

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 511 M

DATED

7-3-98

INDEXED.

[Despatch Abstract.]

Munl. Commn

Recording proceedings as also a copy
of abstract proceedings of a general
meeting of the Madras Munl. Commn
held on 29th November 1897.

BACK PAPERS.

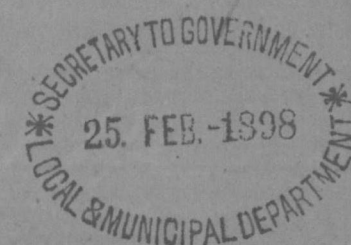
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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Local & Munl. (1898) Department.

CURRENT No. 901 M



From

THE PRESIDENT,

Municipal Commission,
Madras.

Order No. 511 Munl. 8/7/3/98

G. No. 614

Recorded

Dated 23 February 1898

Received 25-2-98

Registered

Enclosures - 2.

Spare copies

SUBJECT.

Forwarding full proceedings
as also a copy of abstract
proceedings of a General Meet-
ing of the Commissioners held
on 29 November 1897.

G.O.	No.	Department.	Date.

G.O.	No.	Department.	Date.

PRESENT :

H. Ormerod, Esq.

M. R. Ry. P. Theagaroya Chetty Garu.

M. R. Ry. R. Balakristnama Chetty Garu.

Cowasjee Eduljee, Esq.

M. R. Ry. Salla Gurusawmy Chetty Garu,

M. R. Ry. S. Subbayya Chetty Garu.

The Hon'ble Mahomed Sheriff Khan Bahadur,

M. R. Ry. N. Appusundaram Pillai 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. V, Masilamani Pillai Avargal.

M. R. Ry. M. K. Lakshmana Chariyar Avargal.

M. R. Ry. Rai Bahadur A. Dhanakoti Mudaliar Avargal.

M. R. Ry. Rao Bahadur V. Krishnama Chariyar Avargal.

M. R. Ry. C. Tirumalayya Naidu Garu.

M. R. Ry. G. Subramania Iyer Avargal.

M. R. Ry. P. Subramania Iyer Avargal.

M. R. Ry, V. C. Desika Chariyar Avargal,

THE PRESIDENT:—Gentlemen, you have to elect a member for the Standing Committee in the place of the Hon'ble Mr. P. Rangiah Naidu. There is another vacancy on the Committee which is to be filled up at the next meeting,

The ballot was taken with the following result—

Number of
Votes.

Mir Muzheruddin Sahib Bahadur 8

M.R.Ry. Salla Gurusawmy Chetty Garu 7

Mir Muzheruddin Sahib Bahadur was therefore elected.

Proceedings of the Standing Committee.

THE PRESIDENT :—The next business is the consideration of the Standing Committee, dated 5th November 1897.

MR. V. C. DESIKA-CHARIYAR :—There is one subject which the Standing Committee has referred to the Commissioners, I should like to know why they referred it to us.

MR. P. THEAGARAYA CHETTY :—I think the President will explain the matter.

THE PRESIDENT :—I have nothing to explain but that the Standing Committee thought that it should go to the Commissioners.

MR. P. THEAGARAYA CHETTY :—I was one of those who desired that the matter should be brought before the Commissioners. It was about the bill for legal expenses in regard to the question of the Professional Tax of H. E. the Governor, which was before the President and two Commissioners. The Act is clear on the point—i. e., the President and two Commissioners form the appeal Committee, of which the majority decides every question. I do not know what the beginning of this matter was, but somehow or other the matter seems to have gone to the Advocate-General of Madras and the Advocate-General of Calcutta. What necessity there was for going before the Advocate-General of Calcutta, I could not understand, where there were two gentlemen sitting on the appeal Committee who are supposed to be able to decide one way or the other, whether the Professional Tax of H. E. the Governor was rightly imposed or not. This is not the first case of this kind that has come before this body; perhaps thousands of such cases came before them; and there was not a single other case which went before the Advocate-General of Madras and the Advocate-General of Calcutta. It seems that the matter was referred to the Advocate-General of Calcutta twice.

MR. V. C. DESIKA-CHARIYAR :—There is only one fee. Where is the necessity for this? The two Commissioners that sat on the Committee are not here to-day; otherwise we should have had some explanation from them for the necessity of sending this to the Advocate-General of Calcutta. I think it is not right for us to come to any conclusion on the matter unless we know the reasons which actuated the President and the two Commissioners for adopting this procedure.

MR. E. H. ELLIOT :—What is the question before us?

MR. P. THEAGARAYA CHETTY :—Bill of costs for Rupees 430 and odd. I would ask you to defer this subject till we get the explanation of the two Commissioners who sat on appeal.

MR. V. C. DESIKA-CHARIYAR :—Is it worth our while? Mr. Grant is not a Commissioner now.

MR. P. SUBRAMANIA IYER :—What is your proposition?

MR. P. THEAGARAYA CHETTY :—Mr. Desika Chari has asked for some information, and I have given as much as I know; and I now ask that this matter be deferred to the next meeting for an explanation from one or other of the members who formed the Committee.

THE PRESIDENT :—You will not know then any more than you do now. You seem to think that the appeal Committee sent the matter before the Advocate-General of Madras. This was done by the other side. The appeal Committee thought they would like to have an opinion as well; so they sent it to the Advocate-General of Calcutta.

MR. P. THEAGARAYA CHETTY :—What was the necessity for referring it to him?

THE PRESIDENT :—Because the Committee thought it necessary to get another opinion.

MR. P. THEAGARAYA CHETTY :—What are the reasons?

THE PRESIDENT :—Because they thought it necessary. I don't think you will get any more than that from them. They thought it necessary and they got another opinion.

MR. V. C. DESIKA-CHARIYAR :—Have the Committee power to call for an opinion?

THE PRESIDENT :—They had to decide the question referred to them.

MR. V. C. DESIKA-CHARIYAR :—Can they incur expenditure in doing so?

THE PRESIDENT :—They were a Special Committee. There is no statement in the section that they can incur expenditure, but at the same time there is no statement that they cannot. I don't think as I have already said that you will get any further explanation out of the Committee than that it was necessary to get a reliable opinion on this matter.

MR. P. THEAGARAYA CHETTY :—If we cannot get any further information upon the subject, I propose the following resolution.

"That item No. 4-III, *re* bill of costs from Messrs. Barclay, Morgan and Orr for giving opinion, &c., in the matter of the Profession Tax of His Excellency the Governor of Madras, amounting to Rs. 457-8-0, be passed with the remark that no such expenditure should in future be incurred without the previous sanction of the Standing Committee."

MR. N. APPUSUNDARAM PILLAY seconded the proposition.

MR. E. H. ELLIOT :—Can you tell us if the necessity for consulting Counsel in matters of this sort ever arose before.

THE PRESIDENT :—Not Counsel that I am aware of; but we have frequently consulted our Solicitors.

MR. C. TIRUMALAYYA NAIDU :—I wish to know whether, if these gentlemen were not satisfied with the opinion of the Advocate-General of Calcutta, they would be justified in asking you to refer the matter to a higher authority.

THE PRESIDENT :—It is for them to answer and not for me.

MR. V. C. DESIKA-CHARIYAR :—I beg to say a word in connection with this proposition. When this matter first saw the light of day one would naturally have supposed that the two Commissioners—both of them practising lawyers—would have come to some conclusion even if they had not before them the opinion of the local Advocate-General, when there is a distinct decision on the point, in the case of Mounsey *versus* the Municipality of Ongole reported in the Law Reports. Whatever weight they may attach to the opinion of the local Advocate-General, that they should not have attached weight to the decision of the Madras High Court and should have appealed against that decision to the Calcutta Advocate-General passes my comprehension. Again they must have known that they would have to incur expenditure by the step they have taken. It is always taken for granted that even in the matter of incurring law charges the sanction of the Standing Committee would have to be obtained. This is not a matter of great urgency and surely the sanction of the Standing Committee might have been obtained before sending up the matter. They might have as well sent it to the Advocate-General of Jamaica or of Bourbon if they thought that the Advocate-General of Calcutta was not likely to give an impartial opinion in a case where the Governor of Madras was concerned. It is strange that they should go against the decision of the highest Court in the land. Fortunately the Advocate-General of Calcutta could not give a different opinion from that of the local Advocate-General. I would not go further than to say that it was a piece of indiscretion on their part to incur expenditure in a case which ought to have been set at rest by the decision of the Madras High Court. It would now look most ungracious on our part not to pass this bill.

MR. P. SUBRAMANIA IYER :—I do not certainly agree with what my learned friend has said. I do not think the members of the Committee are bound to take the opinion of the High Court as conclusive, if they think that the High Court have come to a wrong conclusion, nor do I attach any importance to their sending the matter to the Calcutta Advocate-General. It is a pity that the Committee has not itself decided one way or the other; and if the other side disagreed it might have been asked to go before a bench of Magistrates in appeal. This would have been a cheaper and a more effective way of getting the law on the question settled. I do not know why this point did not strike them. However I do not think it is right for us to discuss the matter now.

THE PRESIDENT :—I am not a lawyer and do not propose to pose as such, but if Mr. Desika-Chariyar had carefully read the judgment of the High Court he would have seen that Mr. Justice Best and Mr. Justice Muthusamy Iyer said that if it had not been that Mr. Mounsey was Sub-Collector and not Collector they would have decided against him, because as Collector he would have the power to depute some one else to do his acts for him. If Mr. Desika Chariyar had read the judgment carefully he would have seen that; but for this contingency the Municipality would have had a case against Mr. Mounsey. As regards Mr. Subramania Iyer's point, if the Committee were not satisfied themselves about the Governor's liability, they could hardly have said he was liable and given that as their opinion simply to avoid having to incur certain amount of expenditure.

The proposition was then put to vote and carried.

The rest of the proceedings was then confirmed.

MR. P. THEAGARAYA CHETTY :—I suppose His Excellency would be taxed the next half year.

THE PRESIDENT :—Yes.

The meeting then terminated.

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 29th November 1897, 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. Theagaraya Chetty Garu.
M.R.Ry. R. Balakristnama Chetty Garu.
Covasjee Eduljee, Esq.
M.R.Ry. Salla Gurusawmy Chetty Garu.
M.R.Ry. S. Subbayya Chetty Garu.
The Hon'ble Mahomed Sheriff Khan Bahadur.
M.R.Ry. N. Appusundaram Pillay Avargal.
M.R.Ry. C. S. Theagaraya Mudaliar Avargal.
E. H. Elliot, Esq.
Mir Muzher-ud-din Sahib Bahadur.
J. DeCaster, Esq.
M.R.Ry. V. Varadappa Naidu Garu.
M.R.Ry. V. Masilamani Pillai Avargal.
M.R.Ry. M. K. Lakshmanacharriar Avargal.
M.R.Ry. Rai Bahadur A. Dhanakoti Mudaliar Avargal.
M.R.Ry. Rao Bahadur V. Krishnama Charriar Avargal.
M.R.Ry. C. Tirumalayya Naidu Garu.
M.R.Ry. G. Subramania Iyer Avargal.
M.R.Ry. P. Subramania Iyer Avargal.

" V. C. Dasika Channiar nob

No. 1.

Election of a Member of the Standing Committee.

The ballot was taken with the following result—

	Number of Votes.
Mir Muzher-ud-din Sahib Bahadur	8
M.R.Ry. Salla Guruswamy Chetty Garu	7

Mir Muzher-ud-din Sahib Bahadur was therefore elected.

No. 2.

Proceedings of the Standing Committee, dated 5th November 1897.

M.R.Ry. P. Theagaraya Chetty Garu proposed and M.R.Ry. N. Appusundaram Pillay Avargal seconded—

" That item No. 4-III, *re* bill of costs from Messrs. Barclay, Morgan and Orr for giving opinion, &c., in the matter of the Profession Tax of His Excellency the Governor of Madras, amounting to Rs. 457-8-0, be passed with the remark that no such expenditure should in future be incurred without the previous sanction of the Standing Committee."

Carried.

The rest of the proceedings were recorded.

The meeting terminated.

Municipal Office, Madras,
November 1897.

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

1/901 Nov 1898

Genl. Dept.

137

G. No. 614

MUNICIPALITY OF MADRAS,

General Department,

Madras, 23rd February 1898.

From

LIEUT.-COL. SIR GEORGE MOORE, KT., C. I. E.,
President, Municipal Commission.

To

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

Sir,

I have the honor to submit herewith for the in-
formation of Government full proceedings as also a copy -
of abstract proceedings of a General Meeting of the Commis-
sioners held on 29th November 1897.

Enclosures

2

I have the honor to be,

Sir,

Your most obedient servant,

G. Moore Lieut.- Col.,
President, Munl. Commn.

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901
20/2/1898

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 When examined _____
 When signed _____

189

READ AGAIN G.O., No. _____
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A A A A A A A

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

I have the honor to submit herewith for the in-
 formation of Government full proceedings as also a copy
 of abstract proceedings of a General Meeting of the Com-
 mittee held on 29th November 1897.

I have the honor to be,

Sir,

Your most obedient servant,

Lieut. - Col.

President, Tamil Comm.