

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 & Munl. (1898) Department.

CURRENT No. 2490M

From

THE PRESIDENT,

Municipal Commission,
Madras.

Order No. 1364 m. mis. 2/8/98

G. No. 169.

Recorded.

Dated 21st July 1898

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SUBJECT.

Forwarding full proceedings
as also copies of abstract proceed-
ings of the meetings of the
Commissioners held on 25th
April, 2nd and 16th May 1898.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

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MINUTES of the PROCEEDINGS of an ADJOURNED SPECIAL MEETING of the MUNICIPAL COMMISSIONERS for the CITY of MADRAS, held at their Office Premises, No. 22, Errah Bauloo Chetty Street, Black Town, on Monday, the 16th May 1898, at 5 p.m., under the provisions of the City of Madras Municipal Acts I and VII of 1884 and II of 1892.

PRESENT :

Lieutenant-Colonel Sir George Moore, *Kt.*, *C.I.E.*, *President.*
H. Ormerod, Esq.
M.R.Ry. P. Theagaroya Chetty Garu.
M.R.Ry. R. N. Pragasa Mudaliar Avargal.
Covasjee Eduljee, Esq.
M.R.Ry. Salla Gurusawmy Chetty Garu.
Mahomed Sheriff Khan Bahadur.
M.R.Ry. N. Appusundaram Pillay Avargal.
M.R.Ry. C. S. Theagaraya Mudaliar Avargal.
Mir Muzheruddin Sahib Bahadur.
J. DeCaster, Esq.
M.R.Ry. V. Varadappa Naidu Garu.
M.R.Ry. M. K. Lakshmanacharriar Avargal.
M.R.Ry. Diwan Bahadur V. Krishnama Charriar Avargal.
M.R.Ry. C. Tirumalayya Naidu Garu.
M.R.Ry. G. Subramania Iyer Avargal.

Special legislation in connection with the Plague.

Read note from the Health Officer *re* disinfecting apparatus.

Resolved that the arrival of the machine ordered by Port Trust, expected in a few days, be awaited.

The meeting adjourned.

Municipal Office, Madras,
May 1898.

G. M. J. MOORE, Lieut.-Col.,
President, Municipal Commission.

MINUTES of the PROCEEDINGS of an adjourned GENERAL MEETING of the MUNICIPAL COMMISSIONERS for the CITY of MADRAS, held at their Office Premises, No. 22, Errah Bauloo Chetty Street, Black Town, on Monday the 2nd May 1898, at 5 P.M., under the provisions of the City of Madras Municipal Acts I and VII of 1884 and II of 1892.

PRESENT:

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H. Ormerod, Esq.
M.R.Ry. P. Theagaroya Chetty Garu.
M.R.Ry. Salla Gurusawmy Chetty Garu.
M.R.Ry. M. Venkataramiah Chetty Garu.
M.R.Ry. S. Subbayya Chetty Garu.
M.R.Ry. P. M. Sivangnana Mudaliar Avargal.
M.R.Ry. N. Appusundaram Pillay Avargal.
M.R.Ry. C. S. Theagaroya Mudaliar Avargal.
Mir Muzheruddin Sahib Bahadur.
J. DeCaster, Esq.
M.R.Ry. V. Varadappa Naidu Garu.
M.R.Ry. W. S. Venkataramanjulu Naidu Garu.
N. Subrahmanyam, Esq.
M.R.Ry. M. K. Lakshmana Charriar Avargal.
W. D. Smith, Esq.
Surgeon-Lieutenant-Colonel G. L. Walker.
M.R.Ry. Diwan Bahadur V. Krishnama Charriar Avargal.
M.R.Ry. C. Tirumalayya Naidu Garu.
M.R.Ry. G. Subramania Iyer Avargal.
Surgeon-Lieutenant-Colonel J. Maitland.
M.R.Ry. V. C. Desika Charriar Avargal.
M.R.Ry. P. Subramania Iyer Avargal.

Report of the Committee re adulteration of Drugs and articles of Food and Drink.

The discussion of the subject was resumed.

M.R.Ry. Diwan Bahadur V. Krishnama Charriar's amendment, seconded by M.R.Ry. V. Varadappa Naidu Garu to the effect—

"That the consideration of the subject be adjourned," was before the meeting.

The proposer, with the consent of the seconder and the meeting, withdrew his resolution.

The original resolution proposed by M.R.Ry. R. N. Pragasa Mudaliar Avargal and seconded by M.R.Ry. P. Theagaroya Chetty Garu to the effect—

"That the report of the Committee be recorded and no action be taken on it" was put to the meeting and lost.

Proposed by Mr. N. Subrahmanyam and seconded by Surgeon-Lieutenant-Colonel G. L. Walker—

"That the report of the Committee be approved and Government be requested to legislate on these lines."

To this, as an amendment, M.R.Ry. V. C. Desika Charriar Avargal proposed and M.R.Ry. V. Varadappa Naidu seconded—

"That the words from 'that' in the seventh line of subsection (2) to 'or' in the ninth line of the same subsection (2) be omitted."

Proposed by M.R.Ry. P. Theagaroya Chetty Garu and seconded by Mir Muzheruddin Sahib Bahadur—

"That the meeting adjourn till the next General Meeting."

Lost.

As a further amendment M.R.Ry. Salla Gurusawmy Chetty Garu proposed and M.R.Ry. S. Subbiah Chetty Garu seconded—

"That the words 'in respect of health or safety, be added after the word 'purchaser' in the first line of section 367 A.'"

Lost.

The amendment of M.R.Ry. V. C. Desika Charriar Avargal was then put to the meeting and carried.

Proposed by M.R.Ry. P. Theagaroya Chetty Garu and seconded by Mir Muzheruddin Sahib Bahadur—

"That the rest of the agenda be deferred to next General Meeting."

Carried.

The meeting then terminated.

G. M. J. MOORE, Lieut.-Col.,
President, Municipal Commission.

Municipal Office, Madras,
May 1898.

MINUTES of the PROCEEDINGS of a GENERAL MEETING of the MUNICIPAL COMMISSIONERS for the CITY of MADRAS, held at their Office Premises, No. 22, Errah Bauloo Chetty Street, Black Town, on Monday the 25th April 1898, at 5 P.M., under the provisions of the City of Madras Municipal Acts I and VII of 1884 and II of 1892.

PRESENT :

Lieutenant-Colonel Sir George Moore, *Kt.*, C.I.E., *President*.
H. Ormerod, Esq.
M.R.Ry. P. Theagaroya Chetty Garu.
M.R.Ry. R. Balakistnama Chetty Garu.
M.R.Ry. R. N. Pragasa Mudaliar Avargal.
Cawasjee Eduljee, Esq.
M.R.Ry. M. Venkataramiah Chetty Garu.
M.R.Ry. S. Subbaya Chetty Garu.
M.R.Ry. P. M. Sivangnana Mudaliar Avargal.
Haji Mahomed Abdul Hadi Badsha Sahib.
M.R.Ry. P. V. Kistnasawmy Chetty Garu.
M.R.Ry. N. Appusundaram Pillay Avargal.
M.R.Ry. C. S. Theagaroya Mudaliar Avargal.
E. H. Elliot, Esq.
Mir Muzheruddin Sahib Bahadur.
J. DeCaster, Esq.
M.R.Ry. V. Varadappa Naidu Garu.
M.R.Ry. W. S. Venkataramanjulu Naidu Garu.
M.R.Ry. V. Masilamani Pillay Avargal.
N. Subrahmanyam, Esq.
M.R.Ry. M. K. Lakshmana Charriar Avargal.
W. D. Smith, Esq.
Surgeon-Lieutenant-Colonel G. L. Walker.
M.R.Ry. Diwan Bahadur V. Krishnama Charriar Avargal.
M.R.Ry. C. Tirumalayya Naidu Garu.
M.R.Ry. G. Subramania Iyer Avargal.
Surgeon-Lieutenant-Colonel J. Maitland.
M.R.Ry. P. Subramania Iyer Avargal.

No. 1.

Re-instatement.

The Commissioners do not think it advisable to re-instate M.R.Ry. Diwan Bahadur C. Kalyanasundaram Chettiar Avargal on account of the state of his health.

No. 2.

Election of Members of the Standing Committee.

The election for members of the Standing Committee resulted as follows :—

	Votes.
M.R.Ry. P. Subramania Iyer Avargal.	17
Haji Mahomed Abdul Hadi Badsha Saheb	16
Mr. H. Ormerod	14
M.R.Ry. R. N. Pragasa Mudaliar Avargal	14
M.R.Ry. P. M. Sivangnana Mudaliar Avargal	14
Mir Muzheruddin Sahib Bahadur	14
M.R.Ry. P. Theagaroya Chetty Garu..	13
M.R.Ry. V. Varadappa Naidu Garu ..	13
M.R.Ry. P. Theagaroya Chetty Garu withdraws, M.R.Ry. V. Varadappa Naidu therefore obtains the seat.	

No. 3.

G.O., dated 29th March 1898, No. 671 M., reviewing the Revised Estimate for 1897-98 and the Budget for 1898-99.

Proposed by M.R.Ry. P. Theagaroya Chetty Garu and seconded by M.R.Ry. P. Subramania Iyer Avargal—

"That, in recording G.O. No. 671, dated 29th March 1898, the Commissioners express their regret that under the present financial pressure, the Government should desire to increase the remuneration to the auditors which the Commissioners after deep consideration did not think necessary."

Carried.

No. 4.

Report of the Committee re adulteration of Drugs and articles of Food and Drink.

Proposed by M.R.Ry. R. N. Pragasa Mudaliar Avargal and seconded by M.R.Ry. P. Theagaroya Chetty Garu—

"That the report of the Committee be recorded and no action be taken on it."

Proposed by M.R.Ry. Diwan Bahadur V. Krishnama Charriar Avargal and seconded by M.R.Ry. V. Varadappa Naidu Garu—

"That the consideration of the subject be adjourned."

Proposed by Surgeon Lieutenant-Colonel G. L. Walker and seconded by Mr. N. Subrahmanyam. "That the meeting adjourn until Monday the 2nd May 1898."

Carried.

The meeting adjourns till Monday the 2nd May 1898.

G. M. J. MOORE, Lieut.-Col.,
President, Municipal Commission.

Municipal Office, Madras,
April 1898.

Proceedings of an adjourned Special Meeting of the Municipal Commissioners for the City of Madras, held at their Office Premises, No. 22, Errah Bauloo Chetty Street, Black Town, on Monday, the 16th May, 1898, at 5 p. m., under the provisions of the City of Madras Municipal Acts I and VII of 1884 and II of 1892.

PRESENT :

Lieutenapt-Colonel Sir George Moore, *Kt., C.I.E., President.*
H. Ormerod, Esq.
M. R. Ry. P. Theagaroya Chetty Garu.
M. R. Ry. R. N. Pragasa Mudaliar Avargal.
Cowasjee Eduljee, Esq.
M. R. Ry. Salla Gurusawmy Chetty Garu.
Mahomed Sheriff Khan Bahadur.
M. R. Ry. N. Appusundaram Pillai Avargal.
M. R. Ry. C. S. Theagaroya Mudaliar Avargal.
Mir Muzheruddin Sahib Bahadur.
J. DeCaster, Esq.
M. R. Ry. V. Varadappa Naidu Garu.
M.R.Ry. M. K. Lakshmana Charriar Avargal.
M. R. Ry. Dewan Bahadur V. Krishnama Charriar Avargal.
M.R.Ry. C. Tirumalayya Naidu Garu.
M. R. Ry. G. Subramania Iyer Avargal.

Plague Precautions.

THE PRESIDENT :—I have convened this meeting again—you will remember we started it originally in February, 1897, and kept it going on for this purpose—with reference to this note from the Health Officer about the disinfecting apparatus. Of course he wanted to disinfect at Perambore, but I have ascertained that Government have already got two disinfecting stations, one at Hospet and the other at Tungabudra, so that the whole of the Madras frontier is protected so far as that goes and they will disinfect clothing. If it spreads further in the Nizam's territory, they have another one between Bezwada and the Hyderabad frontier, so that practically we don't want disinfecting at Perambore. The question is whether we should not have one for this city. We have twice refused to have one. In sending up the first resolution in my letter I said that in Madras the disease we have to consider most is cholera, and I don't think it is necessary that the sanitary authorities should be sent to disinfect the stations. Of course when we refused to get one the Government ordered the Port to have one, and that I have just heard from Messrs. Oakes & Co., is on its way out; but the question is whether it is not desirable that we should have one too. Of course we don't want it at ordinary times for cholera and that sort, but as disinfecting by supplying per-chlorides ruins clothing, the question is whether that will be sufficient if anything happens here. The Commissioners' first resolution was that under existing conditions it was not required. That was in June, 1897. Then again in August, 1897, the Commissioners adhered to their first resolution, "the apparatus was not required as it was not suitable to the conditions in Madras." The question is whether if we get the plague here we will not want it. The Harbour Trust ordered out their apparatus through Messrs. Oakes & Co., for £272, and Oakes' commission makes it £280, which is equivalent to Rs. 4,251. It is a portable one. If you decide to have one, I think we will wait to see this one when it comes out. It will be here at the end of the month. Plague has spread a great deal more now, and with the probability of its coming in by sea; we are not only surrounded on the land frontier, but it may come down any day by sea. The precautions taken by us, I think, are quite sufficient. Healthy ships that came in, like those that

have been here, were kept out. They won't be kept out when the disinfectant comes in. They will be allowed to land their cargo; none of the crew will be allowed to land, and coolies employed in landing cargo will be disinfected on the beach and a register of them kept. Any cooly working on a Monday, who does not come on Tuesday will be sent over to us, and we will have to deal with them. A ship coming in with a certificate of health will be allowed to land its cargo. Then I will put down "Read note from the Health Officer re disinfecting apparatus. Resolved that the arrival of the machine ordered by the Port Trust, expected in a few days, be awaited."

Another thing I propose to do is to offer rewards for rats in the same way as for dog-killing. We will just work it here for a month or so, and see how it works. I propose to give six pies for rats and bandicoots and three pies for mice.

MR. KRISHNAMA CHARRIAR :—You will have any number of them to pay for.

THE PRESIDENT :—Only for the present. We will just see how it works. The Commissioner of Police will give rewards in the same way as he does for dog-killing.

MR. ORMEROD :—How are you going to deal with the bodies?

THE PRESIDENT :—Bury them in the same way as dogs. We can even burn the rats, take them to the depôts and have them burnt there.

There is another matter in which the Commissioners are principally concerned, that is, if plague does break out here, it is all very well to say we have got plague hospitals, but there is no doubt that caste people will want their own hospitals. The question is, are they prepared to have them. There is no use waiting till the last moment when plague breaks out, and then caste people will say we won't go to your hospitals. We shall have to provide the treatment unless they want their own treatment. Myself I am not afraid that the plague will come in with a rush. I think the Commissioners, ought to approach the different castes and find out if they like to have their hospitals and where they will have them. Under the Act I can take up any house. You cannot expect them to build—but they can get some detached house in some central place. In Triplicane the best place will be Temple Gardens. I cannot at the spur of the moment go and deal with every caste-man in Madras. It is for them to help themselves and to help us. As far as I am concerned, in Madras, I don't intend using coercive measures (hear, hear) unless I am obliged to.

MR. KRISHNAMA CHARRIAR :—What about Dr. Cook's experiments as to inoculation?

THE PRESIDENT :—That will be entirely voluntary. We have the whole of the materials here. It is all very well to talk of segregation; segregation must break down. You can segregate 100 people, but when you have got to segregate four or five thousands, eventually if anything comes to a crisis it must break down. It is much better if we can treat the people as we treated them all through during outbreaks of cholera, if possible. It will be well if we can get the different castes to say, one caste will want such an hospital here, another there and so on, and if they are suitable sites. The Commissioners can get them to do this.

MR. GURUSAWMY CHETTY :—Public Meetings can be held in the Pacheappa's Hall and these things explained to the caste people. Meetings might be held in each Division.

THE PRESIDENT :—Why should not each Commissioner hold a Meeting in his Division? I think it will be done much better that way.

MR. MUZHERUDDIN :—It is better to have one Public Meeting.

THE PRESIDENT :—I don't think so.

MR. LAKSHMANA CHARRIAR :—We must have a meeting in every Division.

THE PRESIDENT :—The Commissioners of each Division can work in their own Division and find out. I don't think you want a hospital for each Division. Separate hospitals for different castes in the city one in the North, and another in the South, will do.

MR. G. SUBRAMANYA IYER :—What is the difficulty about these castes?

THE PRESIDENT :—There is no difficulty. We provide our hospitals. They can go to them if they like; but if these different castes want their own hospitals they must provide themselves.

MR. G. SUBRAMANYA IYER :—What are the castes?

THE PRESIDENT :—That is just what I want to know. If they like to have their own hospitals we are quite prepared to meet them. If they don't want to go to hospitals provided by the Municipality and they will provide their own hospitals we will meet them.

MR. KRISHNAMA CHARRIAR :—Do I understand by "hospitals" that they have simply to provide the buildings?

THE PRESIDENT :—We will provide the medicines. If they choose to provide their own medicines, they may. If they want to be treated by themselves they must find their own place.

MR. GURUSAWMY CHETTY :—If they can't afford to have their own medicines I suppose we must provide them.

THE PRESIDENT :—Very well. I think the Commissioners can do much better than the executive in this matter. It is purely a matter for the people themselves. I think the Commissioners should suggest this matter in their own Divisions. I don't wish to be an alarmist in any way. When we see what has happened in Calcutta after such a long time there is no certainty that we will not get the plague. Personally I am not a bit afraid of the plague if it does break out. Government has prepared its own frontier. It is quite protected. Mysore is protected, and Hyderabad is protected by land, and everything has been done by sea. Nobody can come in now without being disinfected. The question is whether it will not be well to have another meeting as soon as we see how things work.

MR. G. SUBRAMANYA IYER :—Does the Municipality contribute any portion of the cost of these caste hospitals?

THE PRESIDENT :—Not the cost. I have my eye on the Mauritius Emigration Depot. If there is plague here there will be no emigration, so that we can get it.

MR. KRISHNAMA CHARRIAR :—It is the town Divisions that will give the most trouble.

THE PRESIDENT :—If you want one in the middle of the town, get the town people to get it. If they are not satisfied with the Royapuram Hospital, get the town people to provide one. We cannot provide hospitals in every street to suit the convenience of every body. What I want to do is to meet the wishes of the people. We have got two hospitals ready and I have got my eye on one or two places. If necessary there is another house that would not be a bad house, where Justice Muthusamy Iyer used to live, at the corner of the Luz. This with Temple Gardens are two excellent houses.

MR. PRAGASA MOODELIAR :—Are there any restrictions as to the location of the hospitals?

THE PRESIDENT :—They will have to be pronounced suitable by the Health Officer. It will have to be settled in the same way as our own hospitals.

There being no further business the meeting was then adjourned.

Proceedings of an Adjourned General Meeting of the Municipal Commissioners for the City of Madras, held at their Office Premises, No. 22, Errah Bauloo Chetty Street, Black Town, on Monday, the 2nd May 1898, at 5 p.m., under the provisions of the City of Madras Municipal Acts I and VII of 1884 and II of 1892.

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M. R. Ry. W. S. Venkataramanjulu Nayudu Garu.
N. Subrahmanyam, Esq.
M. R. Ry. M. K. Lakshmana Chariyar Avargal.
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M. R. Ry. C. Tirumalayya Nayudu Garu.
M. R. Ry. G. Subramania Iyer Avargal.
Surgeon Lieutenant-Colonel J. Maitland.
M. R. Ry. V. C. Desika Charyar Avargal.
M. R. Ry. P. Subramania Iyer Avargal.

Adulteration of Drugs and Articles of Food and Drink.

THE PRESIDENT :—Gentlemen, we have to consider the report of the committee re adulteration of drugs and articles of food and drink. The stage at which we left off at the last meeting was the amendment by Dewan Bahadur Krishnamachariar, "That the consideration of the subject be adjourned."

SURGEON LT.-COL. WALKER :—I entirely agree with the views that were expressed at the last meeting by Surgeon Lt.-Col. Maitland. I sincerely and earnestly hope with him that this most important matter will not be shelved but will be dealt with by the sense of justice as well as the good sense of the Commissioners present. I think there seems to be no manner of doubt in impartial minds that a sub-section such as is proposed is advisable and absolutely necessary. When you really come to look at it you will find that it is really free from objection. That it is necessary is proved from the fact that the sections hitherto existing touching upon the adulteration of food are in point of fact practically inoperative and futile. A prosecution under the Act as has been told you by the President will not hold unless the article used in adulterating the food is in itself practically a poison, inimical to life or health; so that unless a fraudulent bazaarman poisons the food, under the Act he could not be prosecuted. That, I think you will agree with me, is a miserable and futile Act; and it has been found so and has been animadverted upon time after time by the Health Officer and the President. The object of the sub-section proposed is to enable the executive to get hold of a fraudulent bazaarman when it can be proved by analysis that he has mixed something with the food. At present he may mix any amount of water clean or dirty with milk, and oil with ghee. He may

sell rancid meat, he may mix fine dust with sugar; still we cannot prosecute him under the Act; but even if you prosecute him you will fail in the prosecution against him under the Act as it stands at present. It seems therefore plain on the face of it that some modification or some amplification of the Act is necessary for the protection not only of the general public whom you are bound to protect, but for the protection of the honest bazaarman against his dishonest *confrere*. The honest bazaarman is placed under the greatest disadvantage under the present Act, because while he selling honestly offers a *bona fide* article for sale, his next door neighbour is offering only a half of that *bona fide* article for an equal price, the other half being adulterated, and yet he is free from the prosecution according to the terms of the present Act. He may be prosecuted for fraud, but it is altogether a roundabout way of doing business which you could never expect any man to take up. At the same time, as is pointed out by the President, there is no possibility of oppression by menial servants because, the menial servants' work would stop merely with the buying of the suspected article from a bazaarman and forwarding it through the Health Officer for analysis. If on analysis it is proved that the article is an adulterated one, a case holds against the bazaarman who sold it. Now, Madras has often been called benighted and we ourselves should not give a handle to others for that accusation, when it is known well that this section or a similar section has been in existence and has worked most satisfactorily for many years in England and also for some years in this country. Therefore Madras, to wipe away the charge, ought not to be behindhand in adopting some measures for the prevention of fraud from the adulteration of food. I will not detain you any longer, gentlemen, but I will reiterate the earnest hope expressed by Dr. Maitland in regard to the subject. We as medical members of the Municipal Commission, have a kind of prescriptive right to say a few words with authority on the subject. I would express my most earnest hope that this most important matter will not be shelved, that the amendment will be lost and that the report of the Committee will be dealt with by a fair sense of justice and common sense and adopted by the Commissioners. Two very prominent members on the last occasion threw a certain amount of shadow on the legal aspect of the question; both being legal luminaries, their words would have some weight. One Commissioner said that the present section 367 was quite enough to deal with these cases. But, on looking into the section you will find that it does not refer to simple adulteration but to adding a noxious article in the adulteration. Another member said that with regard to drugs, section 274 of the Penal Code was ample; but if you are to prosecute the seller of an adulterated drug for fraud, you would have to go into a tremendous amount of trouble to prove that the addition the vendor has made to the drug was effectual in lessening its effect or changing its operation. This section is much too ponderous to deal with adulteration of drugs, and this question may therefore fairly come under the sub-section recommended by the committee.

MR. S. SUBBIAH CHETTY :— I should like to know whether the request made by Mr. Theagaroya Chetty at the last meeting as to the particulars in regard to the number of prosecutions under the present Act has been complied with.

THE PRESIDENT :— I have got some information on the subject. You must remember, as you have been often told in the Administration Reports, that we did not carry out the provisions of section 367. What we do as a rule is we ask the man "will you allow us to destroy the articles?" If he is willing to destroy them, we do not go to the Magistrate. It is a circuitous method of going to the Magistrate and prove that the meat or vegetable is unfit for consumption. The section does not provide for adulteration. In one division there were 38 cases of destruction of the articles of food and 12 prosecutions before the Magistrate. Two of these 12 people were given 10 days' hard labour. In 5 cases they were fined Rs. 15, in 2 others Rs. 3, in another Rs. 2, and in another Rs. 20. They were all in the 7th division which is the heaviest. This is for 3 years. In the 8th division there were altogether 43 cases, out of which 4 were taken before the Magistrate. In the 6th division there were only 4 cases, and they were fined Rs. 20, 15, 5 and 10 respectively. In the 3rd division there was 1. In the 2nd division there were a few cases; in the 1st division there were 12 cases which were dealt with departmentally. Section 367 will only help you when the article is rotten. You must remember the difference between an adulterated article and an article unfit for human consumption.

SURGEON LT.-COL. WALKER :— I presume all these prosecutions were for selling articles unfit for consumption.

THE PRESIDENT :— Yes.

SURGEON LT.-COL. WALKER :— You would not prosecute people for adulteration.

THE PRESIDENT :— We have never done it.

MR. GURUSAWMY CHETTY :— Do you find similar provisions in Calcutta or Bombay?

THE PRESIDENT :— We have taken the section from the Calcutta Act.

DEWAN BAHADUR KRISHNAMACHARIAR :— What is to be done with patent medicines with Government seal and stamp?

THE PRESIDENT :— They will be opened, examined and analysed.

MR. THEAGAROYA CHETTY :— They don't give you the ingredients.

SURGEON LT.-COL. WALKER :— Nobody knows the composition, and therefore there will be no prosecution.

MR. G. SUBRAMANIA IYER :— If an adulterated article is not unfit for human consumption, what interest has the Municipality to interfere?

THE PRESIDENT :— Because it is not a proper article.

MR. G. SUBRAMANIA IYER :— It seems to be a civil law more than a Municipal law. If a person sells an article unfit for consumption you can go for him under the Act.

THE PRESIDENT :— Under Section 367, however badly an article may be adulterated, you cannot prosecute the man, unless it is unfit for human consumption.

MR. G. SUBRAMANIA IYER :— If milk is adulterated with dirty water, it becomes unfit for consumption. You have a section under the Municipal Act, which enables you to prosecute a man who sells it.

MR. P. THEAGAROYA CHETTY :— I have the same difficulty as was felt by Mr. Subramania Iyer. Under the section proposed, if a man sells adulterated milk he is liable to prosecution. We take milk adulterated with water and it does not injure our health. In that case why should we go and punish a man for mixing water with milk which we do ourselves? If you want pure milk, pay four annas for a measure, if you want ordinary milk, you pay three annas. The Municipal Act gives us only power to provide for public safety and public health. I should like to know under what section or powers that we can make this law for adulteration. I don't suppose 99 per cent. take filtered water, but they only take water supplied by the pipe. If that is unhealthy we are to be condemned. What we now propose to do is that if a man pours into the milk some water that we supply, we take him to the Police Court and get him fined. Suppose I send for 100 tins of ghee from Vaniambady and I know it has come to me as ghee, and if it be not good you will get hold of me and punish me for selling adulterated article. The Penal Code does not punish a man for not knowing the thing. Are we to go further than the Penal Code? We must have a coroner in all parts of Madras to examine every bit of thing that comes to Madras. This will be thorough injustice, and we will drive out the trade from Madras, for under these circumstances it will be thoroughly impossible for any one to carry on trade in this city. Madras may be different from Bombay, Calcutta or London; our modes of thought are quite different from theirs. We cannot compare Englishmen with ourselves and say, because Englishmen do it we will do it.

MR. W. D. SMITH :— Suppose you were on your death-bed and the doctor prescribes 10 grains of phenacitine and you are given only 5 grains of phenacitine mixed with 5 grains of flour, how would you like it? Or, suppose doctor prescribes you a measure of milk per day and it is adulterated.

MR. V. C. DESIKA CHARYAR :— The burden of proving his innocence should not be thrown upon the accused. Unless you bring home to him the knowledge that the article was adulterated, it will be hard to punish such a man. The onus of proof should not be on the merchant. The moment we come to know that a man sells adulterated article knowingly, he may be prosecuted. You may introduce a clause whereby if a man sells unknowingly an adulterated article, you may destroy that article; but I think it is too much to prosecute him criminally and get him fined. If you take

away that sting from the section the proviso is all right. The prosecution has to prove that there was fraud.

MR. M. VENKATARAMIAH CHETTY :—This question has really to be looked at from more points than one. In the first place we have to consider whether we are within our province as Municipal Commissioners in proposing to undertake legislation in the direction indicated. We are not, I believe under the Municipal Act, champions of commercial or public morality. Our rights, our privileges and our duties are defined in the Act under which we exist, and section 33 relates to our duties. As Commissioners we can only undertake such things as are conducive to public safety.

SURGEON LT.-COL. WALKER :—The definition of our duty as Municipal Commissioners is not before us. I therefore rise to a point of order.

MR. VENKATARAMIAH CHETTY :—If attention has been paid to this section, there would be no discussion, nor is the question put to Mr. Theagaroya Chetty by Mr. W. D. Smith in order. If one man's health suffers, it is not public health. If Mr. Smith is placed in any such position, which God forbid, section 274 of the Penal Code would come to his aid. I would ask Dr. Walker to point out any single passage in the whole of section 33 which would enable us to undertake legislation in the direction indicated. You might undertake the extirpation of the Tramway itself because it is injurious to private safety. Public health and public safety are entirely different from private health and private safety. If a man went to a quack Doctor instead of an eminent Doctor as Dr. Walker, he may suffer; but we are not going to ask Government on that account to enact that all native physicians be sent out of the country and only passed men be allowed to practise medicine among us. Further, it is a fundamental principle of legislation that no legislation ought to be undertaken in any country unless there is absolute necessity for it. Has it been shown that we are suffering from the adulteration of drugs to such an enormous extent that we cannot possibly put up with it any longer and that we should therefore invoke the assistance of Government to undertake legislation in this matter? I emphatically deny there is any such necessity. No facts or figures have been placed before us to show that there is such a necessity. It is said that the Calcutta Municipal Act contains a provision of that kind. I have gone over it myself, and I see that their powers are circumscribed in the way our powers are circumscribed. However, that is no precedent for us to follow. They might have gone beyond their powers, or had some special authority. How can you explain the absence of such a provision in the city of Bombay—a city narrower than our own city, more commercial than ours, a city which supplies the whole of India with all necessary articles in all departments of trade? If, in a city like Bombay, legislation was not undertaken, why should we have legislation in a city like Madras? Though Dr. Walker may chafe at us by calling us legal luminaries, yet the enactment that is proposed is too much in advance of civilised times and notions. The burden of proof is laid not on the unfortunate individual who is placed in the dock in any civilised country. If you accept the proviso as modified by my learned friend Mr. Desikachariar, the sting will be taken out. The proposed section is a barbarous law that no nation can undertake. The proposed section does not allow a man exposing for sale an adulterated article the right to establish his innocence. Are there not provisions in the Municipal Act and in the Penal Code to afford sufficient guarantee against acts such as those complained of? I think the section relating to cheating is ample. We evidently want to emerge from our benightedness and go in advance of those that have gone before us. We want to go even ahead of Calcutta. I think therefore we ought not to undertake any legislation at the present moment. There is no need for it and it is beyond our jurisdiction. Whatever wrong doing there may be in the trade, it is sufficiently controlled by the law that already exists. As I have already said, we are not champions of public morality or commercial morality. We have no right to ask the Government to undertake legislation in this matter, just as much as we have no right to ask Government to provide for the regulation of steamer traffic which does not affect public health.

MR. S. SUBBIAH CHETTY :—I understand that section 367 was introduced into the Municipal Act to give concurrent jurisdiction to the President. No doubt it must be admitted that this section was introduced after the Penal Code was passed, to give effect to section 274 of the Code. Therefore, under section 367 of the Act, concurrent jurisdiction is given to the President to launch prosecutions before the Magistrate. We are indebted to the President for the figures given by him; so far as I can gather from them it appears that all the prosecutions launched by the President have

been successful—in some cases persons were imprisoned, and in others fined. The section has therefore been worked with some success and is not a futile one. There is no force in the argument of Dr. Walker that this section is futile.

SURGEON LT.-COL. WALKER :—This I must contradict. The prosecutions were not for adulteration. The President said so.

MR. SUBBIAH CHETTY :—So far as this measure is concerned, no necessity has been shown for its introduction. Dr. Walker in his argument mentioned the case of mixture of fine sand with sugar. If he reads section 367 he will find that a prosecution can be maintained under that section, for if sand is mixed with sugar no man can say that it is fit for consumption. As to the argument that Madras is called 'benighted,' it is not at all certain that other Presidencies have any legislation in this direction. Our President has told us, and I think we all know, that Bombay has no section similar to this. If we are benighted, we are benighted along with the Bombay Presidency, so that of the three Presidencies two are at one. Therefore that argument of Dr. Walker as to our being benighted does not hold water. Is there any necessity for this legislation? Dr. Walker may say that I am a legal luminary. However, I take that as a compliment. Reading the powers that we have, I find there is no right to make or suggest any legislation of this kind. I cordially endorse all the remarks that have been made by my friend the legal luminary, Mr. Venkataramiah Chetty, and I hope Dr. Walker will not grudge my taking credit for his remarks. The only test and the most crucial test is to see whether any such legislation is necessary, whether the President has been helpless under section 367 to secure public safety and public health. Unless there have been cases which could come under section 367 whereby public safety or health is endangered, I do not think that any legislation of this kind should be undertaken. In the absence of any figures or circumstances showing the necessity for this legislation, I for one should deprecate any such measure as this. I would even go to the length of saying that we would be arrogating to ourselves the powers that are not vested in us. I would also say that if the section 367A is introduced into the Act, there will be room for people being unnecessarily troubled, the public peace would be disturbed in trying to save public health. There will be complaints from merchants, and we ought to sympathise with the mercantile community who form a very large portion. It is but right that, before taking upon ourselves any legislation, we ought to see whether there is any necessity for it. As far as we see, at present there is no necessity for it, and I am therefore against it.

MR. G. SUBRAMANIA IYER :—I must say there is a good deal of scope for the working of a well designed enactment for checking the dissemination of diseases arising from adulterated drugs and articles of food. I do not labour under the optimistic view, which my friend Mr. Venkataramiah Chetty has put forward, that adulterated articles are not sold to the injury of the people, but I think day after day hour after hour—

MR. VENKATARAMIAH CHETTY INTERRUPTING :—It is not enough to call for legislation.

MR. G. SUBRAMANIA IYER :—Even there I disagree with you. Everybody must be aware that every day large quantities of things are being sold in bazaars and streets which are injurious to health—articles are purchased by the poorer classes in ignorance or carelessness, and the result is injury. Take, for instance, buttermilk, fruits and vegetables. Large quantities of these are sold which affect greatly the public health. The evil exists to a very large extent. I would go to the length of saying that drainage and water supply are not of so much importance as the prevention of the consumption of injurious articles. Admitting the evil and admitting the necessity for proper legislation I think there is a point which deserves consideration. We ought to draw a distinction between adulteration which does not affect public health and adulteration which is to the prejudice of the purchaser and calculated to affect public health. If we keep this distinction in view and confine our proposals to the latter class of evils, we shall be doing a lot of good. The existing law is not enough to keep out the evil. Let us investigate the matter and modify or amend the law. But, if we interfere in the matter of adulteration which does not affect public health, I think we will be transgressing our powers. If the Commissioners are of opinion that the present law is inadequate to check the present evil, of which there is not the slightest doubt, it is the duty of the Commissioners to examine the existing law and see if any modification or amendment cannot be made to have the object achieved. I am strongly of opinion that the evil does exist and that a good deal of preventable