L. & M.
3,000—5-4-99.]

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 1385 Mn

DATED 21-9-99

INDEXED. DESPATCHED

[Despatch Abstract.]

Land. Declining with remarks, to sanction the alienation of — opposite to the Negapatam Munl office for the purpose of a poor-house

BACK PAPERS.

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

FURTHER PAPERS.

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

640/ML M

Local & Munl. (189) Department.

210 M/89

CURRENT No. 48 M

Current No. 3852/Genl of 1898

ASSISTANT COLLECTOR & MAGISTRATE
REG'D NO.
13 DEC. 98
TANJORE

ASSISTT SECY TO GOVT
5-JAN.1899
LOCAL MUNL EDL & LEG DEPTTS

Endt on cur 3852/Genl of 98

Submitted.

J. Hughes
15/12/98

Ag H. A. Collector

13-12-98

13-12-98

Order.

Endt on C No 640/ML of 98

Enc 2

Forwarded.

Ag Collector
3-1-99

21/12/98

23.12.98

From

The Chairman dele Municipal Council Negapatam

No. 725

Dated 10th December 189
desp 12-12-98

Received

Registered

COLLECTOR & MAGISTRATE
18 DEC.1898

Enclosures 2

Spare copies

ML 18/12/98

SUBJECT.

~~Applying~~ Requesting for Sanction of Govt for ~~leasing~~ allotting the Vacant land opposite to the Tal Office for the Construction of a poor-house.

BACK PAPERS.

BACK PAPERS.

G.O.	No.	Department.	Date.
So	1701	do	5-10-98
"	1846	do	31-10-98
"	52	do	10-1-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Enclosure No 1 to letter 725
Mis 10/12/98

Extract from the proceedings
of the Municipal Council Negapa
tam at a meeting held at 5. P. M.
on Thursday the 8th December 1898

Present

The Honorable Mr A. R. P. Ratnasabapattipillai
and Chairman
2 J. W. Hughes Esq. Actg Head Asstt
Collector & Ex officio Councillor
3 Captain J. P. James
4 Revd T. E. Dorrall M. A.
5 Mr D. Gnanampillai and
6 " S. Kalyanarama Iyer and
7 " P. Ranguswami Mudaliar and
8 " Mayandi Chettiar and
9 " V. Sinna Maricair Sahib and
10 " M. K. Vappoo Kandu Maricair and Sahib
11 " M. Lakshmana Naidugaru
12 " M. S. Ramasamipillai and
13 " R. Duraisami Naidugaru
14 " V. Muthumudoo Chettiar and
15 " M. Othuman Lebbai Maricair Sahib and
16 " A. R. M. Gurusamipillai and
17 Revd J. J. Lewis.

14) Read letter to the Municipal Council from the Honorable Mr A R P. Ratna-Sabapattipillai and intimating his intention to build a poor-house at his cost for feeding the indigent and infirm and providing it with an endowment, and

requesting that a Site in
the garden of the Municipal
office Compound be allotted
to him for the purpose, the management of the poor house being
with him for life, and thereafter
transferred to the Municipal Council.

Resolution. – The application
is granted, and the whole
garden with the tank to the South
of the Office Compound obtained
on 99 years lease from M.R.K.
Kanagasabai Moodaliar and
and Balasoobramaniamoodaliar
and on 15th November 1893, will be
placed at the applicant's disposal
Subject to the following Conditions-

(I) That the applicant Should
build a poor-house,

(II) That the management
of the poor-house with its endowment Should be with the
applicant for life.

(III) That thereafter the poor-house
and its endowment Should
be Vested in this Council,

(IV) That the applicant Should
execute a registered deed –
Containing the above Stipulations after the Sanction of
government is received.

Proposed by Captain James
and Seconded by the Rev
T. E. Darwall and Carried
unanimously that a Vote of
thanks be passed to the applicant for his Charitable
offer

(True Extract)

Sinnamari Cayer

Chairman delegate

No 725

OFFICE OF THE MUNICIPAL COUNCIL.

Negapatam December 10, 1898.

From M R Ry V. Sinna Marekayer Avl Sahib Bahadur

Delegate ~~Chairman~~, Municipal Council,
Negapatam.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 48 M

5-JAN.1899

To

~~The~~ Secretary to the Government of Fort Saint George,
Madras,
Local and Municipal Department,

Through the Head Assistant Collector and the Collector of Tanjore.

Sir,

The Hon'ble P. Ratnasabhapati Pillai Avergal proposes to build a poor-house for feeding indigent and infirm persons, and other waifs and strays and provides it with an endowment. He has applied to this Council for a piece of land belonging to it for building the proposed poor-house on the following Conditions, the land being the property of the Council on a long lease of 99 years:

The Council are only the lessees.

(I) That the land is to be used for the poor house

(II) That the management of the institution with its endowment is to be with him during his lifetime

2/48/m/99

(iii) That thereafter the same should become the property of this Council and be under its management

and (iv) That after the sanction of Government is obtained he should execute to the Council a registered deed containing the above stipulations

2. The Council has accepted the proposal with thanks. An extract from its proceedings dated the 8th Instant is enclosed. A sketch of the land is also enclosed.

3. I request the favour of the early sanction of Government.

I have the honor to be

Sir,

Your most obedient servant

Sinnamari Coyer

Chairman – Delegate.

[L. & M.]
250.—19-12-98.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in proceedings :—

Again G.O., No. dated 189 .

Again G.O , No. dated 189 .

Current No. 4817 of 1899 , dated 10th December 98, from the Chairman, Mc Negapata

" " " 189 , " , "

" " " 189 , " , "

Reference No. 121/8/2/99

~~ORDER~~.

The Chairman is requested to report the circumstances under which the lease of the land in questi was obtained by the municipal -cil in 1893 for a term of 99 years

V.R. 5/2/99

5.2.99

Copy & desp
Keep papers together.
K.P.
8.2.99

To
The Chairman, Mc Negapatam
~~thro' the Collector.~~
desp. 8/2/99

115
~~Genl of 99~~

Current No. 985/8 Ms of 99

Local & Munl. (1899) Department.

Endt on cur 985/8 Ms of 99

Submitted.

Hughes
10/3/99

Ag H. a Collector

Dl
8.3.99

9.3.99 Endt on C No 115/Genl 99
Encl one

Forwarded

Ag collector
19-3-99

Order. ch
15/3/99

15/3/99 17-3-99

CURRENT No. 892 M

ASSISTT SECY TO GOVT
23 MAR 1899
LOCAL MUNL EDL & LEG DEPT

HEAD ASSISTANT COLLECTOR & MAGISTRATE
REG'D. NO.
17 MAR. 99
TANJORE

From The Chairman Municipal Council
Negapatam

No. 972

Dated 4 - 3 - 99

Received
Registered 23-3-99.

Enclosures one

Spare copies

SUBJECT.

Land opposite the Municipal office Compound — Reporting the circumstances under which the — was obtained under a lease deed and encloses a true translation of the Deed in question with information that it was an acquisition of property for general purposes

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

---

8 Annas Stamp paper.

—"—

Counterpart of a lease executed to the Chairman Municipal Council Negapatam, on the 15th November 1893, by (1) Kanaga Sabai Moodaliyar Son of Ponnu Moodaliyar of Puthuvainádu, and (2) Balasoobramania Moodaliyar Son of Arumuga Moodaliyar of Olandainadu, the trustees of Mungiappa Moodaliar's Choultry residing respectively in the premises Nos 6 & 5 of Perumal Covil East Street, Nagore.

Whereas the garden land as per Specification noted below, which has been under our management, having been set apart by the said Mungiabba Moodaliar to defray the expenses of repairs to the Choultry, and for temple festivals, such as Moham, Vijayadhásami, Panchakrosam, &c of Káyaróhanasami, has been leased out to the above-named Municipal Council for a term of 99 years as per

Resolution No 2 of 9-11-93, of the Council, at an annual rental of Rs 40 payable in two instalments, by this deed is assigned to the said Municipal Council the right of enjoyment of the said garden with all the trees on it; the land should be surrendered at the expiration of the above period with the trees then standing on it.

(Sd) P. Kanagasabai Moodali
(Sd) Balasoobramania Moodaly
Witness-(1) Sd/ M.R. Desikachariar
Municipal Manager
(2) Sd/ Gulam Mohomed Sahib
Son of Gulam Hussain Sahib
(3) Sd/ S. Soobramania Iyer
Writer & Ml office 3d clerk

Specification of the land

District	Tanjore
Taluq	Negapatam
Sub Registration district &c	Negapatam
Village, Mahanam &c	Kadumbady (Cit)

Bounded on the 4 sides:-

West ~~East~~ by the public road from Negapatam to Nagore:
North ~~South~~ by the Municipal Office garden and Government garden

East ~~West~~ by the public road from Negapatam to Nagore cut across and diverting towards the English club and the Bank -
South ~~North~~. by the fence of the backyard of Moonginappa Moodaliar's Choultry 15 feet southwards to the tank which is within the garden in question -

The garden and the trees on it.

(A true translation)

Ag Chairman

No 972

OFFICE OF THE MUNICIPAL COUNCIL.

Negapatam 4th March 1899.

From

The honorable Mr. R. S. Ratnasabapathi pillai avl.

Chairman, Municipal Council,

Negapatam.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 892M

To

The Secretary to the Government of Fort Saint George,

Madras,

Local and Municipal Department,

Through the Head Assistant Collector and the Collector of Tanjore.

Sir,

Adverting to your Memorandum No 121 dated 8th February 1899, I have the honor to forward a true translation of the lease deed executed to this Council by the trustees of the Moongiappa Mudaliar's Charity to which the garden belongs, and to inform you that as the garden was next to the office Compound on the South, it was acquired by the Council on lease. There was no specific object in acquiring the

1/892/m/99.

the lease. It was simply an acquisition of property by the Municipality for general purposes.

I have the honor to be
Sir
your most obedt servt

Ag Chairman

CR

[L. & / 26]
590—19-12-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No ....

SUBJECT.

Reference Nr. 581 / 25-5-99

~~ORDER~~.

With reference to his letter No. 725, dated 10th December 1898, the Chairman, Municipal Council Negapatam is requested to state without delay whether the lease of the land in question which was entered into in 1893, was ever reported to Govt. previously and if so, when.

RR
25.5.99

ade
25/5/99

Note

Please see the Secretary's remarks on the margin of the reference below.

Copy & desp. at once
the papers together R.P.
25/5/99

To
The Chairman, M.C. Negapatam
Desp. 25/5/99

CR

30 JUN 1899
TANJORE

283
Mul of 99

Local & Munl. (189) Department.

Endorsement no. 2150/Rev of 99

CURRENT No. 1836

No. 2150/Rev of 1899

HEAD ASSISTANT COLLECTOR & MAGIST
Regd. No.
27 JUN. 99
TANJORE.

27.6.99

Forwarded to the Collector of Tanjore.

29.6.99

28.6.99 28.6.99.

DESPATCHED

Order. Endorsement No. 283/Mul 99
Forwarded

G. Collector

Rd 4.7.99 3.7.99.

From
The Chairman
Municipal Council
Negapatam

No. 245

Dated 27th June 1899
Received 10 JUL. 1899
Registered —
Enclosures nil
Spare copies - 3096

SUBJECT.

Land on which a poor house is proposed to be built. —— Stating that only a reference has been made to the acquisition of the —— in this office Budget Report for 1894-95 & that no separate report was made to Government.

3069

14/7/99

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No 245

OFFICE OF THE MUNICIPAL COUNCIL.

Negapatam 26th June 1899.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 1836 M

From

The Honorable Mr. K. Ratnasabapathi Pillai avl
Chairman, Municipal Council,
Negapatam.

To

The Secretary to the Government of Fort Saint George,
Madras,
Local and Municipal Department,

Through the Head Assistant Collector and the Collector of Tanjore.

Sir,

Adverting to your memorandum No 581 dated 25th May 1899, I have the honor to inform you that no separate report was submitted to Government about the lease of the land in question which was entered into in 1893. But a reference has been made to the acquisition of the lease in this Office budget report for 1894-95 embodied in G.O. No 214 M. dated 22d February 1894 para 60.

I have the honor to be
Sir
Your most obedient servant

V. Chairman

[L. & M.]
250—19-12-98.

LOCAL AND MUNICIPAL DEPARTMENT.

Renting a garden adjoining the Muni. Office Negapatam

Papers to be read in proceedings :—

Again G.O., No. dated 189 .

Again G.O , No. dated 189 .

Current No. 48 7 of 1899, dated 10th December 98, from Ch. Mc Negapatam

" " 8921 " 1899 " 4th March 99, " "

" " " 189 , " ,

Desp

Reference No. 769 21/7/99

~~ORDER.~~

J. A.

I suppose you have made certain that Govt was until last Decr unaware of the lease. If this is not certain it would be well to ask the Municipal Chairman to report whether the lease ~~made~~ entered into in 1893 - was ever reported to Govt. & after his reply send the reference to the Ad. Genl.

19.v.99

In 1893, the Municipal Council of Negapatam took a garden adjoining the Municipal office on lease for 99 years at an annual rental of Rs 40; but there was admittedly no specific object in obtaining the lease. The Govt. Considers that the application without its formal sanction, of ~~[illegible]~~ the municipal funds for renting the garden for no object connected with the purposes specified in Sec. 113 of the Madras District Municipalities Act, as amended by Act III of 1897, was a misuse of the funds and therefore proposes to cancel ~~under~~ Sec. 38 of the Act, the Council's resolution accepting the lease. The Advocate-General

-General is requested to give his opinion on the legality of this measure, and on the consequences which would ensue from the Cancellation of the Council's resolution.

| Fromorders |

HP
16.5.99

WM
19 V. 99

To

The Govt. Solicitor.

Despd 21/7/99

Copy to A.G.
HB
19/7

Keep papers together
HB
19/7

Local & Munl. (1899) Department.

CR

CURRENT No. 2078 M

Order

From

The Government Solicitor
Madras

No 376

Dated 29th July 1899
Received 1st August 99
Registered 2nd
Enclosures nil
Spare copies ..

SUBJECT.

Forwarding the Advocate General's opinion with reference to the memorandum of Govt. of 21st July 1899 regarding the renting of a garden adjoining the Munl. Office, Negapatam

518

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

8.V. No 1383

CURRENT No. 78 M

OPINION

I. In this case it is stated that the Municipal Council "took a garden adjoining the Municipal Office on lease for 99 years". I assume this means that there has been an actual completed agreement with the owner of the garden. The application of Municipal funds to the "maintenance", which, I think, includes the acquisition, of recreation grounds and gardens is expressly authorised by S.113 of the District Municipalities Act; but payment of the rent of a garden obtained with "no specific object" is of course not a "purpose" to which Municipal funds can be applied under S.113 and an agreement to make such payment would be ultra vires. See, for instance, the case of A.G v Mayor of Batley. 26 L.T. 392, in which it was held that the purchase of a gold chain for the Mayor of a borough out of borough funds was ultra vires.

2. Under S.35 of the Act, the Government has power to cancel any resolution which is in excess of the powers conferred by law. In the present case, it would be "legal" for the Government to cancel the resolution in question, and the cancellation of such a resolution would, I think, in ordinary circumstances, have the effect of relieving the Municipality from liability under any agreement entered into in pursuance of the resolution. But in the present case the agreement would seem to have been entered into as far back as 1893. This being so, I do not think this is a case in which it would be proper for the Government to take action.

C. Arnold White

Advocate General.

Madras)
28th July 1899)

(True Copy)

Ernest Barclay

Government Solicitor.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

W 468

OFFICE OF THE MUNICIPAL COUNCIL.

Negapatam 23° august 1899.
24th August 99

From
The Hon'ble P. Ratnasabhapati Pillai avl.
Chairman, Municipal Council,
Negapatam.

LOCAL & MUNICIPAL DEPT
CURRENT No. 2306 M

To
The Secretary to the Government of Fort Saint George,
Madras,
Local and Municipal Department.

~~Through the Head Assistant Collector and the Collector of Tanjore.~~

Sir,

Adverting to memorandum No. 870 dated 22° august 99, I have the honor to submit herewith a copy of the Councils resolution No. 2 dated 9th November 1893, agreeing to take on lease for a term of 99 years, the garden attached to the Moongiappa mudaliars Choultry South of the municipal office. I request the favor of early orders.

UNDER SECY. TO GOVT.
25 AUG 1899
REVENUE DEPT.

I have the honor to be
Sir
Your most obedient servt.

Chairman.

L&M

(1899) Department

From.

Ernest I Barclay
Government Solicitor
Madras

to

The Secretary to Government
Local & Municipal Department
Madras

No. 376

Dated. 29 July 1899
Recd

Forwarded with reference to the Memorandum of Government No. 769. dated. 21st July 1899 Local & Municipal

Ernest Barclay
Government Solicitor

[E./2.]
500 12-1-99

desp

L&M

~~Educational~~ Department.

Memorandum No. 870 dt 22-8-99

~~Read the following paper:~~

With reference to his letter no 972 dt the 4th March 1899, the Chairman Munl Council Negapatam is requested to submit a copy of the Council's resolution of the 9th November 1893 agreeing to take ~~on~~ lease for a term of 99 years the land attached to the Moongiappa Mudaliyar's ~~Chuttry~~ Chattram near the Munl office.

(From orders)

14 viii 99

17/8/99

To

The Chairman M.C. Negapatam
Aupt. ~~22/8/99~~

Copy desp.

OF THE MUNICIPAL COUNCIL.

Lm

Cl

Local & Munl. (189) Department.

CURRENT No. 2306 M

viii 99

9

From

The Chairman municipal Council Negapatam

No. 468

Order.

Dated 24th August 1899

Received } 31st August 99
Registered }

Enclosures one.

Spare copies nil.

SUBJECT.

Enclosing copy of the Council's Resolution No. 2 dated 9-11-93 taking on lease the garden south of the municipal office

Madras

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No 468

OFFICE OF THE MUNICIPAL COUNCIL.

Negapatam 23° August 1899.
24th August 99

From
The Hon'ble P. Ratnasabhapati Pillai avl.
Chairman, Municipal Council,
Negapatam.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2306 M

To
The Secretary to the Government of Fort Saint George,
Madras,
Local and Municipal Department,

~~Through the Head Assistant Collector and the Collector of Tanjore.~~

Sir,

Adverting to memorandum No. 870 dated 22° August 99, I have the honor to submit herewith a copy of the Councils resolution No. 2 dated 9th November 1893, agreeing to take on lease for a term of 99 years, the garden attached to the Moongiappa mudaliars Choultry close to of the municipal office. I request the favor of early orders.

UNDER SECY. TO GOVT. 23 AUG 1899 REVENUE DEPT.

I have the honor to be
Sir
Your most obedient Servt

Chairman.

Extract from the Proceedings of the municipal Coun
Negapatam at a meeting held at 7.30. A.m on
Thursday the 9th November 1893

Present

Frank Olivier Esquire Chairman

2 C. G. Todhunter Esquire ag Head assistant collector
and ex officio councillor.

3 Revd J. J. Luis

4 M. R. Ry. P. Ananthier avl.

5 .. S. Andapellai Chettiar avl.

6 .. V. Chennamaricar malumiar sahib Bahadur

7. .. S. Chennathambi maricayer do.

8 .. A. R. N. Gurusami Pillai avl

9 .. P. S. Krishnasami Naidu Garu

10 .. M. Vappakandu maricayer sahib Bahadur.

11 .. K. R. Nagalingha Chettiar avl.

12 .. M. Oothmanlebbai maricayer sahib Bahadur.

13 .. 2. Lr. Sooramurthy Chettiar avl.

× × × ×

2 Read yadast from P. Kanagasabai mudaliar offering to let the garden south of the municipal office compound for 99 years at an annual rental of Rs 40—0—0.

Resolution :— Approved.

× × × ×

(Sd/. Frank Olivier
Chairman

(True Extract)

Office of the ml. Council
Negapatam 28 aug. 99

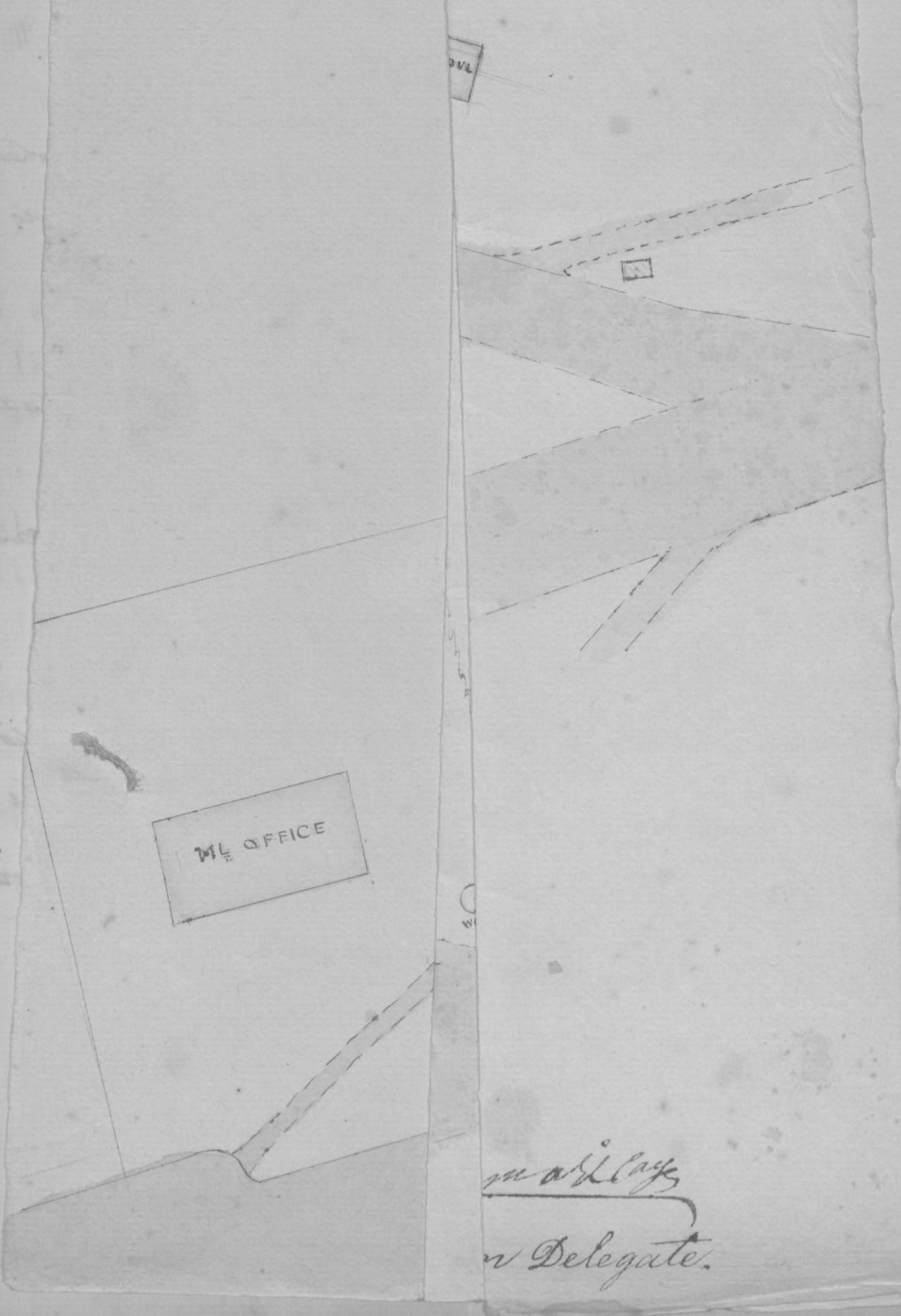
Chairman

tank marked E is

placed at the

sabhapati Pillay

the land is 3.62 acre



m a Lay

n Delegate.

[L & M
25]
250—28-9-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 3484M/99 & 892 M/99 & 1836, 2078 — 2306M/99

The Hon'. Mr. [illegible]
with reference to the H.M.'s [illegible]

11.IX.99

SUBJECT.

Lease of Certain lands by the Negapatam Municipality.

Resubmitted to H.M.
with reference to the Ad. Genl's
Opinion now submitted

14.VIII.99.

FOR ORDERS.

As to whether the lands in question may be held to vest in the Municipal Council so as to authorize their alienation under the rule issued in G.O. No. 210 M dated 20th February 1889. The Council is only a lessee of these lands, having obtained them in 1893 from their owner on lease for a period of 99 years, but it now proposes to allot them for the Construction of a poor-house, one of the Conditions of the grant being the the building with its Endowment sho revert to the Council after the dea of the donor. The grant of the Site for the Construction of a building amounts it is Submitted, to a permane alienation of the property.

V.R.
30/1/99

In reply

Under what circ ?
31.1.99

The circumstances are not known. If necessary the information will be obtained from the Chairman.
1/2/99

Yes please
3.2.99

[illegible]
1/2/99

tank marked E is

E

reference made to him, the Chairman forwards a translation of the lease deed ~~[illegible]~~ executed to the Municipal Council by the trustees of the Mungiyappa Mudaliyar's Charity to which the garden belongs, and states that as the garden was next to the municipal office Compound on the South, it was acquired by the Council on lease, that there was no specific object in obtaining the lease, and that the property was acquired for general purposes - Vide C.No. 892 m/99. The payment of a rent of Rs 40 per annum for this land appears to be a waste of Municipal funds

V.R.
29/3/99

This is the kind of absolute misuse of public money, which municipal bodies are apt to commit if not looked after. The municipal office in Negapatam is next a garden belonging to the Muniyappa Mudl. trustees - 3½ acres in area. Merely because the office was next the garden in 1893, the council took it on lease for 99 years at a yearly rental of Rs 40. Now in 1899, Mr. Ratnasabapathy Pillai wishes to construct a Poor house for beggars, so the council propose to give him the garden for nothing, as a site for his

I quite agree that it was a misappln. of Munl. funds to rent this garden for no object connected with the purposes of the Munl. Act. The sanction of Govt. should have been formally requested. The present proposal of the Council confirms the impropriety of the original acquisition. I think that the original resoln. of the Council should now be cancelled by Govt. but before this is done the Adv. Genl. should be consulted. [illegible] delay in cancellation was inevitable because Govt. was unaware of the transaction. I make sure of this.

poor house, which he is to manage for his life, and after his death the municipal Council. The amount of the Endowment is not stated - but that endowment will fall in to the Municipality - when the founder of the Poor house dies.

The original application of Municipal funds for the conveyance of the land to the Municipality was it is submitted a misuse of Municipal funds. The purpose was not one of those mentioned in ~~for~~ § 113 of the old Act. & the Govt. might it is submitted cancel that resolution of 1893 & refuse to permit R40 a year to be spent on the lease rent every year.

~~[illegible]~~ The proposal now made amounts to a contribution of R40 per annum to Mr. Ratnasabapathy Poor house = It is within the powers of the Council - as it is really devoting Municipal money to a Poor house.

I think it is a matter for regret that the piece of land sh.d be given up to a poor house. Such sites always become untidy, dirty places. & this land is just on the main road from the station to the European quarter & to Nagore. I know the land, as we wanted it badly to put some Police lines on & could not get it.

However unless the original lease of the land is objected to by Govt, it is submitted that there is not sufficient reason now to interfere with the action of the Council in allowing the poor house to be built on the land.

4.5.99

If the lease cannot now be cancelled the proposal to assign it in the way proposed should be negatived & the council told to offer the land on lease for the sum now paid in rent so that the amount improperly expended may be recovered.

~~AKt~~

If a case of this sort is allowed to pass unchallenged it will form a precedent for still more objectionable misapplications of Munl. funds.

AKt 9.5.99

+Vide C.Nº 1836 m, flag M.

Note for the Secretary.

Please see the Secretary's note dated 19th May 1899, on the margin of the draft reference to the Advocate General below, flagged K, and the reference made thereon to the Chairman, Municipal Council Negapatam, flagged L.

In reply, the Chairman states that no separate report was submitted to Government about the lease of the land in question, which was entered into in 1893, but that a reference had been made to the acquisition of the lease in his letter embodied in G.O. Nº 214 M, dated 23rd February 1894. In para. 60 of this letter, which accompanied the budget Estimate of the municipality for 1894-95, the Chairman stated as follows:—

" Under "6 (b) Public gardens, pur-
" -chase of seeds, &c", the budget Estimate
" is Rs 400. This figure includes the
" rent for the Victoria park site, and
" the lands to the east of it and to
" the South of the office Compound
" which were acquired on lease during
" the Current year".

As the fact of the lease had never been reported to Govt, and as the reference

6

made in the budget report for 1894-95, was so vague that no idea could have been formed of the object of the lease, it is submitted that the reference ⊛ to the Advocate General may now issue.

V.R.
15/7/99

Yes.
[illegible]
17.7.99

In reply to the reference made to him, the Advocate General states that ~~[illegible]~~ the payment of rent for "a garden obtained with no specific object" is of course not a "purpose" to which municipal funds can be applied under S. 113, ~~that~~ an agreement to make such payment would be ultra vires, and that although it would be legal for the Govt. to cancel the Resolution in question under Sec. 35(2) of the Act and such cancellation would, in his opinion, under ordinary circumstances have the effect of relieving the Municipality from liability under any agreement entered into in pursuance of the resolution, yet, as the agreement in the present case appears to have been entered into as far back as 1893, he does not

⊛ Flag K

K

Vide No. 2078 of 1899

7

H.M.

Call for this at once please
[illegible] 9 viii 99

Should like to see this first.
[illegible] 8.8.99.

Note for the ~~[illegible]~~ H.M.

A copy of the Mun^l Council's resolution dated 9th November 1893, accepting the lease in question, has been obtained and is put up – Vide Flag R.

V.R.
5/7/99

[illegible]
8.8.99

I think the resoln should be cancelled, but should like the Hon. Mr Winterbotham to see the file first.

[illegible] 8.9.99.

I think that this is a case in which it would be proper for Govt. to take action.

V.R.
10/8/99

Submitted that as the matter was never formally reported to the Government, there can be no objection to the cancellation of the Resolution under § 35 of the Act. If this is ordered a copy of the Resolution passed in 1893 authorizing the acquirement of the land on lease will be called for.

The result of cancelling the resolution will apparently be that the lease will be cancelled & the rent no longer payable – as to back rent, ~~I suppose~~ nothing can probably be done.

[illegible]
14 viii 99

Hon Mr Arundel CSI.

It is not stated whether the Municipality has been deriving any income from it.

I see that Mr. Todhunter was a party to the Resolution by which the land was taken on lease.

It measures 3½ acres: appears to include a tope of trees: adjoins the Municipal office: is close to the Madras Bank, Club, and European houses; and is so situated that it is important to the comfort of the surrounding householders that it should not become a Paracheri, or be covered with squalid huts –

I can not help thinking that if Mr. Oliver (the Chairman of 1893) had been alive he might easily have sh that he acted in the public interest in securing the lease

& that the land may in the future be required for various legitimate purposes & will largely increase in value –

It may I think be argued first that the provision of a Municipal office is a measure of public utility allowed by the act: second that the office requires a suitable compound with space for garden tool-sheds, fire engine, stores &c: third that this lease offered the opportunity of acquiring ample space on very reasonable terms –

Possibly it would have sufficed to urge the inconvenience which would attend the land being built upon & becoming a Pariah settlement –

I don't think the transaction so clearly illegal that it need be set aside –

I wd. not let Mr. Ratna Sabapathi have it without information as to the amount of the endowment, a plan of the poor-house, and conditions against the place becoming a nuisance

H.S.
13-9-99.

As the Hon. Mr. [illegible] thinks the acquisition of the land may be justified, the cancellation of the Res. need not be insisted on. The irregular & unauthorised action of the M.C. should however be pointed out, and any disposal of the land should involve the recovery of the rent now paid by the M.C. and measures to ensure that the place will not become a nuisance.

11.9.

[L. & M.]
500—4-3-99.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

C No. 48, 892, 1836, 2078 & 2306 cm/99

Again G.O., No. dated 189 .

Again G.O., No. dated 189 .

Current No. of 189 , dated , from

" " , 189 , " , "

" " , 189 , " , "

desp

Ind

ORDER. No. 1385 Muni 21-9-99

The Government observes that the acquirement on lease of the Garden adjoining the Municipal office at Nagapatam in 1893 was irregular, as it was not ~~rented~~ acquired for any of the purposes specified in § 113 of the Madras Dist Municipalities Act. As however the acquisition of the land may have been justifiable at the time, the G. in C. will not insist on the cancellation of the Resolution in question –

2 The Government is unable to sanction the alienation of the land for the purpose of a poor house, unless the annual rents due from the Municipality is recovered, & measures are taken to ensure that the place does not become a nuisance in the future.

18. ix 99

Copy 14 ct. P. ~~[illegible]~~ 770

To the Chairman, Mc Nagapatam
thro' the Collr of Tanjore
sept 24/9/99