[L. & M. / 3,000—1-3-98.]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 1132 M.

DATED 23-6-98.

INDEXED. H.S. 6/7/98

DESPATCHED

[Despatch Abstract.]

Municipal Council

Ordering, with remarks, that the election of M.R.Ry. R. Duraiswami Nayudu as a member of the Negapatam —— be notified.

BACK PAPERS.

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

FURTHER PAPERS.

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

LOCAL AND MUNICIPAL DEPAR

NOTIFICATION.

UNDER Section 10 of the Madras District Municipalities Act, 1884, the undermentioned gentleman has been duly elected a Municipal Councillor of the Municipality of Negapatam :—

M.R.Ry. R. Duraiswami Nayudu
Garu

CURRENT No. 1547 M.

G.O. No. ________ M.

FORT SAINT GEORGE GAZETTE—
PART I-A.

23/6

C No. 1547 M

Mis order No. 1132 M Mis d 23-6-98

The Govt. consider
that M.R.Ry. R. Duraiswam
Nayudu cannot be said t
be employed in the service
of Mr Mc. Conechy, within th
meaning of section 10-A. (2)
the amended Act and th
he is not therefore disqua
for election as a muni. Counc
The other objections raised
against the validity of the
election in question, being
also unfounded, the petit
of objection is rejected a
the name of the success
candidate will be publ
in the Fort Saint George
Gazette.

(From orders)

20-6-98

V.R
18/6/98

To The Collector of Tanjore, ✓
(with enclosures returned)

Gazetted 28/6/98
23/6/98

+ [illegible]

despd. 27/6/98

[G. / 25]
1…—16-3-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 1547 M

SUBJECT.

Election of a Municipa
Councillor, Negapatam

H.M.

FOR ORDERS.

Draft upholding election
H.I.
16.6.98

Under S. 10. A. (2) Dist: Munic. A
no person is qualified to be a Coun
if any person in whose service he
employed is a Member of the Coun

2. Now it has been objected th
Doraisami Nayudu, Head Native Cl
of Adamson, McTaggart & Co. is
ineligible for the Negapatam Cou
because Mr. McConachy the Se
Assistant of that firm is alrea
a Councillor.

3. It seemed to the H.A.C. that
relation of Master & Servant did
exist between these two; but it s
otherwise to the Collector, as th
Assistant has a power of att
conduct the firm's affairs, tho
a matter of practice he does
exercise that power in resp

& first class graduate

the dismissal of the
4. In reply to an enq
admitted the General Po
but stated that generally
always one of the pa
in Negapatam to loo
business, to whom Mr
was subordinate of
-Sami Nayudu was u
-ment, not of Mr. Mc
of the firm.)
5. It appears to me that
-lation of master & ser
cannot be found to sa
as the point is not fre
doubt I submit it for
orders.

There are other objection
have been raised against
election, but they are base

H. T.
14.6.98.

I agree
HA
15/6/98

& first class graduate

Local & Munl. (1898) Departm

CURRENT No.

UNDER SECY TO GOVT
4 MAY 98

From [illegible] Acting C

Misc
Order

The Government agrees with the Collector in considering that M.R.Ry R. Duraiswami Nayudu is, under subsection (2) of section 10-A of Act IV of 1884, as amended by Act III of 1897, disqualified for appointment as a municipal councillor. The election is therefore cancelled and the Chairman is requested to arrange for holding a fresh one at an early date.

P.R.
10/6/98

Reference on Current No. $\frac{86}{M}$ of

Dated 29th April 1898

Received

Registered

DESPATCH
3 MAY 1898

Enclosures One file of 65 p

Spare copies.

SUBJECT.

Submitting report on the petit of some of the voters of th Kadambadi Ward of the Negap Municipality objecting to th of the election of M. R Dur

& first class traduc

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

ality
held on Saturday, the 5th Februa
d.

of dates.	No of votes obtained by each	Name of candidate duly elected.	Remarks.
aisami Naidugaru	184	M.R.Ry R. Duraisami Naidugaru	7 vote papers were rejected as invalid.
obbiah pillaiaval	91		
catramiet aval	,,		

& first class graduate

Report on the result of th Negapat
1898, in the Kadam

Name of Municipality	Name of ward if any	Date of election	No of registered voters.	No of voters who exercised their privilege	
Negapatam Municipality	Kadambady ward.	5-2-98	361	282	M.R.Ry " E.S " K.S.

OFFICE OF THE MUNICIPAL COU
Negapatam, 7th Februa

From
The Honourable P. Ratnasabapathi Pilla
~~The~~ Chairman Municipal Council,
Negapatam.

To

The Collector
of
Tanjore

Sir,

I have the honor to repo
on the results of the election held
on the 5th February 1898 for the purpo
of filling up the vacancy caused
by the expiry of the term of office
on the 15th January 1898 of MRRy
R. Duraisami Naidu garu, an
elected Councillor of the Kadambady
ward. MRRy M. Oothmanlebbai
Maricar and Sahib Bahadur
an elected Councillor of the Nagore
East Ward was appointed poll
officer and the poll was

presence of Mr D. G. ecky and M.R.Ry V. amarican Malumian avl Bahadur, nominated Councillors. umber of electors on the list was f whom 282 went to the poll. R.Ry R. Duraisami Naidu garu, etired Councillor, secured 184 votes, R.Ry E. T. Subbiah Pillai avl. 91 votes, hile M.R.Ry K. S. Venkatarama Iyer secured none. 7 vote papers were rejected as invalid. M.R.Ry R. Duraisami Naidu garu was therefore declared duly elected as a Municipal Councillor. I request that his name may be forwarded to Government for publication in the Fort St. George Gazette.

2. I beg to forward herewith a report in the prescribed form.

The ballot papers number are

and duly sealed with seal.

I have the honor

Sir

Your most obedient Servant

Chairman

9.2.98

ml

No. $\frac{86}{ml}$ of 98

Chairman,
Municipal Council,
Negapatam.

Collector of
Tanjore

No. 947

ml 7th
ed } February/98
spd

COLLECTOR & MAGIS
9 - FEB. 1898
TANJORE

Reporting the results of the election held on Saturday the 5th February 1898 for the purpose of filling up the vacancy in the Kadambady ward —

2

No. $\frac{481}{Rev}$ of 98 Head Assistant
Office. 7th April

From
H. G. Stokes Esq:
Ag: Head Assistant Colle

To
The Collector of
Tanjore. Tan

Sir.

With reference to your Ref. on C. $\frac{86}{ml}$ of 98 dated 23rd February '98, forwarding to me for enquiry and report under Section 35 of the rules for the Conduct of Municipal elections, a petition protesting against the return of M. R. Ry. R. Doraisami Nayudu Garu. to a seat in the Municipal Council. Negapatam. for Kadambadi Ward, at the Municipal election held on February 5th, 1898, I have the honour to report as follows: —

2. The grounds of protest a[illegible] in the petition are [illegible]

andidate now returned is
alified inasmuch as he is em-
ed in the firm of Adamson
actaggart & Co. of Negapatam,
, as such, is subordinate to
D. G. McConechy, First Assistant
that firm, who is already a
member of the Municipal Council.

(2) That voters were influenced
n his behalf by canvassers, viz. M. R. Ry
Gurusami Pillai and others who used
threats of Municipal oppression to
gain votes for their candidate.

(3) That bribery was employed
freely by and on behalf of the
successful candidate for the same
end.

3. With regard to the first ground
of objection, I deemed it advisable
to summon and examine Messrs.
Cadell, the resident partner, and
McConechy, the Senior Assistant of
[illegible] Adamson Mactaggart
[illegible] their sworn statements
[illegible]

---

are in the service of the firm, eithe
though the latter is senior to Pillai
former (who is the head native
and as such is empowered to give
orders and the like in matters
nected with the conduct of bus
yet he has no power to dismiss
reduce M. R. Ry. Doraisami Naya
On the other hand it is admitted
Mr. McConechy's report on the conduct
any employé of the firm would ha
weight with the partner or partners with
whom alone the power of dismissal or
advancement rests. Further it is admitted
that Mr. McConechy holds a general
power of attorney to conduct the firm's
affairs, in virtue of which he signs on
its behalf and so on. It does not appear
that any one has ever been dismissed
by him, and he states that the prac-
tice obtaining in the firm's admini-
stration is contrar [illegible] regarding
power. [illegible]

f a letter, and generally in
atam itself. On the whole
of opinion that the relation
to subsist between Mr. McConechy
M. R. Ry. Doraisami Nayudu is
that of master and servant, or
employer and employé such as is
ontemplated in Section 10 A (2) of
ct IV of 1884 (amended by Act III of
897). But it appears certainly to be
open to discussion whether such a
mutual relation as is indicated in
the statements of these witnesses, bet-
ween two members of the Municipal
Council might not create possibilities
of undue influence, which it is the
object of the legislature to avoid.

4. To support the allegation of
intimidation and corrupt practices,
11 witnesses were cited on behalf of
the petitioners, but only six were
ultimately examined, the rest being
by the petitioners'
is the

Nayudu. He states that he nithe
leave his house for a week
ly preceding the day of election, pr
3 days of that week he was also
in bed. He denies that he canva
votes, that he ever asked Gurusa
Pillai (a Municipal Councillor and
active partizan of the successful ca
date at this election) to get votes f
him: he gives it to be understoo
that, if Gurusami Pillai did canva
it was not at his (witness') request
He admits however that during the
week before the election he received 40
or 50 visitors among whom was Guru-
sami Pillai, that 10 or 12 carts were
hired to take voters to the poll for
which his servant "should have paid",
the money apparently being disbursed by
his (witness') wife who controls all
expenditure, but keeps no accounts.

5. The second wit
Muthu

rusami Pillai told him he
ded to bribe wholesale. He in-
ices one Subbaraya Pillai as a
n who was both bribed and
imidated by Gurusami Pillai —
transaction took place, he says,
the pial of the former's house in
presence of 5 or 6 persons and so
public was it that he (witness) was
attracted to the spot from the road
by the crowd. He admits that he did
not see any money given. Subbaraya
Pillai was not examined. He (according
to this witness) was in fact induced
by Gurusami Pillai to give his vote
to Doraisami Nayudu instead of the
witness or Subbaiya Pillai, the third
Candidate. Witness further states
that he was himself offered Rs 100
by Gurusami Pillai but refused it.
He admits that he voted for Subbaiya

is not himself
to the

Crowd both in front of and i
where he found Gurusami Pil The
offered bribe to various 'Pathans'; in
No intimidation was used. No and
was seen to change hands, as the
refused to agree. No names are gi
7. The fourth witness states th
Gurusami Pillai went to every vot
and asked him to vote for Doraisa
Nayudu. The only voter whom he i
said to have threatened was witness
own father — who was not examined.
The threat used was that "the rates
of tax would be raised" on witness'
father.

8. The fifth witness was himself
threatened by Gurusami Pillai with
annoyance ~~to~~ by him as Municipal
Councillor. He especially mentions the
case of one Mania Pillai, his neighbour,
bour, who was
threats and

not examined. This witness denies
d though he is himself a voter
ng a supporter of Subbaiya Pillai,
knows who the latter's chief
pporters were or whether the second
tness, Sodalamuthu Nadar 'worked'
r him at the election. He admits
further that he does not know if
Doraisami Nayudu authorised Guru-
sami Pillai to "work for" him at the
election.

The last witness for the
petitioners is not a voter. He states
that Gurusami Pillai used bribery
and intimidation in the house of
one Thillai Pathan when "two other
pathans" were also present. Their
names were not given nor was
Thillai Pathan called. Further one
Minakshi received, he says, Rs 5/-.
She was sent for on the polling day
... Pillai and given the
... told to go and

---

witness states, took place outside the
Municipal Office and apparently in th
public street. Much stress was laid
petitioners on the importance of
evidence and several summons
were issued but without effect.
was finally dispensed with by the
tioners' Counsel.

10. No witnesses were offered on th
part of the Counter-petitioner, Doraisam
Nayudu. I do not think, on the whol
that the facts given in evidence are
such as to justify the cancellation of the
election. The witnesses have made
a large number of statements, many
of which are vague, while those that
are not so are easy to make and equally
difficult either to substantiate or dis-
prove. The persons said to have been
bribed or intimidated are in most
cases not brought forward; it is again
unlikely that the
have

oncealment, when the perpetrators must have been aware of the penal Clauses of the Act and of the practical Certainty that such open violation of its provisions would be used to the utmost by their opponents. With these remarks, I submit through you the whole records of the Case for the decision of Government.

I have &c.
(Sd) H. G. Stokes
ag: Hd: Asst: Collector

AL & MUNICIP
CURRENT
1547/m

(True Copy)

Ref. on. Cur. No. 86/ml of 98
Enc. one file of 65 papers.

Submitted to Government in the Local and Municipal Department with the following remarks.

Charges 2 & 3 — Intimidation and Bribery — may be said to be not established.

Charge 1. It is a question whether M. R. Ry. R. Dordisami Nayudu can be said to be employed in the ... within the

alike in the Service of Messrs Ad
Mactaggart & Co. but as Mr. Mc
Conechy has a power of attorney to c
duct the firm's affairs, and it a
to be only a matter of practice th
he shall not exercise such power a
of dismissal of the firm's Servan
I am disposed to think that the disqualification does exist.

Tanjore Collector's Office
29th April 1898

M Sivagnanam
1-5-98
for ag: Collector

fm
fd

given for copying
copied
examined
signed 21/6

189 .

AGAIN G.O., No. , DATED
189 ,

URRENT No.

NCLOSURES TO C. No.

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

ETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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