25-6-13

[L. & M.
2,000—1-3-98.]

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 849 M

DATED 2-5-98

INDEXED.

DESPATCHED

[Despatch Abstract.]

Municipal Council.

Requesting, with remarks, the Collector of North Arcot to arrange for the two candidates for the seat in the Vellore Municipality, casting lots in the presence of the Chairman, as required by the Election Rules.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cw 1959 M/4/98							

[L. & M. 300—2-12-97.]

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings :—

P

Again GO., No. 134 M dated 18th January 1898.

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

Current No. 1154 M. of 1898, dated 25th March 98., from P. Palani Chetteyar.

" " 1318 M " 1898, " 14th April 98., " the Collector of North Arcot Vellore

" " " 189 , " ; "

Misc ORDER. No 849 M Mis d 2/5/98.

As both the candidate

are now said to be willing to ca

lots as to who shall fill the vaca

the Collector is requested to arrang

for their doing so in the presence

of the Chairman, as required in

of the Election Rules.

2. With reference to the co-

cluding portion of paragraph 2 of

the Collector's letter, it is observed

that the ruling in G.O. No 1185 M

dated 23rd October 1888 was give

on the question whether a voter

is prohibited from recording in

his ballot, the name of the sam

candidate more than once in c

where there are more vacancies th

one and that it has therefore

bearin

ving on the present case.

R
14/98

HT
29 4 98

To
The Collector of North Arcot
with enclosures returned

PSD

OPd. 3/5/98

+ Per District Post

[G./25]
250—7-4-97.

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O. No 134-M, dated 18th January 1898 and
C. Nos 1154-M and 1318-M.

SUBJECT.

Election of Councillor—Vellore municipality

~~H.M.~~
FOR ORDERS.

Reported in the Collector's letter in G.O. 134-M/18-1-98. B

A

On the recurrence of a vacancy in the 3rd ward of the Vellore municipality an election wa held on the 15th December 1897. Two candidates contested for the vacant seat and both of them obtained an equal number of votes. Under No 32 of the Election Rules, the candidates should have, in the presence of the Chairman, cast lots as to who shoul fill the vacancy. They, however, declined to do so and requested that a report be made to the Collector. As the election rules are silent as to the procedure to be followed in the event of candidates refusin to cast lots, the Collector requested the instruction of Government a to whether he should examine the ballot papers, especially

[illegible]

to do [illegible] rules. Government alth of the two candidates had put in a petition alleging that some of the votes which were counted in favour of his rival should be invalidated and that some others which were invalidated should be counted in his own favour.

2. The Collector was thereupon requested in G.O. No 134 M, dated 18th January 1898, to examine the ballot papers in question and to take such further evidence as may be necessary in the matter and report the result to Government, submitting at the same time the records of the enquiry.

C

I have too often to complain of this Grammatical mistake

3. With the second letter read above, the Collector now submits a report on the results of the enquiry made by him. From this, it appears that the vakil for one of the candidates raised five objections relating to the admission or otherwise of certain voting papers and that in the case of four of these objections, the enquiry showed that the Chairman's disposal of these papers was correct. The fifth objection is that one Arunagiri Chetti voted for the rival candidate, once

D C No 1318 m.

---

in his capacity as an individual voter, registered as No 37, and a second time in his capacity as a member of a joint firm with his brother, registered as No 26, and that one or both of the votes should have been invalidated. As regards this objection, the Collector says that it has not been proved that there has been any custom that the man who has voted as an individual should abstain from voting, as representing the firm, leaving his partner to vote for the firm. The objecting candidate, however, appears to have contended that Arunagiri Chetti's votes should be invalidated under para. 2 of G.O. No 1185 M, dated 23rd October 1888, which said that "the present "election rules do not provide for "an elector giving more than one "vote to one and the same candi-"date," but the Collector is doubtful whether the order refers to voters registered both as firms and individuals. Both the candidates however, are said to be now willing to cast lots, if ordered to do [illegible]. Government alth.

E

they would prefer a reelection, but the Collector thinks that it would perhaps be better to have a reelection, considering that objections have been raised regarding so many votes.

E

4. The ruling in G.O. No 1185 M, dated 23rd October 1888, was given on the question, whether the rules "prohibit a voter recording in his ballot, the name of the same candidate more than once in cases where there are more vacancies than one" and appears to have no bearing on the present case, in which a man recorded his votes on two occasions in different capacities. It is submitted that this may be pointed out to the Collector and that the candidates may be permitted to cast lots in the presence of the Chairman. As the case does not fall under any of the clauses of No 36 of the Election Rules, it does not appear that the Government has the power of setting aside the present election and ordering that a fresh election be held [illegible] voted for [illegible] candidate, [illegible]

A

F

defect, however, has been remedie in the draft election rules, which will shortly be issued, by assig-ing to the Chairman of the mu-nicipal council the duty of casting lots in the case of an equality of votes, the individual candidates having no choice in t matter.

5. The accompanying draft order is submitted for approval.

V.R.
27/4/98

Approved
29/4/98

Local & Munl. (1898) Department.

CURRENT No. 1154 M.

N

To lie over pending receipt of the Collector's report called for in G.O. No 134 M d/ 18.1.98.

P.R.
5/4/98

Send reminder
5.4

6 · 4 · 98

Call clerk

attend to this

Reminder sent
13-4-98

Reply
21/4/98

Not received yet
5/4

From P. Palani chettiyar
Vellore.

No.

Dated 25-3-98.

Received 28-3-98.

Registered

Enclosures 1.

Spare copies.

SUBJECT.

Praying that under the circumstances stated, he may be declared to have obtained the largest number of votes & to be duly elected for the C Ward of the Vellore Multy.

31/3

BACK PAPERS.

G.O.	No.	Department.	Date.
Go	134	LM	18-1-98
"	1185	L	23-10-88

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL & MUNICIPAL DEPT.
CURR[illegible] 1154 M

very urgent.

UNDER SECY TO GOVT
28 MAR 98

TO

THE SECRETARY TO GOVERNMENT,
LOCAL AND MUNICIPAL DEPARTMENTS,
FORT SAINT GEORGE.

The humble petition of P. Palani Chettiar,
residing at Jayarama Chetty Street,
Vellore.

Most Respectfully showeth,

That your petitioner has presented two petitions to the Collector of North Arcot District regarding the election of a Municipal Councillor for the C. Ward of the Vellore Municipality, held, on the 15th December 1897, in respect of the vacancy created by the petitioner's term of office having expired.

2. That the Collector, it would appear on the orders of the Government, made the necessary scrutiny of the ballot papers concerned, and, took down the evidence of certain persons on the 15th and the 16th instant.

3. That the petitioner respectfully begs to impeach the propriety of the taking of evidence, when the rules about the validating of votes, are so very peremptory and do not admit of any supplementing of the actual facts that arise at the election, by the subsequent taking of evidence, as to the intention or otherwise of the voters.

4. There is no procedure in the Election Rules, empowering the Collector to cure the defects of ballot papers by extraneous evidence.

5. That oral evidence is further valueless seeing the lapse of time between the date of election and that of the enquiry.

6. The petitioner respectfully begs to refer to G. O., No. 1185 Mis. L. and Municipal dated 23rd October 1888 in support of the dictum, that, of the ballot papers Nos. 37 and 26, only one vote can be valid.

7. That the petitioner respectfully submits that a reference, to paras 6 7 and 8 of his petition dated 17-12-97, and paras 2 and 3 of his petition, dated 11-1-98, and a perusal of the ballot papers, under reference, printed specimens of which are herewith submitted, will sufficiently convince your honor as to the validity of the grounds of the objections of the petitioner (copies of the petitions are herewith submitted.)

8. That the decision of the Chairman that the two candidates (including the petitioner) got equal number of votes is untenable in the light of the circumstances that appear upon the face of the records and that the Chairman ought to have held that the petitioner got the largest number of votes.

9. That in the interests of justice it is very desirable that you will be pleased to send for the original ballot papers under reference for your honor's inspection and scrutiny.

K.R. 28/3/98

Under the above circumstances your petitioner respectfully prays that he may be declared to have obtained the largest number of votes and to be duly elected. Your petitioner in conclusion respectfully prays that the Government, in deciding the claims of the rival candidates will also be pleased to take the fact of your petitioner's Municipal experience of about 12 years into consideration, the other candidate being quite a novice, never before this having been on the Council.

For which act of kindness Your humble petitioner, shall, as in duty bound, ever pray.

VELLORE,
25th March 1898.

Signature of P. Palani Chetty,
Periathanam Jayarama Chetty's Street,
Vellore.

TO

THE COLLECTOR OF
NORTH ARCOT,
CHITTOOR.

MOST HONORED SIR,

The humble petition of P. Palani Chetty
a resident of Jayarama Chetty Street,
Vellore, respectfully showeth.

That your petitioner has been a Municipal Councillor for about 12 years and has always been re-elected after the expiry of every 3 years and that he last ceased to be Councillor on the 10th November 1897.

2. That, for the election held on the 15th instant he was again nominated by two qualified electors for re-election, the other candidate being one T. Narayanasamy Reddiar.

3. That, at the close of the ballot votes were counted in the presence of Rev. Mr. Chamberlin, Rev. Mr. Kidd and the Chairman, with the result that both your petitioner and the other candidate are said to have obtained 92 votes each.

4. That on being asked to cast lots they both declined to do so.

5. That in connection with the result of the election, your petitioner, respectfully begs to state that for reasons hereunder given he believes that he ought to have been rightly elected.

6. One Govindaraja Mudaliar of Mariamman Covil street (vide vote No. 232) simply by an oversight scored out the profession of candidate No. 2 instead of continuing the line to the name also in the ballot paper. Some Councillors appear to have been of opinion that judging from the manner in which the man had scored out three-fourths of the line, it was clear he meant to vote for your petitioner and that he ought to be given the benefit of it. The Chairman finding the rules silent on the point rejected the vote. If your honor were to send for this voter and enquire of him personally it can be ascertained that he meant to vote for your petitioner only as he is an intimate friend of his. If this vote is counted in your petitioner's favour your petitioner obtains 93 votes.

7. Again one Rangasamy Mudali of Vythia Chetty Street (vide vote No. 41) retained the name of both candidates simply drawing a line over the heading of name of candidate. This vote ought to be invalidated; on the other hand candidate No. 2 will get 91 votes only.

8. Again one Chinna Venkatasamy of Chunnamkara street scored out both names in the ballot paper (vide vote No. 65.) When the votes were checked, the Polling officer's initials were found across one line. When questioned the Polling officer seems to have stated that it was his belief that the voter intended to vote for candidate No. 2 although both the names were scored out considering the noise about the place and confusion of the voters as the election

1
1154 M. 98

proceeded, it is not safe to rely on the Polling Officer's belief or opinion and it would be safer to invalidate the vote on the ground that both names were scored out. If your honor decides to invalidate this vote, then candidate No. 2 will get only 90 votes.

9. If your honor were to agree on these several points with your petitioner, he claims that he ought to have been declared rightly elected if he had been given the benefit of vote No. 232 for reasons mentioned in para 6 and, if votes No. 41 and 65 had been invalidated for reasons mentioned in para 7 and 8 then the result of the election would have stood thus :—

Petitioner	93 votes
The other Candidate	90 do.

10. Your petitioner prays therefore that your honor may be graciously pleased to look into the three voting papers namely No. 41, 65 and 232 and the Chairman's endorsement on the latter and decide the matter in the light of the allegations set out supra.

Your petitioner begs to remain,
Most Honored Sir,
Your most obedient and humble servant,

(Signed)

Vellore,
17th December 1897.

(True copy.)

TO

THE COLLECTOR OF
NORTH ARCOT,
CHITTOOR.

Most Honored Sir,

The humble petition of P. Palani Chettiar residing at P. Jayarama Chetty Street, Vellore, respectfully showeth.

In continuation of petition dated the 19th December last, your petitioner also begs to bring the following circumstances in connection with the Mnnicipal election held on the 15th December last for your kind and favorable consideration.

2. Since the aforesaid petition your petitioner has learned that in two other cases the votes should have been invalidated against the rival candidate instead of which they have been counted in his favor. One V. Eswarappa Mudaliar and his brother Durasamy Mudaliar are entitled to a joint vote as voter No. 5 Eswarappa Mudaliar came and gave his vote on ballot paper 5. Eswarappa Mudaliar had another vote as No. 4. When Durasamy Mudaliar joint voter on No. 5. came and wanted to give his vote, he had no right to do so, but he was allowed to vote for No. 4 which stands in the name of Eswarappa Mudaliar only. Your petitioner therefore urges that the No. 5 for which Eswarappa Mudaliar voted should be taken into account and No. 4 should have been rejected. To admit the two votes a correction has been made by altering No. 5 into 4.

3. Again one Arunaghiri Chettiar was entitled to vote as No. 37. The said Arunaghiri Chettiar and his brother Manicka Chettiar are entitled to vote jointly as No. 26. Manicka Chettiar did not come at all. Arunaghiri Chettiar voted twice on vote Nos. 37 and 26 in favour of the rival candidate though he was informed by the Chairman that he was entitled to vote only once.

4. By the wrongful inclusion of Nos. 41 and 45 and by double votes being given on Nos. 5 and 26 and also by exclusion of No. 232 the other candidate I. Narayanasamy Reddiar was shown as having obtained an equal number of votes with your petitioner, whereas as a matter of fact he has 5 votes less than your petitioner.

5. Under these circumstances your petitioner respectfully prays that your honor will be pleased to thoroughly investigate the matter by referring to the ballot papers and voters' register against the numbers mentioned (viz.) 41, 65, 232, 5, 4, 26 and 37 and declare your petitioner as rightly elected.

For which act of kindness and charity your petitioner shall as in duty bound pray for your honor's long life and prosperity.

Your petitioner begs to remain
Most Honored Sir,
Your most obedient and humble servant

(Signed)

2/1154 of 98

Vellore,
11*th January* 1898.

(True copy)

V. R. Chettiar.

வேலூர் முனிசிபாலிடி.

பெயர்.	தொழில்:
ம-ள-ள-ஸ்ரீ, பெ. பழனி செட்டியார் அவர்கள்.	வர்த்தகம்.
ம-ள-ள-ஸ்ரீ, தா. நாராயணசாமி செட்டியார் அவர்கள்.	மண்டி, வர்த்தகம்.

கையெழுத்து.

கோவிந்தராஜ-முதலி

3/1154 W 9/98

Ds Eng No. 634 of 98.

Dated 14. 4. 98.

Received

Registered

Enclosures Two. (1. Sent separately) not received

Spare copies

SUBJECT.

Submitting reply to Government order No 130 M. Mis dated 18. 1. 98. & reporting the result of an enquiry held at Vellore regarding a disputed election which had taken place consequent on the expiry of office of P. Palani

V. R. Chettiar.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Enclosure no II to Collector's
letter ~~Dis. Eng~~ Reformation 2440 of 97 d 22.12-97

Statement of P. Palani Chettiar.

[illegible] [illegible] [illegible] எனக்கு [illegible]
[illegible] [illegible] [illegible]
Election ல் எனக்கு 92 ஓட்டு [illegible]
[illegible] [illegible] [illegible]
[illegible] 92 ஓட்டு [illegible] எனக்கு [illegible]
[illegible] [illegible] 32 ஓட்டு [illegible] [illegible]
[illegible] எனக்கு [illegible] [illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible]

Taken by me.
[illegible]
Chairman M.C.
15 Decr 1897

Encl. not. 6
Collectr's. letter Dis-Eng
No 634 of 98. 8th. 4.98.

4/1318 M 98

2/4429 Mg 98.

~~Very urgent~~

R-C

Vellore
17th December 1897.

R.C.E.

Petn. No. 2813 Rev of 1897.

COLLECTOR'S OFFICE
21 DEC 1897

To

The Collector of 21.12.97
North Arcot
Chittoor,

Most Honored Sir,

The humble petition of P. Palani Chetti, a resident of Jayaram Chetti Street, Vellore, respectfully showeth.

Office note.

I. That your petitioner has been a Municipal Councillor for about 12 years and has always been reelected after the expiry of every 3 years and that he last ceased to be a Councillor on the 10th November 1897.

(2) That for the election held on the 15th Instant, he was again nominated by the two qualified electors for re-election, the other Candidate being one T. Narayanasamy Reddiar.

(3) That at the close of ballot, votes were counted in the presence of the Rev. Mr Chamberlin, Rev. Mr Kidd and the Chairman with the result that both your petitioner and the other Candidate are said to have obtained 92 votes each.

(4) That on being asked to cast lots they both declined to do so.

(5) That in connection with the result of the election, your petitioner respectfully begs to state that for reasons hereunder given he

believes that he ought to have been rightly elected.

(6) One Govindaraja Mudali of Mari-amman Coil Street (vide vote No 232) simply by an oversight scored out the profession of Candidate No 2. instead of continuing the line to the name also in the ballot paper. Some Councillors appear to have been of opinion that judging from the manner in which the man had scored out three-fourths of the line, it was clear he meant to vote for your petitioner and that he ought to be given the benefit of it. The chairman finding the rules silent on the point rejected the vote. If your honor were to send for this voter and enquire of him personally it can be ascertained that he meant to vote for your petitioner only, as he is an intimate friend of his. If this vote is counted in your petitioner's favour your petitioner obtains 93 votes.

(7) Again one Rangasamy Mudali of Vythia Chetty Street retained the names of both candidates (vide vote no 41) simply drawing a line over the heading of name of candidate. This vote ought to be invalidated; on the other hand Candidate No. 2 got the benefit of it. If this vote be invalidated by your honor then Candidate No. 2 will get 91 votes only.

(8) Again one Chinna Venkatasamy of Chunnamkara Street scored out both names in the ballot paper (vide vote No 65) when the votes were checked the polling Officer's initials were found across one line. When questioned the polling Officer seems to have stated that it was his belief that the voter intended to vote for candidate No. 2. although both the names were scored out. Considering the noise about the place and confusion of the voters as the election proceeded on, it is not safe to rely upon the polling Officer's belief or opinion and it would be safer to invalidate the vote on the ground that both names were scored out. If your honor decides to invalidate this vote, then the candidate No. 2. will get only 90 votes.

(9) If your honor were to agree on these several points with your petitioner he claims that he ought to have been declared rightly elected if he had been given the benefit of vote No. 232 for reasons stated in para 6 and if vote Nos 41 and 65 had been invalidated for reasons given in paras 7 and 8. Then the result of the election would have stood thus:—

Petitioner ... 93 votes
The other Candidate.. 90 votes.

(10) Your petitioner prays therefore that your honor may be graciously pleased to look

look into these voting papers namely No 41 No 65 and No 232 and the Chairman's endorsement on the latter and decide the matter in the light of the allegations set out Supra.

Your petitioner begs to remain
Most honored Sir
Your honor's most obedient and
humble Servant

Enclosure No 1 to C. Kutri
letter ~~Dated~~ Refering Cn 2440 Eng of 97
d 22. 12. 97.

Enclosure No 2 to
C. Kutri's letter Dr. Eng
634 of 98. d 11. 4. 98

RC
Resptt

Ref CURRENT No. 28 / B.Ki Ent
26 3 98

DATED

25 MAR 98
NORTH ARCOT

ம-ள-ள-ஸ்ரீ
கவுன்மெண்டு [illegible] துரை அவர்கள்
[illegible]

ம-ள-ள-ஸ்ரீ
சித்தூர் ஜில்லா கலெக்டர் ஸ்ரீ துரை அவர்கள்
சமூகம்

22/3/98

வேலூர் [illegible] T. [illegible]
தயவுசெய்து எழுதிக்கொள்வது

1) [illegible] 1897 [illegible] 15 [illegible] வேலூர் முனிசிபால் 8-வார்டு எலக்ஷனில் [illegible]

2) அதுவரையிலாக [illegible] சித்தூர் கலெக்டர் துரை அவர்கள் (16-3-98) [illegible]

3) எனக்காக ஓட்டுக் கொடுக்க வந்த சிலபேர்களை போலீஸ் [illegible]

4) [illegible] சித்தூர் கலெக்டர் துரை அவர்களுக்கு [illegible]

Enclosure No 3 to
Collector's letter No Engl 34/98
9th of Mar 98.

2/1318 M/98

Notes of Evidence

Podikadai Rangasami Mudeliar.

I voted for Narayansami Reddiar. I tried to strike out the name of Palani Chettiar. I see my voting paper No 41. This is the line striking it out. The line does not go through the name as my eyesight is not good. My intention was to strike out Palani Chettiar's name. I have voted in 2 or 3 elections. I don't know if I made the same mistake before. Both parties asked me for my vote.

JMSalter
16.3.98

Venkatasami Naidu.

I voted for Narayansami Reddi. When I was given the paper I said I did not know how to read. An Aiyar gave me the paper. It was this man — (pointing to Mr Seshagiri Row who is called as for the petition). I was asked to touch the pen. I did so. They asked me to place a mark at a certain place. I did so. I made only one mark. I see the voting paper (No 65). This is the mark I made (pointing to the mark of the signature). I did not make the marks ~~set~~ above. It was my intention to vote for Narayansami Reddiar. The Polling Officer asked me who I wanted to vote for and I said Narayansami Reddiar.

JMSalter
16.3.98

(Counciller)

Iswarappa Mudaliar (Evidence given in English)
I went to the polling station before

my brother Doraswami did. The polling officer gave me a voting paper. I recorded my vote in it. I recorded that vote in my capacity as a single person, not as a member of the joint business of myself and my brother. I did not notice what number was on the voting paper. I don't know now, and I did not know then what is my number in the register of voters, nor the number of my joint firm. I and my brother went to the polling place together. There was a crowd. I got in before my brother. I left immediately I had voted without waiting for my brother. I saw my brother again half an hour or an hour afterwards. I don't recollect where. I had told my brother I was going to record my individual vote, & that he should vote for our joint vote. I see my voting paper. ~~&~~ I did not notice the number of it, but I saw the polling officer write a number on it, and as far as I can say he did not correct or alter that number while I was there. I don't know what number he wrote. The sanitary inspector at the door gave me a chit with a number which I handed to the polling officer, without reading it. Neither the sanitary inspector nor the polling officer asked me whether I came to vote in my individual or my corporate capacity, nor did I tell either of them. The sanitary inspector who knows me handed me the chit without my saying anything.

J. H. Walton
16.3.08

Doraswami Mudaliar. [illegible]

I went to vote with my brother. He recorded his vote first. We had decided that I should vote for the firm, & he for himself as an individual. When I got to the door the

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sanitary inspector told me I had no vote as Doraswami Mudaliar had already voted. I said that he had voted for himself while I came to vote for the firm. I asked him to represent the matter to the chairman & the polling officer who were both present. They consulted and decided that I should vote. The polling officer gave me a voting paper & I voted. The polling officer wrote something. I was outside & could not see if it was on my voting paper, before giving me the paper I think. This is my paper (No 5). I did not scrutinize the number. I don't know the firm's number in the Register.

J. H. Walton
16.3.08

Arunagiri Chetti.

I see voting papers 26 & 37. They are signed by me. ~~One vote~~ I have votes in both wards. I gave votes for both wards. The election was for the second ward. I recorded both votes for Naraganswami Reddi. In the ward for which there was election I have two votes, ~~&~~ I have one as ~~my~~ owner of my own houses, and another as joint owner of other houses with my brother. In this election I voted twice as I had two votes in one ward. I don't know the number of the ward. I had voted 4 or 5 times before at elections, as representative of the joint family. So had my brother. Sometimes one of us, sometimes the other voted as representative. I had voted before as representative of the joint family, for [illegible] election. ~~no~~

J. H. Walton
16.3.08

vote ~~27~~ joint 26
individual 37.

Mr ~~Seshu~~ A C Seshagiri Rao. pleader & councillor.
I was polling officer at the election on 1st Decr
1897, for C ward. I see voting paper No 40. The
voter himself I think made the line & signed his
paper. He did not say whom he intended to vote
for. He made the mark in my presence in the
same room. As my advice was not asked
I did not tell him to scratch the name out more
clearly. My attention was not called to the
paper. I did not notice that the line was
not in the proper place. I myself made the line
I see voting paper No 65.
through the first candidate's name & initialled
it. I also made the shorter line through
the second candidate's name. I made the
lower line first. The voter told me he wanted
to vote for the second candidate. By mistake
I began to cross out the name of the second candidate,
but stopped ~~and erased the~~ when I discovered
my mistake and erased the line under
my finger, crossed out the first candidate's
name, & initialled the upper line so as to
show that that was the correct line. The
polling officer usually scratches out the name
at the request of illiterate persons.
I remember Mr Swamappa Mudaliar came before the
brother, bearing a chit, write the number. I saw
that number in the voter list, believed it in the
ballot paper which I gave to him. I don't remember
the number. I did not ask him whether he was
voting jointly or singly. Mr Dorasami Mudaliar
subsequently brought a chit with the same number.
I told him his brother had already voted. I consulted
the chairman, & seeing that Mr Swamappa Mudali
separate vote for himself as for the joint firm. I took Mr Dorasami's
I don't remember

his number on
correcting the Swamappa Mudali's paper, as it was
in the ballot box, I had no opportunity to do so.
I see the voting paper. The original number was
5, in my handwriting. I don't know who
wrote the 4 over it, I think the chairman when
the votes were counted. The number 5 in the
vote is blue pencil. Mr Dorasami's voting
paper is in my handwriting. I am sure of the
number — but I am not sure if the vote is mine.
If the vote is mine, which I think it is, I
must have made it directly Mr Dorasami
Mudaliar appeared to vote. The Sanitary
Inspector sat at the door to check the identity
of voters, & in most cases gave the voter a
chit bearing the register number.

Ullal
16.3.98

Govinda Raju Mudaliar.

I voted for Palani Chettiyar. After
being given the ballot paper, I struck out
the name of Narayanasami Reddiar. I can
read. I see my voting paper No 232. I have
struck out Mr Narayanasami Reddiar's name
here (pointing to the ~~[illegible]~~ 6329) I thought
it did not matter whether I struck out
the name itself, or the place where. I actually
struck out. My intention was to vote
for Palani Chettiar.
XX I know Palani Chettiar petitioned
Govt. I petitioned Government, in a
petition in my own handwriting. I said
in that petition that I had voted for
Narayanasami Reddi. Two persons saw
me write the

Wit. ~~Sesha~~ A C Seshagiri Rao. pleader & vernacular

[illegible] the election [illegible] the [illegible]

petition and they attested the petition. I am renting a mandi (grain depot) from Subbaraya Chetti. He may be related to Palani Chetti. I am referring to Subbaraya now outside the Court.

XX'd. I wrote the petition because Narayansami Reddi & Perumal Chetti the village munsif's father troubled me to do so. They said they would have my income tax raised if I did not. Perumal Chetti's son is outside the Court. It is the bare premises that I rent from Subbaraya Chetti.

Re XX'd. I have not paid income tax hitherto. I have now received a notice of Rs 10 tax.

16.3.98

The Palani Chetti:
The above Subbaraya Chetti is my dayadi. My father & his father are the sons of brothers.

16.3.98

1
1318 Mu/98

Enclosure No. 4 to
Collector's letter Dis. Eng.
634 of 98 dated 14-4-98.

North Arcot Collector's office
Chittur 14th April 1898
Dis. Eng. 634 of 98.

Despatched
Dated 15.4.98

From
J.K. Batten Esquire
Acting Collector of
North Arcot.

LOCAL & MUNICIPAL DEPT.
1318 Mu

To.
The Secretary to Government
Local and Municipal
Department.

Sir,

With reference to G.O. No. 134. Mu. Mis. dated 18th January 1898 I have the honor to report that I held an enquiry at Vellore on the 15th and 16th March last. Both candidates, Palani Chettiar and Narayansami Reddiar, were represented by vakils, as well as appearing in person.

2. The vakil for Palani Chettiar, the first candidate, raised five objections which I will take seriatim.

(a) As regards voting paper

No 41, he urges that it should not have been Counted as a vote in favor of Narayansami Reddiar, the 2nd Candidate, as the 1st Candidate's name is not properly Scored out. The vakil on the other side urges that it was properly Counted as a vote for the 2nd Candidate as the line begins in the middle of the first Candidate's name and it was obviously the intention of the voter to vote for the second candidate. The voter examined as a witness says he intended to vote for the 2nd Candidate, but as his eyesight is not good, he failed to make the line quite in the right place. I consider the vote to be valid.

(b) As regards voting paper 232, the Vakil says it ought not to have been invalidated but to have been Counted in favor of the 1st Candidate, on the analogy of No 41, as the word ஷ (ditto) has been scored out opposite the 2nd Candidate's name, and the voter must be inferred to have intended to Scratch out the 2nd Candidate's name. On the other side, it is argued that the mark is quite meaningless or is intended to designate the candidate voted for. The voter himself says he intended to vote for the 1st Candidate and to strike out the 2nd Candidate's name; but he admits having petitioned Government saying that he had voted for the 2nd candidate. I believe that the voter wishing to please both parties purposely made his voting paper ambiguous. I consider the vote to have been properly invalidated.

(c) As regards voting paper No 65, the vakil argues that it ought not to have been counted in favor of the 2nd Candidate as both names have been Scratched out. The voter himself says that he is illiterate. He told the polling officer that he wanted to vote for the second candidate, and he touched the pen and made a mark for a signature. The polling officer says the voter said he wanted to vote for the 2nd candidate. By mistake the polling officer began to score out the wrong name, stopped, and then completely scored out the correct name (that of the 1st Candidate) and placed his initials on the second line he had made so as to shew it was the correct line. This evidence is in accordance with the natural inference to be drawn from the voting paper itself and I think that the vote was correctly counted in favor of the 2nd Candidate.

(d) The Vakil argues that voting paper Nos 4 and 5, which have both been counted for the 2nd Candidate, should have been invalidated. It appears that Iswarappa Mudali is entitled to vote in his own name as No 4 in the register, while he and his brother Dorasami Mudali have a joint vote as a joint firm as No 5 in the register. Iswarappa Mudali's vote was recorded on a voting paper which was obviously first numbered as 5 and then altered into 4, and Dorasami Mudali's vote was recorded on voting paper No 5. The Vakil argues that Iswarappa Mudali voted ~~for~~ in No 5 in his joint capacity and that then Dorasami Mudali voted in No 4, whereas he has no vote as No 4, and that some one, to hide this, scored out 4 and substituted 5 and vice versa. But it appears from the evidence that Iswarappa Mudali went first to the polling station to record his vote in his individual, not his joint capacity. The Sanitary Inspector who as each voters appears enters the register numbers on the voting papers, without asking him whether he came to vote in his joint or individual capacity, gave him the voting paper numbered 5 instead of that numbered 4. Subsequently Dorasami Mudali came to vote for the firm, but was told that he could not vote as his brother had already done so. The matter was enquired into and explained, and then Dorasami was allowed to vote for the firm on the second ballot paper which was properly numbered 5. Subsequently the Chairman corrected the number on Iswarappa Mudali's paper to No. 4. Neither of the voters knew his number in the register, so Iswarappa Mudali did not notice that the number of the paper handed to him was wrong. The story is fully proved and I cannot find any irregularity sufficient to invalidate the votes.

(C) As regards voting papers Nos. 37 and 26, the vakil argues that they should not both have been admitted in favor of the 2nd Candidate, but that No. 26, or both, should have been invalidated. It appears that Aranagiri Chetti is entitled to vote as an individual as registered No. 37, and as a member of a joint firm with his brother Manga Chetti as registered No. 26. Aranagiri Chetti voted for both numbers and Manga Chetti did not vote at all. It is argued that Manga Chetti ought to have voted for the firm and that Aranagiri Chetti had no right to vote twice. On the other side it is argued that no rule was transgressed. It appears that, rightly or wrongly, it is the custom in the Municipalities for persons to be registered as voters, and to vote, both in their individual capacity on account of their individual property qualifications, and as representing the firm on account of the firm's property qualification. Several persons, being partners of a firm in a ward and having individual property in the same ward, are registered as voters in both capacities. It is not prove that there has been any custom that the man who has voted as an individual should abstain from voting as representing the firm, leaving his partner to vote for the firm. In fact, Aranagiri Chetti says that sometimes he & sometimes his brother votes for the firm. I can find no departure from the established practice of the Municipality. But Palani Chettiar quotes para 2 of G.O. No 1185 M. L and Municipal dated 23rd October 1888 which runs as follows:- "The present election rules do not provide for an elector giving more than one vote to one and the same candidate." It is doubtful if this order refers to voters registered both as firms and individuals on account of different property.

3. The vakil for Narayanasami Reddiar the 2nd candidate raises only one objection. He says, which is a fact, that one man tried to ~~persuade~~ personate a voter, but was detected. He argues that others may have successfully personated voters, but cannot quote an instance. There is nothing in this objection.

4. Narayanasami Reddiar has put in a subsequent petition to Government (enclosed) saying that some of the voters whose votes were invalidated intended to vote for him, but by mistake struck out the heading instead of the 1st name. I find this to be the case as regards voting papers Nos 70 and 162. Similarly voter No 67 has struck out the directions below the names, and it might be argued that he intended to strike out the lower name. But the intention of the voters is so obscure that I think all these voters were properly invalidated

5. Both candidates say they are willing to toss if ordered to do so by Government, but they would both prefer a reelection. Considering that objections have been raised regarding so many votes it would perhaps be better to have a reelection.

6. I enclose the voting papers (in three* packets) for reference, together with my notes of evidence and the enclosures to the G.O.

* Sent separately.

I have the honour to be,
Sir,
Your most obedient
Servant,
J W Mather
Acting Collector.

Col
14-4-98.
& dly—Sl.

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