L. & M.
1,800—29-5-99.

Local & Munl. (189) Department.

MISCELLANEOUS.

G.O., No. 1674 M

DATED 13-11-99

[Despatch Abstract.]

Munl Council

Informing the Chairman, Munl Council, Coimbatore, with remark, that the election held in the third ward of the Municipality is invalid and the vacancy should be filled up by nomination and requesting the Collector to state whether he has any objection to M.R.Ry. M. G. Arokiaswami Pillai being appointed for the place

BACK PAPERS.

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

FURTHER PAPERS.

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

C.F. 73.

DEPARTMENT.

Paper taken out of the Records from the charge of the Referencer.

Press / Miscellaneous / Routine No. 1075, dated 13-11-99 193 .

Date taken out.	FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
6/12/38	10583-IV-38				1-3-39	
25/6/84	2013 G/DH/84					
	1728 4/84					

C.F. 73.

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

L. & M.
2.
500—19-12-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 2374 M/99

SUBJECT.

Election of a municipal Councillor
Coimbatore

Misc

ORDER. No. 1674 Muni
13-11-99

The Government Considers that the election in question was invalid, in as much as there were no valid lists of voters and candidates in existence at the time of the occurrence of the Vacancy - vide the Chairman's letter disposed of in G.O. No. 1292 M, dated 6th September 1899, and under No. 11 of the rules for the Conduct of Elections by wards issued in G.O. No. 1950 M. dated 19th November, 1898, the Vacancy should have been filled up by Government by nomination. The Election is accordingly now annulled, and the Vacancy will be filled up by nomination by Govt. The Collector is requested to state whether he has any objection to M.R.Ry M. G. Arokia-Sami Pillai being nominated for the place.

(From order)

8.11.99

6/11/99

V.R.
4/11/99

The Collector of Coimbatore
Chairman, M.C. Coimbatore
pub. 16/11/99

C No. 23741

tion of a Councillor
Coimbatore Municipality

For orders.

AM

At an election held on the 5th August last for filling up a vacancy on the municipal Council of Coimbatore, MRRy M. G. Arokiaswami Pillai was declared to have been duly elected. The unsuccessful Candidate by a petition put in before the Collector under No 34 of the Rules for the Conduct of Elections issued in G.O.

B. No. 1950 M, dated 19th November 1898, questions the validity of the Election on ~~the~~ grounds

(1) that the Successful Candidate was at the time of his nomination a municipal Councillor, and ~~[illegible]~~ therefore disqualified for election under Rule 6, and

(2) that the interval between the date of nomination (12th July) and the date of election (5th August) was only 23 and not 24 days as required by Rule 16.

2. With regard to the first of these points, it ~~cannot [illegible]~~ has to be observed that MRRy Arokiaswami Pillai was nominated as a Candidate under Rule 16 on the 12th July, 1899, that the Election took place

[illegible] that he [illegible] his resignation on the 12th July, i.e., the date of his nomination, ~~and~~ but that it was accepted by the Collector on the 17th idem. It will thus be seen that although the successful Candidate was disqualified for election under Rule 6, on the date of his nomination, yet the disqualification did not exist on the date of election. The Chairman, to whom the papers were referred by the Collector for remarks, contends that the term "nomination" occurring in the Proviso to Rule 6, refers only to nomination by Government under the last Clause of Rule 16, and not to the nomination by the electors as a Candidate for election, that assuming that the Candidate was not qualified at the time of nomination, the nomination became valid as no objection was taken to it under Rule 18, which is the only provision under which objections to nominations can be allowed, and that it is not therefore ~~from~~ open to any one to question under Rule 35, the validity of a nomination, the Collector's sole power under ~~Rule~~ that rule being to decide whether or not at the time the Election was held, the ~~Candidate~~ person ~~was~~

2551 Rev

person whose election is questioned was qualified as a Candidate. The Chairman's argument that the word "nomination" refers to nomination by Government, is, as observed by the Collector, untenable on the face of it.

Vide para. 4 of his letter.

As regards the other Contentions of the Chairman, the Collector while asking for the orders of Government in the matter under Rule 37, expresses the opinion that as Rule 6, refers to disqualifications for election, and says that a person who is a municipal Councillor at the time of nomination is disqualified for election, he must be disqualified at the time of election, that the validity of the election can therefore be questioned under Rule 35 (b) and that there is no reason why the absence of objection under Rule 18, should validate an invalid nomination. Rule 35 (b) however says that the validity of an election can be impugned only if the Successful Candidate was disqualified on the day of election. As already observed, M.R.Ry. Arokiaswami Pillai, was qualified on the day of election, although he was not at the time of his nomination under Rule 16. Thus although his disqualification would have been a fatal ground of objection to his nomination, it does not appear [illegible] the Election Can be invalidated because he was disqualified for election at the time of his nomination as a Candidate under Rule 16. Moreover, a special remedy is provided in Rule 18, for Correcting ~~[illegible]~~ mistakes in nominations, and this does not appear to have been availed of by the Petitioner. It is therefore submitted that ~~the validity~~ ~~of~~ the Election Cannot be invalidated on this ground. With reference to the second objection raised by the Petitioner, it has to be noted, that granting that the time between the nomination and the election, was only 23 days, the irregularity, is not as observed by the Collector, such as to invalidate the Election. In these Circumstances it is submitted that the petition of objection may be rejected, ~~and~~ though it is doubtful whether the name of the Successful Candidate may be published in the Fort Saint George Gazette as the election seems open to question on other grounds.

3. No 11 of the Election Rules lays down ~~that~~ "if on the occurrence of "any vacancy among the elected members of "the Council no valid lists are in existence, "Such vacancy shall be filled up by "Government by nomination." The Vacancy in the present Case occurred on the 16th June 1899. – Vide the portion marked with blue chalk in the paper 2551 Rev of 99 M in the linked file, and from the Chairman's letter disposed of in

C. G.O. No. 1292 M. dated 6th September 99, it will be seen that no valid lists of voters and of Candidates were in force at the time of the oc-currence of the vacancy, no fresh lists having been prepared under the new Election Rules and the old lists having ceased to be in operation on the 1st April 99 – Vide

E. para. 5 of G.O. No. 1950 M. dated 19th November 98. Under Rule 11 therefore the vacancy in question should have been filled up by Govt by nomination, ~~and~~ the election was Contrary to the express provisions of this Rule, ~~[illegible]~~ and Cannot be held to have any legal force; but it is ~~far~~ doubtful, whether an election although held in Contravention of the provisions of the rules Can be set aside except on one or other of the grounds referred to in Rule 35. The Advocate General may be Consulted on this point.

It seems unnecessary to Consult the Advocate General. The Govt has reserved to itself the right to interpret the rules. Vide rule 37. The election should it is submitted be annulled on the ground that the lists had not been

V.R.
18/10/99

drawn up under the rules. The Govt will then nominate and as there seems nothing against Arogyasami Pillai it is submitted he might be nominated if the Collr. has no objection.

21-10-99

ASt 30-10-99

Dis 2551 Rev of

Local & Munl. (1899) Department.

CURRENT No. 2374 M

Order

From

C. H. Ramsay Esqr.
Ag. Collector of
Coimbatore

Dis No. 2551 of 98

Dated 15th ~~August~~ September 99
Received 4 SEP. 1899
Registered 5th
Enclosures — 6
Spare copies nil

SUBJECT.

Municipal

Reporting on the election of a municipal councillor for the 2nd ward of the Coimbatore Municipality.

BACK PAPERS.

G.O.	No.	Department.	Date.
1957 m of 98			
1683 m 12-11-94			
1205 mis 22-8-99			
665 mis of 12-5-99			
3 mis 4-1-98, 641 m of 99			
1292 mis of 99			

FURTHER PAPERS.

G.O.	No.	Department.	Date.

D Dis 2551 Rev of 99

Encl. 1. to Coimbatore Collector's letter No D Dis 2551-Rev of 99.
dated 18th September 99

COPY of letter from the Chairman, Municipal Council, Coimbatore, No. 976 dated 29th August, 1899, to the Collector of Coimbatore.

With reference to the objection petition of M.R.Ry N. Kolanthavelu Pillai avergal in re election held on the 5th August, 99 to fill up the vacancy of a Councillor in the Second Ward, I beg to note that the objections raised by the petitioner are:-

(a) That M.R.Ry M.G. Arogiasami Pillai Avergal was a Councillor at the time he was nominated by 2 voters under Rule 16 of the Election Rules.

(b) That candidated should be nominated by at least 2 Electors at least 24 days before the date of election.

(a) As regards (a) the objection is not valid as M.R.Ry M.G. Aroggiasami Pillai Avergal was not a Councillor at the time of election, Vide Rule. 35(b).

(b) As regards (b) no objection can now be raised as the petitioner had waived his right of objection under Rule 16.

The nomination slips of the 2 candidates were received on the 12th July between this date & the date of election there were 24 days according to (b) & (c) of Section 9 of Act I of 1891, General clauses.

In conclusion I may add that the petitioner's objections on either points are barred by time under Rule 16.

The petitions are herewith returned.

(sd) A. Ponnarangam.
CHAIRMAN.

(True Copy)

ACTING COLLECTOR.

M1888

6
2374|M|99

Encl II to Collector's letter No D Dis 2551 Rev

Copy of letter from the Chairman, Municipal Council, Coimbatore, No. 977, dated 29th August, 99, to the Collector of Coimbatore.

Adverting to your letter No. 1492-Rev, dated 22nd August, 99 & our discussion on the subject, I have the honour to submit that any objections which the intended parties may take should have been brought to notice of the Chairman within three days of the publication of the list of nominations under Rule ~~15 of~~ the Election rules. vide Rule. 18.

2. In the absence of such objections the candidate cannot go back & criticize the bonafide Proceedings even admitting there were certain shortcomings in the observance of the rules. If such objections were brought to notice under Rule 18 necessary steps would have been taken by the Chairman to rectify defects. If the Chairman's decision was not ~~x~~ considered fair, the petitioner should appeal to the Collector whose decision in the matter shall be final.

(sd) A. Ponnarangam,
CHAIRMAN.

(TRUE COPY)

CTMorrison
ACTING COLLECTOR.

M1888

5/2874/M/99

COURT FEE
INDIA
1/16 R.
ONE ANNA
[illegible]
1/8 99
AUG 1899
[illegible]

Encl III to Coimbatore Collector's
letter D Dis No 2551 - Rev 99
d/ 18th September 99.

To
The Collector of Coimbatore
Coimbatore

The humble petition of N. Kolunthavelu Pillay residing in Big Bazaar Street Door No 28 Coimbatore respectfully showeth as follows:—

1. That an election was held on the 6th Instant to appoint by election a Municipal Councillor to represent the 2nd ward of the town on the Municipal Board.

2. That the petitioner was one of the two candidates that competed at the Poll - the other Candidate being Mr M. G. Arogiasawmy Pillay.

3. That the result of the Poll was announced to be that the petitioner got 55 votes whereas the other Candidate got 56 votes.

4. The petitioner submits under Rule 34 & 35 of the election rules (G. O. 1950 M. 2/19.11.98)

That

that the said election is not valid according to law for reasons mentioned below:—

(a) Mr. M. G. Arogiasawmy Pillay who has b declared elected was a Municipal Councillor for the 1st. ward (his term expiring on the 29th Septr. 97) on the 12th July last on which day he was nominated by 2 electors under Rule 16 of the election rules.

He sent in his resignation which was accepted by the Collector on or about the 17th July. As he continued a councillor until his resignation was accepted (under section 18(1) of the Municipal act); and from the fact evidenced by his having taken part in one of the most important meetings of the Municipal Council held on the 15th July last, he was ineligible for nomination by 2 electors under Rule 16. His name should not have been included in the Schedule of valid nominations by reason of his nomination having been invalid he was not qualified to be elected. (Clause b of Rule 35)

Rule 6 enumerating the disqualifications for elections read with the Proviso thereof leaves— it as

is —

is submitted — no doubt on this point.

(b) Rule 16 requires that the interval between the date of nomination and that of election should be at least 24 days. The words "at least" are important. The meaning appears to be that there should be a clear interval of 24 days excluding from calculation both days i.e. the day of nomination and that of election. In the present case the nomination took place on the 12th July and the election on the 5th Instant (August); excluding both days the interval is only 23 days. The decision in the "Railway Sleepers Coy" 29 Chancery Division page 204 also Buckley's English Company's act 5th edition page 171 which interpret a similar provision in the English Company's act are a clear authority on this point.

Under these circumstances the petitioner pray that the election of Mr. M. G. Arokiasawmy Pillay may be declared invalid and the petitioner appointed a Municipal Councillor.

Coimbatore
14th August 1899

Kolundavelu Pillay

1492
Rev

Encl IV to Coimbatore Collector's letter Rc. Dis No 2531 Rev of 98 dy 1st September 98.

To.

The Collector of Coimbatore

Coimbatore

The humble petition of N. Kolunthavelu Pillay residing in Big Bazaar Street Door No 28 Coimbatore respectfully showeth as follows:-

1. That an election was held on the 5th Instant to appoint by election a Municipal Councillor to represent the 2nd ward of the town on the Municipal Board.

2. That the petitioner was one of the two Candidates that competed at the Poll - the other candidate being Mr. M. G. Arokiasawmy Pillay.

3. That the result of the Poll was announced to be that the petitioner got 55 votes whereas the other Candidate got 56 votes.

4. The petitioner submits under Rule 34 & 35 of the election rules (G. O. 1950 M. D/ 19.11.98) that the said election is not valid according to law for reasons mentioned below:-

(a) Mr. M. G. Arokiasawmy Pillay who has be declared elected was a Municipal Councillor for the 1st ward (and his term of office will last till the 29th Septr 99) on the 12th July last on which day he was nominated b 2 electors under Rule 16 of the election rules. He sent in his resignation which was accepted by the Collector on or about the 17th July. As he continued a councillor until his resignation was accepted (under section 18(1) of the Municipal act) and from the fact evidenced by his having taken part in one of the most important meetings of the Municipal Counci held on the 15th July last; he was ineligible for nomination by 2 electors under Rule 16. His name should not have been included in the schedule or valid nominations; by reason of his nomination having been invalid, he was not qualified to be elected (Clause b of Rule 35)

Rule 6 enumerating the disqualifications for election read with the Proviso thereof leaves, it is submitted, no doub on this point.

(b) Rule 16 requires that the interval between the dat of nomination and that of election should be at least 24 da

The

– The words "at least" are important. The meaning appears to be that there should be a clear interval of 24 days excluding from calculation both days i.e the day of nomination and that of election. In the present case the nomination took place on the 12th July and the election on the 5th Inst. (August) Excluding both days the interval is only 23 days. The decision in the "Railway Sleepers Coy" 29 Chancery Division page 204 also Buckleys English Companys act 5th edition page 171 which interpret a similar provision in the English Companys act are a clear authority on this point.

Under these circumstances the petitioner prays that the election of Mr M. G. Arokiasawmy Pillay may be declared invalid and the petitioner appointed a Municipal Councillor.

Coimbatore
14th Aug 1899

T. Polunthavalu Pillay

(Copy)

Forwarded to the Collector (on circuit) for information the original having been presented to Mr. Cotton assist Coll. on the 14th August 1899.

Coimbatore
16th August 1899

T. Polunthavalu Pillay

Encl V to Coimbatore Colr's D Dis No 2551 Rev 25 dt 18th Septem

COURT FEE
INDIA
1/16 R
ONE ANNA

~~Rs Arogyasawmy~~
1 9 98
~~Arogyasawmy Pillai~~

I have [illegible] him [illegible] between 3.30 & 4 30 [illegible] written petn

Before The District Collector of Coimbato

The humble petition of M.

Urgent

Arogyasawmy Pillai 1st Grade Pleader residing a Coimbatore States as follows:-

Extd
[illegible]
1/7/98

1. That at an election hel on the 5th ultimo for ward No 2 of the Coimbato Municipality your honor's humble petitioner wa elected a Municipal Councillor having secure a majority of votes.

2. That your petitioner is informed that Mr S. Kolanthavalu Pillai the unsuccessful candidate has sent in an objectio petition against the said election under 35 of the election rules.

3. That it is clear from the wording of rule 35 mentioned above that the enquiry contemplated thereunder should be a forma and judicial one rendering it necessary to serve t opposite side with notice and to give it an ~~opo~~ oppo-tunity to meet the allegations contained in the objection petition.

No enquiry was ever held
G.W.
1/7/98

Petitioner therefore prays th your honor will be pleased to issue a not to him and to hear him before disposing of The objection petition put in by Mr. K. Kolanthavalu Pillai

1. 9. 99.

Coimbatore

M. E. Aroggyasawmy Pillay
Petitioner

he elction was M. .Aro-

Petition Regr. No. 1635 of 1899.
Rev.

In the office of the Collector of
Coimbatore.

Petition by.
M. G. Arogyasawmy Pillai

H.C.

2
2374/M/99

Encl VI to Coimbatore Collector's Lr
Dis No 2551 – Rev [illegible] dy 1. 9. 99.

Coimbatore
12th July 1899.

To

The Chairman
Municipal Council
Coimbatore

Sir,

I hereby beg to resign the Councillorship of Ward No. 1 of the Coimbatore Municipality.

I have the honor to be
Sir
Your most obedient servant
M. G. Arogyasawmy Pillay

P.S. I request that the acceptance of my resignation may be communicated by telegram
M. G. Arogyasawmy

No. 845.

Submitted to the Secretary to Government L. & M. Dept. Madras for ~~dis~~ favor of disposal, thro' the Revenue Divisional Officer.

Normanagam
Chairman Coimbatore
Municipal Council

12 July 1899.

For Collector's order accepting the resignation, please see marked [illegible]

~ 001/Deb of 99.

2042
Reg

R. Dis. No. 867/Deb of 99.

Forwarded through the Collector, Coimbatore District.

F. J. Wood.
13/7/99.
Dy. Collr.

COLLECTOR
14 JUL 1899
COIMBATORE

Forwarded [illegible] [illegible]

orders under S. 18 Act IV/1884

C. A. [illegible]

14.7.99. [illegible]

Under G.O. - - - the resignation is accepted.

[illegible]

D Dis 2059/Mil 99 17.7.99

To The Chairman
Municipal Council
Coimbatore

Sir,

Under G.O. No. 1683 M, dated 12th November 1894, I have the honor to inform you that ~~I have accepted~~ the resignation of M.R.Ry M. G. Aroggyasami Pillai Avl. of his Councillorship of Ward No. I is accepted and to request that arrangements may be made for holding ~~an~~ elections to fill up the vacancies of Councillor and Vice chairman.

I have &c

O. C. 17/7

Ag. Collector

Ex 17.7.99

2374/M/99

The election was held. M. ..ro-

COLLECTOR'S
OFFICE.

D/1910

Back Number	of 189
Disposal No. 2059/Rev. of 1899.	
DATED 17th July 1899.	D. 1910
Forward Number	of 189

To whom sent The chairman
Municipal council
Coimbatore

DESPATCHED 18 JUL 1899

Date of despatch

Pages in file 162.

[DISPOSAL ABSTRACT.]

Informing him that the resignation of M.R.Ry. M. G. Arokiasami Pillai Avargal of his Councillorship of ward No. I is accepted and requesting that arrangements may be made for holding elections to fill up the vacancies of Councillor and Vice chairman.

Coimbatore DISTRICT COLLECTOR'S OFFICE,

D. Dis., No. 2551 Rev., '99.

Dated 1st September 1899.

FROM

C. H. MOUNSEY., ESQ., I.C.S.,
COLLECTOR OF THE
Coimbatore District,

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2374 M

To

THE SECRETARY TO GOVERNMENT,
Local & Municipal DEPARTMENT,
Madras.

SIR,

I have the honour to state that under Rule 37 of the Rules for the conduct of Municipal Elections Government reserves to itself the right to interpret those rules. I have therefore the honour to submit the following for its orders.

2. The facts are these:-

On the 12th July, M.R.Ry M.G.Arokiasami Pillai, Avergal wrote to me resigning his seat as a Municipal Councillor.

On the 12th July, M.R.Ry M.G.Arokiasami Pillai Avergal was nominated under rule 16.

On the 14th July, the Chairman published the list of nominations under rule 17 that appeared to him to be valid--- viz, two, one of M.R.Ry M.G.Arokiasami Pillai Avergal & the other of N.Kolandavelu Pillai Avergal.

On the 15th July, M.R.Ry Arokiasami Pillai Avergal attended a Municipal meeting & voted on the question as to who was to be Secretary to the Council.

On the 17th July, the Chairman attended at his office to hear objections to nominations. No objections were presented.

On the 17th July, my letter was sent to the Municipal Chairman accepting M.R.Ry M.G.Arokiasami Pillai Avergal's resignation.

On the 5th August, the elction was held. M.R.Ry M.G.Aro-

55 votes.

On the 5th August, the Chairman under rule 29 forwarded the voting papers to me & reported that M.R.Ry M.G.Arokiasami Pillai Avergal shall be declared to be duly elected.

On the 15th August, in my office at Head Quarters & on the 18" August by myself in camp, duplicate petitions were received objecting to the validity of the election.

3. The grounds of objection are as follow:-

i. that on the date of nomination (12th July) M.R.Ry Arokiasami Pillai Avergal was a member of the Municipality & therefore disqualified under rule 6.

ii. that the interval between date of nomination (12th July) & date of election (5th August), was only 23, not 24 days. C.F. Rule 16

I returned to Head Quarters on the 26th & on the 28th, the Chairman saw me with the papers on the subject, was given the petitions for remarks & on the 29th August returned them with his reply. Today I heard M.R.Ry M.G.Arokiasami Pillai Avergal the candidate in reference to the points at issue.

4. In regard to the first point the Chairman argued that at the time of election M.R.Ry Arokiasami Pillai Avergal was not a member of the Council & therefore was eligible, & that under the proviso to rule 6 ~~that~~ the disqualification owing to being a member of the Municipality at the time of nomination, refers solely to the nomination by Government referred to in the last clause of rule 16. I do not agree with him as I think that when Government nominates there is no question of election & that therefore the nomination referred to is the nomination by two electors.

5. Secondly the Chairman argues that assuming the candidate was not qualified at the time of nomination, no objection was taken under rule 18 & the nomination has become valid as there is no provision in the rules to allow objections to nominations to be taken except under that rule; that under rule 35 (b) the Collector is powerless to refuse to admit a nomination, however invalid it may be, if no objection be raised under rule 18, as his sole power is to decide whether at the time the election was held the candidate was qualified as a candidate or not. The candidate argues that this rule prevents anyone questioning under rule 35 the validity of a nomination which he has not objected to under rule 18, & that the publishing of the schedule list under rule 19 validates ~~his~~ any nomination finally. I shall ~~be~~ be much obliged if Government will under rule 37 be good enough to interpret the rule for me. My own opinion is, that as rule 6 refers to disqualifications for election & says that a person who is a Municipal Councillor at the time of nomination (assuming I have correctly decided that the nomination referred to is the nomination by two electors, rule 16) is disqualified for election, he must ~~be~~ disqualified at the time of election & that therefore under rule 35 (b) I could decide that M.R.Ry M.G.Arokiasami Pillai Avergal's election was invalid. I do not see why the absence of objection under rule 18 should validate an invalid nomination. However rule 35 (b) expressly says that the Collector can only interfere if at the time the election was held the person was not qualified & at the time ~~xx~~ the election was held M.R.Ry M.G.Arokiasami Pillai Avergal was qualified, provided that his disqualification at the time of his nomination was not a continuing one, as I think it was---as such disqualification disqualifies a person " for election" But the candidate argues that the proviso to rule 6 must be read with Rule 35 (b) according to which the Collector can only interfere if at the time of election the candidate is not qualified, that this is obvious as no reference to nomination is made in rule 35 (b) & that therefore the nomination referred to in rule(6) must be the nomination by Government referred to in rule 16.

6. One other point I also wish to draw attention to. Under Rule 15 the Chairman, 40 days before an election, must give due notice thereof. In this case this was not done. This may have prevented more nominations being presented, as the voters had not the due time of 16 days before the 24 days between nomination & election to exercise their choice in. The rules do not seem to provide any means of invalidating an election on this ground. It is not in my opinion an irregularity under rule 35 (d).

No.

7. In regard to whether there were 24 days between the nomination & election there were in this case only 23 clear days, the rule says "at least 24 days". I quote below the para of the petition to me on the subject & request that Government will be good enough to give a ruling ~~x~~ on the point.

> " (b) Rule 16 requires that the interval between the date of nomination & that of election should be at least 24 days. The words "at least" are important. The meaning appears to be that there should be a clear interval of 24 days excluding from calculation both days i.e, the day of nomination & that of election. In the present case the nomination tookplace on the 12th July & the election on the 5th Instant (August), excluding both days the interval is only 23 days. The decision in the "Railway Sleepers Coy" Chancery Division page 2 204, also Buckley's English Company's act 5th edition page 171 which interpret a similar provision in the English Company's act are a clear authority on this point."

not available in lib

The candidate argues that under the General Clauses act the day of election should be included in computing the period between nomination & election. ?

8. I enclose copies of the Chairman's letters on the subject as I think they should be before Government & the objector's petition.

9. Finally, in brief, I may say that my opinion is that M.R.Ry M.G.Arokiasami Pillai Avergal was disqualified ~~from~~ for election & that considering the absence of the notice that the Chairman should have given under rule 15, a fresh election should be held.

I have the honour to be,

Sir,

Your most obedient servant,

C.H. Wormsley

ACTING COLLECTOR.

For C. No. 2374 M of 1899

MEMORANDUM.

Required for the Local and Municipal Department:— the following books.

(1) 29, Chancery Division.

(2) Buckley's English Company's Act (5th Edition)

Local & Municipal Department,
7th September 1899.

To
The Librarian, Public Department.

Head Clerk.

For HC
LSm

These books are not available in the library & I informed the Clerk who came & asked about them a few minutes ago.
7-9-99.

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P = Copy abstract only.
Q = Copy heading only.