10th Instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed. Ex. B – H.

4. Yesterday at 5 P.m. while I was attending to office work at the municipal office as usual, 8 of the Councillors named in Ex. G. came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book, under protest. A copy of the Proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this Proceedings is not all Correct. As I found it useless to remonstrate with the Councillors further and as I could not proceed with my work owing to interruption, I left the place. × Ex. I.

5. I must leave it to Government to decide if these Councillors were justified in entering the Municipal Office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their Communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum

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on the existing state of municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to unnecessary interference of some of the Councillors.

I have the honor to be
Sir,
Your most obedient Servant,

A. Fernandez
Chairman
Delegate.

Extract from the Proceedings of the Municipal Council Tellicherry dated 4th November 1897.

× × × × ×

5. Read letter No. $\frac{1483}{Dis\ 97}$ dated 27th October 1897 from the Sub Collector of Malabar stating that the return called for in his letter No. 73 dated 8th January 1897 need not be forwarded but the facts alluded in the letter may be brought to the notice of the Council.

Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5. P. M.

× × × × ×

(Sd) H. Fernandez

Chairman Delegate

(True extract)

H. Fernandez

Chairman
Delegate.

Chairman

Ex. B

36 Tellicherry 7th November 1897

To

The Chairman Delegate
& Council
Tellicherry

Sir,

I have the honor to enquire why no notice of the adjourned meeting to be held on the 10th instant at 5. P. M. as resolved at the last meeting of the Council has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette, who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay, and as resolved by the Council at the last meeting, to circulate with it the Memorandum referred to in your letter No 672 dated 19th October 1897 to the Collector and your letter No 697 to the Sub Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation, in the meantime of the Memorandum referred to.

I have &c
(Sd) A. F. Lemerle.

(True copy)

Note. Copy of reply to M.R.K. Ramunni was sent to Mr. Lemerle for information.

K.R.

K. Narayanan Nr

Chairman

1/10417 Incl 1897

Ex: C.

37

Tellicherry
7th November 1897.

To

The Chairman Delegate
Municipal Council
Tellicherry.

Sir,

At the last meeting of the Council held on Thursday 4th instant, it was resolved on the proposition of Mr Lemerle, seconded by Mr Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration viz a letter of the Sub Collector in reply to your letter No 697 be adjourned for a meeting to be held on Wednesday 10th instant at 5. P.M. till after the circulation of the Memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the Memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the Notice and circulate the Memorandum without further delay.

[illegible]

We have the honor to
(80) K. Ramunni
" Isaack Haji Ahmed
" V. Karumakara Menon
" C. Ahmed Kutti Haji
" S. Govindan Nair
" T. Kesava Raman
" P. Anchadi Nayar.

(True copy)

A. Hernandez

Chairman
Delegate.

Received on the 10th

Encd.

From

Kokiath Ramunni
Tellicherry

To

The Chairman delegate
Municipal Council
Tellicherry.

Sir

I am informed that at the last meeting of the Municipal held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub Collector in reply to yours to a meeting to be held on the 10th instant at 5. P. M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

7th November 1897.

I have &c
(80) K. Ramunni

(True copy)

A. Hernandez

Chairman
Delegate.

No 805. Municipal Office 15 Sep
Talliehery 9th November 1897

To

The L. Rg.
Karath Ramanna sol
and 6 other Councillors
Talliehery.

Sirs,

Adverting to your letter dated 7th instant, received by me this day, I have the honor to state that being of opinion as pointed out at the meeting of the 4th instant that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the Councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

I have &c
(Sd) A. Fernandez
Chairman Delegate.

(True copy)

A. Fernandez

Chairman
Delegate.

Encl.

4/1047 Nov 1897

No 807. 41 Municipal Office
Tellicherry 10th November 1897

To.

M. R. Ry
Kotiett Ramunni ael
Municipal Councillor
Tellicherry.

Sir,

Referring to your letter of the 7th instant received today. I have the honor to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

I have &c
(Sd) A. Fernandez
Chairman Delegate.

(True copy)

A. Fernandez
Chairman
Delegate.

Proceedings of an adjourned meeting of the Council dated 10th November 1897.

Present. Korott Ramunni Esqre
Kotiett Ramunni Esqre in the chair
A. F. Lemerle Esqre
V. Karunakara Menon Esqre
P. Ambadi Narar Esqre
G. Govindan Nair Esqre
C. Ahmed Kutti Haji Esqre
T. Kunhi Raman Esqre.

The Chairman Delegate who was present at the meeting hall having refused to take any part in the Proceedings it was proposed by Mr Lemerle and seconded by Mr Govindan Nair and carried unanimously that Mr Kotiett Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for today, replies that those papers are with the Accountant and he has been ordered by Mr Fernandez the Chairman Delegate not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr T. Kunhi Raman and seconded by Mr V. Karunakara Menon and carried unanimously that although the Chairman Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the Councillors are sufficiently acquainted with the subject-matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman Delegate's letter to the Sub Collector.

The Council is unanimously of opinion that the Sub Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts. Viz.

1. Sub Collectors office letter dated the 8th January and received in this office on the 11th far from being

ignored

"ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary enquiry.

2. No reply was subsequently sent to the Sub Collector as obviously none was necessary, the Sub Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman Delegate who had all these facts before him did not bring them to the notice of the Sub Collector in his reply.

(Signed) K. Ramanair

(True copy)

A. Fernander

Chairman
Delegate.

Ex. H

From

Karoli Ramanair
Tellicherry.

To

The Chairman
Municipal Council
Tellicherry.

Sir,

Referring to your letter of date I have the honor to inform you that I expect you at the meeting today as arranged by the Council at the last meeting and I shall attend in time.

I beg to remain &c

10th November 97. (Sd) K. Ramanair
Councillor

(True copy)

A. Fernander

Chairman
Delegate.

Ex: F.C.

45

1897

From

Mohiett Ramanni

Tellicherry.

To

The Chairman Delegate

Municipal Council

Tellicherry.

Sir,

I have received your letter of date and in reply I have the honor to inform you that the Council has resolved to meet today at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

10th November 1897.

I beg to remain &c

(Sd) K. Ramanni.

(True copy)

A. Fernandez

Chairman

Delegate.

Ex: F.C.

Encl of 1897

A perusal of them, however, will afford interesting information regarding the way in which these members think Correspondence registers ought to be maintained.

Tellicherry
16th November 1897

Ag Sub Collector

COLLECTOR
17 NOV 1897
MALABAR

Rec'd on C.M. No. 464 of 97.

Submitted.
The Municipal Council on the 4th Instant decided that a meeting should be held on the 10th idem. The Chairman-Delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

Before my reply reached the Chairman-Delegate, 8 Councillors assembled on the 10th Instant — without any requisition from the Chairman — and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under Sec. 19 (IV.) of the Municipal act.

It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the townspeople. Some drastic measures are clearly required.

Calicut.
18th November 1897

Collector.

Civil Office

46

Entered 3118 20 C.M. No. 464
97

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman Delegate as is shown by the fact that only a short time ago the Council unanimously elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute in my opinion a grave breach of Law and decorum. If members of the Council considered that there was anything illegal in the Chairman Delegate's procedure, lawful remedies could have been resorted to. Here as a township, which elects members for its Municipal Council, capable of this lawless proceeding, is worthy of its elective privileges, is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council, only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of Municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly as to do so would be almost to connive at the illegalities which gave rise to them

No. 23/14-11-97.
15-12-97.

147

Local & Munl. (1897) Department.

CURRENT No. 4080

From

The Collector of Malabar.

Order

No. Endt. on Pet. dtd. 20/9/97

Dated 19th Nov. 1897

Received 25-11-97

Registered 25-11-97

Enclosures

Spare copies

SECRETARY TO GOVERNMENT * LOCAL & MUNICIPAL DEPARTMENT * 25. NOV. 1897

SUBJECT.

Submitting petition from the Contractor to the Tellicherry Civil Hospital complaining about the non-payment by the Chairman of the sum due to him on account of the things he supplied.

29/11

48

BACK PAPERS.

G.O.	No.	Department.	Date.
Ecc	39,38	do	2-11-97
Gp	2410	do	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

49

To,

The Collector of Malabar,

Calicut.

The humble petition of Aickarath Parakat Kunhamed, Contractor to the Tellicherry Civil Hospital

Honored Sir,

I beg to inform your Honor that I find it very difficult to carry on my business of supplying articles to the above Hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things, I am suffering heavy loss and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is, I am not paid as yet; and as matters stand so serious I have no other alternative but to beg your honor to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above Hospital any further, for which act of kindness I shall as in duty bound.

Ever pray.

Tellicherry
16th Nov 1897.

Sd/ Kunhammad.

"True Copy"

4080/M

Sindt. No. 80 20/11 97

Submitted to the Secretary to Government,

Revenue

48

BACK PAPERS.

G.O.	No.	Department.	Date.
Ecc	3938 & 97		
Gp	2410	do	2-11-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

49

To,

The Collector of Malabar,

Calicut.

The humble petition of Achareth Paralcat Kunhamed, Contractor to the Tellicherry Civil Hospital

Honored Sir,

I beg to inform your Honor that I find it very difficult to carry on my business of supplying articles to the above Hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things, I am suffering heavy loss and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is, I am not paid as yet; and as matters stand so serious I have no other alternative but to bring Your Honor to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above Hospital any further, for which act of kindness I shall as in duty bound.

Tellicherry
16th Nov 97.

Your prayr.
Sd/ Kunhammad.

"True Copy"

Submitted to the Secretary to Government,

50

Local and Municipal Department, Madras,
in continuation of my Endorsement no
254. M.
Dis.
, dated the 11th Instant, about the
State of the Tellicherry Municipal
Administration.

Calicut.
19-XI-1897.

Collector.

Clerk

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Local & Munl. (1897) Department.

CURRENT No. 4125/M

SECRETARY TO GOVERNMENT
29 NOV. 1897
LOCAL & MUNICIPAL DEPARTMENT

From The Collector of Malabar

Order

No.
Endt on C. no 468/M.

Dated 25th November 1897
Received 29-11-97
Registered 29-11-97
Enclosures - 4.
Spare copies ..

SUBJECT.

Forwarding with its enclosures
letter from six of the Councillors
of the Tellicherry municipality regarding
the Administration of municipal
affairs.

3/12.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

70

Tellicherry
22nd November 1897

C. No. 468/M.

From,

COLLECTOR
25-NOV-1897
MALABAR

Vottieth Raman nair
A. F. Lemerle
Sraab Haji Ayoob Sett
G. Govindan Nair
C. Amod Cutti Haji
V. Karunakara menon
Municipal Councillors
Tellicherry.

To,

The Collector of Malabar
Calicut.

Sir,

In continuation of the telegram already sent, We have the honor to forward for your information

Enclosure (1) Copies of a letter sent by us to the Divisional Officer
" (2) and of the proceedings of a meeting of the Council held
" 3 dated 20th Nov. and a Requisition from us to the Chairman Delegate dated the 10th Nov. which form enclosures to that letter. We also send a Copy of a letter written by Councillor Mr. Lemerle to the
" (4) Chairman Delegate dated 7th Nov. which speaks for itself.

A.

As we are not in possession of the Chairman Delegate's Memorandum to you on Municipal affairs and of Certain other Records (for Copies of all of which application has been made) We Regret we are not in a position at once to Submit the memorial to Government Resolved upon in the last Resolution of the procedings of the Council Referred to above. This will be done as Soon as the Copies are obtained.

We have the honor to be
Sir,
Your most obedient Servants.

H. Ramanathan

Essak Haji Ayoob

Elorrisbeaupre

LOCAL & MUNICIPAL DEPT.

4025/97

Encl. on Corr. 468/97.

Forwarded to the Secretary to Govt., Municipal Dept., in continuation of previous correspondence.

Calicut Cutchery
25th Nov: 1897

Enclosure (1).

Tellicherry
25th Nov 97.

From

The Chairman
Municipal Council
Tellicherry

To

The Sub Collector
Malabar,
on Circuit, Cannanore

Sir,

We have the honor to forward herewith a true Copy of the proceedings of the Municipal Council dated 20th Nov 97, passed, as will be seen from a perusal thereof, after the Chairman Delegate left the Council, we deem it necessary to detail briefly the circumstances that led up to so deplorable a State of Municipal affairs.

On the 4th Nov. a meeting was called by the Chairman Delegate at which among other matters a reply from you to the Chairman Delegate's letter No 697 was a subject for discussion. At the Meeting it came out that the Chairman Delegate had held back several facts from you and misled you and also that a memorandum had been submitted to the Collector by the Chairman Delegate on Municipal affairs. The Memorandum was accordingly called for and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the Memorandum contained several Statements some not borne out by facts

facts & Some too well Calculated to mislead and as the Chairman Delegates' Reply to the Sub Collector's letter which the Council was then Considering, Referred to this Memorandum it was Resolved by a Majority (and by the way it was a largely attended meeting) that the meeting Stand adjourned to the 10th November, and that the Memorandum be meanwhile Circulated. It is also noteworthy that the latter portion of the Resolution Regarding the Circulation of the Memorandum did not find a place in the written proceedings of the day. As Some of the Councillors Considered that the Chairman Delegate was not disposed to Circulate the Memorandum or Send Round notice of the adjourned Meeting they (Messrs. P. Ambadymanar, Landlord. C. Govindaraja Nair, Vakil, T. Kunhi Raman Head Master B. G. M. P. H. School, C. Ambadykutti Haji Merchant, Isaak Haji Ayoob Sett Merchant, Koroth Raimuni Vakil, V. Karmakara Menon Cash Keeper Madras Bank,) in one letter Mr. A. F. Lemuel Vakil, in a Separate letter, Mr. Kotiotto Raimuni Vakil, who came to know of the Council's Resolution in a Roundabout manner Requested him in writing to do So. To this the four Same Councillors above named Received a Reply from the Chairman Delegate dated 9th Nov. 07 (the other two Councillors also Receiving Separate Replies to the Same effect) in which he Said that he had received a minute of dissent from three of the Councillors that the Resolution was Supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th Nov it was explicitly stated that the meeting was adjourned to the 10th Nov. to have the Memorandum Circulated and to enable as many Councillors as possible to take part in the discussion because the Subject was one of great importance and because 2 of the Councillors were about to vacate their Seats, the strength of the Council thus dwindling down to 15 (one being already out) or practically to 14, another Councillor being absent from the Station

Read

54

Station on business which required his attendance. It is therefore clear that the reference to higher Authorities and the Minute of dissent which it is Stated necessitated the reference are ingenious devices employed by the Chairman Delegate to keep the meeting put off the Meeting till Such time as he the Council would be So Minded. But as allowed by Section 29 Clause one of the Municipal Act Councillors (Messrs. Kotiotto Raimuni, Ambadi Maran, A. F. Lemuel, C. Govindaraja Nair, V. Karmakara Menon, T. Kunhi Raman, Cheriladan Ahmed Kutti Haji, & Koroth Raimuni) met at the Municipal office at the time appointed by the Resolution of the 4th Nov. and Requested the Chairman Delegate who was present in the hall to hold the meeting as originally fixed upon. The Conduct of the Chairman Delegate, on this occasion Say we do most unwillingly, left on the table the draft Proceedings Book which had been called for, but he declined flatly to hold the meeting or do have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then Called for the papers the Consideration of which was adjourned to this day, but the chairman Delegate Refused to give them. We then framed certain Resolutions and while we were engaged in doing so the Chairman Delegate left the office in great wrath ordering the clerks & peons to leave office and Closed it forcibly.

We also learnt that the Chairman Delegate had done Several other actions in a high handed and questionable manner; and adopting the means of righting matters allowed us by the act Councillors Messrs. Koroth Raimuni, Kotiotto Raimuni, A. F. Lemuel, V. Karmakara Menon, C. Govindaraja Nair, C. Ambady Maran

Mr. Lady Mayor, T. Kunhi Raman, A. Cheliloden
Ahmed Kutti Haji Sent in a Requisition to the Chairman
Delegate on the 10th Nov. (Copy enclosed) Requesting him
to convene a Special meeting on the 17th Nov. to dispose of
the Subject d Contained. The Chairman Delegate arguing that
6 Clear days Notice had not been given as Required by Section 29
of the Act, favoured us with a Reply dated 15th November pointing
it out and fixing the meeting for the 20th Nov. a day on which
he no doubt thought the Strength of the Council would be
diminished by one of the Signatories to the Requisition, we do not
know Ceasing to hold office. Before the Receipt of this Reply we
had information as to what he intended to do, & therefore Sent
a fresh Requisition to him on the 12th Nov. Stating that if
the 17th be objected to, the 19th Nov. be fixed for the Special
Meeting asked for. What has been done with this Requisition we
do not know, as no mention is made of it in the Chairman Delegate's
Reply dated the 15th Nov. It was apparently ignored, and the
Note paper Came Round fixing the meeting for the 20th Nov. as
intimated in the Reply. We then again wrote on the 16th Nov.
to the Chairman Delegate Requesting that the meeting be held
on the 19th Nov. pointing out as we then thought that the term
of office of one of the Signatories of the Requisition would expire
on the 20th but no notice of it was taken.

Finally the 20th Came and with it the meeting. It
has to be observed that the meeting, according to the Notice
paper Convening it, various other Subjects beside those
to which our Requisition referred were also to be discussed
So that it was neither a Special meeting nor an ordinary one
for the transaction of ordinary business but a Combination
of the two. It Commenced with the Commendable punctuality
precisely at 4 P.M. and although at first there were only
three Councillors present who had Signed the Requisition

the

Rec. 28 Nov 12
16-12-12 Read

the first paper that was taken up for discussion was the Requisition itself, and two Resolutions were Recorded. Meanwhile the Councillors Came in one after another among them Mr. Kunhi Raman Upon Mr. Kunhi Raman's going to take his Seat the Chairman Delegate, in Spite of it being Suggested to him Repeatedly that he would Consider the question whether Mr. Kunhi Raman Could Sit as a Councillor that day or not, bent down his head over the Proceeding Book before him and wrote Something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry. And indignantly left the Meeting followed by Councillors Messrs. E. S. Fernandez, P. Pole, B. Pothen, C. Teran & A. V. Bava. As he went he ordered all the Clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the Copy of the proceedings Sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out

(1) That Section 17 of the Madras District Municipalities Act as amended by Act III of 1897 which refers to the term of office of a Councillor runs as follows:—

"Subject to the provisions of Sections 19 and 20, every person appointed, as aforesaid, to be a

Municipal

Municipal Councillor shall continue in office for three years from the date of the Fort St George Gazette wherein his appointment was notified."

(2) And the Madras General Clauses Act I of 1891 Section 9 clause B is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time it shall be sufficient to use the word From."

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of Nov. 20th 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman Delegate's refusal to go into the merits of the Question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all Suggestions and Summarily announcing that the meeting was dissolved is, in our opinion high-handed and most objectionable.

We have to add that Municipal

Affairs

having reached this climax, we have writed to the Collector of the Government, Soliciting interference, and we forward to-day a copy of the letter to the Collector

We have the honor to be

Sir

Your most obedient Servants.

(Signed) (1) Kottieth Raman

(2) A. F. Lemmle.

(3) V. Kanuvakara Menon

(4) G. Govindan nair

(5) Saab. Haji Ayoob Sett

(6) Cheekilodan Ahmed Cuttie Haji

True copy.

C. H. Cunnam

Secretary

Enclosure (2) 59 28 S.P.

Continuation of the Proceedings of the Municipal Council dated 20th November 97.

Present.

Messrs. Kotieth Ramunni.
A. F. Lemerle
Isac Haji Ayub.
T. Kunhi Raman
G. Govindan Nair
C. Ahmad Kutti Hajee.
V. Kanna Karakkenon.

While the proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni was served with Mr. T. Kunhi Raman's

And when Mr. T. Kunhi Raman took his Seat, the Chairman delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, as once recorded in the draft proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. C. S. Fernandez P. Forte, V. B. Pother, C. Essu and A. V. Bava

The remaining Councillors being

(1) A.H.

opinion that the Chairman delegate could not of his own accord dissolve a meeting resolved to continue the Proceedings.

It was then proposed by Mr. Charmakara Menon and seconded by Mr. Govindan Nair and Carried unanimously that Mr. D. Sitella Rammi Menon take the Chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the Fort St. George Gazette of the 20th Nov. 94. he could with reference to Section 17 of the Madras District Municipalities Act IV of 84 as amended by act III of 97 and Section 9 Clause B of Madras General Clauses act I of 1868 take part in the Proceedings as Councillor this day.

The Council after giving its Consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the Meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft proceedings. Both replies that he was ordered by the Chairman delegate not to produce any papers and that he and the rest of the

the establishment have been ordered to leave the Office immediately.

The Council Observes that the Chairman Delegate acted in Contravention of Section 29. Clause 2 in declining to call the meeting for the 17th or 19th Instant, as required by letters dated 10th and 12th Inst: of Councillors Messrs. Ambady Nayar, K Sitthi Ramanni, Dorsthy Rajamma, C. Ahmed Cutty Haji, A. F. Lemorle, G. Govindan Nair, & V. Karunakara Menon, Notwithstanding that in their letter dated 16th Inst:, in reply to the Chairman delegate's letter dated the 15th Instant, Councillors Messrs K Sitthi Ramanni, A. F. Lemorle, G. Govindan Nair, V. Karunakara Menon, T. Kunhi Raman and C Ambad Kutty Haji, reiterated their request to have the meeting on the 19th Instant as originally requested and it is obvious that in fixing the 20th Instant, the Chairman delegate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned as is clear from his action in leaving the Meeting without considering

(3) V.K.

Enclosure (3)

63

Tellicherry
10th November 1897.

To,

The Chairman Delegate.
Tellicherry Municipality.

Sir,

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th Instant at 5-30 P.M. for the purpose of considering the following matters.

(1) The refusal of the Chairman Delegate to hand over the papers the consideration of which was adjourned to the 10th Inst:

(2) The omission by the Chairman delegate to record in the minutes of Proceedings of the meeting held on the 4th Instant the full terms of the proposition made by Mr Lawrie, seconded by Mr. Govindan Nair and carried by a majority (four members alone dissenting).

1735 M.

Bava, Forte, and E. S. Fernandez, besides the Chairman Delegate) namely that the meeting Stand adjourned to the 10th Inst: & that in the mean time the Memorandum of the Chairman Delegate referred to in his letter to the Sub Collector, be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman Delegate dated 7th November 1897, registered as No 1693 in the inward Register Book.

(4) The refusal by the Chairman Delegate to comply with the Request of Councillors Messrs Koroth Rammu, Ambady Murar, Isak Haji Ayoob, Karuna Kara Menon, Govindan Nair, Kunhi Raman & Chikalodan Ahmad Kutty Haji contained in their letter dated 7-11-97. to the Delegate, registered as No. 1702 in the inward Register Book.

(5) The persistency with which the Delegate refuses to circulate the Memorandum above referred to.

(6) The non compliance by the Delegate of the Request of Mr. Koroth Rammu conveyed in his letter dated 7-11-97 to him registered in the Inward Register

(7) The circumstances under which one Kunnoth Beeran & Kannoth Ghalan contractors of the Tiruvangad Cart Stand were made to pay Rs 10 by the Chairman Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual Monthly Salaries

(9) To prevent the Delegate from destroying the beauty of the town & the comfort of travellers & others by the indiscriminate destruction of Avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No I was demolished and the materials sold, & why the petition on which this resolution was come to was not prominently made the subject for consideration in the Notice Paper, seeing that the matter was one of very great importance.

We have the honor to be
Sir,
Your obedient Servants
(Signed) (1) Koroth Rammu
(2) A. J. Lemerle.

(37)

(Signed) (3) K. Kelath Raman

(4) Ambady Marar. P

(5) G. Govinda Rau

(6) V. Karuna Kara Menon

(7) C. Ahmed Kutty Hajee

(True Copy)
22-11-97

T. Chemmenad
Chairman

(4) Enclosure (4) 67

345 P

Tellicherry
7th November 1897

From.

Councillor Mr A. J. Lemerle.
Tellicherry

To,

The Chairman Delegate
Municipal Council
Tellicherry

Sir,

I have the honor to record my emphatic protest to your refusal in the presence of the Council and Last evening when I attended the Municipal Office to show me the Draft of the letter No 790 D/5 11-97 to the sub Collector, & the memorandum referred to in your letter No. 672 D/. 19-10-97 to the Collector of Malabar, the former on the ground of its being Confidential altho the said draft was in the office at the time, & the letter which was not in the records of the office as it should have been, but was, you said, in your private Custody, on the ground that you did not intend to Circulate it tho' it was resolved at the last meeting of the Council. at the date of appointment further on perusal

4. I have hitherto of the Last meeting

that you Chairman

troubling

(Signed) (3) K. Kelu Nambiar

(4) Ambady Marar. P

(5) C. Govindan Nair.

(6) V. Karunakara Menon.

(7) C. Ahmed Kutty Hajee

(True Copy)
22-11-97

P. Achuthan
Amin

3/4/25 wof 16/7

(4)

No 846 74 Municipal Office

Enclosure (4) 67

345P

Tellichery
7 November 1897

From.

Councillor Mr A. D. Lemerle.
Tellichery

To,

The Chairman Delegate
municipal Council
Tellichery

Sir,

I have the honor to record my emphatic protest to your refusal in the present of the account and last evening when I attended the municipal office to show me the Draft of the letter No 790 D/5 11-97 to the sub Collector, & the memorandum referred to in your letter No. 672 D/. 19-10-97 to the Collector of Malabar, the former on the ground of its being Confidential altho the said draft was in the office at the time, & the latter which was not in the records of the office as it should have been, but was, I am told, in your private Custody, on the ground that you did not intend to Circulate it tho' it was resolved at the last meeting of the Council to vacate office & until further on perusal

4. I have hitherto at your train become plete. ined from —

date of appointments of the last mee

trouble

my name as present, a fact which I personally brought to your notice last evening at the office & which you rectified at the time; & also that you failed to record my name as the proposer & the name of Councillor Mr Goodall as the seconder of the resolution & adjourn the Consideration of the letter of the Sub Collector in reply to your letter No 697, to the 10th inst till after the Circulation of the memorandum referred to in your said letter; & above all the You failed to record in the resolution which was Carried by a large majority (4 members alone dissenting viz messrs Esm. Bava, E. G. Fernandez & Locke) that your memorandum & the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to allow Councillor having access not only to your letter & the Sub Collectors, but also to the memorandum Containing your Criticism on the state of affairs of the municipality & why you persist as you told me last evening, in doing so.

I

W/S

of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting

I have the honor to be
Sir
your most obedt servant
(Signed) A F Lemerle

True Copy
22-11-97. [illegible]

Asstt

date of appointment

4. I have hit [illegible]

(Signed) (B. Kotelli Ramani

18

my name as present, a fact which I personally brought to your notice last evening at the close & which you rectified at the time; I also that you failed to record my name as the proposer & the name of Councillor Mr Goordan nair as the seconder of the resolution & adjourn the Consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th inst. till after the Circulation of the memorandum referred to in your said letter; & above all that You failed to record in the resolution which was Carried by a large majority (4 members alone dissenting (viz Messrs Essu. Bava, E. G. Fernandez & Yorke) that your memorandum & the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to as Councillor having access not only to your letter to the Sub Collector, but also to the memorandum Containing your Criticism on the state of affairs of the municipality & why you first at as you told me last evening, in declining, even when

to vacate office afte
date of appointment
4. I have hitherto refrained from
troubling

69 358.P

(N)

of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting

I have the honor to be
Sir
your most obedt servant
(Signed) A. F. Lemarle.

True Copy
22-11-97. A. Macaulay
Asstt

When signed

...ns G.O., No

No 846 Municipal Office
Tellicherry 20th November 18

From

The Chairman
Municipal Council
Tellicherry

4184/M

To

The Secretary to Government
Local and Municipal Departme...
Fort St George
through the Sub Collector
of Malabar

Sir

In continuation of my letter No 814, dated 11th November 1897 I have the honor to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held today.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum dated 19th October 1897 which is now awaiting the orders of Government.

3. Government will be pleased to see that ex Councillor M. R. Ry T. Kunhi Raman Avl was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant and that this fact was well known to himself and Messrs Menerle and Govindan Nair as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after 3 years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from —

troubling

When given for copying
When copied
When examined
When signed

READ AGAIN G.O.,
190

CURRENT No.

ENCLOSURES TO C. N.

OF GOVERNMENT

OF GOVERNMENT

MENT WITH DATE

RS NOT FILED
IN ORIGINAL

N.B.—
A =
B =
P =
Q =

No 816 74 Municipal Office
Tellicherry 20th November 1897

From

The Chairman
Municipal Council
Tellicherry

To

The Secretary to Government
Local and Municipal Department
Fort St George
through the Sub Collector
of Malabar

Sir

In continuation of my letter No 814 dated 11th November 1897 I have the honor to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held today.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum dated 19th October 1897 which is now awaiting the orders of Government.

3. Government will be pleased to see that ex Councillor M. R. Ry T. Kunhi Raman and was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant and that this fact was well known to himself and Messrs Lemerle and Govindan Nair as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after 3 years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from —

troubling

troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors — particularly Mr Lemerle — a nominated member — and Mr. R. Pg G. Govindan Nair and as references of such nature are unpleasant. But the conduct of these gentlemen at today's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

I have the honor to be,
sir
your most obedient servant

A. Fernandez

Chairman
Delegate

Read again G.O., No
190

Current No.

Enclosures to C. No.

Government

Government.

with ditto.

filled up, Ret
riginal.

When given for copying
When copied
When examined
When signed

PRESS SLIP

6

Proceedings of the Municipal Council Tellicherry held at a meeting held on Saturday the 20th November 1897.

Present. A. Fernandez Esq Chairman Delegate
E. S. Fernandez Esq
M. R. Pg. C. Eppen Asst
" T. V. Nara Asst
" V. B. Poeller Asst
P. Fort Esq
M. R. Pg V. Karunakara Menon Asst
" G. Govindan Nair Asst
Ismail Haji Sayed Sett Asst
A. F. Lemerle Esq
~~M. R. Pg A. V. Bava Asst~~

1. Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs Ambadi Narain and 5 others

Tellicherry
10th November 1897.

To

The Chairman Delegate
Tellicherry Municipality

Sir.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5:30 P. M. for the purpose of considering the following matters

(1) The refusal of the Chairman delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr Lemerle seconded by Mr Govindan Nair and carried by a majority (four members alone dissenting viz Messrs

Essie Bass Forbes and E S Fernandez besides the Chairman Delegate) namely that the meeting stand adjourned to the 20th instant and that in the mean time the memorandum of the Chairman Delegate referred to in his letter to the Sub Collector be circulated among the members.

(3) The matters referred to in Councillor Mr Lamerles letter to the Chairman Delegate dated 7th November 1897 registered as No 1895 in the Inward register book.

(4) The refusal by the Chairman Delegate to comply with the request of Councillors Messrs Kakath Ramunni, Ambadi Narar, Isaak Haji Ayoob, Karumattara Menon, Govindan Nair, Kunhi Raman and Cheekilodan Ahmed Kutty Haji contained in their letter dated 7-11-97 to the (Chairman) Delegate registered as No 1702 in the inward register book.

(5) The persistance with which the Delegate refuses to circulate the Memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr Kakath Ramunni conveyed in his letter dated 7-11-97 to him registered as No 1703 in the inward register.

(6) The circumstances under which one Kangath Beeran and Kanoth Gopalan, Contractors of the Tirurangadi Cartstand were made to pay Rs 10 by the Chairman Delegate.

(7) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(8) To prevent the Delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(9) To consider the circumstances under which Latrine No I was demolished and the materials sold, and why the

Gr. 2815/16-12-97

the petition which this resolution was come to was not prominently made the subject for consideration in the Police paper, seeing that the matter was one of very great importance.

We have the honor &c.

1 K Ramunni
2 Ambadi Narar
3 Karumattara Menon
4 K Ramunni
5 A F Lemerle
6 G Govindan Nair
7 T Kunhi Raman

Read also Minute on the above by the Chairman Delegate.

Minute by the Chairman Delegate.

The allegations in the requisition are answered seriatim.

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the Councillors, been referred for orders to the Revenue Divisional Officer under section 31 of the Act and no orders had been received. In the absence of a notice the Councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P M" were, in fact, added at the instance of Councillor Mr Lamerle. No proposition was put to the vote and no resolution was therefore carried to circulate the Memorandum as asserted as it was not a subject placed for discussion. If there was such a resolution, the objecting Councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the Memorandum

Essrs Baad Forbes and E. J. Fernando [illegible]

will be seen from my answer to item 5. My letter to the Sub Collector was confidential and Mr Lemarle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings.

The reference to the proposition is answered in item (2).

Mr Lemerle speaks of only 4 dissenting members in his letter dated 7th November while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th but one could not be sent out in the circumstances stated in item No 1. The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The Memorandum is a document pending orders of the higher authorities and as such the Councillors have no right to discuss it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) Vide answer to item 4. Besides Mr Kokeththa Ramanna not being a Councillor who voted for a meeting on the 10th his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the Cartstand was sanctioned on the 4th September but no action was taken till I took charge. On the 8th October the Overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs 10. This fact was brought to the notice of the Council at its meeting of the 12th when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition namely Councillors Messrs K. Ramanna, T. Kenthi Raman and Ambadi Naran who were present at the meeting of the 19th and voted for the withdrawal of the prosecution should now

now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman Delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The Delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who without even bringing the matter to the notice of the Council ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the Delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition Councillors Messrs K. Ramanna and T. Kenthi Raman who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions.

(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs V. Karunakara Menon G. Govindan Nair and Isaak Haji Ayub dissenting.

Ah

Item 5. Re letter to the

77

At this point Councillor Mr Govindan Nair was called to order and threatened to be reported for making the following remark.

"I hope the Chairman is not tipsy."

Mr Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. Mr Lemerle was also called to order for using unbecoming language to the Chairman. Messrs Lemerle Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage Councillor Mr Lemerle called Councillor Mr T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting failing Councillor Mr Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat but he continued to remain in spite of the objection. Mr Kunhi Raman's term of office having expired on the 19th instant his entering into the hall and taking seat as a Councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs Poether, Forde, Esse, E. S. Fernandez and Bava having agreed to do this left the meeting.

By A. Fernandez
Chairman Delegate

True Copy

A. Fernandez
Chairman Delegate

Draft 8/97

4/8/97

78 80

Tellicherry 16th November 97

To

The Chairman Delegate
Municipal Council
Tellicherry

Sir,

With reference to your letter No 828 dated 15th instant we have the honor to express our surprise that you take no notice of our letter dated 12th instant requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of Councillors as possible and as you are aware that the term of office of one of the Councillors Mr Kunhi Raman expires by the 20th instant we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our 2nd letter dated 12th instant and fixing a day when the strength of the Council will be weakened by the retirement of one of the Councillors who signed the requisition is liable to be misconstrued. We trust therefore you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter dated 10th inst was delivered at the office on the 11th inst.

We have the honor to be
(Signed) K. Ramanunni
" A. F. Lemerle
" G. Govindan Nair
" T. Kunhi Raman
" V. Karunakara Menon
" Chikkodan Ahmed Kutti Haji

(True copy)

A. Fernandez

81

Local & Munl. (1897) Department.

CURRENT No. 4279/97

Telegram

From Kotliett Ramunna
Tellicherry

Order

No.

Dated 11-12-1897

Received 11-12-1897

Registered 11-12-1897

Enclosures

Spare copies.

SUBJECT.

Stating that he and 4 councillors have sent a letter through the Collector explaining their telegram of the 21st. November 1897.

2/4184 Nov/1897

81

Local & Munl. (1897) Department.

CURRENT No. 4279/97

Telegram

From Kotticotta Ramanna Pattichurry

Order

No.

Dated 11-12-1897

Received 11-12-1897

Registered 11-12-1897

Enclosures

Spare copies.

SUBJECT.

Stating that he and 4 councillors have sent a letter through the Collector explaining their telegram of the 21st. November 1897.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Local & Munl. (1897) Department.

Encl. 3169 D 97

173

CURRENT No. 4184 M

Encl. 422 "

forwarded
w. p. Mon 42P
Comp. Sp. Sub. Coll
Comm. 1/12/97.
Encl. ORC No. 477 "

Submitted to Government in Continuation of my endorsement No. 4548 dt/18-11-97 forwarding the chairmans letter dt/11-11-97 No. 814.

Malabar collectorate
Calicut. 30. XI. 97

No remarks
Fr Collector

Order

COLLECTOR
28-NOV-1897
MALABAR

From The Chairman
Municipal Council
Tellicherry.

SECRETARY TO GOVERNMENT
4- DEC. 1897
LOCAL & MUNICIPAL DEPARTMENT

No. 24

Dated 20 : Nov. 97

Received 4- 12. 97

Registered 4- 12. 97

Enclosures 2

Spare copies

SUBJECT.

Reporting on the conduct of some of the Councillors at a meeting held on the 20th Nov. 97.

4/12

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

L. & M. 7

82

L.O.M. & M. PAL. DEPT.

4279K

438

INDIAN TELEGRAPH.

Class P | Months Local Std 2

To Station Madras Agent | From Station Tellicherry

Official Instruction.

Words.	Day.	Hour.	Minute.
37/5	9	16	36

To (Person) The Secretary to Government

From (Person) Kottieth Ramuni

1 Municipal
2 Department
3 G.S. Fardeshy
4 D.C.S. Sowdiers
5 garden Agent
6 Clerk
7 x
8 Myself and 4 councillors
9 despatched letter
10 today through collector
11 explaining our telegram
12 of 21st November
13
14

Recd. from L. N. Mts. By At Hrs.

Sent To L. N. Mts. By At Hrs.

Postmaster.

Date 9 DE 97

[illegible] collection [illegible]

REFERENCE.

[L. & M.]
300—2-12-97.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., No. , dated 189 .

Again G.O., No. , dated 189 .

Current No. 3938/97 of 1897, dated 11th Nov 1897, from the Coll^r of Malabar
" 4047/97 " " "

4

municipal affairs have fallen
ed to import order into the
roceedings of the Council which
ono seem to be a scandal to
he administration.

4. The Collector is also greatly
to blame for not having taken
earlier and effective steps to
set matters right and contenting
himself with simply forward-
ing the papers with brief endorse-
ments. He should now proceed
to the place and make full
quiries and report who is to
blame for the disputes which have
risen between the Chairman-de-
legate and the Councillors, and
whether any, and if so, which of
the Councillors have brought them-
selves under section 19. a (iv) of
the Act.

(From orders)

H. I.
15-12-97.

Note Is it necessary to thank the Chairman-delegate now, as first proposed by the Honorable Member? not now. H

To
The Chairman, Mr. C. Tellicherry
(Pass 1st Grade)
Collector of Malabar

P.T.O.

ORDINARY. ~~PREFERENCE.~~ ~~URGENT~~ (a).

LOCAL AND MUNICIPAL DEPARTMENT.

Current No....., dated.....190 .

G.O., No. 2815, dated 16-12-1897 ~~190~~ .

Number of MS. pages sent { Correspondence including order or orders (b) / Notes (b1)

Docket.....

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For filing with original		1
Total ...		20

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The Accountant-General					
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The Surgeon-General					
The Sanitary Commissioner					
Do. Engineer					
Do. Board					
The President, Corporation of Madras					
The					
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The					
Total ...					

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* To be initialled and dated.

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(b1) For rules regarding printing of notes, see the rules in G.O., No. 1220, Public, dated 30th November 1900.

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(b) Unless a note to the contrary is made against the matter, pencil entries should not be printed. The Superintendent of the Press may bring to the notice of the Registrar any instance of incomplete or careless editing.

(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the [illegible] when proofs are returned corrected and should be finally returned to the Secretariat [illegible] copies are supplied.

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, but only the first time when they appear on the left side, the initials alone being printed later.

GOVERNMENT OF MADRAS
RECEIVED
28 OCT 1998
MADRAS

O PRESS, OOTY.

A	B	C
Please send proof in triplicate. The papers have been carefully edited. URao 28-10-8 .....Clerk. .....Supdt.	Proof returned corrected. Please strike off and send number of copies as indicated. Type may be released $\frac{\text{after usual interval}}{\text{at once.}}$ .....Clerk. .....Supdt.	As the matter is clear ma has been carefully edited, not be sent. Please print number of copies as indicated. Type may be released after usual in .....Clerk. .....Supdt.

(*b*) Three copies of proof of all notes should be sent for approval, except when instructions are given to the contrary.

SPECIAL INSTRUCTIONS.

TO BE FILLED IN BY THE PRESS.

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Received in Press on 28/10/08	
First proof furnished on 5/11/08	
Call for revised proof received on 23/11/08	
Revised proof furnished on	
Corrected proof received for striking on	
Final copies supplied on 1/12/08	

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Supplied to Secretariat for Record	~	20	
" " " Issue			
For Volumes			
For E. T.			
Total		20	

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. / *Regd.* } 1897. *Enclosures* / *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

I

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

Enclosure.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	–
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	Rs. A. P.
					10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

Copies supplied on 1/12/97

	Warrants.
1890–91	4
1891–92	9
1892–93	28
1893–94	75
1894–95	34
1895–96	105
1896–97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417–5–4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643–1–8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on [illegible] *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. MURPHY,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. DANCE,
Collector.

II

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

Enclosures.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. Lemerle, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. Koroth Ramunni Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without

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(iv)

Letter—from [illegible] Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Koroth Ramunni Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

Present:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 454-*M., dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to(iv) him not to dispute about

1890-91 ..
1891-92 .. M.R.Ry. KOTIETH R[illegible] Avar[illegible] Municipa[illegible]s assembled

reference to me. I advised him .. held an

trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillo[illegible] moval on the 10th instant—without any requisition from the Chairman—and ... unauthorized meeting. By so doing they have rendered themselves liable to re[illegible]ncy and from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. DANCE,
Collector.

III

Petition—from ATCHARETH PARAKAT KUNHAMED, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M., dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. DANCE,
Collector.

IV

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

ENCLOSURES.

(i)

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Checkilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Checkilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A. F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from Koroth Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 p.m. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. Lemerle, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. Dance,
Collector.

V

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark :—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

M. C. MURPHY,
Ag. Sub-Collector.

27*th November* 1897.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry (paragraphs 1 and 2 only).
,, Collector of Malabar.

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } 1897. *Enclosures*

Regd. *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

I

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

Enclosure.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159-5-4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242-6-7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890-91	4
1891-92	9
1892-93	28
1893-94	75
1894-95	34
1895-96	105
1896-97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620-14-7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106-13-11 were actually served. I have now issued bills for a sum of Rs. 3,765-0-3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643-1-8. To this is to be added about Rupees 1,789-8-6 on account of bills *to be received*—thus aggregating Rs. 10,432-10-2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897-98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. Murphy,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. Dance,
Collector.

II

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

Enclosures.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. Lemerle, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. Koroth Ramunni Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Koroth Ramunni Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

Present:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. Koroth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. Murphy,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. Dance,
Collector.

III

Petition—from Atchareth Parakat Kunhamed, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. Dance,
Collector.

IV

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

Enclosures.

(i)

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Checkilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Checkilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be dimiuished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an

ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from Koroth Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. Lemerle, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. Dance,
Collector.

V

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council,

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark :—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

M. C. MURPHY,
Ag. Sub-Collector.

27*th November* 1897.

Endl. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry (paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16TH DECEMBER 1897.

[SUBJECT.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159–5–4, besides a deposit of Rs. 242–6–7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[LISS].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. RAGHAVA CHARLU—11-12-97.

H. TREMENHEERE—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter: and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } 1897. *Enclosures*

Regd. *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following papers :—

I

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

ENCLOSURE.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159-5-4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242-6-7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890-91	4
1891-92	9
1892-93	28
1893-94	75
1894-95	34
1895-96	105
1896-97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620-14-7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106-13-11 were actually served. I have now issued bills for a sum of Rs. 3,765-0-3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643-1-8. To this is to be added about Rupees 1,789-8-6 on account of bills *to be received*—thus aggregating Rs. 10,432-10-2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897-98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. Murphy,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. Dance,
Collector.

II

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 p.m. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

Enclosures.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. Lemerle, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. Koroth Ramunni Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Koroth Ramunni Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

Present:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. Koroth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. Murphy,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. Dance,
Collector.

III

Petition—from Atchareth Parakat Kunhamed, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. Dance,
Collector.

IV

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

Enclosures.

(i)

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Checkilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Checkilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an

ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from KOROTH RAMUNNI and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz, Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. LEMERLE, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. DANCE,
Collector.

V

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi, Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

27*th November* 1897. M. C. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry
(paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159-5-4, besides a deposit of Rs. 242-6-7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

"first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Trumenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once, i.e., to-day.*

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159–5–4, besides a deposit of Rs. 242–6–7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

" first in a series of days or any other period.", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as " very fairly efficient " in 1895–1896, and " fairly satisfactory " in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once, i.e., to-day.*

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159-5-4, besides a deposit of Rs. 242-6-7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

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Mr. Fernandez is entitled to thanks for his report.

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H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

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For orders.

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I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

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Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11*th November* 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19*th November* 1897, *No.* 20 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20*th November* 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

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4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as " very fairly efficient " in 1895–1896, and " fairly satisfactory " in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

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H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

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H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

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Let this go to His Excellency *at once*, *i.e.*, *to-day*.

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } 1897. *Enclosures*

Regd. } 1897. *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

I

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

Enclosure.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890–91	4
1891–92	9
1892–93	28
1893–94	75
1894–95	34
1895–96	105
1896–97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643-1-8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. Murphy,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. Dance,
Collector.

II

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

Enclosures.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. Lemerle, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. Koroth Ramunni Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Koroth Ramunni Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

Present:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. Koroth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. Murphy,
Ag. Sub-Collector.

Endt. on C. No. 454-*M., dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. Dance,
Collector.

III

Petition—from Atchareth Parakat Kunhamed, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M., dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. Dance,
Collector.

IV

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

Enclosures.

(i)

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Checkilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Checkilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be dimiuished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an

ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from KOROTH RAMUNNI and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. LEMERLE, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M.*, *dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. DANCE,
Collector.

V

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

M. C. MURPHY,
Ag. Sub-Collector.

27*th November* 1897.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry
(paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159-5-4, besides a deposit of Rs. 242-6-7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case recommend that the power of electing its Chairman should be withdrawn from the Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

" first in a series of days or any other period ", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894 ; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as " very fairly efficient " in 1895–1896, and " fairly satisfactory " in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay ?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once*, *i.e.*, *to-day*.

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } 1897. *Enclosures*

Regd. *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following papers :—

I

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

ENCLOSURE.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890–91	
1891–92	4
1892–93	9
1893–94	28
1894–95	75
1895–96	34
1896–97	105
For the first half-year ending 30th September	256
	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643-1-8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor .. A. P. Kunhamed.
(2) Public works contractor .. Syed Abdulla.
(3) Sydar Palli cart-stand contractor .. O. Moidin Kutti.
(4) Jubilee market contractor .. V. Abdulla Kutti.
(5) Small-pox hospital compound lessee .. E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

———

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. MURPHY,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. DANCE,
Collector.

———

II

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

ENCLOSURES.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. LEMERLE, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOROTH RAMUNNI Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

PRESENT:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 454-*M., dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. DANCE,
Collector.

III

Petition—from ATCHARETH PARAKAT KUNHAMED, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M., dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. DANCE,
Collector.

IV

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

ENCLOSURES.

(i)

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Cheekilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Cheekilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an

ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essa and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from Koroth Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz , Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. Lemerle, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/M., dated 25th November 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. Dance,
Collector.

V

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

ENCLOSURES.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. RAMUNNI and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

M. C. MURPHY,
Ag. Sub-Collector.

27*th November* 1897.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry
(paragraphs 1 and 2 only).
,, Collector of Malabar.

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter: and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159-5-4, besides a deposit of Rs. 242-6-7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

" first in a series of days or any other period ", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894 ; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as " very fairly efficient " in 1895–1896, and " fairly satisfactory " in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay ?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once, i.e., to-day.*

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Read. — *Enclosures*

1897.

Regd. — *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following papers :—

I

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

ENCLOSURE.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159-5-4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242-6-7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890-91	4
1891-92	9
1892-93	28
1893-94	75
1894-95	34
1895-96	105
1896-97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620-14-7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106-13-11 were actually served. I have now issued bills for a sum of Rs. 3,765-0-3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643-1-8. To this is to be added about Rupees 1,789-8-6 on account of bills *to be received*—thus aggregating Rs. 10,432-10-2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897-98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	C. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. Murphy,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. Dance,
Collector.

II

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 p.m. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memerandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

Enclosures.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. Lemerle, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. Koroth Ramunni Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Koroth Ramunni Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

Present:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. Koroth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. Murphy,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. Dance,
Collector.

III

Petition—from Atchareth Parakat Kunhamed, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. Dance,
Collector.

IV

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

Enclosures.

(i)

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Cheekilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Cheekilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an

ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from KOROTH RAMUNNI and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. LEMERLE, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/M., dated 25th November 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. DANCE,
Collector.

V

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word " interdict " is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

27*th November* 1897.

M. C. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry
(paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159-5-4, besides a deposit of Rs. 242-6-7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

"first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once, i.e., to-day.*

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } 1897. *Enclosures*

Regd. } *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

I

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

Enclosure.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159-5-4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242-6-7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890-91	4
1891-92	9
1892-93	28
1893-94	75
1894-95	34
1895-96	105
1896-97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620-14-7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106-13-11 were actually served. I have now issued bills for a sum of Rs. 3,765-0-3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643-1-8. To this is to be added about Rupees 1,789-8-6 on account of bills *to be received*—thus aggregating Rs. 10,432-10-2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897-98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224–4–5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. MURPHY,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. DANCE,
Collector.

II

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

ENCLOSURES.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. LEMERLE, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOROTH RAMUNNI Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

PRESENT:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. Koroth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. Murphy,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. Dance,
Collector.

III

Petition—from Atchareth Parakat Kunhamed, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. Dance,
Collector.

IV

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

Enclosures.

(i)

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Checkilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Checkilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from Koroth Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz , Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. Lemerle, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. Dance,
Collector.

V

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi, Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark :—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

M. C. Murphy,
Ag. Sub-Collector.

27*th November* 1897.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. Dance,
Collector.

VI

Telegram—from K. Ramunni, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. Tremenheere,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry (paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16TH DECEMBER 1897.

[SUBJECT.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159-5-4, besides a deposit of Rs. 242-6-7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[LISS].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. RAGHAVA CHARLU—11-12-97.

H. TREMENHEERE—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

"first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11-12-97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11-12-97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4-2-98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once, i.e., to-day.*

H. W. B[liss]—13-12-97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14-12-97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } 1897. *Enclosures*

Regd. *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

I

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

Enclosure.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890-91	4
1891-92	9
1892-93	28
1893-94	75
1894-95	34
1895-96	105
1896-97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417–5–4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643–1–8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/R. 97, dated 26th October 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. Murphy,
Sub-Collector.

No. 254 M./Dis., dated 11th November 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. Dance,
Collector.

II

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memerandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

ENCLOSURES.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

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(ii)

Letter—from A. F. LEMERLE, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

———

(iii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

———

(iv)

Letter—from M R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOROTH RAMUNNI Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

———

(vi)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

———

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

PRESENT:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 454-*M., dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. DANCE,
Collector.

III

Petition—from ATCHARETH PARAKAT KUNHAMED, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M., dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. DANCE,
Collector.

IV

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

ENCLOSURES.

(i)

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Checkilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Checkilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an

ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from Koroth Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz, Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. Lemerle, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/M., dated 25th November 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. Dance,
Collector.

V

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

M. C. MURPHY,
Ag. Sub-Collector.

27*th November* 1897.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry
(paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159–5–4, besides a deposit of Rs. 242–6–7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11–12–97.

H. Tremenheere—11–12–97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case recommend that the power of electing its Chairman should be withdrawn from the Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

"first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once, i.e., to-day.*

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } 1897. *Enclosures*

Regd. } 1897. *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

I

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

Enclosure.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159-5-4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242-6-7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890-91	4
1891-92	9
1892-93	28
1893-94	75
1894-95	34
1895-96	105
1896-97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620-14-7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106-13-11 were actually served. I have now issued bills for a sum of Rs. 3,765-0-3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643-1-8. To this is to be added about Rupees 1,789-8-6 on account of bills *to be received*—thus aggregating Rs. 10,432-10-2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897-98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

———

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. MURPHY,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. DANCE,
Collector.

———

II

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

Enclosures.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. Lemerle, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. Koroth Ramunni Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Koroth Ramunni Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

Present:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karungkara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. Koroth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. Murphy,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. Dance,
Collector.

III

Petition—from Atchareth Parakat Kunhamed, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. Dance,
Collector.

IV

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

Enclosures.

(i)

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Cheekilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Cheekilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an

ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delegate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from KOROTH RAMUNNI and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. LEMERLE, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/M., dated 25th November 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. DANCE,
Collector.

V

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark :—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

———

Forwarded.

M. C. MURPHY,
Ag. Sub-Collector.

27th November 1897.

———

Endt. on C. No. 477-M., dated 30th November 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry (paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159-5-4, besides a deposit of Rs. 242-6-7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

"first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11-12-97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11-12-97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4-2-98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once*, *i.e.*, *to-day*.

H. W. B[liss]—13-12-97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14-12-97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Read. — *Enclosures*

1897.

Regd. — *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 8; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following papers :—

I

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

ENCLOSURE.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890–91	4
1891–92	9
1892–93	28
1893–94	75
1894–95	34
1895–96	105
1896–97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417–5–4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643–1–8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

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day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows:—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last:—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. MURPHY,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. DANCE,
Collector.

II

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

Enclosures.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. Lemerle, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. Koroth Ramunni Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Koroth Ramunni Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

Present:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. Koroth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. Murphy,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. Dance,
Collector.

III

Petition—from Atchareth Parakat Kunhamed, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. Dance,
Collector.

IV

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

Enclosures.

(i)

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Cheekilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Cheekilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A. F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from Koroth Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. Lemerle, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. Dance,
Collector.

V

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

M. C. MURPHY,
Ag. Sub-Collector.

27*th November* 1897.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry (paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159–5–4, besides a deposit of Rs. 242–6–7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

" first in a series of days or any other period ", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894 ; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as " very fairly efficient " in 1895–1896, and " fairly satisfactory " in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay ?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once*, *i.e.*, *to-day*.

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Read. } 1897. *Enclosures*

Regd. } 1897. *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

I

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

Enclosure.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890–91	4
1891–92	9
1892–93	28
1893–94	75
1894–95	34
1895–96	105
1896–97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643-1-8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor .. A. P. Kunhamed.
(2) Public works contractor .. Syed Abdulla.
(3) Sydar Palli cart-stand contractor .. O. Moidin Kutti.
(4) Jubilee market contractor .. V. Abdulla Kutti.
(5) Small-pox hospital compound lessee .. E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. Murphy,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. Dance,
Collector.

II

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 p.m. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memerandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

Enclosures.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. Lemerle, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. Koroth Ramunni Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Koroth Ramunni Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

Present:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. Koroth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. Murphy,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. Dance,
Collector.

III

Petition—from Atchareth Parakat Kunhamed, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. Dance,
Collector.

IV

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

Enclosures.

(i)

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Checkilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Checkilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an

ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A. F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from Koroth Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. Lemerle, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M.*, *dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. Dance,
Collector.

V

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunhi Raman and Ambadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. *At this point* councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

27th November 1897.

M. C. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 477-M., *dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry
,, Collector of Malabar. (paragraphs 1 and 2 only).

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16TH DECEMBER 1897.

[SUBJECT.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159-5-4, besides a deposit of Rs. 242-6-7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[LISS].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. RAGHAVA CHARLU—11-12-97.

H. TREMENHEERE—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, No. 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, No. 20 M.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, No. 468 M.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, No. 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

" first in a series of days or any other period ", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as " very fairly efficient " in 1895–1896, and " fairly satisfactory " in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once*, *i.e.*, *to-day*.

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } 1897. *Enclosures*

Regd. } 1897. *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following papers :—

I

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

ENCLOSURE.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159-5-4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242-6-7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890-91	4
1891-92	9
1892-93	28
1893-94	75
1894-95	34
1895-96	105
1896-97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620-14-7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106-13-11 were actually served. I have now issued bills for a sum of Rs. 3,765-0-3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643-1-8. To this is to be added about Rupees 1,789-8-6 on account of bills *to be received*—thus aggregating Rs. 10,432-10-2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897-98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. MURPHY,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. DANCE,
Collector.

II

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memerandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

Enclosures.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. Lemerle, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. Koroth Ramunni Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Koroth Ramunni Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

Present:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subsequently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. DANCE,
Collector.

III

Petition—from ATCHARETH PARAKAT KUNHAMED, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. DANCE,
Collector.

IV

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

ENCLOSURES.

(i)

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Cheekilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Cheekilodan Amed Kutti Haji) sent in a requisition to the Chairman-delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A. F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from KOROTH RAMUNNI and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. LEMERLE, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. DANCE,
Collector.

V

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi, Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark :—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

27th November 1897.

M. C. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry
(paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159–5–4, besides a deposit of Rs. 242–6–7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

"first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once, i.e., to-day.*

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } 1897. *Enclosures*

Regd. } 1897. *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following papers :—

I

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

ENCLOSURE.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890–91	4
1891–92	9
1892–93	28
1893–94	75
1894–95	34
1895–96	105
1896–97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417–5–4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643–1–8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. Murphy,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. Dance,
Collector.

II

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memerandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

ENCLOSURES.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. LEMERLE, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOROTH RAMUNNI Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

PRESENT:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. DANCE,
Collector.

III

Petition—from ATCHARETH PARAKAT KUNHAMED, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. DANCE,
Collector.

IV

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

ENCLOSURES.

(i)

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Checkilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Checkilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from Koroth Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. Lemerle, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endl. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. Dance,
Collector.

V

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

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Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
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Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

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To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

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(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

M. C. MURPHY,
Ag. Sub-Collector.

27*th November* 1897.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry
(paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159-5-4, besides a deposit of Rs. 242-6-7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case recommend that the power of electing its Chairman should be withdrawn from the Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

"first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once, i.e., to-day.*

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } 1897. *Enclosures*

Regd. } *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following papers :—

I

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

ENCLOSURE.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890–91	4
1891–92	9
1892–93	28
1893–94	75
1894–95	34
1895–96	105
1896–97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643-1-8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. Murphy,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. Dance,
Collector.

II

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memerandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

ENCLOSURES.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. LEMERLE, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOROTH RAMUNNI Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

PRESENT:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. lLemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 454-*M., dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. DANCE,
Collector.

III

Petition—from ATCHARETH PARAKAT KUNHAMED, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M., dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. DANCE,
Collector.

IV

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

ENCLOSURES.

(i)

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Checkilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Checkilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an

ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Checkilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

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Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an

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(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from KOROTH RAMUNNI and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz , Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. LEMERLE, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. DANCE,
Collector.

V

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essn Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

M. C. Murphy,
Ag. Sub-Collector.

27*th November* 1897.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. Dance,
Collector.

VI

Telegram—from K. Ramunni, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. Tremenheere,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry
(paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159-5-4, besides a deposit of Rs. 242-6-7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case recommend that the power of electing its Chairman should be withdrawn from the Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter: and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

"first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once, i.e., to-day.*

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } 1897. *Enclosures*

Regd. *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

I

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

Enclosure.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890–91	4
1891–92	9
1892–93	28
1893–94	75
1894–95	34
1895–96	105
1896–97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643-1-8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

———

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. Murphy,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. Dance,
Collector.

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II

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

ENCLOSURES.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. LEMERLE, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOROTH RAMUNNI Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

PRESENT:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. Koroth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. Murphy,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. Dance,
Collector.

III

Petition—from Atchareth Parakat Kunhamed, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. Dance,
Collector.

IV

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

Enclosures.

(i)

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Cheekilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Cheekilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an

ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from KOROTH RAMUNNI and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. LEMERLE, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. DANCE,
Collector.

V

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word " interdict " is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

27*th November* 1897.

M. C. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry
(paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159-5-4, besides a deposit of Rs. 242-6-7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

"first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once*, *i.e.*, *to-day*.

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. / *Regd.* } 1897. — *Enclosures* / *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

I

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

Enclosure.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890–91	4
1891–92	9
1892–93	28
1893–94	75
1894–95	34
1895–96	105
1896–97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417–5–4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643–1–8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. Murphy,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. Dance,
Collector.

II

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

ENCLOSURES.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. LEMERLE, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOROTH RAMUNNI Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

PRESENT:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subsequently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. Koroth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. Murphy,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. Dance,
Collector.

III

Petition—from Atchareth Parakat Kunhamed, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. Dance,
Collector.

IV

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

Enclosures.

(i)

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Cheekilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Cheekilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from Koroth Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz, Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. Lemerle, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/M., dated 25th November 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. Dance,
Collector.

V

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

M. C. MURPHY,
Ag. Sub-Collector.

27*th November* 1897.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry (paragraphs 1 and 2 only).
" Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159-5-4, besides a deposit of Rs. 242-6-7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

" first in a series of days or any other period ", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894 ; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as " very fairly efficient " in 1895–1896, and " fairly satisfactory " in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay ?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once*, *i.e.*, *to-day*.

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. }
Regd. } 1897.

Enclosures

Spare copies

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—the following papers :—

I

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

ENCLOSURE.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890–91	
1891–92	4
1892–93	9
1893–94	28
1894–95	75
1895–96	34
1896–97	105
For the first half-year ending 30th September	256
	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643–1–8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. Murphy,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. Dance,
Collector.

II

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 p.m. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memerandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

Enclosures.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. Lemerle, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. Koroth Ramunni Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Koroth Ramunni Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

Present:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 454-*M., dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. DANCE,
Collector.

III

Petition—from ATCHARETH PARAKAT KUNHAMED, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M., dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. DANCE,
Collector.

IV

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

ENCLOSURES.

(i)

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th of the Council's resolution in a third letter, requested him in writing to do so. To this the November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Cheekilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Cheekilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an

ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from Koroth Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. Lemerle, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. Dance,
Collector.

V

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

27*th November* 1897.

M. C. Murphy,
Ag. Sub-Collector.

Endt. on C. No. 477-M., *dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. Dance,
Collector.

VI

Telegram—from K. Ramunni, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. Tremenheere,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry
(paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159–5–4, besides a deposit of Rs. 242–6–7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

"first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once, i.e., to-day.*

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } 1897. *Enclosures*

Regd. } 1897. *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

I

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

Enclosure.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890–91	4
1891–92	9
1892–93	28
1893–94	75
1894–95	34
1895–96	105
1896–97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417-5-4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643–1–8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows :—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last :—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security ; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. MURPHY,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. DANCE,
Collector.

II

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2 ; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

ENCLOSURES.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1493, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. LEMERLE, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOROTH RAMUNNI Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

PRESENT:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subsequently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. Koroth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. Murphy,
Ag. Sub-Collector.

Endt. on C. No. 454-*M.*, *dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. Dance,
Collector.

III

Petition—from Atchareth Parakat Kunhamed, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M.*, *dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. Dance,
Collector.

IV

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

Enclosures.

(i)

Letter—from Messrs. Kotieth Ramunni and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Cheekilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Cheekilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the [Council] were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from Koroth Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz , Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. Lemerle, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. Dance,
Collector.

V

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forte, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word " interdict " is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

27*th November* 1897.

M. C. Murphy,
Ag. Sub-Collector.

Endt. on C. No. 477-*M., dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. Dance,
Collector.

VI

Telegram—from K. Ramunni, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. Tremenheere,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry (paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159–5–4, besides a deposit of Rs. 242–6–7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11–12–97.

H. Tremenheere—11–12–97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

"first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once, i.e., to-day.*

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT.

MISCELLANEOUS.

Recd. } 1897. *Enclosures*

Regd. *Spare copies*

G.O., No. 2815 M., 16th December 1897.

Municipal Council.

Proposing to withdraw, for reasons stated, from the Municipal Council of Tellicherry the privilege of electing its own Chairman and to reduce the number of councillors from 18 to 12 and the elective seats thereon from 12 to 3; requesting the Council to state within one month its objections, if any, to these proposals; and directing the Sub-Collector in the meanwhile to resume charge of the Chairman's office without delay.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

I

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Collector of Malabar (through the Sub-Collector).
Dated—the 19th October 1897.
No.—672.

I have the honour to forward herewith for such action as you may deem fit to take, a memorandum on the existing state of Municipal affairs of this town. As an official councillor, I think it my duty to acquaint you, the controlling authority of the Municipality, with its present deplorable condition.

Enclosure.

Memorandum.

On the 4th instant the powers of Chairman were delegated to me on the expiry of the term of office of the late Chairman.

2. On taking charge, I found that there was a balance of Rs. 159–5–4 in the treasury to the credit of the Municipality (excluding deposit of Rs. 242–6–7), while a sum of over Rupees 10,000 as particularized further on was due by it up to 30th September 1897. This circumstance led me to look into matters somewhat in detail. The result of my examination I record below.

3. The following figures show the state of the demand and collections from all heads of municipal revenue up to the half-year ending 30th September 1897 :—

Previous years' arrears up to end of 31st March 1897.			Last half-year ending 30th September 1897.		
Demand.	Collection.	Balance.	Demand.	Collection.	Balance.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
5,907 5 1	1,543 7 10	4,363 13 3	13,417 5 4	3,346 14 6	10,070 6 10

4. As regards the arrears of previous years, I observe that 689 distress warrants issued to the bill-collectors in the following years, have been left unexecuted :—

	Warrants.
1890–91	4
1891–92	9
1892–93	28
1893–94	75
1894–95	34
1895–96	105
1896–97	256
For the first half-year ending 30th September	178

As some of the warrant books are not to be found and necessary particulars have not been noted in the case of some others, the above figures are not quite accurate. I am told that the number is likely to be more than 689. On bill-collectors being called upon to account for the unexecuted warrants, I find that attachments are now being made under those warrants. This shows that there is no difficulty in obtaining distress. As the warrants issued contain no date within which they are to be returned, the bill-collectors take their own time. Instructions have now been issued for making warrants returnable within a specified time.

5. As for the last half-year's demand, though it amounted to Rs. 13,417–5–4, yet bills were issued only for Rs. 5,620–14–7 since 13th July 1897 though they ought to have been issued on 1st April 1897. Again, of the bills issued, only those amounting to Rs. 3,106–13–11 were actually served. I have now issued bills for a sum of Rs. 3,765–0–3 and further bills are under preparation for the last half-year.

6. The liabilities referred to in paragraph 2 up to 30th September as per bills *already received* in the Municipal office amount to Rs. 8,643–1–8. To this is to be added about Rupees 1,789–8–6 on account of bills *to be received*—thus aggregating Rs. 10,432–10–2. This comprises principally salaries of the several establishments which have not been paid for two and three months and supply and other contractors' bills which are in arrears for six months. I am dunned from every side for monies due and am unable to meet their demands. Scavengers and coolies refuse to work, hospital, gravel and other contractors object to continue supplies and the several establishments grumble and murmur and, I fear, the Municipality must come to a dead-lock, unless the collection of its dues is rigorously enforced, though by reason of the simultaneous issue of the past and present half-yearly bills the rate-payers will be subjected to serious hardship in that they will have to pay the full year's tax in a lump.

7. On the 13th instant I managed to pay the scavengers and coolies their arrears of pay for August out of the collections made since the 7th instant. If the scavengers should only strike work as they threaten to do, the consequences would be most deplorable. I hope to settle their accounts immediately.

8. Besides the liabilities mentioned in paragraph 6, there is, I am told, about Rs. 500 to be refunded to parties on account of vacancy remissions, etc. I am unable to specify the exact amount, as there is no account or register kept of them.

9. The demand registers relating to house, land, profession and other taxes which form the essential records of municipal administration and which should have been ready on the 1st April last have not even been commenced to be written up. In the absence of these registers, there is no guarantee as to the correctness of the bills already issued.

10. The following registers have also not been maintained for 1897–98 :—

(1) Register of vacancy remissions.
(2) Do. of licenses for animals.
(3) Do. of licenses for vehicles.
(4) Do. of miscellaneous licenses.
(5) Do. of estimates.
(6) Do. of advances.
(7) Do. of deposits.

The undermentioned registers have not been written up in the new forms supplied :—

(1) Register of arrear demand.
(2) Do. of contingent charges.
(3) Do. of office furniture.
(4) Do. of immovable property.
(5) Do. of stationery.

No register of applications for copies is forthcoming. It would appear that one was kept, but it is missing. One has however now been opened.

In the inward and outward correspondence registers, no disposals have been marked and there is, therefore, no means of finding out what papers are pending.

A register for bills received in the office is kept, but as dispoals are not marked, it is difficult to know what bills have been paid.

The tappal book gives no totals of postage spent every day.

The ledger was not compared for the past several months, nor totalled for some months This has now been done.

The register of distrained property was not written up to date, but it has been brought up now.

Nobody is in charge of distrained property when brought to the office. It is thrown in a room which serves for the purpose of keeping records and masalji's things.

The records are in a hopeless mess. There is no arrangement observed in keeping them and no lists are maintained. Since 1884 destroyable records have not been destroyed and no one seems to know anything about them. As I said above, the record-room is also a room for keeping kerosine lamps and oil and distrained articles and as it has free access to peons and people, there is no security whatever for the records. If anything is removed therefrom, detection would be impossible.

11. All the estimates for the current year's repairs to municipal buildings, roads, etc., are missing. No one can tell me where they are or what became of them. For want of them, the works cannot be taken in hand. A vigorous search is being made for them. Besides some correspondence papers, there were 230 profession-tax and other petitions pending disposal on the

day I took charge. As papers and petitions have not been regularly registered and disposals marked, I am unable to vouch for the correctness of this number. In the case of these 230 petitions the delay is as follows:—

Over one year	6
Six months	22
Below six months and over one month	150
One month	52

12. Contract bonds have not been taken from the following contractors. They should have been signed on or before the 1st April last:—

(1) Hospital contractor	A. P. Kunhamed.
(2) Public works contractor	Syed Abdulla.
(3) Sydar Palli cart-stand contractor	O. Moidin Kutti.
(4) Jubilee market contractor	V. Abdulla Kutti.
(5) Small-pox hospital compound lessee	E. Choyi.

Of these I got two signed, but the remaining contractors refuse to sign on the ground that the conditions in the bond are different from what they understood them to be when they took up the contracts.

13. Security has not been taken from two acting bill-collectors, one of whom was appointed on 30th March 1897. The peon who carries money to the treasury has also not furnished security; so also sub-inspector Kanaran who is entrusted with the collection of scavenging fees.

14. Several petitions and revision lists referred to councillors for report and scrutiny have not been returned, but no record is kept of such references to councillors and municipal subordinates and the system of sending reminders is foreign to this office. On personally asking one or two councillors about the references standing against their names, they tell me that they have received no such references at all. References made a year or more ago have, I learn, never come back to the office and the papers have disposed of themselves. I may also note that except a few, the councillors do not regularly attend meetings of the Council as they ought to.

15. On an out-door inspection, I find that hundreds of private buildings are in a dilapidated and dangerous condition and that necessary action has not been taken in respect of them. Municipal lands have been largely encroached upon with impunity. Every masonry dust-bin that I have seen is out of repair and there is not a single drain which answers the purpose for which it was built. Water and dirt stagnate in them and intolerable nuisance is caused. Almost every culvert requires renewal. Lanes are in a neglected state and backyards of houses and compounds are in a filthy condition. Cholera and other epidemics can never leave the town under the circumstances.

16. As regards assessment, I am convinced that there is a good deal of evasion particularly under spring vehicles and animals. With the consent of the Council, I have introduced the system of numbering the vehicles and I expect a large increase in the tax from this source.

17. Recovery of taxes does not appear to be very difficult, seeing that since the 7th instant the collection has amounted to Rs. 3,224-4-5.

18. The lists of voters and of persons qualified to be councillors were according to the resolution of the Council to be published on the 2nd August 1897, but they were put up only on 1st October, with the result that no elections can be held as no lists are in force now. An election fixed for the 23rd instant has to be put off under the circumstances.

In conclusion, I think it due to the manager to say that he is not wholly responsible for the present chaotic state of the office. He is a very capable and experienced officer but unfortunately he has been in poor health which necessitated his taking long leave from time to time. He has not a very efficient staff of clerks under him and it is no wonder that office work has been so greatly neglected.

Endt. on No. 2956/*R.* 97, *dated* 26*th October* 1897.

Forwarded.

The state of affairs disclosed in this memorandum shows the inefficiency and carelessness which must have characterised the administration of the late Chairman. I have never known the affairs of a Municipality to be in such a deplorable condition. I do not agree with the Chairman-Delegate's remarks about the manager. Judging by the condition of affairs revealed in this memorandum, he deserves summary dismissal.

M. J. MURPHY,
Sub-Collector.

No. 254 *M./Dis., dated* 11*th November* 1897.

Submitted.

2. The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. I do not think any good will be done by asking the Council to appoint a Secretary, seeing that its selection of Chairmen has been so unfortunate.

3. If the Government does not approve of my suggestion, I would in any case recommend that the power of electing its Chairman should be withdrawn from the Tellicherry Municipality.

G. W. DANCE,
Collector.

II

Letter—from H. FERNANDEZ, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated— the 11th November 1897.
No.—814.

I have the honour to bring to the notice of Government the following facts for such orders as they may be pleased to pass.

2. At a meeting of the Council held on the 4th instant it was resolved by a majority of one that the Sub-Collector's letter, Dis. No. 1483, dated 27th October 1897, which formed one of the subjects on the agenda paper, be taken up for consideration at a meeting to be held on the 10th instant. I pointed out at once that under the provisions of section 29 of the Municipal Act the councillors could not fix a date for the special meeting except upon a requisition made under clause 2; but regardless of my objection the resolution was carried. I referred the matter to the Sub-Collector for orders along with a minute of dissent which was sent to me by some of the councillors under section 31 of the Act.

3. On the 8th, 9th and 10th instant I received letters from some of the councillors asking me to issue a notice for the meeting of the 10th instant. I wrote in reply that I could not do so as orders on my reference had not been received. Copies of the letters and my replies are enclosed.

4. Yesterday at 5 P.M. while I was attending to office work at the Municipal office as usual, eight of the councillors named in Exhibit G came there, called for the minute book and took possession of it under the pretext that they wanted to inspect it. Immediately afterwards they began to go through the form of a meeting and record resolutions in the minute book under protest. A copy of the proceedings recorded in the book is submitted and will speak for itself. I may add that what is stated in this proceedings is not all correct. As I found it useless to remonstrate with the councillors further and as I could not proceed with my work owing to interruption, I left the place.

5. I must leave it to Government to decide if these councillors were justified in entering the Municipal office and acting as they did in defiance of all law and decorum in the presence of a large gathering of people. It will be seen that they came even though they were fully aware from my replies to their communications that no meeting would be held.

6. I think it necessary to add that I had occasion to draw up a memorandum on the existing state of Municipal affairs after I took charge of the office and submit it to the Collector. That document has unfortunately brought to light various irregularities in the administration of Municipal affairs. Ever since it was submitted I found it difficult to maintain the dignity of the Council owing to necessary interference of some of the councilors.

Enclosures.

(i)

Extract from the Proceedings of the Municipal Council, Tellicherry, dated 4th November 1897.

* * * * *

Read letter, Dis. No. 1483, dated 27th October 1897, from the Sub-Collector of Malabar stating that the return called for in his letter No. 73, dated 8th January 1897, need not be forwarded, but the facts alluded in the letter may be brought to the notice of the Council.

Resolution No. 5.—Carried by a majority that the matter be postponed for a meeting to be held on the 10th instant at 5 P.M.

* * * * *

(ii)

Letter—from A. F. Lemerle, Esq., Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to inquire why no notice of the adjourned meeting to be held on the 10th instant at 5 P.M., as resolved at the last meeting of the Council, has as yet been circulated to the members. You may perhaps consider it unnecessary to send a notice of the meeting as the members who were present at the last meeting know of the resolution to hold the adjourned meeting on the 10th instant, but I consider it necessary to remind you that there are other members who were absent at the last meeting and a new member whose appointment was out in last Friday's Gazette who are not supposed to know of our last meeting's resolution and that therefore the circulation of the notice is necessary.

I therefore request you to issue the notice without any further delay and, as resolved by the Council at the last meeting, to circulate with it the memorandum referred to in your letter No. 672, dated 19th October 1897, to the Collector and your letter No. 697 to the Sub-Collector the reply to which was the subject the Council resolved to adjourn to the 10th instant until after the circulation in the meantime of the memorandum referred to.

(iii)

Letter—from M.R.Ry. Koroth Ramunni Avargal and six others, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

At the last meeting of the Council held on Thursday 4th instant it was resolved on the proposition of Mr. Lemerle, seconded by Mr. Govindan Nair and carried by a large majority that the further discussion of the subject then under consideration, viz., a letter of the Sub-Collector in reply to your letter No. 697, be adjourned for a meeting to be held on Wednesday 10th instant at 5 P.M. till after the circulation of the memorandum in the meantime referred to in your said letter.

Though three days have now elapsed since that resolution was passed, we find that neither the notice of the adjourned meeting nor the memorandum has as yet been circulated among the members in spite of the Council's resolution to that effect.

We therefore request you to send out the notice and circulate the memorandum without further delay.

(iv)

Letter—from M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I am informed that at the last meeting of the Municipal Council held on Thursday the 4th instant it was resolved to postpone the consideration of a letter of the Sub-Collector in reply to yours to a meeting to be held on the 10th instant at 5 P.M.

I have not yet seen the notice paper convening the adjourned meeting and request you will be good enough to send it up to me along with the papers which were circulated for the last meeting.

(v)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Koroth Ramunni Avargal and six other Councillors, Tellicherry.
Dated—the 9th November 1897.
No.—805.

Adverting to your letter, dated 7th instant, received by me this day, I have the honour to state that being of opinion, as pointed out at the meeting of the 4th instant, that the resolution carried by a majority of only one fixing the 10th idem as the date for a meeting is illegal and having also received a minute of dissent from some of the councillors on the subject, I have referred the matter for orders to the higher authorities. No reply has been received as yet.

(vi)

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—M.R.Ry. Kotieth Ramunni Avargal, Municipal Councillor, Tellicherry.
Dated—the 10th November 1897.
No.—807.

Referring to your letter of the 7th instant received to-day, I have the honour to state that if any meeting is to be called, due notice will be given thereof to the members of the Council as usual.

(vii)

Proceedings of an adjourned meeting of the Municipal Council, Tellicherry, dated 10th November 1897.

Present:

Koroth Ramunni, Esq.
Kotieth Ramunni, Esq., in the chair.
A. F. Lemerle, Esq.
V. Karunakara Menon, Esq.
P. Ambadi Marar, Esq.
G. Govindan Nair, Esq.
C. Ahmed Kutti Haji, Esq.
T. Kunhi Raman, Esq.

The Chairman-Delegate who was present at the meeting hall having refused to take any part in the proceedings, it was proposed by Mr. Lemerle and seconded by Mr. Govindan Nair and carried unanimously that Mr. Kotieth Ramunni do take the chair.

The Manager having been asked to produce the papers the consideration of which was adjourned for to-day, replies that those papers are with the Accountant and he has been ordered by Mr. Fernandez, the Chairman-Delegate, not to produce them at this meeting and the Accountant confirms this statement.

Proposed by Mr. T. Kunhi Raman and seconded by Mr. V. Karunakara Menon and carried unanimously that although the Chairman-Delegate refuses to place the papers before the meeting, the subject may be considered and disposed of as the councillors are sufficiently acquainted with the subject matter thereof, it having been discussed at the last meeting and simply adjourned for the circulation of the memorandum referred in the Chairman-Delegate's letter to the Sub-Collector.

Resolution No. —The Council is unanimously of opinion that the Sub-Collector would not have made the remarks he did in his letter under consideration if all the facts were before him as will appear from the following facts, viz.—

(1) Sub-Collector's office letter, dated 8th January, and received in this office on the 11th far from being "ignored" was taken immediate action upon, the Chairman having at once on the 14th January written to the Civil Surgeon to make the necessary inquiry.

(2) No reply was subseqently sent to the Sub-Collector *as obviously none was necessary*, the Sub-Collector himself having assumed the charge of the office of Chairman on the 16th January and himself held office from the 2nd to the 26th February 1897.

The Council regrets that the Chairman-Delegate who had all these facts before him did not bring them to the notice of the Sub-Collector in his reply.

(viii)

Letter—from M.R.Ry. KOROTH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

Referring to your letter of date I have the honour to inform you that I expect you at the meeting to-day as arranged by the Council at the last meeting and I shall attend in time.

(ix)

Letter—from M.R.Ry. KOTIETH RAMUNNI Avargal, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 10th November 1897.

I have received your letter of date and in reply I have the honour to inform you that the Council has resolved to meet to-day at the office and that I shall attend the meeting without a notice as under such circumstances no notice is necessary.

Endt. on C. No. 3113/*R.* 97, *dated* 16*th November* 1897.

Forwarded.

The present opposition has arisen on account of the memorandum submitted by the Chairman-delegate as is shown by the fact that only a short time ago the Council *unanimously* elected him to that position of their own free will. The holding of an unauthorized meeting by the Council and the entering of the proceedings of that meeting in the minute book constitute, in my opinion, a grave breach of law and decorum. If members of the Council considered that there was anything illegal in the Chairman-delegate's procedure, lawful remedies could have been resorted to. How far a township, which elects members for its Municipal Council capable of this lawless proceeding, is worthy of its elective privileges is, I most respectfully submit, a question for the consideration of Government. Of the seventeen members of the Council (exclusive of myself) only four are nominated and the remaining thirteen are elected. I would respectfully venture to submit that this arrangement does not conduce to the successful working of municipal affairs.

As regards the "minutes" of the unauthorized meeting I do not propose to notice them particularly, as to do so would be almost to connive at the illegalities which gave rise to them. A perusal of them, however, will afford interesting information regarding the way in which these members think correspondence registers ought to be maintained.

M. J. MURPHY,
Ag. Sub-Collector.

Endt. on C. No. 454-*M., dated* 18*th November* 1897.

Submitted.

2. The Municipal Council on the 4th instant decided that a meeting should be held on the 10th idem. The Chairman-delegate did not consider that he was obliged to convene one, and made a reference to me. I advised him not to dispute about trifles and to meet the wishes of the Council.

3. Before my reply reached the Chairman-delegate, eight Councillors assembled on the 10th instant—without any requisition from the Chairman—and held an unauthorized meeting. By so doing they have rendered themselves liable to removal from office under section 19 (iv) of the Municipal Act.

4. It is a great pity that the Tellicherry Municipal Councillors should waste their time in foolish bickering instead of attending to the wants of the towns-people. Some drastic measures are clearly required.

G. W. DANCE,
Collector.

III

Petition—from ATCHARETH PARAKAT KUNHAMED, Contractor to the Tellicherry Civil Hospital.
To—the Collector of Malabar.
Dated—Tellicherry, the 15th November 1897.

I beg to inform your honour that I find it very difficult to carry on my business of supplying articles to the above hospital for which I have taken contract for one year, on the understanding that the amount due to me for each month will be paid when a bill for the same is submitted. Accordingly I have submitted my bills for the last five months, from the 1st of June to the end of October, and I have not been paid as yet. This non-payment on the part of the Chairman of the Tellicherry Municipality has thrown me into very great difficulties. Owing to this and the present rise of price in things I am suffering heavy loss, and to meet the wants of the above hospital I have to buy things on credit by allowing a heavy profit. I have more than once petitioned to the Chairman to this effect, besides which I had also personally interviewed him, and the result is I am not paid as yet, and as matters stand so serious I have no other alternative but to beg your honour to be so kind as to order the Chairman to immediately pay the amount due to me. If not, I will be quite unable to supply the wants of the above hospital any further, for which act of kindness I shall, as in duty bound, ever pray.

Endt. on Pet. No. 20-*M., dated* 19*th November* 1897.

Submitted to the Secretary to Government, Local and Municipal Department, Madras, in continuation of my endorsement, Dis. No. 254 M., dated 11th instant, about the state of the Tellicherry municipal administration.

G. W. DANCE,
Collector.

IV

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Collector of Malabar.
Dated—the 22nd November 1897.

In continuation of the telegram already sent, we have the honour to forward for your information copies of a letter sent by us to the Divisional Officer and of the Proceedings of a meeting of the Council, dated 20th November, and a requisition from us to the Chairman-delegate, dated the 10th November, which form enclosures to that letter. We also send a copy of a letter written by Councillor Mr. Lemerle to the Chairman-delegate, dated 7th November, which speaks for itself.

As we are not in possession of the Chairman-delegate's memorandum to you on municipal affairs and of certain other records (for copies of all of which application has been made) we regret we are not in a position at once to submit the memorial to Government resolved upon in the last resolution of the Proceedings of the Council referred to above. This will be done as soon as the copies are obtained.

ENCLOSURES.

(i)

Letter—from Messrs. KOTIETH RAMUNNI and five others, Municipal Councillors of Tellicherry.
To—the Sub-Collector of Malabar.
Dated—the 23rd November 1897.

We have the honour to forward to you a true copy of the Proceedings of the Municipal Council, dated 20th November 1897, passed, as will be seen from a perusal thereof, after the Chairman-delegate left the Council; we deem it necessary to detail briefly the circumstances that led up to so deplorable a state of municipal affairs.

On the 4th November a meeting was called by the Chairman-delegate at which, among other matters, a reply from you to the Chairman-delegate's letter No. 697 was a subject for discussion. At the meeting it came out that the Chairman-delegate had held back several facts from you and misled you and also that a memorandum has been submitted to the Collector by the Chairman-delegate on municipal affairs. This memorandum was accordingly called for, and was given with great reluctance and after a long discussion. It was read and to the amazement of the Councillors it was found that the memorandum contained several statements some not borne out by facts and some too well calculated to mislead, and as the Chairman-delegate's reply to the Sub-Collector's letter which the Council was then considering referred to this memorandum it was resolved by a majority (and by the way it was a largely attended meeting) that the meeting stand adjourned to the 10th November, and that the memorandum be meanwhile circulated. It is also noteworthy that the latter portion of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day. As some of the councillors considered that the Chairman-delegate was not disposed to circulate the memorandum or send round notice of the adjourned meeting they (Messrs. P. Ambady Marar, landlord, G. Govindan Nair, Vakil, T. Kunhi Raman, Headmaster, B.G.M.P.H. School, C. Amed Kutti Haji, Merchant, Isaak Haji Ayoob Sett, Merchant, Koroth Ramunni, Vakil, V. Karunakara Menon, Cashkeeper, Madras Bank) in one letter, Mr. A. F. Lemerle, Vakil, in a separate letter, Mr. Kotieth Ramunni, Vakil, who came to know of the Council's resolution in a third letter, requested him in writing to do so. To this the first seven Councillors abovenamed received a reply from the Chairman-delegate, dated 9th November 1897 (the other two Councillors also receiving separate replies to the same effect) in which he said that he had received a minute of dissent from three of the Councillors that the resolution was supported only by a majority of one and that he had referred the question to higher authorities, pending whose decision he was not going to call a meeting. It has to be observed that at the meeting of the 4th November it was explicitly stated that the meeting was adjourned to the 10th November to have the memorandum circulated and to enable as many Councillors as possible to take part in the discussion because the subject was one of great importance and because two of the Councillors were about to vacate their seats, the strength of the Council thus dwindling down to fifteen (one being already out) or practically to fourteen, another Councillor being absent from the station on business which required his attendance. It is therefore clear that the reference to higher authorities and minute of dissent which it is stated necessitated the reference are ingenious devices employed by the Chairman-delegate to put off the meeting till such time as he knew the Council would be so thinned. But as allowed by section 29 clause 1 of the Municipal Act, Councillors (Messrs. Kotieth Ramunni, Ambady Marar, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman, Cheekilodan Amed Kutti Haji and Koroth Ramunni) met at the Municipal office at the time appointed by the resolution of the 4th November and requested the Chairman-delegate who was present in the hall to hold the meeting as originally fixed upon. The conduct of the Chairman-delegate on this occasion, we regret to say, was most insulting. He left on the table the draft Proceedings book which had been called for, but he declined flatly to hold the meeting or to have anything to do with it. We were thus driven to the necessity of electing one from among ourselves to preside. We then called for the papers the consideration of which was adjourned to this day, but the Chairman-delegate refused to give them. We then passed certain resolutions and while we were engaged in doing so the Chairman-delegate left the office in great wrath ordering the clerks and peons to leave office and close it quickly.

We also learnt that the Chairman-delegate had done several other actions in a highhanded and questionable manner; and adopting the means of righting matters allowed us by the Act Councillors (Messrs. Koroth Ramunni, Kottieth Ramunni, A. F. Lemerle, V. Karunakara Menon, G. Govindan Nayar, C. Ambady Marar, T. Kunhi Raman, and Cheekilodan Amed Kutti Haji) sent in a requisition to the Chairman delegate on the 10th November (copy enclosed) requesting him to convene a special meeting on the 17th November to dispose of the subject it contained. The Chairman-delegate, arguing that six clear days' notice had not been given as required by section 29 of the Act, favoured us with a reply, dated 15th November, pointing it out and fixing the meeting for the 20th November a day on which he no doubt thought the strength of the Council would be diminished by one of the signatories to the requisition ceasing to hold office. Before the receipt of this reply we had information as to what he intended to do, and therefore sent a fresh requisition to him on the 12th November stating that if the 17th be objectionable the 19th November be fixed for the special meeting asked for. What has been done with this requisition we do not know, as no mention is made of it in the Chairman-delegate's reply, dated the 15th November. It was apparently ignored, and the notice paper came round fixing the meeting for the 20th November as intimated in the reply. We then again wrote on the 16th November to the Chairman-delegate requesting that the meeting be held on the 19th November pointing out as we then thought that the term of office of one of the signatories of the requisition would expire on the 20th, but no notice of it was taken.

Finally the 20th came and with it the meeting. It has to be observed that at the meeting, according to the notice paper convening it, various other subjects besides those to which our requisition referred were also to be discussed, so that it was neither a special meeting nor an

ordinary one for the transaction of ordinary business but a combination of the two. It commenced with commendable punctuality precisely at 4 P.M., and although at first there were only three Councillors present who had signed the requisition the first paper that was taken up for discussion was the requisition itself, and two resolutions were recorded. Meanwhile the Councillors came in one after another among them Mr. Kunhi Raman. Upon Mr. Kunhi Raman's going to take his seat the Chairman-delegate, in spite of it being suggested to him repeatedly that he would consider the question whether Mr. Kunhi Raman could sit as a Councillor that day or not, bent down his head over the Proceedings book before him and wrote something in it to this effect that the meeting is dissolved because of Mr. Kunhi Raman's entry, and indignantly left the meeting followed by Councillors Messrs. E. S. Fernandez, P. Forte, B. Pokker, C. Essa, and A. V. Bava. As he went he ordered all the clerks and peons to quit the office immediately and to close it after them.

What transpired after this will be seen from the copy of the Proceedings sent herewith.

Regarding Mr. Kunhi Raman's eligibility to take part in the discussion of the day we have to point out—

(1) that section 17 of the Madras District Municipalities Act as amended by Act III of 1897, which refers to the term of office of a Councillor, runs as follows:—

"Subject to the provisions of sections 19 and 20, every person appointed, as aforesaid, to be a Municipal Councillor, shall continue in office for three years *from* the date of the *Fort St. George Gazette* wherein his appointment was notified."

(2) And the Madras General Clause Act I of 1891, section 9, clause B, is as follows:—

"For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word *from*.

From this it is clear that Mr. Kunhi Raman's term expires only on the 21st November, his appointment having been notified in the Gazette of November 20th, 1894.

Even granting for the sake of argument that Mr. Kunhi Raman could not sit as a Councillor that day as the question was a debatable one, the Chairman-delegate's refusal to go into the merits of the question and then ask Mr. Kunhi Raman to leave or remain according as it should be decided by the Council that he could take part in the decision or not, instead of turning a deaf ear to all suggestions and summarily announcing that the meeting was dissolved is, in our opinion, high-handed and most objectionable.

We have to add that Municipal affairs having reached this climax, we have wired to the Collector and the Government, soliciting interference, and we forward to-day a copy of the letter to the Collector.

(ii)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

PRESENT:

Messrs. Kotieth Ramunni.
" A. F. Lemerle.
" Isac Haji Ayub.
" T. Kunhi Raman.
" G. Govindan Nayar.
" C. Ahmad Kutti Hajee.
" V. Karunakara Menon.

While the Proceedings of the Council were going on, Councillor Mr. Kotieth Ramunni arrived with Mr. T. Kunhi Raman.

And when Mr. T. Kunhi Raman took his seat, the Chairman-Delegate Mr. Fernandez without considering or putting to the Council as was suggested by Mr. Kotieth Ramunni the question as to whether Mr. Kunhi Raman can sit this day as Councillor at the meeting, at once recorded in the draft Proceedings book, that he dissolved the meeting, and left the room followed by Councillors Messrs. E. S. Fernandez, P. Forte, V. B. Poker, C. Essu and A. V. Bava.

The remaining Councillors being of opinion that the Chairman-Delegate could not of his own accord dissolve a meeting resolved to continue the proceedings.

It was then proposed by Mr. Karunakara Menon and seconded by Mr. Govindan Nayar and carried unanimously that Mr. Kotieth Ramunni will take the chair.

The question was then considered as to whether in view of the fact that Mr. Kunhi Raman's appointment as Councillor was published in the *Fort St. George Gazette* of the 20th November 1894, he could with reference to section 17 of the Madras District Municipalities Act IV of 1884 as amended by Act III of 1897 and section 9 clause B of Madras General Clauses Act I of 1861 take part in the Proceedings as Councillor this day.

The Council after giving its careful consideration is unanimously of opinion that Mr. Kunhi Raman can take part in the Proceedings.

The accountant who was all long in attendance at the meeting before the Delegate left the hall having been asked by the Council to produce the papers for consideration at to-day's meeting and the draft Proceedings book replies that he was ordered by the Chairman-delegate not to produce any papers and that he and the rest of the establishment have been ordered to leave the office immediately.

The Council observes that the Chairman-Delegate acted in contravention of section 29, clause 2, in declining to call the meeting for the 17th or 19th instant, as required by letters, dated 10th and 12th instant, of Councillors Messrs. Ambady Marar, Kotieth Ramunni, Koroth Ramunni, C. Ahmad Kutti Hajee, A F. Lemerle, G. Govindan Nayar, and V. Karunakara Menon, notwithstanding that in their letter, dated 16th instant, in reply to the Chairman-Delegate's letter dated the 15th instant, Councillors Messrs. Kotieth Ramunni, A. F. Lemerle, G. Govindan Nayar, V. Karunakara Menon, T. Kunhi Raman and C. Ahmad Kutti Hajee, reiterated their request to have the meeting on the 19th instant as originally requested and it is obvious that in fixing the 20th instant, the Chairman-Delagate had in view the object of excluding Mr. T. Kunhi Raman, from taking part in the discussion of the question for which the meeting was requisitioned, as is clear from his action in leaving the meeting without considering whether Mr. Kunhi Raman could take part in the Council or not.

It is resolved that the Government be addressed in detail on the state of affairs that has arisen in the Municipality since the meeting of the 4th instant.

(iii)

Letter—from Koroth Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant, the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez, besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector, be circulated among the members.

(3) The matters refered to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambady Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897, to the Delegate, registered as No. 1702 in the inward register book.

(5) The persistency with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897, to him registered as No. 1703 in the inward register.

(7) The circumstances under which one Kunnoth Beeran and Kannoth Gopalan, contractors of the Tiruvangad cartstand, were made to pay Rs. 10 by the Chairman-Delegate.

(8) To interdict the Delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the Delegate from destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition on which this resolution was come to was not prominently made the subject for consideration in the notice paper seeing that the matter was one of very great importance.

(iv)

Letter—from Mr. A. F. Lemerle, Municipal Councillor, Tellicherry.
To—the Chairman-Delegate, Municipal Council, Tellicherry.
Dated—the 7th November 1897.

I have the honour to record my emphatic protest to your refusal in the presence of the accountant last evening when I attended the Municipal office to show me the draft of the letter No. 790, dated 5th November 1897, to the Sub-Collector, and the memorandum referred to in your letter No. 672, dated 19th October 1897 to the Collector of Malabar, the former on the ground of its being confidential although the said draft was in the office at the time, and the latter which was not in the records of the office as it should have been, but was, you said, in your private custody, on the ground that you did not intend to circulate it though it was resolved to do so at the last meeting of the Council and further on perusal proceedings of the last meeting that you failed to enter my name as present, a fact which I personally brought to your notice last evening at the office and which you rectified at the time; and also that you failed to record my name as the proposer and the name of Councillor Mr. Govindan Nayar as the seconder of the resolution to adjourn the consideration of the letter of the Sub-Collector in reply to your letter No. 697, to the 10th instant till after the circulation of the memorandum referred to in your said letter; and above all that you failed to record in the resolution which was carried by a large majority (four members alone dissenting, viz., Messrs. Essu, Bava, E. S. Fernandez and Forte) that your memorandum to the Collector above referred to, be circulated among the members.

It is difficult to understand why you show such unwillingness to a Councillor having access not only to your letter to the Sub-Collector, but also to the memorandum containing your criticism on the state of affairs of the Municipality and why you persist as you told me last evening, in declining memorandum which of the Council you are bound to circulate in accordance with the resolution of the Council at the last meeting.

Endt. on C. No. 468/*M., dated* 25*th November* 1897.

Forwarded to the Secretary to Government, Municipal Department, in continuation of previous correspondence.

G. W. Dance,
Collector.

V

Letter—from H. Fernandez, Esq., Chairman-Delegate, Municipal Council, Tellicherry.
To—the Secretary to Government, Local and Municipal Department (through the Sub-Collector of Malabar).
Dated—the 20th November 1897.
No.—846.

In continuation of my letter No. 814, dated 11th November 1897, I have the honour to submit herewith for orders of Government a copy of the Proceedings of the Council at its meeting held to-day.

2. It will be seen therefrom that I had no other alternative but to dissolve the meeting. The requisition referred to in the Proceedings will itself show the attitude of the signatories whose sole cause of opposition is my Memorandum, dated 19th October 1897, which is now awaiting the orders of Government.

3. Government will be pleased to see that ex-Councillor M.R.Ry. T. Kunhi Raman Avargal was gazetted on the 20th November 1894 and his term of office therefore expired on the 19th instant, and that this fact was well-known to himself and Messrs. Lemerle and Govindan Nayar as will appear from their own letter to me dated 16th instant, copy enclosed. I may add that the rule invariably observed here is for Councillors to vacate office after three years on the day previous to the date of appointment when the full term becomes complete.

4. I have hitherto advisedly refrained from troubling Government with complaints of personal affronts offered to me at meetings since the submission of my memorandum by some of the Councillors particularly Mr. Lemerle, a nominated

member, and M.R.Ry. G. Govindan Nayar Avargal as references of such nature are unpleasant. But the conduct of these gentlemen at to-day's meeting was such that I feel compelled to lay before Government, as it is bringing the Municipal administration of this city into public contempt.

Enclosures.

(i)

Proceedings of the Municipal Council, Tellicherry, dated 20th November 1897.

Present:

H. Fernandez, Esq., *Chairman-Delegate.*
E. S. Fernandez, Esq.
M.R.Ry. C. Essu Avargal.
" A. V. Bava Avargal.
" V. B. Poker Avargal.
P. Forté, Esq.
M.R.Ry. V. Karunakara Menon Avargal.
" G. Govindan Nayar Avargal.
" Isac Haji Ayub Sett Avargal.
A. F. Lemerle, Esq.

Proceedings of the last meeting held on the 4th instant are taken as read.

Read the following requisition dated 10th November 1897 received on the 12th idem from Councillors Messrs. Ambadi Marar and five others.

Petition—from K. Ramunni and others, Municipal Councillors, Tellicherry.
To—the Chairman-Delegate, Tellicherry Municipality.
Dated—the 10th November 1897.

We the undersigned Councillors request you will be good enough to convene a meeting of the Municipal Council on Wednesday the 17th instant at 5-30 P.M. for the purpose of considering the following matters :—

(1) The refusal of the Chairman-Delegate to hand over the papers, the consideration of which was adjourned to the 10th instant.

(2) The omission by the Chairman-Delegate to record in the minutes of Proceedings of the meeting held on the 4th instant the full terms of the proposition made by Mr. Lemerle, seconded by Mr. Govindan Nayar and carried by a majority (four members alone dissenting, viz., Messrs. Essu, Bava, Forte, and E. S. Fernandez besides the Chairman-Delegate) namely that the meeting stand adjourned to the 10th instant and that in the meantime the memorandum of the Chairman-Delegate referred to in his letter to the Sub-Collector be circulated among the members.

(3) The matters referred to in Councillor Mr. Lemerle's letter to the Chairman-Delegate, dated 7th November 1897, registered as No. 1693 in the inward register book.

(4) The refusal by the Chairman-Delegate to comply with the request of Councillors Messrs. Koroth Ramunni, Ambadi Marar, Isac Haji Ayub, Karunakara Menon, Govindan Nayar, Kunhi Raman and Chikalodan Ahmad Kutti Hajee contained in their letter, dated 7th November 1897 to the (Chairman) Delegate registered as No. 1702 in the inward register book.

(5) The persistence with which the Delegate refuses to circulate the memorandum above referred to.

(6) The non-compliance by the Delegate of the request of Mr. Kotieth Ramunni conveyed in his letter, dated 7th November 1897 to him registered as No. 1703 in the inward registrar.

(7) The circumstances under which one Kamoth Beeran and Kamoth Gopalan, contractors of the Tiruvengad cartstand, were made to Rs. 10 by the Chairman-delegate.

(8) To interdict the delegate from paying any bills in anticipation of sanction of the Council, except the usual monthly salaries.

(9) To prevent the delegate in destroying the beauty of the town and the comfort of travellers and others by the indiscriminate destruction of avenue trees without the sanction of the Council.

(10) To consider the circumstances under which latrine No. 1 was demolished and the materials sold, and why the petition which this resolution was come to, was not prominently made the subject for consideration in the notice paper, seeing that the matter was one of very great importance.

Minute on the above by the Chairman-delegate.

Minute by the Chairman-delegate.

The allegations in the requisition are answered *seriatim*—

(1) No meeting was called for the 10th November as the resolution fixing the meeting was considered illegal and had along with a minute of dissent received from some of the councillors, been referred for orders to the Revenue Divisional officer under section 31 of the Act and no orders had been received. In the absence of a notice the councillors had no right to hold a meeting and call for papers.

(2) The resolution recorded at the time which was carried by a majority of only one was fully read out and the words "at 5 P.M." were, in fact, added at the instance of councillor Mr. Lemerle. No proposition was put to the vote and no resolution was therefore carried to circulate the memorandum inasmuch as it was not a subject placed for discussion. If there was such a resolution, the objecting councillors would certainly have raised the point at the time and asked for its insertion.

(3) The reason for not circulating the memorandum will be seen from my answer to item (5). My letter to the Sub-Collector was confidential and Mr. Lemerle had no right to see it. He attended late and his name did not therefore appear at the head of the Proceedings. The reference to the proposition is answered in item (2). Mr. Lemerle speaks of only four dissenting members in his letter, dated 7th November, while he subscribes to a different statement in the requisition.

(4) The letter was to send out a notice for a meeting on the 10th, but one could not be sent out in the circumstances stated in item No. (1). The reply to this effect sent in time to the signatories should have satisfied them on the point.

(5) The memorandum is a document pending orders of the higher authorities and as such the councillors have no right to *discuss* it till called upon to do so by such authorities. They were allowed a perusal of it and this should have satisfied them for the time being.

(6) *Vide* answer to item (4). Besides Mr. Kotieth Ramunni not being a councillor who voted for a meeting on the 10th, his letter asking for a notice was uncalled for, still a reply was given him.

(6) The prosecution of Beeran for cultivating the cartstand was sanctioned on the 4th September, but no action was taken till I took charge. On the 8th October the overseer reported that no prosecution would stand and that Beeran was willing to pay a compensation of Rs. 10. This fact was brought to the notice of the Council at its meeting of the 12th, when the members present expressed that the matter might be brought forward after receipt of the compensation. On the 14th, the amount tendered was received and at its meeting of the 19th the Council resolved to withdraw the prosecution. It is remarkable that three of the signatories to the present requisition, namely, councillors Messrs. K. Ramunni, T. Kunbi Raman and Amhadi Marar, who were present at the meeting of the 19th and voted for the withdrawal of the prosecution, should now come forward and question the propriety of their own act.

(7) No bill whatever which requires the previous sanction of the Council has been paid by the Chairman-delegate. On the other hand he has obtained the sanction of the Council after his assuming charge to payments made on 25 bills by the late Chairman without such sanction in June, July, August and September last. Hence the meaning of the proposition is not understood and the use of the word "interdict" is objectionable.

(8) The delegate has not destroyed the beauty of the town, as alleged, by destruction of trees. If any one has done so it is the late Chairman who, without even bringing the matter to the notice of the Council, ordered branches and trees to be cut down throughout the town. It is true that a few old trees have been removed by the delegate as in his opinion they were either dangerous obstructive or useless and his action has been approved by the Council at its meeting held on the 4th November 1897.

(9) Latrine No. 1 was removed with the sanction of the Council on a petition from the residents in the neighbourhood presented to the late Chairman and left undisposed. It is not the practice to give abstracts of any miscellaneous petition in the agenda paper. Here again it is noteworthy that two of the signatories to the requisition, councillors Messrs. K. Ramunni and T. Kunhi Raman, who voted for the removal of the latrine at the meeting held on the 7th October 1897, should now find fault with their own action.

Resolutions—(1) Carried by a majority that in the absence of an authorized meeting the Chairman was perfectly justified in refusing to hand over the papers at that so-called meeting on the 10th. Messrs. V. Karunakara Menon, G. Govindan Nair and Isack Haji Ayub dissenting. At this point councillor Mr. Govindan Nair was called to order and threatened to be reported for making the following remark:—

"I hope the Chairman is not tipsy."

Mr. Lemerle arrived at this stage.

(2) Carried by a majority that when the resolution was read out there was no objection raised. If there was any objection it would certainly have been raised at the time. (Mr. Lemerle was also called to order for using unbecoming language to the Chairman.) Messrs. Lemerle, Ayub Sett, V. Karunakara Menon and G. Govindan Nair dissenting.

At this stage councillor Mr. Lemerle called ex-councillor Mr. T. Kunhi Raman who was standing outside and asked him to take a seat at the meeting table, councillor Mr. Govindan Nair taking a prominent part in bringing him into the hall. The Chairman objected to his taking seat, but he continued to remain in spite of the objection. Mr. Kunhi Raman's term of office having expired on the 19th instant, his entering into the hall and taking seat as a councillor is unlawful. As he will not leave the place I am compelled to dissolve the meeting to prevent a breach of the peace. Councillors Messrs. Pocker, Forte, Essu, E. S. Fernandez and Bava having agreed to do this left the meeting.

(ii)

Letter—from the Councillors of the Municipal Council, Tellicherry.
To—the Chairman-delegate, Municipal Council, Tellicherry.
Dated—the 16th November 1897.

With reference to your letter No. 828, dated 15th instant, we have the honour to express our surprise that you take no notice of our letter, dated 12th instant, requesting you to convene the meeting for Friday the 19th instant.

As the subject to be considered is important and it is desirable to secure as large an attendance of councillors as possible and as you are aware that the term of office of one of the councillors Mr. Kunhi Raman expires by the 20th instant, we request you will be good enough to fix Friday the 19th instant as the date for the meeting we asked you to convene. It is needless for us to mention that your action in ignoring our second letter, dated 12th instant, and fixing a day when the strength of the Council will be weakened by the retirement of one of the councillors who signed the requisition is liable to be misconstrued. We trust, therefore, you will see the advisability of fixing Friday the 19th instant as the date for the meeting. We have also to mention that our first letter, dated 10th instant, was delivered at the office on the 11th instant.

Forwarded.

M. C. MURPHY,
Ag. Sub-Collector.

27th November 1897.

Endt. on C. No. 477-*M.*, *dated* 30*th November* 1897.

Submitted to Government in continuation of my endorsement No. 454, dated 18th November 1897, forwarding the Chairman's letter, dated 11th November 1897, No. 814.

G. W. DANCE,
Collector.

VI

Telegram—from K. RAMUNNI, Tellicherry.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 9th December 1897.

Myself and four councillors despatched letter to-day through Collector explaining our telegram of 21st November.

Order—No. 2815 M., dated 16th December 1897.

With the first of the letters read above, the Collector of Malabar forwards a memorandum submitted by the Chairman-delegate of the Tellicherry Municipality on the state of the municipal affairs in that town. It is stated that on the date of submission of the memorandum, viz., 19th October 1897, the municipality was almost in a state of insolvency, with liabilities amounting to Rs. 10,000, that the collection of taxes was neglected, that the office registers and records were in a hopeless condition, and that the sanitation of the town was deplorable. If these statements are correct, the Government must agree with the Sub-Collector in thinking that this discreditable state of affairs is the result of the inefficiency of the previous administration under an elected Chairman and consider that unless a radical change is introduced in the constitution of the Municipal Council, it would be impossible to set matters on a satisfactory footing. His Excellency the Governor in Council therefore feels himself constrained to propose the withdrawal, from the Municipal Council, of the privilege of electing its Chairman, and the reduction of the number of municipal councillors from 18 to 12 and of the number to be appointed by election from 12 to 3. Under the proviso to section 12 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, the Municipal Council is accordingly requested to state, within one month from the date of receipt of this order, its objections, if any, to these proposals.

2. With reference to the Collector's remarks in paragraph 2 of his endorsement, dated 11th November 1897, the Government adheres to the opinion already expressed in paragraph 2 of G.O., No. 2119 M., dated 29th September 1897, and considers that the appointment of a paid Chairman is unnecessary as, with an efficient paid Secretary, an honorary Chairman should be able to carry on the administration satisfactorily.

3. It is observed that on the expiry of the term of the late Chairman, the Sub-Collector took charge of the office under section 15 (1) of the Municipal Act and delegated his powers to his head clerk, who is a municipal councillor. The Collector is requested to call upon the Sub-Collector to explain why he so delegated his powers, when the affairs of the municipality were in such confusion, and to direct him to resume charge of the office without delay. The Sub-Collector should remain in charge of the Chairman's office and should not leave the place until the report called for from the Municipal Council in paragraph 1 of this order has been submitted. Meantime steps should be taken by him to remedy the confusion into which the municipal affairs have fallen and to import order into the Proceedings of the Council which now seem to be a scandal to the administration.

4. The Collector is also greatly to blame for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen between the Chairman-delegate and the councillors, and whether any, and if so, which of the councillors have brought themselves under section 19 (1) (iv) of the Act.

(True Extract.)

H. TREMENHEERE,
Secretary to Government.

To the Chairman, Municipal Council, Tellicherry (paragraphs 1 and 2 only).
,, Collector of Malabar.

NOTES CONNECTED WITH G.O., No. 2815 M., MIS., DATED 16th DECEMBER 1897.

[Subject.— *Maladministration, Tellicherry Municipality.*]

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 11th November 1897, No. 254 M./Dis.

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159–5–4, besides a deposit of Rs. 242–6–7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[liss].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. Raghava Charlu—11-12-97.

H. Tremenheere—11-12-97.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal

Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. Raghava Charlu—22-11-97.

For orders.

H. Tremenheere—30-11-97.

I don't know that a paid Chairman is required. With a good paid Secretary an unpaid Chairman should be able to get on. I should arrange accordingly.

It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[liss]—2-12-97.

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 11th November 1897, *No.* 814.

From G. W. Dance, Esq., I.C.S., Collector of Malabar, dated 19th November 1897, *No.* 20 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 25th November 1897, *No.* 468 *M.*

From Mr. Fernandez, Chairman-delegate, Municipal Council, Tellicherry, dated 20th November 1897, *No.* 846.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In

forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the

"first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V. Raghava Charlu—11–12–97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H. Tremenheere—11–12–97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

I noted on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so re-marked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay?

I beg to note that I have taken due notice of the delay in the office.

H.T.—4–2–98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can

be taken to remedy the confusion into which the affairs of the Municipality have fallen or to import order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to leave the place until the required report has been submitted.

The Collector is also greatly to blame for not taking earlier and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

Let this go to His Excellency *at once*, *i.e.*, *to-day*.

H. W. B[liss]—13–12–97.

I fully concur in the course proposed by the Hon'ble Sir H. Bliss in his note of 13th December 1897.

A. E. H[avelock]—14–12–97.

[G.O., No. 2815 M., Mis., dated 16th December 1897.]

Revised 7/12/08.

For approval KKM 26/11/08 3/12/08

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Press. Please return. 2 Encls. 3 copies. Two returned. KKM 4/12/08

LOCAL AND MUNICIPAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 2815 M., DATED 16TH DECEMBER 1897.

[SUBJECT.— *Maladministration, Tellicherry Municipality.*]

With his endorsement read above the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry Municipality on the state of the Municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that the available balance in the treasury to the credit of the Municipality was only Rs. 159–5–4, besides a deposit of Rs. 242–6–7, but that the liabilities amounted to Rs. 10,000; that the collection of taxes and the execution of warrants were neglected; that the demand registers of the taxes had not been written up, nor the bills issued in full; that the correspondence and other registers in the office were not properly kept; that the records were in a hopeless condition; that bonds from some contractors and securities from some Municipal subordinates had not been taken; that papers referred to Councillors for remarks had not been returned to the office in many cases; and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the Municipal Manager is not wholly responsible for the existing state of affairs which he attributes to the inefficiency of the Municipal office establishment.

H.E. portion remarked 1 on page 4.

2. The Collector observes as follows:—

"The maladministration of the Tellicherry Municipality has long been notorious. The only remedy which suggests itself to me is to appoint a paid Chairman. "I do not think any good will be done by asking the Council to appoint a Secretary, "seeing that its selection of Chairman has been so unfortunate." He further states that "if the Government does not approve his suggestion, he would in any case "recommend that the power of electing its Chairman should be withdrawn from the "Municipal Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable state of things, but it does not appear whether, as already pointed out in paragraph 2 of G.O., No. 2119 M., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted, that the privilege of electing its Chairman may, as recommended by the Collector, be withdrawn from the Municipal Council, so that a proper and capable man may be appointed as Chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The Municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers, etc., but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

V. RAGHAVA CHARLU—22–11–97.

For orders.

H. TREMENHEERE—30–11–97.

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It appears that there are now eighteen Councillors of whom twelve elected. I would reduce the total to twelve (the legal minimum) of whom three only should be elected, and I would withdraw the privilege of electing the Chairman. Call on the Municipal Council to show cause why this should not be ordered. It is one of the worst cases I have known, perhaps the worst.

Let His Excellency see before issue. Mark *very urgent* for him.

H. W. B[LISS]—2–12–97.

From C. W. Dowse Esq. I.C.S. Collector of Malabar
No. 254 M/815, dy 11th Nov 1897.

letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the "first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

When the late Chairman vacated office, why did not the Sub-Collector take charge instead of Mr. Fernandez (whoever he is) who styles himself Chairman-delegate? How can there be a Chairman-delegate without a Chairman to delegate? Who appointed him?

Mr. Fernandez is entitled to thanks for his report.

H. W. B[LISS].

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub-Collector took charge of the office and delegated his powers to Mr. Fernandez, his head clerk, who is a Councillor.

V. RAGHAVA CHARLU—11-12-97.

H. TREMENHEERE—11-12-97.

Please see Current Nos. 4047, 4080, 4125 and 4184 M., since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that, at its meeting of the 4th November 1897, the Municipal Councils decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2); that he made a reference to the Sub-Collector as to the propriety of the Council's action; that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the Councillors asking him to circulate a notice of the meeting to be held on the 10th, which, however, he did not do, as no orders had been received from the Sub-Collector on his reference; that on the evening of the 10th, eight Councillors came to the Municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book; took possession of it under the pretext that they wanted to inspect it, and immediately began to go through the form of a meeting and record resolutions in the minute book; and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the Municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the Municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the Council owing to the unnecessary interference of some of the Councillors. In forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen * Municipal Councillors are elected, does not conduce to the successful working of Municipal affairs; and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19 (iv) of the Municipal Act.

* Excluding the ex-officio Councillors.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector, dated 23rd November 1897, they state that, at the meeting of the 4th November 1897, it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the Municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman-delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate

Cur 4047 M. From Mr Fernandez, C. in C Chairman & delegate, Municipal Council Tellicherry no 814 dy 11-11-1897
4080 " G.W. Donee Esq I.C.S. Collector of Malabar, no 20 M. dy 19-11-1897.
4125 " " " 4689 M. dy 25-11-1897.
4184 " Mr Fernandez, Chairman delegate, Mun. Council, Tellicherry, no 846 dy 20-11-1897

letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the Council would be reduced in strength. Eight of the Councillors met at the Municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so, they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not might be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk and peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed to be a Municipal Councillor shall continue in office for "three years *from* the date of the *Fort St. George Gazette* wherein his appointment "was notified" and that, as according to clause (*b*) of section 9 of the Madras General Clauses Act I of 1891 the word "*from*" is used "for the purpose of excluding the "first in a series of days or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the *Fort St. George Gazette* of the 20th November 1894; and they state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most high-handed and objectionable.

The fourth letter is from the Chairman-delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the Municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairman-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected Chairman was characterized as "very fairly efficient" in 1895–1896, and "fairly satisfactory" in 1896–1897, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of Municipal affairs given in

Vide paragraph 6 of G.O., No. 1632 M., dated 23rd September 1896, and paragraph 5 of G.O., No. 2410 M., dated 2nd November 1897.

No. 2815 M., 16TH DECEMBER 1897.

Perhaps in minor matters, like dilapidated houses.

H.T.

his memorandum is not overdrawn, although it must be admitted that matters are not new in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is apparently no love lost between him and the Councillors.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Honourable Member's order of the 2nd instant.

V.R.—11-12-97.

On the other hand, the Council has already seen the memorandum, and on being called upon to show cause would have full opportunity of explanation.

Yet the Chairman-delegate seems to have so muddled a good case and to have shown so little discretion that on the whole I recommend the course suggested in paragraph 5.

H.T.—11-12-97.

These currents reached the office on 22nd November 1897, 25th November 1897, 29th November 1897 and 4th December 1897. The first three of them might, therefore, if the office had not gone to sleep, have been sent to me with the former note, which did not pass the Secretary until 30th November 1897.

~~Instead~~ on the matter on the 2nd, and particularly directed that it should be treated as *very urgent* and be so remarked for His Excellency, yet now, *on the 13th*, I get the papers returned to me for further orders without their having been submitted to His Excellency. Why this delay? ~~Does notice has been taken of these.~~

I beg to note that I have taken due notice of the delay in the office.

H.T.—4-2-98.

It is now proposed that the Chairman-delegate's memorandum may be sent for the remarks of the Municipal Council. If this is done, at least a month will elapse before the Council's remarks can be received and considered and in the meantime no steps can be taken to remedy the confusion into which the affairs of the Municipality have fallen or to impart order into the Proceedings of the Council, which now seem to be a scandal to the administration. I see no reason therefore why the call on the Municipal Council should not be as I before put it, viz., that it should be called on to show cause under the Act why its constitution should not be changed.

It now appears that, in default of an elected Chairman, the Sub-Collector is Chairman under section 15 (1) of the Act, and that he has delegated his powers to his Head Clerk, who is a Municipal Councillor. He is therefore the person who is responsible for having allowed the Municipal Council to be turned into a sort of bear gardens. He should be called on for explanation and (if a Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman-delegate and to remain in charge thereof and not to ~~have~~ the place until the required report has been submitted.

The Collector is also greatly to blame for not taking ~~sanction~~ and effective steps to restore order to the Municipal affairs, and contenting himself with sending on the papers with brief endorsements. He should now proceed to the place and make full enquiries and report who is to blame for the disputes which have arisen, and whether any, and if so which, of the Councillors have brought themselves under section 19 (1) (iv) of the Act.

H. W. B[LISS]—13-12-97.

Let this go to His Excellency *at once, i.e., to-day.*

I fully concur in the course proposed by the Hon'ble Sir. H. Bliss in his note of 13th December 1897.

A. E. H[AVELOCK]—14-12-97.

[G.O., No. 2815 M., dated 16th December 1897.]

[E. & L. 97]

6,400—25-2-08.

NOTE FOR THE Press C

Please say when
~~revised~~ proof was sent
to Press for revision
the revised proof
received from the

K.K.Mc
11/12/0

Note
Proof sent on the 5-12-07
not received -
11/12/07

[E. & L. 97]

6,400—25-2-08.

NOTE FOR THE

Please say date of
return file here
KKMc

Telephone to S.E.P.

Proof of Bill No. 2815 dy 16-12-1897
relating to Tullichewan Municipality,
was ~~sent~~ to Press on
the 5th inst. for revision.
Revised proof has not
yet been received. Please
send Revised proof
by the Second Messenger
to-day

K.K.Mc
11/12/08

Mark "urgent" please — KKM

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 3938. M.

SUBJECT.

Maladministration, Tellicherry Municipality.

FOR ORDERS.

I don't know that a paid chm is required. With a good paid Secretary & an unpaid Chm we should be able to get on — I would arrange accordingly.

It appears that there are now 18 Councillors of whom 12 elected. We reduce the total to 12 (the Legal limit) of whom 3 only should be elected — and I would withdraw the privilege of electing the Chm — Call on the Mcl. to show cause why this should not be ordered. This are the worst cases I have known, perhaps the worst.

Let H.E. see before issue

Mark "urgent" per him — HS
2/12/97

With his endorsement read above, the Collector of Malabar forwards a memorandum by the Chairman-delegate of the Tellicherry municipality on the state of the municipal affairs. The Chairman-delegate states that when he took charge of the Chairman's office on the 4th October 1897, he found that in the treasury to the Credit of the Municipality the available balance was only Rs 159-5-4, besides a deposit of Rs 242-6-7, but that the liabilities amounted to Rs 10000, that the collection of taxes and the execution of warrants were neglected, that the demand registers of the taxes had not been written up, nor the bills issued in full, that the correspondence and other registers in the office were not properly kept, that the records were

P.T.O.

in a hopeless condition, that ~~the~~ bonds from some contractors, and securities from some municipal subordinates had not been taken, that papers referred to Councillors for remarks had not been returned to the office in many cases and that the sanitation of the town was deplorable, there being several dilapidated buildings in the town in a dangerous condition and numerous encroachments on the public streets. He also says that no valid lists of voters and of persons qualified to be elected as Councillors are in existence, and concludes by saying that the municipal manager is not wholly responsible for the existing state of affairs which he attributes to ~~the~~ inefficiency of the municipal office establishment.

2. The Collector observes as follows:-

"The maladministration of the Tellichery
"municipality has long been notorious.
"The only remedy which suggests it-
"self to me is to appoint a paid chair-
"man. I do not think any good will
"be done by asking the Council to
appoint

When the late Chm vacated office, why did not the Sub Coll. take charge instead of Mr. Fernandez (As even he is) who styles himself Chairman delegate? How can there be a chairman delegate without a chairman & delegate? Who appd. him?

~~The late chairman vacated~~
~~office on 1st [illegible] & the~~
~~Sub Coll. took charge~~
~~as Chairman delegate~~
~~until his return~~

Mr. Fernandez is entitled to thanks for his report.

RS

Note for the H.M.

The term of office of the Chairman expired on the 2nd October 1897. Apparently the Sub Collector took Charge of the office and delegated his powers to Mr. Fernandez his head Clerk - who is a Councillor.

HT
11.12.97.

V.R.
11/12/97

"appoint a Secretary, seeing that its
"selection of Chairman has been so
"unfortunate". He further states
that "if the Government does not
"approve his suggestion, he would
"in any case recommend that the
"power of electing its Chairman should
"be withdrawn from the municipal
"Council."

3. The memorandum of the Chairman-delegate discloses a most discreditable ~~deplorable~~ state of things, but it does not appear whether, as already pointed out in paragraph 2 of
A G.O. No. 2119. Mis., dated 28th September 1897, the same amount of administrative efficiency cannot be achieved by an efficient Secretary as by a paid Chairman. If the Government adheres to this view, it is submitted that the privilege of electing its Chairman may, as recommended by the Collector, be

withdrawn from the municipal council, so that a proper and capable man may be appointed as chairman, the Council being first called upon to show cause under the proviso to section 12 of Act IV of 1884, as amended by Act III of 1897, why the privilege should not be withdrawn from it. The municipal office establishment is also seriously to blame for the unsatisfactory state of the records and the neglect to maintain the registers &c, but the Secretary, when one is appointed, will take the necessary steps to improve matters in this direction.

H. M for
22/11/97

H.T.
30.11.97

25152
16-12-97

9

I beg to note that I have taken due notice of the delay in the office.
H.T.
4.2.98

NOTE FOR the HON'BLE MEMBER.

Please see cur.Nos.4047, 4080 M and 4125 M, and 4184 M, since received.

2. In the first of these letters the Chairman-delegate reports for the orders of Government the conduct of some of the Councillors of the Tellicherry Municipality. He states that at its meeting of the 4th November 1897, the municipal council decided by a majority that a paper, which related to one of the subjects on the agenda paper for the day, be taken up for consideration at a meeting to be held on the 10th idem, although he then pointed out that under section 29 of the Act a date cannot be fixed for a special meeting except upon a requisition under clause (2), that he made a reference to the Sub-Collector as to the propriety of the council's action, that on the 8th, 9th and 10th idem he (the Chairman-delegate) received letters from some of the councillors asking him to circulate a notice of the meeting to be held on the 10th which, however, he did not do, as no orders had been received from the Sub-Collector on his reference, that on the evening of the 10th, eight councillors came to the municipal office, when he (the Chairman-delegate) was attending to office business, called for the minute book, and took possession of it under the pretext that they wanted to inspect it, and immediately began to go through form of

These currents vacated the office on 22/11/97, 25/11/97, 29/11/97 & 4/12/97. The first three of them might therefore, if the office had not given to Govt. have been sent to me with the former note which did not leave the Secretary until 30/11/97.

Noted on the matter on the 2nd, & particularly directed that it should be treated as very urgent & be marked for H.E.. Job now, on the 13th, & get the papers returned & sent for further orders without this having been submitted to H.E.- Why this delay? Done note to the Secretary

It is now proposed that the Chairman's memo may be sent for the remarks of the M.C.- If this is done at least a month will elapse before the Cl's remarks can be received & considered & in the meantime no steps can be taken to remedy the confusion into which the affairs of the Municipality have fallen & to import order into the Proceedings of the Cl., which now seem to be a scandal to the administration. I see no reason therefore why the call on the M.C. should not be as I have put it, viz, that it should be called on to show cause why it should not be withdrawn from it under the Act as its constitution should not be changed.

It now appears that, in the default of an elected Chairman, the Sub Collector is chairman under s. 15 (1) of the Act, & that he has delegated his powers & his Head Clerk, who is a Municipal Councillor. The Sub Collector is therefore responsible for having allowed the Municipal Office to be turned into a sort of bear garden. He should be called on for explanation & (if the Chairman has still not been elected) should be told to resume charge of the Municipal office from the Chairman delegate & to remain in charge of it & to have the place cleared of [illegible] until the required report has been

of a meeting and record resolutions in the minute book, and that as he found that it was useless to remonstrate with them, he left the office immediately. The Chairman-delegate adds that after he took charge of the municipal office he had occasion to draw up and submit to the Collector a memorandum on the state of the affairs of the municipality, which has disclosed various irregularities in the administration, and that ever since it was submitted he finds it difficult to maintain the position of the council owing to the unnecessary interference of some of the Councillors. In forwarding the Chairman-delegate's letter, the Sub-Collector states that the existing system, under which thirteen of the seventeen Municipal Councillors are elected, does not conduce to the successful working of municipal affairs, and the Collector is of opinion that the eight Councillors who held the unauthorized meeting on the 10th November have thereby rendered themselves liable to be removed from office under section 19(1V) of the Municipal Act.

3. With the third letter read above, the Collector of Malabar forwards a communication addressed to him by some of the Councillors of Tellicherry, complaining of the high-handedness of the Chairman-delegate and enclosing certain correspondence, which took place between them and the Chairman-delegate and the Sub-Collector, regarding the conduct of the

Submitted.

The Coll.r is also partly to blame for not taking earlier opportune steps to restore order in the Municipal affairs, and contenting himself with sending on the letters with brief endorsements. He should have proceeded to the place & made full enquiries & reported to Govt. to blame for the disputes which have arisen, & whether any of the Councillors have brought themselves under S. 19 (1)(iv) of the Act.

KS
13/12/(9)

Let this go to the Hd. Assnt. - i.e. today

I fully concur in the course proposed by the Hon. Sir H. Blair in his Note of 13.12.97

A.S.H.
14.12.97

the Chairman-delegate at the meeting of the 10th November 1897 above referred to and at a subsequent meeting held on the 20th idem. In their letter to the Sub-Collector dated 23rd November 1897, they state that at the meeting of the 4th November 1897 it came to light that the Chairman-delegate had submitted to the Collector a memorandum on the state of the municipal affairs, that when this memorandum, which was produced before the meeting by the Chairman-delegate with great reluctance and after a long discussion, was read before the Council, it was found that it contained several statements, some not borne out by facts and some calculated to mislead, and that as the Chairman delegate's reply to the Sub-Collector's letter, which the Council was then considering, related to this memorandum, it was resolved by a majority that the meeting should be adjourned to the 10th November and that the memorandum should be circulated in the meantime. It is stated that the latter part of the resolution regarding the circulation of the memorandum did not find a place in the written proceedings of the day; that, as some of the Councillors thought that the Chairman-delegate was not disposed to circulate the memorandum or a notice of the adjourned meeting, seven of them in one letter and two others in separate letters, requested him to do so, to which he replied that he would not call a meeting pending receipt of the orders of higher authorities on a reference made by him in the matter; and that as it was explicitly

stated

stated at the meeting of the 4th November that the meeting was adjourned to the 10th November, so that the memorandum may be circulated and as many Councillors as possible may take part in the discussion because the subject was an important one and because two of the Councillors were about to vacate their seats, the Chairman-delegate's reference to higher authorities and the minute of dissent which is said to have necessitated this reference were all ingenious devices employed by him to put off the meeting until such time as the council would be reduced in strength. Eight of the Councillors met at the municipal office at the time appointed in the resolution of the 4th November and requested the Chairman-delegate, who was present there, to hold the meeting as originally proposed, but as he declined to do so they were driven to the necessity of electing one from among themselves to preside, and when they called for the papers, the consideration of which was adjourned to that day, the Chairman-delegate refused to give them and left the office in great wrath. Thereupon the eight Councillors above referred to sent in a requisition to the Chairman-delegate on the 10th November, requesting him to convene a special meeting on the 17th November; but the Chairman-delegate arguing that six clear days' notice had not been given, fixed the 20th November as the day of the meeting, although repeated representations were made to him requesting that the 19th may be

fixed

fixed, seeing that one of the Councillors who signed the requisition was to vacate office on the 20th. At the meeting of the 20th, when one of the Councillors, Kunhi-Raman, entered the meeting hall and took his seat, it was suggested that the question whether the term of office of this Councillor had already expired or not may be considered by him, but the Chairman-delegate instead of considering and deciding this question, wrote in the Proceedings book that the meeting be dissolved and indignantly left the hall, accompanied by a few other Councillors, and ordered the clerk & peons, as he went, to quit the office and close it. The Councillors argue that under section 17 of Act IV of 1884 as amended by Act III of 1897, "a person appointed "to be a municipal councillor shall continue in office for three years from the "date of the Fort St. George Gazette where-"in his appointment was notified" and as according to clause (b) of section 9 of the Madras general clauses Act I of 1891 the word "from" is used for the purpose of "excluding the first in a series of days "or any other period", Kunhi Raman vacated his office only on the 21st November 1897, his appointment having been notified in the Fort St. George Gazette of the 20th November 1894; and state that even if this construction was incorrect, the Chairman-delegate's action in declining to consider this point and summarily announcing that the meeting was dissolved was most highhanded and objectionable.

The fourth letter is from the Chairman-delega

delegate complaining that the conduct of two of the Councillors, Mr. Lemerle and Govindan Nair, who supported the contention that Kunhi Raman's term had not expired on the 20th November 1897, was such as to bring the municipal administration into contempt.

4. From the above it will be seen that there has been great agitation in the Council after the submission by the Chairmen-delegate of the memorandum above referred to, that the Councillors have taken exception to this memorandum on the ground that some of the statements it contains are misleading, while others are not borne out by facts, and that the Chairman-delegate has been trying all along to thwart the attempt of the Councillors to consider and discuss this memorandum. The Sub-Collector is also of opinion that the present opposition has arisen on account of the memorandum submitted by the Chairman-delegate. The administration of the Municipality under an elected chairman was characterized as "very fairly efficient" in 1895-96, and "fairly satisfactory" in 1896-97, and in view therefore of this fact it is doubtful whether the Chairman-delegate's picture of the state of municipal affairs given in his memorandum is not overdrawn, although it must be admitted that matters are not now in the way in which they ought to be. In this connection it has to be observed that neither the Sub-Collector nor the Collector seems to have taken the trouble to

verify

B

Vide para 6 of G.O. 1632 dt. 22-9-96 & para 5 of G.O. 2400 dt. 2-11-97

C

Perhaps in minor matters, like dilapidated houses. H.I

verify the statements made in the memorandum, although they have based their remarks and recommendations on it. The Chairman-delegate is the Sub-Collector's Head Clerk and there is ~ apparently no love ~~to be~~ lost between him & the Councillors.

5. In these circumstances it is for consideration whether it would not be better to send this memorandum for the remarks of the Municipal Council, so that the Government may hear both sides of the question before taking the action indicated in Hon'ble Member's order of the 2nd Instant.

V.R.
11/12/97

On the other hand, the Council has already seen the Memorandum, & on being called upon to show cause would have full opportunity of explanation. Yet the Chairman-Delegate seems to have so muddled a good case & to have shown so little discretion that on the whole I recommend the course suggested in para. 3.

H.I
11.12.97.