

Legislative (1897) Department.

ORDINARY MS.

G.O., No. 71

DATED 21. 8. 97

INDEXED.

W3
23/8
58/57

[Despatch Abstract.]

M.R.Ry N. Subba Rao's residential qualification

Informing M.Ry C. Sitaramayya Pantulu of Ellore that M.Ry N. Subba Rao possesses the residential qualification required of candidates for selection by the Municipalities and Board of the Northern Group to the Legislative Council.

BACK PAPERS.

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

FURTHER PAPERS.

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

[L. 16]
250-25-11-96.

Legislative (1897) Department.

To
His Excellency

CURRENT No. 230

The humble representation of

Date

From M. B. Sitarawappa
Chairman Municipal Council
Ellore

Ref: No. 1549 of 23-7-97
Order

Referred to the Collector

Godavari for very early report.

Attention will be invited to

interpretation of the phrase

"ordinarily residents" given in

G.O. No 99, Legislative, of 25 Sept 1893,

a copy of which herewith accompanies

this reference

No.

Dated 12

Received

for Regd 19

Registered 19

Enclosures

Spare copies

SUBJECT.

Requesting to pass orders
on the validity of the Honble
N. Subba Rao Pautali's nomination
for the Vooten group as
the Honble N. Subba Rao Pautali
severed all his local connections
& removed himself with
his family to Madras about
the middle of 1896.

Note - There is only the ipse dixit
of the petitioner, a rival candidate,
to the Honble N. Subba Rao's severing
his local connections with Rajahmundry.
However, even supposing that the facts

ator of Godavari
Copy of G.O. 99 of 25.9.93

23/7/97

BACK PAPERS.

Alleged in paras 2 & 3 of the petition to be true, the petitioner himself does not deny that the Hon. N. Subbarao is "ordinarily accustomed to visit the locality and to remain there for some reasonably long period" which will give him the benefit of the very wide definition of the phrase "ordinarily resident" given by the Govt of India and accepted by this Govt, - vide G.O. 99 of 25.9.93.

G.O.	No.	Department.	Date.

FURNISHED PER

G.O.	No.	Department.	Date.

Recd in Madras
19/11/97

C to 2302

To
His Excellency Sir Arthur Elibank Havelock, G.C.M.G., G.C.I.E.
GOVERNOR IN COUNCIL
PORT ST. GEORGE
MADRAS.

The humble representation of C. SITABAMIAH, one of the candidates for the coming Legislative Elections in the Northern Group and Chairman, Municipal Council, Ellore.

RESPECTFULLY SHOWETH,

1. One of the Regulations, (No. VI) made for Madras, under section 1 of the Indian Councils Act 1892, lays down that it shall be a condition in the case of any person to be nominated by a Municipality or a District Board, that he shall be an ordinary resident of any one of the Municipalities or the Districts comprising the group concerned. What constitutes "ordinary residence," however, is not defined in the regulations. Partly with the object of obtaining a definite ruling on the point and partly because I am of opinion that the regulation in question has not been satisfied in the case of the recent nominations of the Honorable Mr. N. Subbarao, I beg to place before your Excellency's Government the following facts for consideration.

But see G.O. 99-100 of 25.9.93

2. The Honorable Mr. N. Subbarao, who is a native of the Nellore District, was practising as a pleader at Rajahmundry for several years. But about the middle of 1896, he severed all his local connections and removed himself with his family to Madras. He resigned his membership in the Rajahmundry Municipal Council. He severed his connection with the Godavari District & the Rajahmundry Taluk Boards of which he had been a member. He also gave up his Presidentship of the Godavari District Association. He broke up his establishment at Rajahmundry and had his clerk employed elsewhere.

3. I am informed that he engaged a house at Madras, where he has been living with his family and has been practising in the Madras High Court. He has also requested, according to my information, several vakils practising in the Northern Circars to be sending him work to Madras, as he settled down to practise in the High Court there.

4. In his appeal to the electors dated 2nd. June 1897 Mr. N. Subbarow says "I have not removed my residence to Madras and my intention to do so was not carried out." If Mr. N. Subbarow had intended to remove to Madras, as he says he had, and acted in the manner detailed above, I beg to submit that he ceased to be "a person ordinarily resident" at Rajahmundry from the time he settled down at Madras and commenced his practice in the High Court.

5. It may be said that Mr. N. Subbarow has recently gone with his family to Rajahmundry and that that is enough to satisfy the regulation. But in my humble opinion such a step does in no way satisfy the regulation and the Government appears to have held the same view when it declared that the Honorable Mr. Senkara Nair could not be nominated for the Southern Group, though a native of Malabar and was now and then going there.

G.O. 48 of 31.5.93

In these circumstances, I pray that your Excellency's Government will be pleased to order an enquiry into the matter and pass orders there on.

12th. July 1897
Ellore
Godavari District.

They to remain
Your Excellency's Most Obedient
Servant,
C. Sitabamiah.

Go. 54 of 31. 5. 93. Mis.
100 of 25. 9. 93 "
132 of 27. 11. 93 "

7
Legislative (1897) Department.

CURRENT No. 237

From H. A. Sim Esq. Sec.
Ag. Private Secretary, to
H. E. Melgoun.

Order

No.

Dated 20th July 1897.

Received

for 26-7-97
Registered 27-7-97

Enclosures

Spare copies

SUBJECT.

Transfers a petition
d/12th July from C. Sitara-
miah, chairman, Municipal
Council, Ellore, Godavari
dist. raising the objection of
residence against the Hon.
Mr. N. Subbarao's re-election
to the Legislative Council.

(By order)

duplicate
of No. 230.
27/7

by
Ag. Private Secy

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

To
His Excellency Sir Arthur Elibank Havelock, G.C.M.G., G. C. I. E.
GOVERNOR IN COUNCIL
FORT ST. GEORGE
MADRAS.

the humble representation of C. SITARAMIAH, one of the candidates for the coming
Legislative Elections in the Northern Group and Chairman,
Municipal Council, Ellore.

RESPECTFULLY SHOWETH,

1. One of the Regulations, (No. VI) made for Madras, under section I of the Indian councils Act 1892, lays down that it shall be a condition in the case of any person to be nominated by a Municipality or a District Board, that he shall be an ordinary resident of any one of the Municipalities or the Districts comprising the group concerned. What constitutes "ordinary residence," however, is not defined in the regulations. Partly with the object of obtaining a definite ruling on the point and partly because I am of opinion that the regulation in question has not been satisfied in the case of the recent nominations of the Honorable Mr. N. Subbarao, I beg to place before your Excellency's Government the following facts for consideration.

2. The Honorable Mr. N. Subbarao, who is a native of the Nellore District, was practising as a pleader at Rajahmundry for several years. But about the middle of 1896, he severed all his local connections and removed himself with his family to Madras. He resigned his membership in the Rajahmundry Municipal Council. He severed his connection with the Godavari District & the Rajahmundry Taluq Boards of which he had been a member. He also gave up his Presidentship of the Godavari District Association. He broke up his establishment at Rajahmundry and had his clerk employed elsewhere.

3. I am informed that he engaged a house at Madras, where he has been living with his family and has been practising in the Madras High Court. He has also requested, according to my information, several vakils practising in the Northern Circars to be sending him work to Madras, as he settled down to practise in the High Court there.

4. In his appeal to the electors dated 2nd. June 1897 Mr. N. Subbarow says "I have not removed my residence to Madras and my intention to do so was not carried out." If Mr. N. Subbarow had intended to remove to Madras, as he says he had, and acted in the manner detailed above, I beg to submit that he ceased to be "a person ordinarily resident" at Rajahmundry from the time he settled down at Madras and commenced his practice in the High Court.

5. It may be said that Mr. N. Subbarow has recently gone with his family to Rajahmundry and that that is enough to satisfy the regulation. But in my humble opinion such a step does in no way satisfy the regulation and the Government appears to have held the same view when it declared that the Honorable Mr. Senkara Nair could not be nominated for the Southern Group, though a native of Malabar and was now and then going there.

In these circumstances, I pray that your Excellency's Government will be pleased to order an enquiry into the matter and pass orders thereon.

12th. July 1897
Ellore
Godavari District.

C. Sitaramiah

(1897) Department.

D. O. No. 671.

D. O.

From

M. L. R.

C. Sitaramayya.

No.

Dated 12th Aug 1897

Received 15th _____

Given for
Registered 19th _____

Enclosures

Spare copies

SUBJECT

Stating that as he has to attend
Mun. election on the 16th inst.
he cannot leave Ellore to
only to make personal
representation re his
candidature in the Leg.

*July 27th 1897
Hindu
Reply to the post*

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

D.O. No. 671

Ellore
12.8.97.

Dear Sir,

I beg to inform you that
as I have to attend Municipal
Elections on the 16th Instant, I could not
leave Ellore for Colacamund to make a
personal representation to you as I first
intended to do. I have however this day
sent copies of my petition in print for circulation
which I hope you will be pleased to peruse
and do the needful. I trust that from a
careful perusal of my petition you will be
able to send through the conduct of my
social committee.

Hoping to be excused for the trouble,

Yours

most obediently

C. S. K. Narayana.

(Municipal Chairman, Ellore.)

Letter

Judicial (189) Department.

CURRENT No. 248.

Telegram

From Mr. R. K.
Cherukuvada Seetharamiah
Rajahmundry

Order

No.

Dated 9

Received at Ooty 10
at Madras 12

Registered

Aug: 97

Enclosures

Spare copies

SUBJECT.

Requesting to suspend
orders, pending receipt of
his petition, on the report
of the Collector of Godavari
on his memorial regarding
the Hon Mr Subba Rao's residential
qualification.

Aw out Coll's
report & spec
19/8/97
16/8/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

INDIAN TELEGRAPHS

Monthly Number.

878

Class.

To (Office)

Words.

Day.

Hour.

Minute.

Official Instructions.

From (Office)

To (Person)

From (Person)

32 Word Form.

Quert my pehān regarding
Mr Subbabras residential
qualification collector go down
submitted report called for
no proper inquiry held here state
taken from Mr Subbabras his clerk and.

At

Hrs.

Mts. by

LN.

Sent to

LN.

At

Hrs.

Mts. by

Telegraph Master.

OST—No 424 T—27 4 26—4000000

CC. CAMUND 9-8-97

Class.

INDIAN



TELEGRAPHS

Monthly
Number.

To
(Office)

From
(Office)

Words.

Day.

Hour.

Minute.

Official
Instructions.

To
(Person)

From
(Person)

2

32 Word Form.

myself examination of Mr Subbarao
not allowed ~~no~~ opportunity
given to adduce evidence I represent
my objections to this procedure to
Collector by petition which he promises
to forward with his report. respectfully
urge that truth cannot be elicited
without full and open inquiry petition

Recd. from

LN.

Sent to

LN.

At

Hrs.

Mts. by

At

Hrs.

Mts. by

Telegraph Master.

OCTACAMUND 9-8-97

To (Office)				From (Office)	
Words.	Day.	Hour.	Minute.	Official Instructions.	

To (Person)	3	From (Person)
-------------------------------	---	---------------------------------

32 Word Form.

detailing particulars posted pray
 move govt to suspend order
 on collector's report and direct
 complete enquiry here and at
 madras. madras witnesses are messrs
 bhashyamengar sarkamair pattabhi
 seshagiri aiyar aiyavaiyar.

Recd. from Adv.	LN.	Sent to	LN.	
Hrs.	Mts. by	OOTACAMUND 9-8-97		W. Maso Telegraph Master.

BACK PAPERS.

G.O.	No.	Department.	Date.

Legislative
Educational (1897) Department.

CURRENT No. 251

*From The Collector
of Godavari*

Order

Dis. No. 1035 of 1897

Dated 9 *th* August 1897

Received 14th AUG. 1897

Registered 14-8-97

Enclosures 10

Spare copies

SUBJECT.

*Reporting on the Petition
of M. R. R. C. Sektaramiah
garn of Eldre regarding
the residence of Hon. N. Subba
Rau Pankulu garn*

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Cocanada

25-10-1895

To

The Secretaries

Godavery District-
Association

Gentlemen,

I beg to tender my resignation
of the office of the President- of the
Association. I am sorry that- I could not-
hitherto take any part- in your proceedings.
Though I resign the office you were please
to confer on me, I beg to assure you that- I
should continue to take the deepest- interest
in the welfare and work of the Association. I
venture to suggest- to you that- the
Association might- be registered so that- it
may
~~might~~ have a legal and recognized status.
There ought- to be no difficulty in the
matter.

Yrs Sincerely

N. Subbarao

Date

File office

Rajahmundry

18-5-1896

20/5/96

The Mr. Jodang

Mr.

I beg to resign my
seat on the Municipal
Council Rajahmundry

I have the honor

L
your most obedient
servant

(Sd) V. Subbarao

25/5/96
25/5/96
25/5/96

To

His Excellency Sir Arthur Elibank Havelock, G.C.M.G., G. C. I. E.
GOVERNOR IN COUNCIL
FORT ST. GEORGE
MADRAS.

The humble representation of C. SITARAMIAH, one of the candidates for the coming
Legislative Elections in the Northern Group and Chairman,
Municipal Council, Ellore.

RESPECTFULLY SHOWETH,

1. One of the Regulations, (No. VI) made for Madras, under section 1 of the Indian councils Act 1892, lays down that it shall be a condition in the case of any person to be nominated by a Municipality or a District Board, that he shall be an ordinary resident of any one of the Municipalities or the Districts comprising the group concerned. What constitutes "ordinary residence," however, is not defined in the regulations. Partly with the object of obtaining a definite ruling on the point and partly because I am of opinion that the regulation in question has not been satisfied in the case of the recent nominations of the Honorable Mr. N. Subbarao, I beg to place before your Excellency's Government the following facts for its consideration.

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3. I am informed that he engaged a house at Madras, where he has been living with his family and has been practising in the Madras High Court. He has also requested, according to my information, several vakils practising in the Northern Circars, to be sending him work to Madras, as he settled down to practise in the High Court there.

4. In his appeal to the electors dated 2nd. June 1897 Mr. N. Subbarow says "I have not removed my residence to Madras and my intention to do so was not carried out." If Mr. N. Subbarow had intended to remove to Madras, as he says he had, and acted in the manner detailed above, I beg to submit that he ceased to be "a person ordinarily resident" at Rajahmundry from the time he settled down at Madras and commenced his practice in the High Court.

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In these circumstances, I pray that your Excellency's Government will be pleased to order an enquiry into the matter and pass orders there on.

12th. July 1897
Ellore
Godavari District.

C. Sitaramiah

UNDER SECRETARY
17 JUL 1897
PUBLIC STATION

Enclosed to 9 to 257 July 1897

1,000-4-97

No.

GODAVARI DISTRICT COLLECTOR'S OFFICE,

Rajahmundry, 2nd August 1897.

FROM Mr. P. Theenathayala Naidu, J. A. B. A.
Collector, in charge.
Godavari District,

To
THE Collector
Godavari
Cocoanada

SIR,

Returned with
its enclosures

With reference to your endorsement on memorandum
no. 1549 dated Octacannund 23rd July 1897 from
the Secretary to Government, I have the honor
to report as follows:-

2. Mr. C. Litcanian states in his petition under
reference that the Honorable Mr. N. Subbaram "sever
"all his local connections and removed himself
"with his family to Madras" about the middle of
1896. On referring to his clerk's diary for 1896 in
which his movements are recorded (his diary for 1897
is not forthcoming) and from his own for 1897, I
find the following particulars. He returned from
Poona to Rajahmundry on 4-1-96, left for Madras
on 23-2-96 to attend the Council meeting,

Enclosed to 76 C to 2524787

returned to Rajahmundry on 19-3-96. Then he left for Masulipatam on 28-3-96 and thence for Madras on 31-3-96 to attend the Council meeting on 8-4-96, and returned on 11-4-96. From 11-4-96 to 22-9-96, he was in this district except from 9-7-96 to 16-7-96, when he was absent in the ^{Kistna} district. He then left for Madras on 22-9-96 and returned on 14-10-96. He then went to Masulipatam on 17-10-96 and thence to Madras on 20-10-96 with his family, and returned on 13-11-96. He left for Madras again on 25-11-96 to attend the Council meeting on 9-12-96 and returned on 28-2-97, after the Council meeting of 9-2-97. He was in the Kistna District on business from 6-3-97 to 7-4-97, left for Madras on 7-4-97, departed therefrom on 19-4-97, was in Masulipatam from 20-4-97 to 23-4-97. He was then in this district till 8-5-97, when he left for Gajam and Vizagapalam. He returned to this place on 17-5-97 but left this place on 9-7-97, went to Madras and returned on 17-7-97. Between 17-5-97 and 9-7-97, he was in this district and also in Vizagapalam, Gajam and Kistna. He has business both in Godavari and Kistna.

In the District Court of Godavari, he was in March 1896 in Kasiviswanatham's case, in April 1896 in Valluri partition suit and in June 1896 in Yeflawee 1896 in AS no. 185 of 1896, and in November 1896 in Ganapavaram Appeal case. Again he appeared before the District Magistrate of Godavari in the Valluri criminal case in February 1896, and in a criminal Revision Petition in April 1896. In May 1896, he appeared before the Head Assistant Magistrate of Ellore (Godavari) in the Tirupati criminal case, and in July 1896, before the Sub Collector of Rajahmundry in Ramaswamy's summary suit. He had business in the Kistna District Court in March and April 1897 and in the Head Assistant Magistrate Court of the same district in July 1896. All this shows that he makes a long stay in the circuits and that he has not given up his business there. His clerk is one Kondalhom, and from the account book maintained, I find that

that he was paid Rs 15 per mensem on the marginally
noted dates and it is ^{in a direct} ~~easy~~ to say, as

Mr. C. Litaraniak has ventured to do, that Mr.
Lubbarow "had his clerk employed elsewhere"

As for his residence, he occupies a house
in Rajahmundry, belonging to the Maharaja
of Vizianagaram, and the account book shows
that Rs 322-2-11 was paid in lump on 2-7-97
towards house rent for the period extending from
15-11-95 to 30-6-97

Mr. N. Lubbarow was a member of the
Tahsil Board of Rajahmundry but his term expired
on 10-1-96, and he was not recommended
for reappointment by Mr. Mayo, the then President,
in his letter No. 165 dated 15-1-96, addressed
to the President of the District Board. Mr. N.
Lubbarow did not sever his connection. The
circumstances under which his connection with
the District Board ceased are not known in this
office. He resigned his connection as President
of the Godavari District Association as per his letter

3-7-96
6-8-95
3-9-96
12-10-96
5-11-96
6-12-96
5-1-97

dated so far back as 25-10-95, and his seat
in the Rajahmundry Municipal Council on 18-5-97.
The former resignation is too old to be connected
with his intention to sever his connection about
the middle of 1896. The office copies of both the
resignations, the diary and the account book
for 1896 are herewith submitted. The current
diary and the account book have been returned.
I have not heard the petitioner and I do not
think it necessary to do so.

I have the honor to be

Sr,

Yours most obedient servant

Dy Collector in charge

REVENUE (1897) DEPARTMENT.

From

Deputy Collector, in charge
of the Sub Division
Godavari District,

To

The Collector

Godavari District

Des. No. 2679 of 97
with Enclosure 7

Dated 5th

Despatched 5th August 1897.

Received

SUBJECT.

Submitting report on the
period of residence and the
connection with the locality of
the Honorable Mr. Subbaram
Pantham

Encl. to Des. No. 2579 of 97

on the morning of the 6th, when I was informed
that you were out in camp. In consequence
I have to thank that you returned from

To

V. A. Brodie Esquire

Collector, Godavari.

The humble representation of

C. Sitaranaraya.

Respectfully sheweth.

While at Madras on business I was informed
that a report had been submitted to you by
the Deputy Collector at Rajahmundry
on the night of the 2nd Instant by

N. Jaladurga Prasadavayam District Court

Pleader, Rajahmundry, that my petition to Govern-

ment regarding the residential qualification of

N. Subbaram was referred to you for

enquiry and that you told him that say that

enquiry would be held at Rajahmundry on the

Instant and that a list of witnesses should

be put in.

I accordingly left Madras by the next train

on the 3rd Instant and reached Rajahmundry

To be filed with the other
papers. Mr. Subbaram's case is
in no way analogous to Mr. Pantham's.
Mr. Pantham had been
deputed as headmaster for several years
in the High Court and he had been
petitioning for a long time in Mr. Subbaram's
case. All he alleges is that he
went with his family in 1896 to
Madras and he had been
residing in Madras for several years.
The High Court and the District Court
have both decided in his favor.
Admittedly that he did so. I am
sorry Mr. Subbaram does not admit
it. It cannot be denied by telegram on the night of the 2nd Instant by
that Mr. Subbaram was in
connection with Madras on the
26th Feb. 1897 when he
left it and he returned to his
home in Rajahmundry with his
family. He has been
residing there ever since
with the exception of a few
days flying visits to Madras
for business. He has been
residing in Madras where he
has a house of his own
does not make him
an "actual resident" in
Madras. When he was
applied for election he was
not residing in Madras
for he had no house there
and he was not in
Madras at the time he was
applied for election.

He was in Madras on the 26th Feb. 1897 when he left it and he returned to his home in Rajahmundry with his family. He has been residing there ever since with the exception of a few days flying visits to Madras for business. He has been residing in Madras where he has a house of his own does not make him an "actual resident" in Madras. When he was applied for election he was not residing in Madras for he had no house there and he was not in Madras at the time he was applied for election.

He was in Madras on the 26th Feb. 1897 when he left it and he returned to his home in Rajahmundry with his family. He has been residing there ever since with the exception of a few days flying visits to Madras for business. He has been residing in Madras where he has a house of his own does not make him an "actual resident" in Madras. When he was applied for election he was not residing in Madras for he had no house there and he was not in Madras at the time he was applied for election.

on the morning of the 6th, when I was informed that you were out in camp.

3 I came to know that you returned from Camp yesterday about 5 P.M., when I wrote to you, but you were pleased to tell me that I should see you this morning.

4 This morning you were pleased to tell me that my petition to Government was from your office despatched to the Deputy Collector at Rajahmundry, that he submitted a report to you; that you would take a statement from Mr. Subbarao and that if you find it necessary you would give me an opportunity to produce evidence.

5 This afternoon when you took a statement from Mr. Subbarao I was not allowed to cross-examine him but you asked me if I might suggest to you any questions to him, but you were pleased not to put the questions I suggested.

As was stated in the original report, the witness was not allowed to cross-examine him.

As to Mr. Subbarao's intention to remove to Madras, as to the time of payment of rent by him for his (rented) house, as to certain other matters, which would in my humble opinion be best left to the discretion of the Court.

That Mr. Subbarao removed to A. I. T. is not known. The date of his removal is not known.

6. That ^{from} the present statement of Mr Subbarow it can be seen that he had been making arrangements to remove to Madras since October 1895 and that he removed to Madras with his family in October 1896. In October 1895 he resigned the Presidency of the District Association, and in January next he ceased to be a member of the District and Taluk Boards of which he was a member for a long time, and if it was not understood that he would soon remove to Madras his name would have been certainly suggested for re-nomination by the Vice-President. Some time after ⁱⁿ May 1896 he resigned the Municipal Councilorship of Rajahmundry and in October 1896, after the Puskaram was over, he removed his family to Madras, having given notice to his clerk (pleader's clerk) that his services would not be required any more, and recommended him for appointment ^{as} - (his other clerk being employed according to him in connection with a journal of which he was only a proprietor.)

7. Although he went to Madras several times before,
it was only in 1896-97 that he rented a house
at Madras and that he began practising
in the High Court. These facts in themselves,

I beg to submit, shew, whatever Mr Subbarao's
explanation may be, that his conduct is not
consistent with his statement that he did
not carry out his intention of removing
to Madras.

He had a clock registered in the High
Court, Madras (while dispensing with the services
of his clock at Rajahmundry) took up work
in the High Court of a nature that would not
have been entrusted to him if he had not
settled down at Madras permanently and led
the public to believe so. If I had been allowed
to cross-examine Mr N. Subbarao and to adduce
evidence I would have been able to shew
that Mr Subbarao had left for Madras
and settled down there.

8. In my humble opinion the circumstances

Although that he has
never left was
there a very short
time ago
Vall

Handwritten text on the back of the page: "Lib" and "Horn".

Spk is cleared.
Returned to head as in
Feb 1866 as you say
is equally clear that
he returned from
head as in Feb 1867
1866

either here or in Annapur Taluk does not render him eligible for nomination.

10. Under the G.O. interpreting "ordinary residence" it was held that the connection with the place however long or short the stay may be, must be of a residential nature, and being that his local connections ceased, Mr. Subbarow's connection with this place cannot be considered to be of residential nature, and he is not prepared to assert that he would remain in these parts at least for some reasonably long period.

In these circumstances I request that you will be pleased to hold an enquiry enabling me to cross-examine Mr. Subbarow and to examine the following witnesses.

Honorable N. Subbarow.

Rao Bahdur K. Veerasalingam garu.

C. Venkatachalam garu B.A. B.L.

C. V. L. Narayanarow garu B.A. Pleader.

J. Prakasam garu, Pleader.

S. Bhimasankararow garu, Pleader.

G. V. Sircar garu } of Rajahmundry.
row garu } Pleaders
Elmore

He refused to be examined in his own right. It is the past case of Subbarow. The present case is different.

Have and want cross examination. I am not satisfied with the evidence of the witnesses. I suggest questions to be put to the witnesses. I am not satisfied with the evidence of the witnesses. I suggest questions to be put to the witnesses.

Missrs.

V. Seshachalam garu. with correspondence
with the collector in connection
with the Taugellamudy appeals in
the High Court, when recommending
the same to be sent to Mr Subbarao
at Madras. Ellore.

P. Gopalau garu B.A. Pleader. Ellore.

J. Krishnaswamy Naidu garu B.A.
Cocanada.

Dewan Bahadur C. Somasundara Sastry garu
with the recommendatory letter from
Mr Subbarao and other papers in connection
with the appointment of Kondalarow
(Mr Subbarao's clerk) under the Court
of Wards. Cocanada.

V. Narayanamoorthy garu, Kotipalli.

Maharajah's Amin, with the
record showing receipt of rent re-
of the Vizianagram Maharajah's
houses re- at Rajahmundry.

Honorable V. Bhashyam Iyer garu

" Sankara Nair

Missrs C.R. Pattabhirama Iyer } Madras

J.V. Seshagiri Iyer

S. Ayzanayyer

As regards the Madras Gentlemen I require

C.P.

that you will be pleased to wire to Government
 to have them examined at Madras.

with the High Court, when recommending
 the same to be sent to Mr. Subbaram
 at Madras.

with the High Court, when recommending
 the same to be sent to Mr. Subbaram
 at Madras.

with the High Court, when recommending
 the same to be sent to Mr. Subbaram
 at Madras.

2

7th August 1897.
 Raghunamony.

that you will be pleased to wire to Government
 to have them examined at Madras.

with the High Court, when recommending
 the same to be sent to Mr. Subbaram
 at Madras.

with the High Court, when recommending
 the same to be sent to Mr. Subbaram
 at Madras.

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 the same to be sent to Mr. Subbaram
 at Madras.

with the High Court, when recommending
 the same to be sent to Mr. Subbaram
 at Madras.

with the High Court, when recommending
 the same to be sent to Mr. Subbaram
 at Madras.

I am the clerk of the Hon. Mr. Butler
Row. I have been in his service for the
last ten years — since 6 April 1883
There was a break in my service from
the 1st of January 1886 to the 23rd of April
I re-entered his service on the 24th of
April. During the interval I had obtained
a doctor's certificate for a suitable appointment
in the R. A. M. Hospital or in the Royal
Dundee Board with no success. I was
informed by my employer that as he expected
to be absent from the station for some months
he would not require my services during
that period and I returned to my other
employment. If I failed he said he
would take me back when I returned.
He then told me when he gave me notice that
he was coming back in December that he was
then going to the address for the Council
meetings & also to the station for the
baller and in the District Council
Meeting.

7-8-97

I settled down in Rajahmundry in 1899. and have since been practicing in the courts of this District & for a long time in the District Court. I have landed property in this District some of my property in Nellore. I possess house property in Rajahmundry. I have no other property elsewhere. When residing in Rajahmundry I lived in ~~the~~ ^{two} rented buildings - one till 1893 then another which I still occupy. I did not at any time give up that house. I was told that Mr. Siharannath has frequently visited in there. I was at one time very much intention to move to Madras. I have not given up that intention. I have not been called on for a statement in any circular letter in the election. In 1896 I lived up to the year at Rajahmundry. My family lived here too. I took my family with me to Madras about the 20th October. I had done so in 1893 & 1894 previously. My family resided in Madras till about the 18th of November when they went to Nellore. I brought them back to Madras about the 13th of December and stayed on here till about the 26th of February. Then I left Madras. I brought my family with me. They have been at Rajahmundry ever since. I have not gone back to Madras. I visited Rajahmundry in November in connection with some professional business at Cocanada. The statement of my income is given in para 2 of the Collector's report is substantially correct. I took a house in Madras and I paid for it for 6 or 7 months. I was at the same time paying for my house in Rajahmundry. I have occupied the house in Madras. I was sub-rented to another. Last November my house in Rajahmundry came down. My lease in Nellore came to an end. I have never lived in a rented house in Madras. I have ^{usually} occupied my house in Nellore. I have not been called on for a statement in any circular letter in the election.

Cherukuvada Liharaiah

The petition from me is the one
I submitted to Government. I admit that Mr.
Subba Rao was formerly a resident for many
years of Rajahmundry. His present allegation is
that he ceased to reside in Rajahmundry. He
left Rajahmundry about the middle of 1896. He
has since returned. I was I think in April last
but I am not sure about the date. He has I think
some property in this district & he possesses a
house in Sistrupet. When I saw that house it
was incomplete. I do not know that he
has ever resided in it. I cannot but say that
he resigned the Municipal Council Rajahmundry
in 1894, when under what circumstances
he severed his connection with the Godavari District
& Rajahmundry Taluk Board. I do not know the date
on which he gave up the Presidency of the
Godavari District Association. I understand that
he obtained employment for his clerk in the Killa per
estate. I cannot give the exact date. I have been informed
that he rented a house for some time but that the
arch was damaged by heavy rain. After that he ceased to
believe in his Subrahmanya Sagar - a house at
low. I do not know that he ever lived in
the house he rented. I am also informed that he
got a clerk registered in the High Court and that
he practises there regularly for some months.

Cherukuvada

7-8-97

Encls 3 to 25/12/97

List of papers accompanying the
Godavari Collector's Dis: no: 1035 of 1897
dated 9th August 1897:

1. Statement taken from M.R.R. C. Sector
- Ramaih gam

2 Do do M.R.R. Honorable
N. Subbaba Pantulu gam.

3 Do do P. Kondal Rao.

4 Letter Dis: no: 2679 of 1897 dated
5th August 1897 from the Dy. Collector
in charge of the Sub Division.

5. Petition of M.R.R. C. Sitaraman
addressed to the Collector -

6. Do do to H. E. The Governor
in Council.

7. Manifesto dated 2nd June 1897 sent by
M.R.R. Hon: N. Subbaba Pantulu from to the Collector

Collector
Collector -

28
10.8.97

Enclos to 2 & C to 257 Leg 0897

C No 251 Leg
Godavari District Collector's Office
Rayachunury 5. 8. 97

No. —

From.

V. A. Brodie Esquire

Collector, Godavari District.

To.

The Secretary to Government

Legislative Department, Madras.

Sir,

I have the honor to return herewith the petition to His Excellency the Governor in Council, of MRRy Csitaramiah garu, dated the 12th Instant, forwarded to me for report with your memorandum no. 1549 of the 23rd ultimo, and to report as follows:-

2. Since the beginning of 1896 up to date, Mr. Subba Row's movements have been as follows approximately:

4. 1. 96 Returned to Rayachunury from Poona

23. 1. 96 Proceeded to Madras to attend a meeting of the Council.

19. 3. 96 Returned to Rayachunury.

Enclosed, to C No 251 Leg 97

28. 3. 96 Proceeded to Masulipatam.
31. 3. 96 Went direct thence to Madras for Council meeting.
11. 4. 96 Returned to Rayachumudy.
9. 7. 96 Went to Kistna.
16. 7. 96 Returned to his district.
22. 9. 96 Went to Madras.
14. 10. 96 Returned to his district.
20. 10. 96 Went with his family to Madras.
13. 11. 96 Returned to his district without his family.
25. 11. 96 Went to Madras.
28. 2. 97 Returned from Madras with his family.
6. 3. 97 Went to Kistna on business.
7. 4. 97 Went on to Madras.
19. 4. 97 Returned to Kistna in connection with a suit.
23. 4. 97 Returned to Rayachumudy.
8. 5. 97 Went on a visit to Vizagapatam and Ganjam.
17. 5. 97 Returned to his district.
9. 7. 97 Went on business to Madras.
7. 7. 97 Returned to Rayachumudy.

These dates have been ascertained from the diary of the Honorable Mr. Subba Row's clerk for 1896 as his own is not forthcoming and from his own diary for 1897 and as both have been

regularly kept, they are correct no doubt.

3. During his stay in the circus in 1896 and 1897, he practised as a pleader in various Courts of the Godavari and Kistna districts and ordinarily resided at Rayachumudy where he settled in 1879 and where he was for some years Public Prosecutor. Except during the period 20th October 1896 to 28th February 1897 when they were absent (principally in Madras), his family resided at Rayachumudy occupying the house which the Hon. Mr. Subba Row took on lease from the Maharajah of Vizianagaram in September or October 1893, and has, he tells me, paid rent for ever since up to the 30th June last without interruption. His account book shows that he paid Rs 322-25 as rent from 15. 11. 95 to 30. 6. 97 on the 2nd of June last without interruption. It is also stated by him and has not been denied by the petitioner that no one else occupied the house as his sub-tenant or otherwise during that period even when the

was himself long absent from Rayahmundry.

4. Turning to the various allegations contained in the petition, I have to say in reference to para 2 that it is true that he has resigned the various honorary offices mentioned therein, but the Hon. Mr. Subba Row denies that this was in connection with any design of leaving the district and settling in Madras. The Godavari District Association Presidency he only held for a few months and resigned in October 1895. In January 1896 his term of office as a member of the Rayahmundry Taluk Board expired, and he was not re-appointed. In consequence, he also vacated his seat on the District Board as he was there an elected representative of the Taluk Board, and in May 1896 he resigned his seat in the Rayahmundry Municipal Council about the same time that the present Government Pleader did so and for the same reasons he says - dissatisfaction with the Council's administration. The

Statement that he broke up his establishment in Rayahmundry and had his clerk employed elsewhere, is only partially true: whether he dismissed all his domestic servants or took all away with him, I have not ascertained, but it appears that of his two clerks, he dispensed with the services of his Court - Gummasta or legal clerk from the 31st December last and re-embarked him towards the end of April after he returned from Madras and Kistna to this district. His other clerk who looks after his other local affairs and interests, he has all along kept in his service.

5. As stated in para 3, it is true that a house was taken for the Hon. Mr. Subba Row in Madras by a friend some time about May or June 1896, but he and his family never occupied it as it was occupied by a sub-tenant till it fell down during the heavy rains of the last North East monsoon.

which put an end ^{to} of his own lease and
that of his sub-tenant from him. When in
Madras between October and the end of
February, it is true that Mr. Subba Row
practised in the High Court, and he states
that he probably informed several
pleaders that he was ready to undertake
Madras business though he denies that
he ever told them that he had "settled
down to practise in the High Court there".

6. What the petitioner most strongly urges is
that all the Hon. Mr. Subbarow's actions
and conduct indicate clearly, that he
intended to settle permanently at Madras
and practise in the High Court there when
he took his family with him to Madras
in October 1896. Not only so, but he urges
that he did settle there and practise
in pursuance of that intention. The
Hon. Mr. Subbarow, however, does not at all
wisdomist this and I know of no reason to

doubt his word. I have also declined to
make inquiries of certain persons cited by the
petitioner in reference to this point, because
it does not seem to me to matter in the
least for the purposes of this inquiry
whether or not the Hon. Mr. Subba Row
intended to settle in Madras when he
went there in October last ^{and} whether it
was in pursuance of that intention that
he stayed there with his family till the end
of February and practised there in the High Court.
7. All that petitioner alleges admitting it
to be true, is that the Hon. Mr. Subbarow
resided in Madras regularly and ordinarily
from the end of October to the end of February
but surely this does not make him now
"ordinarily resident" in Madras where
admittedly he ^{has} had no house since
sometimes in November or December last
and where he has only been a very occasional

visitor on business since February. On the other hand he lived ordinarily for years up to October last in Rajahmundry with his family and has done so since their return at the end of February. He has also been assessed to income tax in this district for 1896-97, and will be so again for 1897-98. As the Collector of Madras has not taken him on to his list. As, with the exception of a period of about 4 months last Cold weather when he was almost entirely in Madras, the Hon. Mr. Subba Row has for years resided almost exclusively in the Northern Circars where Rajahmundry has been his only permanent place of residence, I am of opinion that he must still, as in past years up to date, be considered "ordinarily resident" here, even if for a few months during the last twelve he was "temporarily" "ordinarily resident" in Madras.

Whether he went there intending to settle, changed his mind, or intended only a temporary stay when he went seems quite immaterial. All that has to be looked at is that his stay was in fact only a temporary one. His case is in no way analogous that quoted by the petitioner, of the Hon. Mr. Sankara Nair, for this gentleman had resided ordinarily in Madras and only visited Malabar occasionally for years before the question arose. In the present case, the position is the reverse. Up to date the Hon. Mr. Subba Row has resided for much the greater part of every year in Northern Circars where alone he has a residence of his own, and the period of each year he has spent in Madras has been brief although it appears to have been longer Cold weather than ever before.

I enclose ^{herein} ~~some~~ certain statements

taken from the petitioner, the Honorable
Mr. Subba Rao and another with other
papers according to the list attached.

I have the honor to be,

Sir,

Your most obedient Servant

Veenuvardin
Collector.

28
10.8.97

[$\frac{L.}{16}$]
250-25-11-96.

Legislative (189) Department.

CURRENT No. 253

From

C. Sitaramayya
a Candidate for Legislative
Council

Order

No.

Dated 11.8.97

Received 16/8/97

Registered 16/8/97

Enclosures M

Spare copies

SUBJECT.

Praying that an open inquiry
be held to ascertain the residence
qualification of the Hon.
Subba Rao Pantulu.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS

G.O.	No.	Department.	Date.

To
His Excellency Sir Arthur Elphinstone
Haasloch. G. C. M. G.; G. C. J. E.
Governor in Council
Fort Saint George

Madras.
The humble representation of C. Sita
Raniak, one of the candidates for the Coming
Legislative Elections in the Northern Group
and Chairman. Municipal Council
Chore.

Respectfully Sheweth,

1. That my petition objecting to the
nomination of Mr. N. Subba Rao
for election to a seat in the Legislative
Council, was referred for enquiry to the
Collector of Godavari and that the
Collector sent a report without making
a full and proper enquiry, and without
allowing me an opportunity to adduce evidence.
2. That my objection is that Mr.
Subba Rao resided permanently at Madras

with his family last year, and that
he is therefore ineligible to be a Candidate
for Election under Regulation VI of the Act.

3. That Such being the case, the fact
that he came to Rajahmundry shortly
before the nominations, does not entitle him
to claim a residential qualification.

4. That from the following circumstances
it is clear that Mr. Subbarao had for
some time contemplated settling at Madras
and carried out that intention in October last.

5. That in October 1875, he resigned his
Presidency of the Godavari District
Association, in January 1876 vacated his
seats on the Rajahmundry Salary Board
and on the Godavari District Board,
by efflux of time, and though he had been
a member for a long time, he was not
recommended to these Boards, which
would have been the case if he had
not then contemplated going to Madras.
In May 1876, he resigned his seat on
the Rajahmundry Municipal Council.

of which he had been a nominated
member for a long time, and went
with his family in October 1876 to
Madras, having given notice to the
professional clerk that he would
resign his services. He had a clerk
in the High Court and settled down
there to practice in the High Court as
work from the Muffassil.

b. Mr. Subbarao says that he
an intention to go to Madras, but that
intent was not carried out. He says he
resigned his Presidency of the District
Association not because he wanted to
go to Madras but because he wished to
be free in his capacity of a Legislative
Councillor. But he was a Legislative
Councillor before, having been first
appointed member in 1873, and it does not
appear why he did not consider it necessary
that he should be free before. As
regards his seat on Local Boards, he
says that he vacated them by mere efflux
of time, and that he was not re-nominated.

If it was not known, that he was ^{going} away to Madras, he would have ^{been} certainly nominated by the Vice President especially when he has been such a ^{long} standing member of the Boards. ^{of the} Municipal Councilorship he says ^{he} resigned because he disapproved of the manner in which Municipal affairs, ^{had} been managed, but it does not appear ^{that} Municipal affairs displeased him so ^{much} as to induce him to resign his ^{position} the eve of his departure to Madras, which he had been occupying by nomination continuously for a long time.

7 He admits that he began ^{practising} in the High Court only on this occasion (from 1896 October) and that he had ^{never} before took work in the High Court though he had previously gone there several times, so that it is clear that his removal to Madras in October dates the change of his residence. ^{And} he became a resident of Madras and settled down to practice there, he would

not have a clerk enlisted there and
not have taken up work (Filed and
Appeals) which generally take some years
before they are disposed of and no one
would send him work, unless he gave
the public to understand that he settled
down at Madras. He says to the best
of his recollection, he did not write
to any one soliciting work in the High
Court, though he expressed his willingness
in correspondence and conversation to
take up work if offered him. Thus
according to himself he never expressed
such willingness on previous occasions
when he went to Madras, and he never
practised before, thus making it clear
that he settled down at Madras
where he remained in October 1826.

8. He says that he returned to these
parts in February 1827, and that he engaged
his clerk again from April last and that
he has been keeping suit for his house
here all along. As regards the suit,

my information is that he said
for a long period only during the
last month. This circumstance only shows
that Mr. Subbarao is trying to show
that his ordinary place of residence is
but what he does during the nomination
cannot have any value; seeing especially
that he is unwilling to commit himself
to any statement as to whether he has
for the present abandoned his intention
of going to Madras.

9. Mr. Subbarao declared at the time
when he sought election, the 2nd time, that
he would not stand as a candidate
a third time, as he admits in his appeal
dated 2nd June 97, and he had therefore nothing to
restrain him from carrying out his intention
to remove to Madras in October 1896. But
after having settled down at Madras for
some time he seems to have reconsidered for some
reasons the idea of again standing as a
candidate and therefore he now says that
his intention to remove to
has been carried out.

10. I am informed that the general impression created by his conduct among the bar at Madras is that he settled down at Madras; and if it be found that he did settle down at Madras, I submit that he has no residential qualification.

" If I had been allowed to examine Mr. Subbadas and adduce evidence, I trust, I could have proved that Mr. Subbadas did settle down at Madras.

12. I requested the District Collector Godavari to whom the petition was referred for enquiry, to give me this opportunity. But he (Collector) did not grant my request. I put in a petition to the District Collector to this effect and requested him to submit it to Government which, I believe, he has been kind enough to do.

13. I therefore most respectfully wish
that unless an open enquiry be held,
truth cannot be elicited; and I
therefore, in conclusion, pray that
a proper and complete enquiry be ordered,
and that the Madras witnesses be
examined at Madras.

C. S. Panigrahy.

Godwin &
Clerk
11-8-97

Unsent
Have the Illinois
come in 2nd
18/8/97
E. Lore.
10.8.97.

Dear Sir

I believe you are aware
that I am a candidate for a seat in the
Legislative Council this year and that I put in
a petition to Government against Mr Sukhoran's
residential qualification, and that the same
has been sent to the Godavery Collector for report.

As I expected that my petition would
be enquired into by Govt. I went to Maroon
on the 3rd Instant with a view to go to Bellary but
on being informed by telegram that the Godavery
District Collector Mr Brooke fixed my
petition hearing to the 7th Instant at Rayachanury,
I had to go back to Rayachanury abandoning
my trip to Bellary.

I beg to inform you that
Mr Brooke held no enquiry as promised
but seemed to have placed much reliance

on a report submitted to him by the Deputy
Collector at Rayachanur, in a reference
to him from Collector's Office, when the Collector
was out in camp. The Deputy Collector at
Rayachanur, at Rayachanur, submitted
a confidential report on some information
he obtained from Mr. Subbarao's Clerk, confi-
dentially and without giving any notice to him.
I am afraid that Mr. Moore has not properly
understood the object of Govt. in sending the
petition to him for enquiry and report. He
simply took a statement from one, from Mr. Sub-
barao, and his Clerk, and said he would
forward them to Govt. I had no opportunity
given to examine Mr. Subbarao on several
important particulars, or to produce important
evidence in reference to the petition.

I therefore request that you
will be pleased to have a complete enquiry
made and to have the final decision at Rayachanur
postponed if necessary in order that there may be
time for a full enquiry. If possible, I hope I

From H. A. Sim Esq. Sec.
By Private Secretary to
the Governor.

Order

No.

Dated 17th August.

Received

Registered

Enclosures

Spare copies

SUBJECT.

Transfers a petition of 12th
July 1897 from C. Sitaramiah,
Chairman, Municipal Council,
Elore, praying that an open enquiry
be held in the matter of the election of
N. Subba Rao's residential qualifica-
tion for re-election to the Legislative Council.

(By order)

h. a. sim

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

HIS EXCELLENCY SIR ARTHUR ELIBANK HAVELOCK, G. C. M. G., G. C. I. E.
GOVERNOR IN COUNCIL.

Fort Saint George
MADRAS

The humble representation of C. Sitaramaih one of the candidates, for the coming
Legislative Elections in the Northern Group & Chairman,
Municipal Council, Ellore.

Respectfully Showeth,

1. That my petition objecting to the nomination of Mr. N. Subba Row for election to a seat in the Legislative Council, was referred for enquiry to the Collector of Godavery and that the Collector sent a report without making a full and proper enquiry and without allowing me an opportunity to adduce evidence.

2. That my objection is that Mr. Subba Row removed permanently to Madras with his family last year, and that he is, therefore, ineligible to be a candidate for election under Regulation VI of the Rules.

3. That such being the case, the fact that he came to Rajamundry shortly before the nominations does not entitle him to claim a residential qualification.

4. That from the following circumstances, it is clear that Mr. Subba Row had for some time contemplated settling at Madras & carried out that intention in October last.

5. That in October 1895 he resigned his Presidentship of the Godavery District Association in January 1896, he vacated his seats on the Rajhamundry Taluq Board and on the Godavery District Board by efflux of time and though he had been a member for a long time he was not renominated to these Boards which would have been the case if he had not then contemplated going to Madras. In May 1896, he resigned his seat on the Rajamundry Municipal Council of which he had been a nominated member for a long time, and removed with his family in October 1896 to Madras having given notice to his professional clerk that he would not require his services. He had a clerk registered in the High Court and settled down there to practise in the High Court inviting work from the Mofussil.

6. Mr. Subba Row says that he had an intention to go to Madras, but that his intention was not carried out. He says he resigned his Presidentship of the District Association not because he wanted to go to Madras but because he wished to be free in his capacity of a Legislative Councillor. But he was a Legislative Councillor before, having been first appointed member in 1893, and it does not appear why he did not consider it necessary that he should be free before.

As regards his seats on Local Boards, he says that he vacated them by mere efflux of time, and that he was not re-nominated. If it was not known that he was going away to Madras, he would have been certainly nominated by the Vice President especially when he has been such a long-standing member of the Boards.

His Municipal Councillorship he says he resigned because he disapproved of the manner in which Municipal affairs were managed, but it does not appear what Municipal affair displeased him so much as to induce him to resign his seat on the eve of his departure to Madras which he had been occupying by nomination continuously for a long time.

7. He admits that he began practice in the High Court only on this occasion (from 1896 October) and that he had never before took work in the High Court though he had previously gone there several times, so that it is clear that his removal to Madras in October 1896 dates the change of his residence. Unless he became a resident of Madras and settled down to

practise there he would not have a clerk enlisted there, and would not have taken up work (filing 2nd appeals &c) which generally take some years before they are disposed of and no one would send him work, unless he gave the public to understand that he settled down at Madras. He says to the best of his recollection, he did not write to any one soliciting work in the High court, though he expressed his willingness in correspondence and conversation to take up work if offered him. Thus according to himself he never expressed such willingness on previous occasions when he went to Madras and it was only on this occasion that he rented a house at Madras and he never practised there before, thus making it clear that he settled down at Madras where he removed in October 96.

8. He says that he returned to these parts in February 1897, and that he engaged his clerk again from April last and that he has been paying rent for his house here all along. As regards the rent, my information is that he paid for a long period only during the last month. This circumstance only proves that Mr Subba Rao is trying to show that his ordinary place of residence is here but what he does during the nominations cannot have any value; seeing especially that he is unwilling to commit himself to any statement as to whether he had for the present abandoned his intention of going to Madras.

9. Mr. N. Subba Rao declared at the time when he sought election the 2nd time that he would not stand as a candidate a third time, as he admits in his appeal dated 2nd June 97 and he had, therefore, nothing to restrain him from carrying out his intention to remove to Madras in October 1896. But after having settled down at Madras for some time he seems to have conceived for some reasons, the idea of again standing as a candidate, and therefore he now says that his intention to remove to Madras has not been carried out.

10. I am informed that the general impression created by his conduct among the Bar at Madras is that he settled down at Madras; and if it be found that he did settle down at Madras I submit that he has no residential qualification.

11. If I had been allowed to examine Mr. Subba Rao and adduce evidence, I trust, I could have proved that Mr. Subba Rao did settle down at Madras.

12. I requested the District Collector, Godavery to whom the petition was referred for enquiry, to give me this opportunity. But he (Collector) did not grant my request. I put in a petition to this effect and requested him to submit it to Government which, I believe, he has been kind enough to do.

13. I, therefore, most respectfully urge that unless an open enquiry be held, truth cannot be elicited; and I, therefore, in conclusion pray that a proper and complete enquiry be ordered and that the Madras witnesses be examined at Madras.

12th July 1897
Ellore.
4.8 Godavery District }

C. S. Subba Rao

Legislative (1897) Department.

CURRENT No. 256A

From Mr. R. C. Sitaramaya
Ellora

Order

No.

Dated 13-8-97

Received 16-8-97

Registered 16-8-97

Enclosures

Spare copies

SUBJECT.

Submitting further particulars
on the question of the Residency
Qualification of the Hon. H. W.
Sabbu Rao Pantulu.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

C No 256 1 Leg

To

HIS EXCELLENCY SIR ARTHUR ELIBANK HAVELOCK, G. C. M. G., G. C. I. E.

GOVERNOR IN COUNCIL.

Fort Saint George

MADRAS

The humble representation of C. Sitaramaih one of the candidates, for the coming
Legislative Elections in the Northern Group & Chairman,
Municipal Council, Ellore.

Respectfully Showeth,

1. That in continuation of my petition dated 12th instant I respectfully beg to submit that the house rented by Mr. SubbaRow at Rajahmundry belongs to the Maharaja of Vizianagaram & is not rented to others; Mr. SubbaRow having been specially allowed to occupy it by reason of his having been a tenant of the house, previous to its purchase by the Maharaja. The circumstance, therefore, that the house remained vacant after Mr. SubbaRow's removal to Madras can be of no avail to him and the fact that he rented a house at Madras also supports my contention.

2. As regards the retention of the services of the other clerk referred to in Mr. SubbaRow's statement, I beg to submit that it has nothing to do with his residence, the clerk having been retained to look after the publication of a Telugu Journal, of which Mr. SubbaRow is merely a proprietor, the editor being Mr. K Veerasalingam of Rajahmundry. Nor is the circumstance of his having been assessed Income-tax for 1896, of any consequence because at the time of the assessment (April 1896) he was staying at Rajahmundry.

13th August 1897.
Ellore

C. Sitaramaih

[G.
73]

NOTE FOR THE SECRETARY.

Herein is a printed copy of
Cno 253. (file regarding which was
submitted to the Secretary on Monday
the 16th. If the file has not been
disposed of by the Secretary yet,
please have this submitted to him
in time. If the papers have left
the Secretary's hand & are at
topo in circ, you can do
these papers to the file in the
places.

CRV
19/8/97

To

HIS EXCELLENCY SIR ARTHUR ELIBANK HAVELOCK, G. C. M. G., G. C. I. E.
GOVERNOR IN COUNCIL.

Fort Saint George
MADRAS

The humble representation of C. Sitaramaih one of the candidates, for the coming
Legislative Elections in the Northern Group & Chairman,
Municipal Council, Ellore.

Respectfully Showeth,

1. That my petition objecting to the nomination of Mr. N. Subba Row for election to a
seat in the Legislative Council, was referred for enquiry to the Collector of Godavery and
that the Collector sent a report without making a full and proper enquiry and without allowing
me an opportunity to adduce evidence.

2. That my objection is that Mr. Subba Row removed permanently to Madras with his
family last year, and that he is, therefore, ineligible to be a candidate for election under Regulation
VI of the Rules.

3. That such being the case, the fact that he came to Rajamundry shortly before the
nominations does not entitle him to claim a residential qualification.

4. That from the following circumstances, it is clear that Mr. Subba Row had for some
time contemplated settling at Madras & carried out that intention in October last.

5. That in October 1895 he resigned his Presidentship of the Godavery District Association
in January 1896, he vacated his seats on the Rajhamundry Taluq Board and on the Godavery
District Board by efflux of time and though he had been a member for a long time he was not
renominated to these Boards which would have been the case if he had not then contemplated
going to Madras. In May 1896, he resigned his seat on the Rajamundry Municipal Council of which
he had been a nominated member for a long time, and removed with his family in October 1896
to Madras having given notice to his professional clerk that he would not require his services.
He had a clerk registered in the High Court and settled down there to practise in the High
Court inviting work from the Mofussil.

6. Mr. Subba Row says that he had an intention to go to Madras, but that his intention was
not carried out. He says he resigned his Presidentship of the District Association not because he
wanted to go to Madras but because he wished to be free in his capacity of a Legislative Councillor.
But he was a Legislative Councillor before, having been first appointed member in 1893, and it
does not appear why he did not consider it necessary that he should be free before.

As regards his seats on Local Boards, he says that he vacated them by mere efflux of
time, and that he was not re-nominated. If it was not known that he was going away to
Madras, he would have been certainly nominated by the Vice President especially when he has
been such a long-standing member of the Boards.

His Municipal Councillorship he says he resigned because he disapproved of the
manner in which Municipal affairs were managed, but it does not appear what Municipal affair
displeased him so much as to induce him to resign his seat on the eve of his departure to Madras
which he had been occupying by nomination continuously for a long time.

7. He admits that he began practice in the High Court only on this occasion (from
1896 October) and that he had never before took work in the High Court though he had
previously gone there several times, so that it is clear that his removal to Madras in October
1896 dates the change of his residence. Unless he became a resident of Madras and settled down to

practise there he would not have a clerk enlisted there, and would not have taken up work (filing 2nd appeals &c) which generally take some years before they are disposed of and no one would send him work, unless he gave the public to understand that he settled down at Madras. He says to the best of his recollection, he did not write to any one soliciting work in the High court, though he expressed his willingness in correspondence and conversation to take up work if offered him. Thus according to himself he never expressed such willingness on previous occasions when he went to Madras and it was only on this occasion that he rented a house at Madras and he never practised there before, thus making it clear that he settled down at Madras where he removed in October 96.

8. He says that he returned to these parts in February 1897, and that he engaged his clerk again from April last and that he has been paying rent for his house here all along. As regards the rent, my information is that he paid for a long period only during the last month. This circumstance only proves that Mr Subba Rao is trying to show that his ordinary place of residence is here but what he does during the nominations cannot have any value; seeing especially that he is unwilling to commit himself to any statement as to whether he had for the present abandoned his intention of going to Madras.

9. Mr. N. Subba Rao declared at the time when he sought election the 2nd time that he would not stand as a candidate a third time, as he admits in his appeal dated 2nd June 97 and he had, therefore, nothing to restrain him from carrying out his intention to remove to Madras in October 1896. But after having settled down at Madras for some time he seems to have conceived for some reasons, the idea of again standing as a candidate, and therefore he now says that his intention to remove to Madras has not been carried out.

10. I am informed that the general impression created by his conduct among the Bar at Madras is that he settled down at Madras; and if it be found that he did settle down at Madras I submit that he has no residential qualification.

11. If I had been allowed to examine Mr. Subba Rao and adduce evidence, I trust, I could have proved that Mr. Subba Rao did settle down at Madras.

12. I requested the District Collector, Godavery to whom the petition was referred for enquiry, to give me this opportunity. But he (Collector) did not grant my request. I put in a petition to this effect and requested him to submit it to Government which, I believe, he has been kind enough to do.

13. I, therefore, most respectfully urge that unless an open enquiry be held, truth cannot be elicited; and I, therefore, in conclusion pray that a proper and complete enquiry be ordered and that the Madras witnesses be examined at Madras.

12th July 1897
Ellore.
Godavery District }

C. Sital Ramayya.

To. V. A. Brodie Esq^r
Collector, Godavari.

The humble representation of
O. Sitakumar.
Respectfully Sheweth:—

(1) While at Madras on business I was
informed by telegram on the night of the 2nd
Instant by Mr. N. Jaladurga Prasadarayudu
District Court Madras, Rajahmundry, that
my petition to Government regarding the reinstatement
qualification of Mr. Subbhas was referred
to you for enquiry and that you told him that
an enquiry would be held at Rajah-
mundry on the 7th Instant and that a list
of witnesses should be put in.

(2) I accordingly left Madras by the next
mail train on the 3rd Instant and reached
this place on the morning of the 6th, when I
was informed that you were out in Camp.

(3) I came to know that you returned from Camp
yesterday about 5 P.M. when I went to you,

Printed copy of the petition
already submitted.

but you were pleased to tell me that I should see you this morning.

(4) This morning you were pleased to tell me that my petition to Government was, from your office, referred to the Deputy Collector at Rajahmundry and that he submitted a report to you; and that you would take a statement from Mr. Subbarao and that if you found it necessary you would give me an opportunity to adduce evidence.

(5) This afternoon when you took a statement from Mr. Subbarao I was not allowed to cross-examine him but you asked me that I might suggest to you any questions to him; but you were pleased not to put the questions I suggested as to Mr. Subbarao's intention to remove to Madras, as to the time of payment of rent by him for his (rented) house, and as to certain other matters, which would, in my humble opinion, tend to show that Mr. Subbarao removed to Madras.

(6) That even from the present statement of Mr. Subbarao, it can be seen that he had been making arrangements to remove

to Madras since October 1895, and that he removed to Madras with his family in October 1896. In October 95, he resigned the presidency of the District Association, and in January next he ceased to be a member of the District and Salary Board, of which he was a member for a long time; and if it was not understood that he would soon remove to Madras, his name would have been certainly suggested for re-nomination by the Vice President. Sometime after in May 1896, he resigned the Municipal Councillorship of Rajahmundry and in October 96, after the Partition was over he removed his family to Madras. Having given notice to his clerk (Phadvis Chetty) that his services would not be required any more and recommended him for appointment elsewhere (his other clerk being employed, according to him, in connection with a journal of which he was only a proprietor).

(7) Although he went to Madras several times before, it was only in 1896-97 that he rented a house at Madras, and that he began practising in the High Court. These facts in themselves I beg to submit show, whatever Mr. Subbarao's explanation may be, that his conduct is not consistent with

with his statement that he did not carry out his intention of removing to Madras. He had a clerk registered in the High Court, Madras, (while dispensing with the services of his clerk at Rajahmundry) took up work in the High Court of a nature that would not have been entrusted to him if he had not settled down at Madras permanently, and led the public to believe so. If I had been allowed to cross-examine Mr. K. Subbarao and to adduce evidence, I would have been able to show that Mr. Subbarao had left for Madras and settled down there.

(8) In my humble opinion the circumstance that Mr. Subbarao came back to Rajahmundry shortly before nominations for election were made, would not alter the case and make him "an ordinary resident of these parts" if he had actually removed to Madras as pointed out above. It is very significant that Mr. Subbarao would not even now commit himself as to whether he would reside in these parts or whether he would go back to Madras. He has even requested you

when his statement was read out to score out the sentence "that he gave up the intention of settling at Madras for the present."

(9) As in the case of Mr. Sankaranarayan who had removed to Madras, it was held by Government that his owning any property in the Southern group or his occasional visits to his own place (on professional business or otherwise) did not render him eligible for nomination for election, so in this case if it is shown that Mr. Subbarao removed to Madras last year, his subsequent visits to this place or his owning property either here or in Amalapur Taluk, does not render him eligible for nomination.

(10) Under the G. O. interpreting "Ordinary residence" it was held that the connection with the place, however long or short the stay may be, must be of a residential nature and seeing that his local connections ceased, Mr. Subbarao's connection with this place cannot be considered to be of a residential nature; and he is not prepared even now to assert that he would remain in these parts at least for some reasonably long period.

In these circumstances I request that you
will be pleased to hold an enquiry enabling
me to cross-examine Mr. Subbarow
and to examine the following witnesses.

Messrs.

Honorable Mr. Subbarow

Rao Bahadur H. Veesalunjam

C. Veerata Chelungam B.A. B.L.

C. V.L. Narayana Row gam B.A. Phadr

J. Prakasam gam Phadr

S. Bhimasankararam gam Phadr

of Rajahmundry.

C. V. Swaras gam

V. Rama Row gam

V. Seshachelungam gam with correspondence
with the Collector in connection with the
Tingelamudy Appeals, when recom-
mending the same to be sent to Mr.
Subbarow at chadras.

Rohalam gam B.A. Phadr
of Eluru

J. Krishnaiah Dairu gam B.A. Coomada

Dewan Bahadur C. Somasundarasasthy

Saw with the recommendation letter from
Mr. Subbarow and other papers in
connection with the appointment
of Koudarow (Mr. Subbarow's Clerk)
under the Court of wards Coomada

J. Narayana Row gam Kotipali - Maharajah's
Camin with the record showing receipt
of rent &c of the Vizianagaram
Maharajah's house at Rajahmundry.

Honorable L. Bhaskar Sengar

" Sankara Dair

Messrs. C. R. Pattabhirama Dair } chadras

" J. V. Seshagiri Dair

" J. Sengamayar

As regards the chadras
Gentlemen, I request that you will be
pleased to wire to Government to have
them examined at chadras.

7.8.94
Rajahmundry
/ Sd / C. Sital Ramayya.

C 20.8.97
R 21/8.97
C 21/8.97.

Legislative DEPARTMENT.

C. No. 1. 230, 237, 248, 251 + 253 + D.O. No. 67/

SUBJECT.

Residential qualification of the
Hon'ble N. Subba Rao.

- (1) H. E. THE GOVERNOR.
(2) THE HON'BLE ^{Sir H.W.} MR. BLISS, C.I.E.
(3) THE HON'BLE MR. GROSE, C.I.E.

FOR ORDERS.

In R.Ry C. Sitaramayya's petition in C no
230 was referred to the Collector of Goda-
vari for report & the Collector's report
will be found in C no. 251 flagged B.

The question when a person can be said to
be 'ordinarily resident' within the locality
for the purposes of these selections to the Legislative
Council has been disposed of by the Govt of
India in their letter recorded in No. 99

flagged A: (para 2). It is pointed out ^{25.9.93}
there: "That it would be sufficient
" if the candidate had a fairly practical
" and real connection with the locality, pro-
" vided such connection was of a residential
" character, in other words he should be
" regarded as possessing the necessary
" qualification, if he were ordinarily accus-
" tomed to visit the locality & to stop there
" for some reasonably long period at
" least once a year on an average."

The Govt

Copy of the petition
presented to Collector
of Godavari on 7.8.97.

Govt of India's letter goes on to say
"They are however averse from laying
"down. Even to this extent, any hardship
"definition of 'ordinarily resident' ~~tax~~
"that it would be preferable to deal
"with each case in which the question
"arises on its own merits."

The collector's report flagged B is full
and clear & Hon N Subba Rao's movements
for the last two years are given at
the very outset & the petitioner's chief
objections ~~which~~ viz —

(1) The Hon N Subba Rao removed himself
with his family to Madras in October 1896
& began to practise in the High Court
dismissing ^{one of} his services & appointing
clerks at Rajahmundry & appointing
another at Madras.

(2) That he resigned the various honorary
offices in the District ^{at the Krishna house at Madras} ~~and~~ ^{proofs}
for his having so removed.

(3) That his Subba Rao's stay at Rajahmundry
at intervals was not of a residential
nature & that for a reasonably long
period.

(4) That he was not allowed an opportunity
of cross-examining the Hon Subba Rao in the
inquiry held by the Collector, —
will be found disposed of in the Collector's
report

which is more or less a repetition of
the facts contained in the Dy Collector's
report [flagged C] and the marginal
remarks of the Collector in the
petition presented to him by M. S.
Sitaramayya [flagged D].

The petitioner in his petition of 11.8.97
Cno. 253 [flagged E] now prays
for an open inquiry & complains
that the Collector's inquiry was a
partial & one-sided, reiterating
the arguments set forth in his
previous petitions to Government
& the Collector on the question of the Hon Subba
Rao's residential qualification
Under the circumstances mentioned
in the Collector's report it is submitted
that the Hon N Subba Rao ~~may~~ ^{may}
be said to possess the ^{requisite} residential qua-
-lification in the terms of the
Govt of India letter quoted above
and the petitioner's objections ~~which~~
set aside.

If this view is accepted it is submitted
that the draft order in the attached
sheet may issue.

CRV
16/8/97

N.S.

No further "open"
inquiry is necessary or

desirable. The collector's report will satisfy govt; it is for govt to decide what will satisfy them.

It is, of course always open to the petitioner to take legal proceedings if he thinks he can upset the selection of Subba Rao (if it takes place) on legal grounds.

There is a draft below for approval.

S.H. 19/8/97

[24.]
1000-14-8-97.

Dep DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., No.	dated	189	
Again G.O., No.	dated	189	
Current No.	of 1897, dated	12. July	from M.R.Ry C. Sitaramayya & Jora
File 230	" "	9. "	" "
" 248	" 1897, "	9. August	" C.R. of Godavari
" 251	" 1897, "	11. Augt	" M.Ry C. Sitaramayya & Jora
" 253	" 1897, "	13 "	" "
256A	" "		" "

Put up the pp that came in today & yesterday & ORDER. No 71 Lepve of 21.8.97

Note for orders is submitted separately below.
C.R. 16/8/97

The Government considers that, under Regulation No. VI of the Regulations made by the Governor-General in Council under the provisions of Section 1, Subsection (4) of the Indian Councils Act, 1892 as to the conditions under which nomination of additional members of the Legislative Council shall be made by the Governor of Madras, ~~the name of~~ ^{M.R.Ry} Subba Rao ^{Portulu} is eligible to ~~stand as~~ ^{become} a candidate for ~~recommendation~~ selection by the municipalities or district board concerned, and the petitioner will be ^{so} informed. accordingly.

S.H. 19/8/97

To the Petitioner - of all current & 10.
" Col. Godavari (9 of 25/8/97 to).

21/8/97 -