[L. & M. / 5,000—5-4-99.]

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 1706 M

DATED 17-11-'99

[Despatch Abstract.]

Muncl Council

Requesting the Collector of Madura with remarks to submit a recommendation for filling up the appointments of Chairman for the Dindigul —

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. Nos 2427 m 2465 m 2523 m

[L. & M. 25]
590—19-1-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. Nos. 2427, 2465, 2523 & 2611 M/99

SUBJECT.

Election of Chairman, Dindigul Municipality

Misc ORDER.

~~The Government agrees with the Collector in considering that under No. 5 of the Rules for the Election of Chairmen issued in G.O. No. 214 M. dated 7th March 1888, as amended by G.O. No. 1421 M. dated 18th August 1890, the power of fixing a days for an adjourned meeting of the Municipal Council for the purpose of Electing a Chairman, rests with the Chairman and not with the Municipal Council. The resolutions of the Council dated 24th August 99 and 2nd September 1899, are therefore ultra vires and will accordingly be now cancelled under section 35 (1) of the District Municipalities Act, as amended.~~

A

D

I don't think this is necessary – [illegible] give to the

H 7-xi-99

Order No. 1706 misc / 17-11-99

The Government considers that as the Municipal Council has failed to elect a Chairman at the ~~sittings~~ three meetings ~~was~~ were held for purpo purpose. the Collector ~~is requested to~~ should submit a recommendation for filling up the appointment. He is requested to do so without delay.

| From orders |

V.R.
11/11/99

17 xi 99

~~The Government agree with the Collector in considering that under No 5 of the Rules for the Election of Chairman issued in G.O. No 214 M. [illegible] 7th March 1888 as amended by [illegible] 15th August 1899 [illegible] an absolute majority of the Municipal Council [illegible] & electing a Chairman [illegible] Chairman [illegible] the Municipal Council. The resolution of the Council dated 24th August [illegible] Accordingly [illegible]~~

To

The Collector of Madura
– Chairman, M.C. Dindigul.

Despd. 20/11/99

Cus. 2427 m, 2465 m, 2523 m +.

Subject. – Election of a Chairman for the Dindigul Municipality.

FOR ORDERS.

The Chairmanship of the Dindigul Municipality having fallen vacant on the 14th July 1899 by the resignation of Mr. Mengel, the Collector, under No.1 of the rules issued in G.O., No.214 M., dated 7th March 1888, fixed the 15th August 1899 as the date for electing a Chairman. No candidate having at this election obtained an absolute majority of votes, as required by rule 2, the Sub-Collector, who is ex-officio Chairman, issued a notice under Rule 5, for another meeting of the Council being held for the purpose on the 24th August 1899. This meeting also having proved abortive, the Municipal Council resolved by a majority of two to fix the 26th September 1899 as the final date for holding the election, although the ex-officio Chairman, who was not present at the meeting, intimated to the Council his wish that the election should be held on the 4th September 1899. Three of the Councillors present dissented from this resolution on the grounds that the Council had no voice in the matter according to either rules or precedent and that the Council's resolution in having fixed the final elections to a date more than a month afterwards was opposed to public policy. The ex-officio Chairman, however, issued

A.

Vide the resolution flagged B.

issued a notice to the Councillors fixing the 4th September 1899 for the election, and at the meeting held on that date, again no candidate obtained the required majority of votes. The Council having thus failed to elect a Chairman, although three meetings were held for the purpose, the ex-officio Chairman in the first of the letters read above reports the matter for the orders of Government under No.6 of the Election rules. Cur. 2427 M.

2. The second current read above is a petition from six of the Municipal Councillors of Dindigul objecting to the validity of the election held on the 4th September. They state that the Council considered it inexpedient to hold the final election on any date earlier than the 21st September 1899, because any person elected as Chairman in the meantime, would, under section 20 (2) of the District Municipalities Act, as amended, hold office only until 21st September on which date the late Chairman Mr. Mengel's term would have expired in the ordinary course, ~~and~~ that it therefore resolved on the 24th August 1899 to adjourn the meeting to the 26th September 1899, that a notice having been issued by the ex-officio Chairman that the election would be held on the 4th September 1899, the Council at a special meeting on the 2nd September 1899 passed a resolution that, under No.5 of the rules for the election of Chairmen, the Council alone had the right to fix the date of an adjourned meeting, the Chairman's work being only to circulate a notice in pursuance of the Council's resolution fixing the date of the meeting, that it was inexpedient and undesirable that the meeting for the election of a Chairman should be held on the 4th September 1899 and that it should therefore be adjourned to the 26th idem, but that the ex-officio Chairman, in spite of that resolution, convened the special meeting for election on the 4th idem, according to his notice. The Petitioners point out that the Proceedings of the Municipal Council of the 4th September 1899 were unconstitutional and opposed to law, being brought about by undue solicitude on the part of the ex-officio Chairman to deprive the Council of the privilege of electing its Chairman and to have the appointment made by Government nomination, and request that the said Proceedings may be declared void and that another date may be fixed for electing the Chairman.

Cur. 2465 M.

C.

Vide para. 16 of the petition.

3. The third and fourth currents read above are communications from the Collector, with which he forwards two letters from the ex-officio Chairman of Dindigul, requesting that the Council's resolutions of the 24th August 1899 and 2nd September 1899 above referred to, fixing the 26th September 1899 as the final date for the election of Chairman and stating that the Municipal Council and not the Chairman has the right to fix the date of an adjourned meeting for the election of Chairman, may be cancelled under section 35 (1) of the District Municipalities Act as being ultra vires. The Collector observes that under the rules

Curs. 2523 & 2611 M.

rules for the election of Chairman issued in G.Os., No.214 M., dated 7th March 1888 & No.1421 M., dated 15th August 1898, the notice of the original special meeting for the election should be given by the Collector (Vide Rule 1) and that of an adjourned special meeting should be given by the Chairman (Vide Rule 5), that from the use of the phrase "giving of notice" in both Rules 1 and 5, it is evident that the power of a Chairman as to an adjourned meeting is the same as the power of a Collector as to an original meeting, that as the Collector always gives notice of the date on which the original meeting is to be held without consulting the Municipal Council and as his giving notice under Rule 1 is equivalent to fixing a day for the special meeting, the Chairman has also the right under Rule 5 to fix the date of the adjourned meeting and that the Municipal Council has no voice in the matter. The Collector further observes that under section 29 (1) of the Act the Municipal Council has power to fix the time and date of ordinary meetings alone, that special meetings can be called by the Chairman either on his own initiative under that section, or on the written requisition of not less than one-fourth of the Municipal Councillors under section 29 (2) and that the Act does not provide for adjournments of meetings by the Municipal Council. He also points out that the objection raised by the Petitioners to the meeting of the 4th September 1899, viz., that a person elected as Chairman before the 21st September 1899 will cease to be Chairman on that date under

A.

D.

E.

section

section 29 (2) of the Act, is not sound, as the result of an election held on the 4th September 1899 could hardly have been notified in the Gazette before the 21st idem and if it was not gazetted till then, the person elected would continue as Chairman till the expiry of his Councillorship, and that the real object of the Petitioners in trying to get the election postponed to 26th September 1899 is that in consequence of the expiry of the term of Mr. Mengel as Councillor on the 21st idem, there would be only eleven members on the Council on the date of election, and that M.R.Ry. Rajagopala Nayudu who counts six votes can then be returned as Chairman with an absolute majority of votes. The Collector invites the attention of Government to the papers recorded in G.O., No.660 M., dated 23rd March 1897 regarding M.R.Ry. Rajagopala Nayudu and considers that it would have been undesirable that an election for Chairman should have been delayed or should have taken place when the Council was not at its full strength. The ex-officio Chairman also brings to notice that the majority of the Councillors, who form a party headed by M.R.Ry. Rajagopala Nayudu are obstinate in their views that the Council alone has the right to fix the date of an adjourned meeting, that this is not the first instance in which they have exceeded their powers, and that they make no effort to work in harmony with the Chairman, in spite of the remarks of Government in para.5 of G.O., No.1509 M.,

F.

Vide para 4 of his letter G.

H.

dated 25th August 1898, reviewing the administration report of the Municipality for 1897-98. He invites the attention of Government to G.Os., No.1448 M., dated 17th August 1898 and No.1543 M., dated 5th September 1898 and adds that their present endeavours to fix the final meeting for the election of a Chairman four days subsequent to the expiry of the term of one of the Councillors (Mr.Mengel), rather than when the Council is at its full strength shows clearly the spirit with which they are working to accomplish things in their own way.

I.

J.

4. Number 5 of the rules for the election of Chairman, issued in G.O., No.1421 M., dated 15th August 1898 says that "Nominations "made for the original meeting shall hold "good for every adjourned meeting, of which "at least seven days notice shall be given by the "Chairman." It is not definitely stated in the rule, whether it is the Chairman that should fix the day of the adjourned meeting, and the majority of the Councillors argue that it is the business of the Council to fix ~~the~~ the date of the adjourned meeting and that the Chairman is only to notify it to the Councillors. As observed by the Collector, this view seems to be untenable, seeing that the wording of Rule 5 is similar to that of Rule 1, under which the Collector fixes the date of the original meeting for the election. Section 29 (1) of the Act says that "the "Municipal Council shall meet upon such days and "at such times as they may arrange . . . ." Although under this section, the Municipal Council seems to have the power to adjourn a meeting, yet, in a case like the present where special provision has been made for convening adjourned meetings by rules framed under the act, it does not appear that the Council can interfere with the Chairman's action. The Municipal Council's resolutions of the 24th August 1899 and 2nd September 1899 seem therefore to be ultra vires and it is submitted that they may be cancelled under section 35 (1) of the Act. As the Council has failed to elect a Chairman although three meetings were held for the purpose, the Government may now nominate a person for the place, and it is submitted that the Collector may be asked to recommend a suitable person for the appointment.

D.

E.

Please put up draft

7.xi.99

Vide Rule no. 6 in G.O. no. 214 M. 7-3-88. A.

Under the original rule 5 (G.O. 214 M. 7 March 1888) it was clear that the Collr. – not the Chairman or the Council – had to fix the date for the adjourned meeting. It is not clear what the intention was in the new rules 4 (c) & 5 (G.O. 1421 M. 15 Augt '98).

V.R.
31/10/99

In the present case as three abortive meetings for election have been held, the Collr. should be called on to submit a recommendn. for filling up the appt.

It seems doubtful whether the Collr's interpretation of the rules is legal but the Govt has reserved to itself the power of interpreting the rules, and may interpret them in the sense given them by the Collr. – The Collr sh'd it is submitted be called upon to submit recommendation for filling up the appt.

3 xi 99

Rule 4 (c) should I think be amended by adding at the end the words "to a date to be fixed by the Chairman." If there is no objection to this course, steps may be taken. The rules sh'd then be entirely reprinted.

A.A. 6.11.9

Under the original rule 5
G.O. 214 M. 7 March 1888)
it was clear that the
not the Chairman [illegible]
Council had to fix [illegible]
date for the adjourned
meeting. It is not clear
that the [illegible]
the new rules 4(3) & 5
(G.O. 1032 M. 10 Aug 98)
In the present case as
three elections meetings
[illegible] have failed
[illegible] should be called
[illegible] a [illegible]

T

G.
25
250—18-2-98.

LOCAL AND MUNICIPAL DEPARTMENT.

2465 & 2523

C. No. 5 2427 M. of 1899

SUBJECT.

Election of Chairman, Muncl. Council, Dindigul.

HM

FOR ORDERS.

Put up petition & all the other papers when they come in the matter so be dealt in one file

M
21.10.99.

R

Please see note put up.

[illegible]
21/10/99

Under No. 2 of the rules for the election of Chairmen of municipal Councils issued in G.O. No. 214 M, dated 7th March 1888, no election will be recognised as valid unless the successful candidate obtains the votes of more than half the total number of members then on the Council, and Rule 6 says that "if after three meetings have "been held, no candidate has obtained "the majority of votes required by "Rule 2, the fact shall be reported "(through the Collector) to Government, "who shall pass such orders on the "matter as they may think fit and all "such orders shall be final." The Chairman of the Municipal Council of Dindigul now reports for the

6

orders of Government under Rule 6, that the Council has failed to elect a Chairman at the three meetings held for the purpose, as none of the candidates has obtained the absolute majority of votes required by Rule 2. It is submitted that the Collector, who has not expressed his opinion in the matter, may be asked to recommend a suitable person for the appointment.

V.R.
18/9/99

Gen. No. 1924 of 99
8 9 99 9
Rd

Local & Munl. (1899) Department.

CURRENT No. 2427 M

From A. Young Esquire I.C.S.
Chairman, Municipal Council
Dindigul

N. Dis. no: 1924/Genl of 99 dated 9-9-99.

Order Forwarded.

2. The papers referred to in paragraph 4 have been retained by me in order that I may discuss the question with Mr. Young when he returns from camp tomorrow night. They will be submitted shortly.

Collector

Madura

No. 167.

Dated 5th September 1899.
Received 12 SEP 1899
Registered —
Enclosures nil
Spare copies —

SUBJECT.

Submitting report under Rule 6 of the Rules for the Election of a Chairman in the Dindigul Municipality.

16/9

6

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Dindigul, Municipal office
5th September 1899.

No: 167

From,

H. Young Esqr. I.C.S.

Chairman, Municipal Council.

Dindigul

LOCAL & MUNICIPAL DEPT.
CURRENT No. 24270

To,

The Secretary

to Government

Local & Municipal Department

Fort Saint George

(Through the Collector of Madura)

Sir,

I have the honour to submit the following report under Rule 6 of the Rules for the election of a Chairman.

2. I am at present holding the office of Chairman of this Municipality ex-officio under

Section 15(1) of the Municipal Act, please vide my letter No. 157, dated the 3rd Instant.

3. Under the orders of the Collector of Madura, a Special meeting of the Council for the election of a Chairman was held on the 15th August 1899 and two other subsequent meetings on the 24th idem and the 4th Instant were called by me for the purpose under Rule 5 of the Rules. The result of the Election at these 3 meetings was indecisive and is shown in the subjoined table:

No. of meetings	No. of Councillors who attended the meetings	Date of Election	Name of Candidates at the Election	Whether Councillors or outsiders	No. of votes obtained by each		Remarks.
					1st Ballot	2nd Ballot	
1	10	15-8-99	J. W. Short Esquire	Councillor	4	4	
			M.R.Ry. T. Rajagopaul Naidugaru	Do.	6	6	
2	8	24-8-99	J. W. Short Esquire	Do.	3	3	
			M.R.Ry. T. Rajagopaul Naidugaru	Do.	4	5	
			„ A. Vengidasawmy Iyer Avl.	Outsider	1		Eliminated.
3	9	4-9-99	J. W. Short Esquire	Councillor	4	4	
			M.R.Ry. T. Rajagopaul Naidugaru	Do.	5	5	
			„ A. Vengidasawmy Iyer Avl.	Outsider	0		Eliminated.

4. My right to call an adjourned Special meeting for the purpose was disputed by a majority of the Councillors, who form a party headed by M.R.Ry. Rajagopaul Naidugaru, a Candidate at the Election.

The Resolutions which I consider

to

the illegal, passed by the majority on the 24th August and 2nd September 1899 in connection with the subject, have already been submitted to Government in letters Nos. 157 & 158, dated 3rd Instant, in view to their cancellation under Section 35 (1) of the Municipal Act.

Not received yet – Vide Collr's Rept (para 2)

I have the honour to be,
Sir,
Your most obed^t. Servant

6.9.99
Chairman

Manager

Local & Munl. (1899) Department.

CURRENT No. 2465 M

To be on pending receipt of the Collector's report on the subject.
Intd. M.H.
19-9-99

From
Mr. T. Rajagopaul and other Munl. Councillors, Dindigul

Order

No.

Dated 14th Sept. 1899
Received
Registered } 16th Sept. 1899
Enclosures nil
Spare copies ..

SUBJECT.

Praying that for reasons stated the proceedings of the meeting of the Munl. Council Dindigul held on the 4th Sept. 99 may be cancelled and that the Council may be allowed to convene another meeting for the election of Chairman

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL & MUNICIPAL DEPT.
CORR. No. 2465 M

TO

HIS EXCELLENCY THE GOVERNOR IN COUNCIL,
(Through the Secretary Local & Municipal Department.) *Fort St. George.*

MAY IT PLEASE YOUR EXCELLENCY,

The undersigned councillors of the Municipality of Dindigul in the District of Madura most respectfully beg to approach Your Excellency with the following few lines in the hope that Your Excellency would be graciously pleased to pass such orders as the importance of the scheme of Local Self Government might be deemed to deserve.

2. One Mr. Mengel who was a Councillor and Chairman of the said Municipal Council resigned the office of Chairman in July last, while the term of his councillorship will expire on 21st September 1899, when, he will have to vacate his seat as a Councillor also.

3. The vacancy in the office of Chairman thus caused having to be filled up by an election, a meeting of the councillors was held on 15th August 1899. Candidates proposed for the office were Messrs. T. Raja Gopal Naidu and J. M. Short. It would be necessary for the present purpose that the supporters of each candidate should be herein stated.

CANDIDATES.	SUPPORTERS.
1. Mr. R. Ry. T. Rajagopal Naidu Avergal.	1. M. R. Ry. K. Anantanarayana Iyer Avergal.
	2. „ A. Athmanatha Iyer Avergal.
	3. „ S. P. Muthu Naidu Avergal.
	4. „ M. Arogyam Pillai Avergal.
	5. „ N. Ramaswami Chetti Avergal.
	6. „ Madar Bava Rawther Avergal.
2. J. M. Short Esquire	1. Mr Young Esq. Sub-Collector and Ex-officio Chairman.
	2. G. Mengel Esquire.
	3. M. R. Ry. Pichai Mohidin Rowther Avergal.
	4. „ Haji Sheik Mohamed Ibrahim Avl.

4. A reference to the qualifications of each of the candidates may not be necessary, and it will be enough to state that Mr. Rajagopal Naidu who was a Chairman of this Municipality from 1st May 1895—to 30th April 1897, is a pleader practising at Dindigul and one having a permanent interest in the place as owning property in and adjoining Dindigul and Mr. Short is a Superintendent of the Cigar Factory at Dindigul under Messrs. Spencer & Co.

5. Neither candidate having secured the required majority of votes, the meeting was adjourned to the 24th idem. A meeting was accordingly held on that day and the result of the ballot was as follows:

CANDIDATES.	SUPPORTERS.
1. M. R. Ry. T. Rajagopal Naidu Avergal.	1. M. R. Ry. K. Anantanarayana Iyer Avergal. 2. ,, A. Athmanatha Iyer Avergal. 3. ,, S. P. Muthu Naidu Avergal. 4. ,, M. Arogyam Pillai Avergal. 5. ,, Madar Bava Rowther Avergal.
2. P. M. Short Esquire.	1. G. Mengel Esqire. 2. M. R. Ry. Pichai Mohidin Rowther Avl. 3. ,, Haji Sheik Mohamed Ibrahim Avergal.
3. M. R. Ry. A. Venkateswara Iyer Avergal, a non-Councillor	M. R. Ry. A. Athmanatha Iyer Avergal.

6. As none of the candidates secured the required number of votes at this meeting also, the Council passed a resolution that the meeting be adjourned to the 26th September 1899. It is to be here noted that Mr. Young, the Sub-Collector and Ex-officio Chairman was not present at the meeting and that all the three supporters of Mr. J. M. Short pressed that the adjourned meeting should be held on the 4th September 1899 on the ground that the Chairman was for that date and that the Council had no power to fix a date for the meeting.

7. The undersigned wish to lay before your Excellency the fact that if any Chaiman be appointed on any day earlier than the 21st September 1899 on which Mr. Mengel, in consequence of whose resignation the vacancy has occured, will, by the expiry of his term vacate his seat in the Council, the Chairman to be newly appointed would, by virtue of Section 20 (2) of Act IV of 1884, cease to hold the office on that day, and in consequence the Council desired to make the appointment of Chairman once for all after the said date.

8. Notwithstanding the above resolution, Mr. Young, the Chairman, presumably, in conformity with the wishes of the Councillors who urged that the meeting should be held on an earlier day, circulated a notice among the Councillors informing them that a meeting will be held on the 4th September 1899 for the election of Chairman.

9. Some of the Councillors considering it highly expedient to explain to the Ex-officio Chairman the necessity of making the appointment once for all after the 21st September requested him to convene a special meeting which was held on the 2nd September on which date the whole matter was re-discussed at the council in the presence of the Ex-officio Chairman, and it was resolved that the adjourned meeting should, as originally resolved, be held on the 26th September and that it was the council that had the power to adjourn a meeting held for the election of Chairman for a fixed date.

10. The undersigned regret to state that, in spite of the proceedings above narrated, the Ex-officio Chairman did convene the meeting as per his notice on the 4th instant and what is most unfortunate is that, without waiting to hear what some of the Councillors desired to address the council on the subject and even stoutly refusing to record the formal protest made by some of them, he proceeded to record the votes. No election could be made, for the required majority of votes was not secured by any of the candidates at the meeting. The Ex-officio Chairman, without consulting any of the Councillors, entered up another resolution that the matter be reported to Government.

11. The undersigned are very sorry to observe that the Ex-officio Chairman was all along mainfesting the desire that the appointment of Chairman should be made by nomination of Government and that the council should be prevented from exercising the privilege of electing its own Chairman.

12. While they are perfectly willing to work in the Council with any Chairman whom the Government might ultimately appoint by nomination or with any other Chairman who may be duly elected in compliance with the statutory provisions of law, they earnestly complain that the privilege of electing a Chairman which is conferred upon them by the benign Government and which has been hitherto exercised with credit is sought to be negatived by an Official Councillor who has no sort of interest to protect within the Municipality and whose motive for such action, as the undersigned regret to observe, is not free from prejudice and antipathy.

13. That he was throughout one of the supporters of the candidature of Mr. Short who was put forward by a very small minority, that he openly slighted the formal resolutions of the Council at its ordinary and special meetings, that he refused to place before the Council a requisition of some of the Councillors to refer to Government the question as to the power of Council to fix a day for the adjourned meeting for the election of Chairman, that he convened a meeting on the 4th instant in spite of the open and express protest made by some of the Councillors and that, without any reference to the Councillors present, he recorded a minute as that of the Council that the matter be reported to Government, all the acts unequivocally betray a spirit of determination to deprive the Councillors of the privilege of electing a Chairman.

14. The undersigned beg leave to state that it is not their intention to usurp any of the powers vested by law in the Chairman, but when the Council has on due consideration of the question resolved upon pursuing a particular course of action quite consistent with law, it is highly objectionable that the Chairman should wantonly and deliberately ignore such resolution and try to adopt a different course in an illegal and high-handed manner.

15. The privilege ~~of~~ in question is one which the undersigned and the other Councillors and the whole community of rate-payers esteem as a high favour conferred upon them by Government and it is just that they should maintain their right to exercise it according to law.

16. The undersigned beg respectfully to characterise the proceedings of the 4th instant as unconstitutional and opposed to law, and that they were simply brought about by undue solicitude on the part of the Ex-officio Chairman to negative the privilege and to have the appointment of Chairman made by Government nomination.

17. The scheme of Local Self-Government is one manner in which the Government appreciate the usefulness of the intelligence and capacity of the people, and educate them for higher functions and while so, it is extremely unfortunate that a responsible officer of Government in the position of the Sub-Collector should take undue advantage of his position and do acts which, if left uncorrected, would operate as a stigma on the capacity of men who hold their seat in the Council.

18. The undersigned, therefore, pray that the meeting and the proceedings of the 4th instant be declared void and that your Excellency in Council be pleased to order that the Councillors of the Dindigul Municipality may elect their Chairman at a meeting to be held on the 26th instant or any other date which the Government may appoint.

We beg to remain
your Excellency's most humble servants.

14th September
1899

T. Rajagopal.

Municipal Councillors
Dindigul

Victoria Press—Madura.

To Secy. L&M.
[illegible] 18.9.99.

[illegible] 14/9 19

The [illegible] I believe referring this matter [illegible] officially would [illegible] useful [illegible]

[illegible] 19/9

TO

HIS EXCELLENCY THE GOVERNOR IN COUNCIL,

(through the 2nd member in Council.) *Fort St. George.*

May it please Your Excellency,

The undersigned councillors of the Municipality of Dindigul in the District of Madura most respectfully beg to approach Your Excellency with the following few lines in the hope that Your Excellency would be graciously pleased to pass such orders as the importance of the scheme of Local Self Government might be deemed to deserve.

2. One Mr. Mengel who was a Councillor and Chairman of the said Municipal Council resigned the office of Chairman in July last, while the term of his councillorship will expire on 21st September 1899, when, he will have to vacate his seat as a Councillor also.

3. The vacancy in the office of Chairman thus caused having to be filled up by an election, a meeting of the councillors was held on 15th August 1899. Candidates proposed for the office were Messrs. T. Raja Gopal Naidu and J. M. Short. It would be necessary for the present purpose that the supporters of each candidate should be herein stated.

Candidates.	Supporters.
1. Mr. R. Ry. T. Rajagopal Naidu Avergal.	1. M. R. Ry. K. Anantanarayana Iyer Avergal.
	2. „ A. Athmanatha Iyer Avergal.
	3. „ S. P. Muthu Naidu Avergal.
	4. „ M. Arogyam Pillai Avergal.
	5. „ N. Ramaswami Chetti Avergal.
	6. „ Madar Bava Rawther Avergal.
2. J. M. Short Esquire	1. Mr Young Esq. Sub-Collector and Ex-officio Chairman.
	2. G. Mengel Esquire.
	3. M. R. Ry. Pichai Mohidin Rowther Avergal.
	4. „ Haji Sheik Mohamed Ibrahim Avl.

4. A reference to the qualifications of each of the candidates may not be necessary, and it will be enough to state that Mr. Rajagopal Naidu who was a Chairman of this Municipality from 1st May 1895—to 30th April 1897, is a pleader practising at Dindigul and one having a permanent interest in the place as owning property in and adjoining Dindigul and Mr. Short is a Superintendent of the Cigar Factory at Dindigul under Messrs. Spencer & Co.

5. Neither candidate having secured the required majority of votes, the meeting was adjourned to the 24th idem. A meeting was accordingly held on that day and the result of the ballot was as follows:

CANDIDATES.	SUPPORTERS.
1. M. R. Ry. T. Rajagopal Naidu Avergal.	1. M. R. Ry. K. Anantanarayana Iyer Avergal. 2. „ A. Athmanatha Iyer Avergal. 3. „ S. P. Muthu Naidu Avergal. 4. „ M. Arogyam Pillai Avergal. 5. „ Madar Bava Rowther Avergal.
2. P. M. Short Esquire.	1. G. Mengel Esqire. 2. M. R. Ry. Pichai Mohidin Rowther Avl. 3. „ Haji Sheik Mohamed Ibrahim Avergal.
3. M. R. Ry. A. Venkateswara Iyer Avergal, a non-Councillor	M. R. Ry. A. Athmanatha Iyer Avergal.

6. As none of the candidates secured the required number of votes at this meeting also, the Council passed a resolution that the meeting be adjourned to the 26th September 1899. It is to be here noted that Mr. Young, the Sub-Collector and Ex-officio Chairman was not present at the meeting and that all the three supporters of Mr. J. M. Short pressed that the adjourned meeting should be held on the 4th September 1899 on the ground that the Chairman was for that date and that the Council had no power to fix a date for the meeting.

7. The undersigned wish to lay before your Excellency the fact that if any Chaiman be appointed on any day earlier than the 21st September 1899 on which Mr. Mengel, in consequence of whose resignation the vacancy has occured, will, by the expiry of his term vacate his seat in the Council, the Chairman to be newly appointed would, by virtue of Section 20 (2) of Act IV of 1884, cease to hold the office on that day, and in consequence the Council desired to make the appointment of Chairman once for all after the said date.

8. Notwithstanding the above resolution, Mr. Young, the Chairman, presumably, in conformity with the wishes of the Councillors who urged that the meeting should be held on an earlier day, circulated a notice among the Councillors informing them that a meeting will be held on the 4th September 1899 for the election of Chairman.

9. Some of the Councillors considering it highly expedient to explain to the Ex-officio Chairman the necessity of making the appointment once for all after the 21st September requested him to convene a special meeting which was held on the 2nd September on which date the whole matter was re-discussed at the council in the presence of the Ex-officio Chairman, and it was resolved that the adjourned meeting should, as originally resolved, be held on the 26th September and that it was the council that had the power to adjourn a meeting held for the election of Chairman for a fixed date.

10. The undersigned regret to state that, in spite of the proceedings above narrated, the Ex-officio Chairman did convene the meeting as per his notice on the 4th instant and what is most unfortunate is that, without waiting to hear what some of the Councillors desired to address the council on the subject and even stoutly refusing to record the formal protest made by some of them, he proceeded to record the votes. No election could be made, for the required majority of votes was not secured by any of the candidates at the meeting. The Ex-officio Chairman, without consulting any of the Councillors, entered up another resolution that the matter be reported to Government.

11. The undersigned are very sorry to observe that the Ex-officio Chairman was all along mainfesting the desire that the appointment of Chairman should be made by nomination of Government and that the council should be prevented from exercising the privilege of electing its own Chairman.

12. While they are perfectly willing to work in the Council with any Chairman whom the Government might ultimately appoint by nomination or with any other Chairman who may be duly elected in compliance with the statutory provisions of law, they earnestly complain that the privilege of electing a Chairman which is conferred upon them by the benign Government and which has been hitherto exercised with credit is sought to be negatived by an Official Councillor who has no sort of interest to protect within the Municipality and whose motive for such action, as the undersigned regret to observe, is not free from prejudice and antipathy.

13. That he was throughout one of the supporters of the candidature of Mr. Short who was put forward by a very small minority, that he openly slighted the formal resolutions of the Council at its ordinary and special meetings, that he refused to place before the Council a requisition of some of the Councillors to refer to Government the question as to the power of Council to fix a day for the adjourned meeting for the election of Chairman, that he convened a meeting on the 4th instant in spite of the open and express protest made by some of the Councillors and that, without any reference to the Councillors present, he recorded a minute as that of the Council that the matter be reported to Government, all the acts unequivocally betray a spirit of determination to deprive the Councillors of the privilege of electing a Chairman.

14. The undersigned beg leave to state that it is not their intention to usurp any of the powers vested by law in the Chairman, but when the Council has on due consideration of the question resolved upon pursuing a particular course of action quite consistent with law, it is highly objectionable that the Chairman should wantonly and deliberately ignore such resolution and try to adopt a different course in an illegal and high-handed manner,

15. The privilege in question is one which the undersigned and the other Councillors and the whole community of rate-payers esteem as a high favour conferred upon them by Government and it is just that they should maintain their right to exercise it according to law.

16. The undersigned beg respectfully to characterise the proceedings of the 4th instant as unconstitutional and opposed to law, and that they were simply brought about by undue solicitude on the part of the Ex-officio Chairman to negative the privilege and to have the appointment of Chairman made by Government nomination.

17. The scheme of Local Self-Government is one manner in which the Government appreciate the usefulness of the intelligence and capacity of the people, and educate them for higher functions and while so, it is extremely unfortunate that a responsible officer of Government in the position of the Sub-Collector should take undue advantage of his position and do acts which, if left uncorrected, would operate as a stigma on the capacity of men who hold their seat in the Council.

18. The undersigned, therefore, pray that the meeting and the proceedinga of the 4th instant be declared void and that your Excellency in Council be pleased to order that the Councillors of the Dindigul Municipality may elect their Chairman at a meeting to be held on the 26th instant or any other date which the Government may appoint.

We beg to remain
your excellency's most humble
servants

14th September
1899

A Athmanatha

Municipal Councillors
Dindigul

VICTORIA PRESS—MADURA.

C. no. 2465 M of 99.

In packing up my papers today
I found this petition —
I thought it was a duplicate
sent to me, but I now see
this is not so —
Will Sec. L. & M. — please dispose of it

W.S. —
15-10-99 —

TO

HIS EXCELLENCY THE GOVERNOR IN COUNCIL,

(Through the 3rd member in council)

Fort St. George.

MAY IT PLEASE YOUR EXCELLENCY,

The undersigned councillors of the Municipality of Dindigul in the District of Madura most respectfully beg to approach Your Excellency with the following few lines in the hope that Your Excellency would be graciously pleased to pass such orders as the importance of the scheme of Local Self Government might be deemed to deserve.

2. One Mr. Mengel who was a Councillor and Chairman of the said Municipal Council resigned the office of Chairman in July last, while the term of his councillorship will expire on 21st September 1899, when, he will have to vacate his seat as a Councillor also.

3. The vacancy in the office of Chairman thus caused having to be filled up by an election, a meeting of the councillors was held on 15th August 1899. Candidates proposed for the office were Messrs. T. Raja Gopal Naidu and J. M. Short. It would be necessary for the present purpose that the supporters of each candidate should be herein stated.

CANDIDATES.	SUPPORTERS.
1. Mr. R. Ry. T. Rajagopal Naidu Avergal.	1. M. R. Ry. K. Anantanarayana Iyer Avergal.
	2. „ A. Athmanatha Iyer Avergal.
	3. „ S. P. Muthu Naidu Avergal.
	4. „ M. Arogyam Pillai Avergal.
	5. „ N. Ramaswami Chetti Avergal.
	6. „ Madar Bava Rawther Avergal.
2. J. M. Short Esquire	1. Mr Young Esq. Sub-Collector and Ex-officio Chairman.
	2. G. Mengel Esquire.
	3. M. R. Ry. Pichai Mohidin Rowther Avergal.
	4. „ Haji Sheik Mohamed Ibrahim Avl.

4. A reference to the qualifications of each of the candidates may not be necessary, and it will be enough to state that Mr. Rajagopal Naidu who was a Chairman of this Municipality from 1st May 1895—to 30th April 1897, is a pleader practising at Dindigul and one having a permanent interest in the place as owning property in and adjoining Dindigul and Mr. Short is a Superintendent of the Cigar Factory at Dindigul under Messrs. Spencer & Co.

5. Neither candidate having secured the required majority of votes, the meeting was adjourned to the 24th idem. A meeting was accordingly held on that day and the result of the ballot was as follows:

CANDIDATES.	SUPPORTERS.
1. M. R. Ry. T. Rajagopal Naidu Avergal.	1. M. R. Ry. K. Anantanarayana Iyer Avergal. 2. " A. Athmanatha Iyer Avergal. 3. " S. P. Muthu Naidu Avergal. 4. " M. Arogyam Pillai Avergal. 5. " Madar Bava Rowther Avergal.
2. P. M. Short Esquire.	1. G. Mengel Esqire. 2. M. R. Ry. Pichai Mohidin Rowther Avl. 3. " Haji Sheik Mohamed Ibrahim Avergal.
3. M. R. Ry. A. Venkateswara Iyer Avergal, a non-Councillor	M. R. Ry. A. Athmanatha Iyer Avergal.

6. As none of the candidates secured the required number of votes at this meeting also, the Council passed a resolution that the meeting be adjourned to the 26th September 1899. It is to be here noted that Mr. Young, the Sub-Collector and Ex-officio Chairman was not present at the meeting and that all the three supporters of Mr. J. M. Short pressed that the adjourned meeting should be held on the 4th September 1899 on the ground that the Chairman was for that date and that the Council had no power to fix a date for the meeting.

7. The undersigned wish to lay before your Excellency the fact that if any Chaiman be appointed on any day earlier than the 21st September 1899 on which Mr. Mengel, in consequence of whose resignation the vacancy has occured, will, by the expiry of his term vacate his seat in the Council, the Chairman to be newly appointed would, by virtue of Section 20 (2) of Act IV of 1884, cease to hold the office on that day, and in consequence the Council desired to make the appointment of Chairman once for all after the said date.

8. Notwithstanding the above resolution, Mr. Young, the Chairman, presumably, in conformity with the wishes of the Councillors who urged that the meeting should be held on an earlier day, circulated a notice among the Councillors informing them that a meeting will be held on the 4th September 1899 for the election of Chairman.

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10. The undersigned regret to state that, in spite of the proceedings above narrated, the Ex-officio Chairman did convene the meeting as per his notice on the 4th instant and what is most unfortunate is that, without waiting to hear what some of the Councillors desired to address the council on the subject and even stoutly refusing to record the formal protest made by some of them, he proceeded to record the votes. No election could be made, for the required majority of votes was not secured by any of the candidates at the meeting. The Ex-officio Chairman, without consulting any of the Councillors, entered up another resolution that the matter be reported to Government.

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12. While they are perfectly willing to work in the Council with any Chairman whom the Government might ultimately appoint by nomination or with any other Chairman who may be duly elected in compliance with the statutory provisions of law, they earnestly complain that the privilege of electing a Chairman which is conferred upon them by the benign Government and which has been hitherto exercised with credit is sought to be negatived by an Official Councillor who has no sort of interest to protect within the Municipality and whose motive for such action, as the undersigned regret to observe, is not free from prejudice and antipathy.

13. That he was throughout one of the supporters of the candidature of Mr. Short who was put forward by a very small minority, that he openly slighted the formal resolutions of the Council at its ordinary and special meetings, that he refused to place before the Council a requisition of some of the Councillors to refer to Government the question as to the power of Council to fix a day for the adjourned meeting for the election of Chairman, that he convened a meeting on the 4th instant in spite of the open and express protest made by some of the Councillors and that, without any reference to the Councillors present, he recorded a minute as that of the Council that the matter be reported to Government, all the acts unequivocally betray a spirit of determination to deprive the Councillors of the privilege of electing a Chairman.

14. The undersigned beg leave to state that it is not their intention to usurp any of the powers vested by law in the Chairman, but when the Council has on due consideration of the question resolved upon pursuing a particular course of action quite consistent with law, it is highly objectionable that the Chairman should wantonly and deliberately ignore such resolution and try to adopt a different course in an illegal and high-handed manner.

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16. The undersigned beg respectfully to characterise the proceedings of the 4th instant as unconstitutional and opposed to law, and that they were simply brought about by undue solicitude on the part of the Ex-officio Chairman to negative the privilege and to have the appointment of Chairman made by Government nomination.

17. The scheme of Local Self-Government is one manner in which the Government appreciate the usefulness of the intelligence and capacity of the people, and educate them for higher functions and while so, it is extremely unfortunate that a responsible officer of Government in the position of the Sub-Collector should take undue advantage of his position and do acts which, if left uncorrected, would operate as a stigma on the capacity of men who hold their seat in the Council.

18. The undersigned, therefore, pray that the meeting and the proceedings of the 4th instant be declared void and that your Excellency in Council be pleased to order that the Councillors of the Dindigul Municipality may elect their Chairman at a meeting to be held on the 26th instant or any other date which the Government may appoint.

We beg to remain
your Excellency's most humble
Servants.

14th September
1899

Municipal Councillors
Dindigul

Victoria Press—Madura.

Local & Munl. (1899) Department.

CURRENT No. 2523 M

From

The Collector of
Madura

Order

Rob · No. 1924/[illegible] of 99

Dated 22nd September 1899

Received 25 SEP 1899

Registered —

Enclosures ~~Three~~ 5

Spare copies nil

SUBJECT.

Reporting on the measures taken by the Dindigul Municipal Council for the election of a chairman in the place of Mr. Mengel who resigned his chairmanship.

BACK PAPERS.

G.O.	No.	Department.	Date.
	1396	Mis	19-9-99
	1421	M of 98	
	1966	M of 98	
	60	M of 98	
	178	Mis	25-1-98
	660	Mis	23-3-97
	1616	Mis	21-9-96 & 214

FURTHER PAPERS.

G.O.	No.	Department.	Date.

General Cnr. Regr. No. 1924 of 189
5-9-99

Local & Munl. (189 9) Department.

CURRENT No.

COLLECTOR'S OFFICE
5 SEP 1899
MADURA

From M. Young Esq. I.C.S.
Chairman, Municipal Council,
Dindigul

Order

No. 157.

Dated 3rd September, 1899.

Received

Registered

Enclosures Two.

Spare copies

SUBJECT.

Submitting Council's Resolution No. $\frac{2}{24\text{-}8\text{-}99}$ for cancellation under Section 35(1) of the Municipal Act.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Enclosure No. 1, to letter No. 157

Extract from the Proceedings of the Dindigul Municipal Council passed at the adjourned Special meeting held on the 24th August 1899 at 7.30. A.M.

Present:-

M.R.Ry. A. Athmanadin Avl. Presiding Councillor

G. Hengle Esquire Councillor

M.R.Ry. V.S.P. Hazi Sheik Mohamed Ibrahim Rowther Avl. do.

" S. P. Muthu Naiker Avl. do

" M. Arockyam Pillai Avl. do

" T. S. Mathasbeen Rowther Avl. do

" K. Ananthanarayana Iyer Avl. do.

" V. S. Pichaimohaidin Rowther Avl. do

I. Voted M.R.Ry. A. Athmanadin Avl. to take the Chair.

II. Read again two nominations nominating Messrs: J. W. Short and T. Rajagopaul Nayadu garu, Councillors and a fresh nomination nominating M.R.Ry A. Vengidasawmy Iyer Av., 2nd Grade pleader for the office of Chairman of the Dindigul Municipality.

1st Ballot

M.R.Ry T. Rajagopaul Nayadu garu has secured ... 4 Votes.

Mr. J. W. Short has secured 3 "

M.R.Ry A. Vengidasawmy Iyer Av. has secured ... 1 Vote.

M.R.Ry A. Venkidasawmy Iyer Av. is therefore eliminated.

2nd Ballot

M.R.Ry T. Rajagopaul Nayadu garu has secured 5 Votes

Mr. J. W. Short has secured 3 Votes

No Candidate having obtained the required number of Votes the meeting is adjourned.

M.R.Ry T. S. Mathobava Rowther Av. proposes that the next adjourned meeting be held on the 26th of September 1899, seconded by M.R.Ry M. Arockiam Pillai Av.

Carried by a majority of 5 to 3.

Messrs: G. Mengel

" Sheik Mohamed Ibrahim Rowther Av.

" Pichaimohaidin Rowther Av.

dissenting on the grounds that the Council has no voice in the matter according either to Rules or precedent — most distinctly have no power to fix a date for a Chairman's election whether adjourned or not and protest most strongly upon the action of the Presiding Councillor and the Council in resolving by majority to fix a date over a month ahead for final election, more specially as the intention of the Chairman to fix the date for the adjourned meeting to the 4th of September had been explained to the Council. The Resolution as it stands is opposed to public policy.

(Signed) A. Athimanadir
Presiding Councillor

(True extract)

Inf
Chairman 4/9/99
Manager 3/9/99

5 / 2523/m/99

Enclo: No: 2, to letter No: 157

Roc No: 1924 / Genl of 99.

Madura Collector's office
28th August 1899.

From
The Collector of
Madura.

To
The Chairman,
Municipal Council,
Dindigul.

Sir,

With reference to your letter No: 142 dated 25th August 1899, I have the honor to state that I consider that, under Rule 5 of the rules for the election of Chairman in Municipalities it is for the Chairma to convene the meeting. This view is supported by paragraph 2(ii) of Government order No. $\frac{1421 M}{15-8-98}$. It is the duty and privilege of the Chairma to call all meetings (Section 29 (1) of the Act) though meetings may be convened for special purposes on a proper requisition under section 29 (2) of the Act. In the present case no requisition has been made and even if one is made now, the Chairman has already called a meeting to consider the very question at an earlier date than could be arranged for under rule 29 (2) of the Act.

Honour &c

(Signed) MacIver.

For Collector.

(True copy)

4.9.99

Chairman

4
2523/m/99

Dindigul, Municipal Office
3rd September 1899.

No: 157.

From,

M. Young Esquire I.S.

Chairman, Municipal Council

Dindigul

To,

The Secretary

to Government

Local & Municipal Department

Fort Saint George

(Through the Collector of Madura)

Sir,

Mr. G. Mengel, who was nominated by Government on 22-9-96 as a Councillor of this Municipality was appointed by Government as Chairman of the Council on 1-2-98 as the Council failed to elect its own Chairman at the three Special meetings held for the purpose under the Rules framed by Government for the purpose.

2. He resigned the Office of Chairman and his resignation was accepted by the Collector of Madura. By direction of the Collector, I assumed charge of the office on 16-7-99 under Section 15(1) of the amended Municipal Act.

3. The Collector, by virtue of the power vested in him under No: 1 of the Rules for the Election of Chairman, issued a notice

for

for convening a Special meeting of the Council on 15-8-99 for the purpose of Electing a Chairman.

4. As the meeting proved abortive I, as Chairman, issued, in pursuance of Rule 5 of the Same Rules, a notice for the adjourned meeting for the 24th idem.

5. I was obliged to be in Camp on that date and the meeting was presided over by M.R.Ry A. Ittumanadar Al. This meeting also had to be adjourned as no candidate received the requisite majority of votes. The Council then by a majority of two passed the accompanying Resolution fixing

the 26th of September for the final meeting for the election, in disregard of my intention, which was intimated to them at the meeting, to fix it for the 4th idem. This resolution is, in my opinion, ultra vires. The reasons recorded by the dissentients in the same Resolution seem also sound.

The Collector of Madura agrees in my views that the Council has no voice in the matter of fixing a date for the election of Chairman and that it is the duty and a privilege conferred on the Chairman by the Act. Vide his letter Roc No. 1924/Genl. of 99 dated 28-8-99 (Copy enclosed

enclosed.)

6. I have already issued a notice to the Councillors fixing the 4th day of September for the 3rd or final meeting for the Election of a Chairman and my action has the approval of the Collector.

7. In these circumstances, I have the honour to request the Government may be pleased to cancel the Resolution in question under Section 35 (1) of Act IV of 1884, as amended by Act III of 1897.

I have the honour etc,
Sir,
Your most obedt. Servant

1.9.99
Chairman

Madura 3.9.99

3 / 2523 / m/99

Petition Regr. No. 2071 of 1

9

9.229
RS

9/9/99

Dindigul
6th September 1899

MADURA DISTRICT TREASURY
7 SEP 1899

To

The Collector
of Madura

Respected Sir,

We the undersigned Municipal Councillors of Dindigul, respectfully beg to inform you that we intend submitting within a week at the latest, a memorial, through you, to Government, anent proceedings of the ex-officio Chairman in connection with the election of a Chairman for the Municipality and to request that, in the interests of Local Self Government, you will be kindly pleased to postpone submission of your report on the subject till the receipt of the said memorial, so that you may submit the memorial along with your opinion thereon, as we feel confident that you will be in a better position to understand the justice of our claims and the actual state of things here

We beg to remain
Sir
Your most obedient servants

For orders. The papers have been sent to Collector

T. Rajagopaul.

Authmanathier

Municipal Councillors

From

T. Rajagopaul Nayudu
S.P. Muthu Naiker
M. Arokiam Pillai
R. Ananthanarayana Ayer
A. Authmanathier
T.S. Mathabava Rowther

Municipal Councillors
Dindigul

Dindigul

Memo

~~For~~ orders. The papers have been sent to Collector.

83
8/9

2
2523/m/99

15/9

Petition Regr. No. 2353 of 189
16 9.99

RS

For orders
The connected papers
have been sent already
for orders

TO

HIS EXCELLENCY THE GOVERNOR IN COUNCIL,
(Through the Collector of Madura)
Fort St. George.

MAY IT PLEASE YOUR EXCELLENCY,

The undersigned councillors of the Municipality of Dindigul in the District of Madura most respectfully beg to approach Your Excellency with the following few lines in the hope that Your Excellency would be graciously pleased to pass such orders as the importance of the scheme of Local Self Government might be deemed to deserve.

2. One Mr. Mengel who was a Councillor and Chairman of the said Municipal Council resigned the office of Chairman in July last, while the term of his councillorship will expire on 21st September 1899, when, he will have to vacate his seat as a Councillor also.

3. The vacancy in the office of Chairman thus caused having to be filled up by an election, a meeting of the councillors was held on 15th August 1899. Candidates proposed for the office were Messrs. T. Raja Gopal Naidu and J. M. Short. It would be necessary for the present purpose that the supporters of each candidate should be herein stated.

CANDIDATES.	SUPPORTERS.
1. Mr. R. Ry. T. Rajagopal Naidu Avergal.	1. M. R. Ry. K. Anantanarayana Iyer Avergal. 2. „ A. Athmanatha Iyer Avergal. 3. „ S. P. Muthu Naidu Avergal. 4. „ M. Arogyam Pillai Avergal. 5. „ N. Ramaswami Chetti Avergal. 6. „ Madar Bava Rawther Avergal.
2. J. M. Short Esquire	1. Mr Young Esq. Sub-Collector and Ex-officio Chairman. 2. G. Mengel Esquire. 3. M. R. Ry. Pichai Mohidin Rowther Avergal. 4. „ Haji Sheik Mohamed Ibrahim Avl.

4. A reference to the qualifications of each of the candidates may not be necessary, and it will be enough to state that Mr. Rajagopal Naidu who was a Chairman of this Municipality from 1st May 1895—to 30th April 1897, is a pleader practising at Dindigul and one having a permanent interest in the place as owning property in and adjoining Dindigul and Mr. Short is a Superintendent of the Cigar Factory at Dindigul under Messrs. Spencer & Co.

5. Neither candidate having secured the required majority of votes, the meeting was adjourned to the 24th idem. A meeting was accordingly held on that day and the result of the ballot was as follows :

CANDIDATES.	SUPPORTERS.
1. M. R. Ry. T. Rajagopal Naidu Avergal.	1. M. R. Ry. K. Anantanarayana Iyer Avergal. 2. „ A. Athmanatha Iyer Avergal. 3. „ S. P. Muthu Naidu Avergal. 4. „ M. Arogyam Pillai Avergal. 5. „ Madar Bava Rowther Avergal.
2. P. M. Short Esquire.	1. G. Mengel Esqire. 2. M. R. Ry. Pichai Mohidin Rowther Avl. 3. „ Haji Sheik Mohamed Ibrahim Avergal.
3. M. R. Ry. A. Venkateswara Iyer Avergal, a non-Councillor	M. R. Ry. A. Athmanatha Iyer Avergal.

6. As none of the candidates secured the required number of votes at this meeting also, the Council passed a resolution that the meeting be adjourned to the 26th September 1899. It is to be here noted that Mr. Young, the Sub-Collector and Ex-officio Chairman was not present at the meeting and that all the three supporters of Mr. J. M. Short pressed that the adjourned meeting should be held on the 4th September 1899 on the ground that the Chairman was for that date and that the Council had no power to fix a date for the meeting.

7. The undersigned wish to lay before your Excellency the fact, that if any Chaiman be appointed on any day earlier than the 21st September 1899 on which Mr. Mengel, in consequence of whose resignation the vacancy has occured, will, by the expiry of his term vacate his seat in the Council, the Chairman to be newly appointed would, by virtue of Section 20 (2) of Act IV of 1884, cease to hold the office on that day, and in consequence the Council desired to make the appointment of Chairman once for all after the said date.

appt. of Chairm
are 2 different
things
13

8. Notwithstanding the above resolution, Mr. Young, the Chairman, presumably, in conformity with the wishes of the Councillors who urged that the meeting should be held on an earlier day, circulated a notice among the Councillors informing them that a meeting will be held on the 4th September 1899 for the election of Chairman.

9. Some of the Councillors considering it highly expedient to explain to the Ex-officio Chairman the necessity of making the appointment once for all after the 21st September requested him to convene a special meeting which was held on the 2nd September on which date the whole matter was re-discussed at the council in the presence of the Ex-officio Chairman, and it was resolved that the adjourned meeting should, as originally resolved, be held on the 26th September and that it was the council that had the power to adjourn a meeting held for the election of Chairman for a fixed date.

10. The undersigned regret to state that, in spite of the proceedings above narrated, the Ex-officio Chairman did convene the meeting as per his notice on the 4th instant and what is most unfortunate is that, without waiting to hear what some of the Councillors desired to address the council on the subject and even stoutly refusing to record the formal protest made by some of them, he proceeded to record the votes. No election could be made, for the required majority of votes was not secured by any of the candidates at the meeting. The Ex-officio Chairman, without consulting any of the Councillors, entered up another resolution that the matter be reported to Government.

11. The undersigned are very sorry to observe that the Ex-officio Chairman was all along mainfesting the desire that the appointment of Chairman should be made by nomination of Government and that the council should be prevented from exercising the privilege of electing its own Chairman.

12. While they are perfectly willing to work in the Council with any Chairman whom the Government might ultimately appoint by nomination or with any other Chairman who may be duly elected in compliance with the statutory provisions of law, they earnestly complain that the privilege of electing a Chairman which is conferred upon them by the benign Government and which has been hitherto exercised with credit is sought to be negatived by an Official Councillor who has no sort of interest to protect within the Municipality and whose motive for such action, as the undersigned regret to observe, is not free from prejudice and antipathy.

13. That he was throughout one of the supporters of the candidature of Mr. Short who was put forward by a very small minority, that he openly slighted the formal resolutions of the Council at its ordinary and special meetings, that he refused to place before the Council a requisition of some of the Councillors to refer to Government the question as to the power of Council to fix a day for the adjourned meeting for the election of Chairman, that he convened a meeting on the 4th instant in spite of the open and express protest made by some of the Councillors and that, without any reference to the Councillors present, he recorded a minute as that of the Council that the matter be reported to Government, all the acts unequivocally betray a spirit of determination to deprive the Councillors of the privilege of electing a Chairman.

14. The undersigned beg leave to state that it is not their intention to usurp any of the powers vested by law in the Chairman, but when the Council has on due consideration of the question resolved upon pursuing a particular course of action quite consistent with law, it is highly objectionable that the Chairman should wantonly and deliberately ignore such resolution and try to adopt a different course in an illegal and high-handed manner.

15. The privilege ~~of~~ in question is one which the undersigned and the other Councillors and the whole community of rate-payers esteem as a high favour conferred upon them by Government and it is just that they should maintain their right to exercise it according to law.

16. The undersigned beg respectfully to characterise the proceedings of the 4th instant as unconstitutional and opposed to law, and that they were simply brought about by undue solicitude on the part of the Ex-officio Chairman to negative the privilege and to have the appointment of Chairman made by Government nomination.

17. The scheme of Local Self-Government is one manner in which the Government appreciate the usefulness of the intelligence and capacity of the people, and educate them for higher functions and while so, it is extremely unfortunate that a responsible officer of Government in the position of the Sub-Collector should take undue advantage of his position and do acts which, if left uncorrected, would operate as a stigma on the capacity of men who hold their seat in the Council.

18. The undersigned, therefore, pray that the meeting and the proceedings of the 4th instant be declared void and that your Excellency in Council be pleased to order that the Councillors of the Dindigul Municipality may elect their Chairman at a meeting to be held on the 26th instant or any other date which the Government may appoint.

We beg to remain
your Excellency's most humble
servants.

14th September
1899

Municipal Councillors
Dindigul

VICTORIA PRESS—MADURA.

1
2523/m/99

Madura Collector's office
Camp Periyakulam
Dated 22nd September 1899

Roc no - 1924/G of 99

From
L. E. Buckley Esquire
Collector of Madura

L. & MUNICIPAL DEPT.
R. No. 2523 M

To
The Secretary to Government
Local and Municipal Department
Madras.

Sir,

I have the honour to enquire with whom the privilege lies of fixing the date of an adjourned meeting for the election of a Chairman of a Municipality. In this Connexion, I beg to forward my Sub-Collector's no 157 dated 3rd September 1899 written as ex-officio Chairman of Dindigul

Municipality and two petitions from 5 municipal Councillors of Dindigul.

2. Under Rule 1 of the Rules for the election of Chairman published in Government Order dated 7th March 18~~7~~88, No 214 M. the Collector is to give notice of the original Special meeting to be held for the purpose; under Rule 5, notice of an adjourned meeting must be given in the same way as for an original meeting. Rule 5 was amended in Government Order No 60 M dated 11th January 1898, and again in Government Order No 1421 M dated 15th August 1898; and the rule now is that at least seven days' notice of an adjourned Special meeting must be given by the Chairman. It is to be noted that the same phrase "giving of notice" is used in rules 1 and 5, from which it appears that the power of a Chairman as to an adjourned meeting is the same as the power of a Collector as to an original meeting. The Collector gives notice of the date on which the original meeting is to be held, and before doing so, it is unnecessary for him to consult the Municipality, though he may do so if he chooses. The Collector's giving notice is equivalent to fixing a day for the Special meeting and

the Municipality has of right no voice in the matter. I am, therefore, of opinion that the Chairman has the legal right to fix the date of the adjourned meeting.

I do not think it is necessary to support the argument by referring to the Act. I would only say that under Section 29 (1), the Municipal Council has power to fix the time and date of ordinary meetings alone, and that special meetings can be called only by the Chairman either on his own initiative under Section 29 (1) or on the written requisition of not less than one-fourth

of

of the Municipal Councillors under Section 29 (2). Adjournments are not dealt with.

3. The facts of the present Case are as follow:

Mr. Mengel was appointed a Councillor by Government on 22nd September 1896; his term of office expires on the 21st of this month; while a Councillor, he was appointed Chairman by Government on 1st February 1898, as the Council failed to elect a Chairman; he submitted his resignation of the Chairmanship (but not of his Councillorship) on 7th July 1899 and this was accepted on 14th July 1899 by the Collector, who on 24th July 1899 fixed the 15th of August as the date for electing a Chairman. The meeting of 15th August proved abortive, no Candidate obtaining the required majority; the Sub-Collector, as ex-officio Chairman, issued a notice for the adjourned meeting being held on 24th August; this meeting was again abortive; the Sub. Collector intimated his wish that the next meeting Should be held on September 4th; but the majority of those present decided that the meeting Should be adjourned till September 26th, the minority, for

reasons

reasons which will appear below, recording a vigorous protest. The Sub-Collector as ex-officio Chairman referred the matter to me; Claiming that he alone has the right to fix the date for the adjourned meeting. I Communicated to him my opinion that the right is his and not the Council's. The third adjourned meeting was held, after due notice by the Chairman on September 4th and was again abortive.

4. It will be asked what are the reasons in favour of and against the adjourned meeting being held on the 26th September. The petitioners Contend that if a Chairman be

appointed

on appointed on any date earlier than 21st September, when Mr. Mengel's tenure of office ceases, he will under Section 20(2) of Act II of 1884 hold office till 21st only. This argument is at first sight plausible enough, but when the other side of the question is heard, the line of action adopted by the petitioners does not appear so disinterested as they wish to make out. There are 12 members in the Council and 2 Candidates, M.R.Ry. T. Rajagopal Naidu avergal and Mr. Short. There are, therefore, at present 10 voters and to secure an absolute majority of the Councillors now on the Council

7 votes

7 votes are required. Mr. Rajagopal Naidu commands 6 and Mr. Short 4. The latter are the Sub-Collector, Mr. Meng and two Mahomedans. On 26th Septemb when Mr. Rajagopal Naidu's party wis the adjourned meeting to be held, Mr. Mengel will be out of the way, and the number of votes required for an absolute majority will be 6 out of 11, unless a new Councillor is appointed before September 26th; of the 11, Mr. Rajagopal Naidu can comm on 6, and I have no doubt that this is the real reason of the desire that the adjourned meeting should be held on September 26th. Mr. Rajagopal Naidu is not unknown to Government

a reference to the papers recorded in Government Order no 660 m, mis. dated 23rd March 1897 is Solicited. It is obviously undesirable that an election for Chairman Should be delayed or Should take place when the Council is not at its full Strength.

5. I am not Sure that the argument in para 7 of the Second petition is Sound. If a gentleman had been elected at the meeting of the 4th September, he Could hardly have been gazetted before the 21st September, and if he was not gazetted till then, his tenure of office would presumably Continue till the expiry of his Councillorship. I do not think another election would be necessary after 21st, if the election was not Confirmed before then. The wording of Sections 10 to 20 A of the Act is, I venture to Submit, open to improvement; appointments by election are Spoken of, but as the election of a Chairman is Subject to the approval of the Government, it would seem that the so-Called appointment by election is merely a nomination, and that the real appointment is the notification in the Fort Saint George gazette.

6. I do not think it necessary to touch on any other allegation.

I have the honour to be,
Sir,
Your most obedient servant

Bracken
20/9
ag. Collector

General Cur. Regr. No. 1924 of 189
5-9-99 9
R.S.

Local & Munl. (1899) Department.

CURRENT No. 2611 M

COLLECTOR'S OFFICE
-5-SEP.-1899
MADURA

Order

From M. Young Esqr. I.C.S.
Chairman, Municipal Council,
Dindigul.

No. 158.

Dated 3rd September 1899.
Received 7 OCT. 1899
Registered —
Enclosures one.
Spare copies nil

SUBJECT.

Submitting in continuation of letter no: $\frac{157}{3-9-99}$, Council's Resolutions no: $\frac{\text{I (1) to (4)}}{2-9-99}$ for cancellation under section 35(1) of the Municipal Act.

10/10

BACK PAPERS

G.O.	No.	Department.	Date.
	1448	Mis 17.	8-98
	1509	Mis of 98	
	33	Mis of 98	
	1543	Mis 5-	9.98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Enclosure No. I, to letter No. 158

Extract from the Proceedings of the Dindigul Municipal Council passed at a Special meeting held on the 2nd September 1899 at 7.30 A.M.

Present:—

A. Young Esquire I.C.S. Chairman

G. Mengel Esquire. Councillor

M.R.Ry S. P. Muttu Naicker Avl. - do.

" M. Arockyam Pillay Avl. - do.

" V. S. P. Hazi Shaik Mohamed Ibrahim Rowther Avl. - do.

" V. S. Mathorbava Rowther Avl. - do.

" Ka. Ananthanarayana Iyer Avl. - do.

" A. Athimanathier Avl. - do.

" T. Rajagopaul Naidu garu - do.

" J. W. Short Esquire - do.

" V. S. Pichaimohideen Rowther Avl. - do.

—

I. Read urgent requisition dated 26-8-99 by M.R.Ry T. Rajagopaul Naidu garu and three other Councillors for holding a special meeting for considering the following subjects:-

(1). Whether the Chairman of a Municipal Council can on his own responsibility fix the date of election of a Chairman to 4th September 1899 in spite of the Council's Resolution passed at a special meeting held on the 24th Instant, fixing it to 26th Proximo.

Read also letter Roc. No. 1924/Genl. of 99, dated 28-8-99 from the Collector of Madura stating that it is for the Chairman to convene the adjourned meeting under No. 5 of the Rules for the election of Chairman.

Proposed by M.R.Ry. S. Rajagopaul Nayadu garu, seconded by M.R.Ry. A. Athmanatier Avl. that on a careful reading and consideration of the provisions of Section 14 of the Municipal Act, and the rules in force for the election of Chairman, the Council is of opinion that it is the Council that has the power to adjourn a meeting held for the election of a Chairman to a fixed date on the following among other grounds:-

1. Rule 4 lays down that if no candidate obtains the required majority at the first meeting, such meeting shall be adjourned. Generally all meetings are adjourned by the members who held that meeting whenever there is necessity to do so. Similarly in the particular instance now under consideration,

the meeting was adjourned by the members who held that meeting as there was necessity to do so. If it was the intention of the framers of the Rules that the power of fixing the date of adjourned meeting should rest in Chairman, they would have said so clearly. The phrase "adjourned meeting" in rule 5 is significant. The adjournment of a meeting is itself a resolution of the Council.

2. The provision in rule 5 that "at least 7 days notice" shall be given by the Chairman for every "adjourned meeting" is made in consideration of the importance of the subject of the meeting and for enabling fresh nominations

being

being put in as the Chairman has power to give shorter notices of meetings, the dates of which are fixed by the Council or on the requisition of Councillors.

3. Fixing a day for a meeting & giving notice of a meeting are two distinct things. The object of the latter is to draw the attention of the Councillors to the time of the meeting which of course forms part legitimate functions of the Chairman".

Carried by 6 votes to 5 Votes.

For		Against
M.R.Ry	Muthu Naicker Avl.	Mr Mangol
"	Arockyam Pillai Avl.	Mr Short
"	Mathorbasa Rowther Avl.	M.R.Ry Pichai Mohidin Rowther Avl.
"	T. Ananthanarayana Iyer Avl.	" Sheik Ibrahim Rowther Avl.
"	T. Rajagopaul Naidu Garu	The Chairman
"	A. Athimanadier Avl.	

The following, namely, Mr Mungal, Mr Short, M.R.Ry Bibai Nobaudin Rowther Av., M.R.Ry Sheik Ibrahim Rowther Av. dissent on the grounds that M.R.Ry Rajagopaul Nayadugaru's proposition is illogical and that the whole action of the Council at the meeting of the 24th August appointing a date for adjourned meeting for election of Chairman is illegal and out of order. It is unreasonable to suppose that a party with a majority of 1 or 2 should have powers to appoint dates for election of Chairman to suit their own political purposes

and

and this is certainly not the intention of Government.

The Chairman dissents from the Resolution of the majority, on the ground that their resolution at the meeting of the 24th August was illegal and opposed both to Act II of 1884, as amended by Act III of 1897 and to the Election rules framed by Government for the conduct of Elections.

// (2). Whether the said action of the Chairman in altering the date is not tantamount to the cancellation of the Council's Resolution.

Vide Resolution No. 1.

---

(3). Whether it is not inexpedient under present circumstances to leave the election of Chairman on the 4th Proximo.

(4). Whether it is not expedient, legal and fair to leave the same on the 26th Proximo as resolved upon by the Council.

Proposed by M.R.Ry T. Rajagopaul Naydu garu, Seconded by M.R.Ry R. Ananthanarayana Iyer Avl. that in consideration of the following grounds the Council is also of opinion that it is inexpedient & undesirable that the meeting for election of a Chairman should be held on the 4th Instant.

1. The person who may be appointed at the meeting of the 4th Instant, if it is to be held, is entitled to hold his seat only for the unexpired remainder of the time for which his predecessor G. Mangel Esquire, would have, but for his resignation, continued in office (Vide Section 20 Clause 2). Such remainder expires by 22nd Inst. The appointment at the meeting of the 4th Instant is therefore useless. For it may have effect for a few days or it will have no effect at all.

2. It appears that in Madura Municipality when there is such term of unexpired remainder in the vacancies, that term is allowed to run out before fixing the date for filling it up and that such procedure is

M. Arockyasawmy named in the margin

is approved by Government.

3. The Council could have adjourned the meeting to 23rd. But as it is essential that the Chairman elected should have a clear majority of votes and as the ballots at the first two meetings did not produce such result it was not fair to leave it on 23rd. Hence the meeting was adjourned to 26th so that one may if possible be appointed in the place of G. Mengel Esquire whose term of office as Councillor expires on the 22nd Instant and allowed to take part at the ballot on the 26th Instant.

4. The Council could have adjourned it to a later date to facilitate the appointment of a Successor to the said out going Councillor, but 26th Instant was the latest day of two months allowed for the Election of Chairman"

Carried by a majority of 6 to 5.

For	Against
M.R.Ry. T. Rajagopaul Naidu garu	Mr. Mengel
" K. Ananthanarayana Iyer Avl.	Mr. Short.
" Muthu Naiker Avl.	M.R.Ry. Pichai Mohideen Rowther Avl.
" Arockiasamy Pillai Avl.	
" Mathurbasa Rowther Avl.	" Sheik Mohamed Ibrahim Rowther Avl.
" Athmanandam Avl.	The Chairman

The following, namely, Mr. Mengel, Mr. Short, M.R.Ry. Pichaimohideen Rowther Avl., M.R.Ry. Sheik Ibrahim Rowther

[illegible] Arockiasamy Avl. added in the margin.

Remitted and the Chairman dissent as follows:—

The Election of Chairman is a direction by Government to Council, and as such cannot be disputed. It should take place with the least possible delay. Para 4 of the Resolution proposed by M.R.Ry Rajagopaul Nayadu Garu is an evasion of a Government order.

(Signed) M. Young
Chairman

(True Extract)

4.9.99
Chairman

Manager
4/9/99

2611/m/99

Dindigul, Municipal office
3rd September 1899.

No: 158.

From,
M. Young Esqr. I.C.S.
Chairman, Municipal Council,
Dindigul.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2611 M

To
The Secretary
to Government
Local & Municipal Department
Fort Saint George
(Through the Collector of Madura)

C No. 2523 m of '99

N.Dis 1924/Genl of 99 dated 5-10-99.
Submitted in continuation of this office Roc. No: 1924/Genl of 99 dated 23rd September 1899.
4/10
Ag: Collector
5-10-99
Madura Collector Office 5-10-99

Sir,

In continuation of my letter No: 157, dated 3rd Inst., I have the honour to submit herewith copies of Resolutions Nos: I (1), (2), (3) & (4), passed by the Council at a special meeting held on the 2nd Instant on the requisition of the four Councillors named in the margin.

M.R.Ry T. Rajagopaul Nayadu Garu
K. Ananthanarayana Iyer Avl.
S. P. Muttukaruppa Avl.
M. Arockiasamy Avl.

2. As regards Resolution No. I (1) & (2), I have the honour to state that my efforts to explain to the majority of the Councillors, ~~which~~ who form a party headed by M. R. Ry. T. Rajagopaul Nayadu garu, the meaning of Rule 5 of the Rules for the election of Chairman, were useless, and that the Collector's letter embodied in Resolution No: I (1) in question did not bring about any change in their attitude. The majority are obstinate in their views that the Council and the Council alone has the right to fix the date of an adjourned meeting for the election of a Chairman and

No. 1924/99 [illegible] in con-tinuation of this office letter No. 1924/99 dated [illegible] September 1899. [illegible] Collector [illegible]

and that the Chairman has only to circulate a notice in pursuance of the Council's Resolution fixing the date for the meeting. This view is obviously wrong and I need make no further comment as the Resolution passed by a majority of one and the dissents recorded by the remaining 6 Councillors clearly show the opinions held by M. R. Ry. Rajagopaul Nayadu and his party and by the minor[ity] in the Council.

3. With regard to Resolution No. I (3) & (4), I have only to represent to Government that the party in question was so stubborn that

I

I was unable to convince them that Section 20 (2) of the Municipal Act applies to elected Councillors and elected Chairmen only. In the present case Mr Mangal was nominated as Councillor and also as Chairman by Government. Therefore if a Chairman be elected by the Council, he cannot be considered to have been appointed in the same manner as Mr Mangal, as is necessary if Section 20(2) is to be considered to cover the matter. My view is supported by G.O, No: 33 M, dated 6th January 1898.

Even

Even supposing that M. R. Ry Rajagopaul Nayadu garu's view be correct, Section 20 (2) will not affect the Chairman if elected at the meeting to be held on 4th September, for the Candidate elected at the meeting of the 4th Instant if any one be elected, cannot be Gazetted before the 22nd idem on which date the term of office of Mr Mangal as a Councillor expires. The Resolution passed by the majority read with the dissent recorded by the minority, requires no special ruling of Government other than the G.O. quoted which settles definitely the point at issue.

4. It will not be out of place here to mention that the majority of Councillors on the Dindigul Municipal Council seem to think that they can by a majority pass and carry out any proposal they please to make and this is not the only instance in which the majority of Councillors headed by M.R.Ry. T. Rajagopaul Nayadu garu have exceeded their powers. I respectfully invite the attention of Government to G.O.s No. 1448 M. Mis., dated 17-8-98 and No. 1543 M. Mis, dated 5-9-98.

5. Paragraphs 9 & 10 of my predecessor's letter No. 70, dated

26th

Sd.

This is not traceable 1543 5-9-98

26th May 1898 to the Collector of Madura on which the second of the G.O.s noted above was issued by Government, is, I think, worth mentioning to Government for favour of re-perusal.

6. Moreover, the Council has been sufficiently exhorted by Government itself in para 5 of G.O. No. 1509 M., dated 25-8-98, on account of the factious spirit which appeared to animate some of the Councillors, to work in harmony with the Chairman in view to effecting the better administration of the Municipality.

7. In my opinion, the present majority of the Councillors make no efforts

to work in harmony with the Chairman.

8. The fact that the party are in this illegal manner endeavouring to fix the final meeting for the election of a Chairman 4 days subsequent to the expiry of the term of office of one (Mr. Mengels) of the Councillors, rather than when the Council is at its full strength, shows clearly the spirit with which they are working to accomplish things in their own way.

9. In the circumstances stated above, I have the honour to

to request that the Council's Resolution Nos. I (1 to 4) dated 2-9-99 which are, in my opinion, illegal, may be cancelled by Government if it deems proper to do so, under Section 30 (1) of Act IV of 1884 as amended by Act III of 1897.

I have the honour to be,
Sir,
Your most obedient Servant
4.9.99
Chairman

Manglr 3/9/99

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.O., No. , DATED

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