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MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.

1364

Press
Mis.

Dated

5-9-

19-18/1

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department,
5th September 1871.*

No. 16. Read the following letter from the Officiating President of the Municipal Commission, Negapatam, to the Chief Secretary to Government, Fort St. George, dated President's Office, Vallam, 24th August 1871, No. 204:—

I have the honour, herewith, to forward, for the consideration and orders of Government, the following correspondence which has taken place between myself and the Vice-President of the Negapatam Municipal Commission.

2. The correspondence originated thus:—On the 19th July, I wrote a circular to the Vice-Presidents of all the Municipalities requesting them to furnish me, monthly, with a statement showing the demand, collection, and balance in each Municipality; this information, I requested might be sent in the same form as that in use in the Revenue Department, and which, though short and succinct, shows all the requisite particulars. I may here mention that the *only* statement showing the progress of collections or of expenditure in the Municipalities which has hitherto been sent to this office is a simple abstract of receipts and expenditure; this statement was called for by my predecessor, Mr. Morris, on the 13th September 1870, in order to meet a call from the Accountant-General, and has been regularly since furnished monthly by all the Municipalities; it, however, contains no information whatever as to arrears, and regarding which Government have on several occasions called the attention of the several Municipalities.

3. I did not think, therefore, I was adopting an unusual or unauthorized course, or attempting in the slightest degree to menace any of the Municipalities, in simply asking for a return of the way in which the collections were being carried out; hence, I was *not* prepared for the unanimous and flat refusal made to my request by the Commissioners of the Negapatam Municipality (enclosure marked 1), and wrote again repeating my request (enclosure marked 2).

To this, however, I have now received the resolution of the Commissioners (3), in which they reiterate their refusal, on the ground that such a course is not according to law, &c.

4. The Government will thus see that, if the Commissioners are right in their view of the law, I am precluded from calling for any information from the Municipal Office (the employés of which are all appointed and can only be removed by myself), and that, on every occasion in which I require information for submission to Government or otherwise, I can only obtain the same by attending their meetings and gleaning what I can from such papers as may happen to be on the table. It is almost unnecessary for me to say that, with my other duties, it is simply an impossibility for me to attend the meetings of five Municipalities, and the effect, therefore, of the position the Commissioners have now taken up will be simply to ignore the President and the legally constituted head of the Commission. If such then be the real interpretation of the law, I hope the Government will at once relieve me from all responsibility as regards the Municipal Commissions.

5. I may add that nothing was further from my wishes or intention than to interfere in the smallest way with the Commissioners in the execution of their duties; and, indeed, with the very numerous other and more important duties which devolve upon myself, I should be glad if the Government would relieve me of all responsibility, at least as regards the Negapatam Municipality.

Proceedings of the Madras Government, Public Department.
5th September 1871.

6. In reference to the remarks made by the Commissioners in their resolution, I would only observe that there were legally no Commissioners after the expiry of the term for which the Commissioners were appointed under the old Act and until the appointment of their successors under the new Act, and which appointments were only made on the 4th July. As I happened to be at Negapatam during a good part of this interval, I simply, and under Section 27 of the Act, carried on the ordinary and every-day duties of the Commission: no new work was undertaken, excepting the commencement of the cleansing of the Akkarai Kolam (tank), a work which had already long since been determined on by the late Commissioners, and the commencement of which (in anticipation of the appointment of the new Commissioners) was urged on me by almost all of the late Commissioners. The steam pump had then just arrived from England, and, as the freshes in the rivers had already come down, there was not a day to be lost in making a commencement of a work, the necessity for which was most urgent. The water in the tank (and which, it is to be observed, is the largest and most frequented tank in the whole town) had become quite putrid and unfit for use, and two of the Commissioners (Mr. Ricketts and the Tahsildar) were not only cognizant of what was going on, but gave valuable assistance, both morning and evening, in superintending the work. The baling may thus have commenced a few days before the appointment of the Commissioners, but, on the evening the Gazette was received with their nomination, I called a meeting of the new Commissioners, when their sanction was unanimously given to the execution of the work, and the estimate for which was then passed and entered in the Proceedings.

No. 17. ORDER THEREON, 5th September 1871, No. 1364.

The Government are clearly of opinion that it is competent to the President of the Municipal Commission to call for, and enforce the submission of, any returns he may see fit from the Municipal Office, and that the returns called for would embody information which it is essential for him to possess.

2. It was the duty of the Vice-President, who represents the President in his absence, to have furnished the returns at once; and, in failing to do so, he has shown great want of discretion and of courtesy to the President.

(True Extract.)

Captain R. E.,
Under Secretary, P. W. D.,
for *Chief Secretary.*

To the President of the Municipal Commission, Negapatam.

— 6011571 240123

PUBLIC.

To
THE PRESIDENT OF THE
MUNICIPAL COMMISSION,
Nagasaki.

Dated September, 5th.

Recd.

Ind.

G.O., 6th September 1911, No. 1364.

SEPTEMBER
Nos. 16-17.

Communicating the opinion of Government that
the President is competent to call for any return
he sees fit from the office of the Nagasaki
Municipality.

29/11/20

100-443887-100

H.C.I.

Off. President.

Extract from the Proceedings of the
Municipal Commissioners Negapatam
24 August 1871 -

Read letter from the President calling
for a monthly return showing the Demand,
collection and Balance of Municipal taxes -

Resolved unanimously that as the
return lies on the Municipal table it is
unnecessary to furnish it to the President's
Office -

Signed F. J. Stokes
Vice President

(True Extract)

Negapatam
Municipal Commission
4th August 1871

Signed F. J. Stokes
President

(True copy)

Signed F. J. Stokes
President

Lodged.
H.C.

To The Vice President
Magapataun

Sr I have the honour to acknowledge the receipt of your letter of the 4th August forwarding 2 extracts from the Proceedings of the Municipal Commissioners under date the 3^d —

2 With reference to the extract refusing to furnish me with the copy of the return asked for unnecessary (putting altogether out of consideration the return discourtesy of the Proceedings), I must decline receiving the same as any answer to my letter of the 20th July —

3 Charged as I am by the Government with the entire executive of the Commission, I consider I have full power to call for any information I require from the Office of the Commission. I would have been perfectly justified in calling on the Manager to furnish me direct with the return I wanted, but out of courtesy to you, and the heads of the Office, I have not done so.

I am, Sir, very respectfully,
Your obedient servant,
J. J. J.

I must, therefore, again request you to direct the Manager to furnish me, regularly with the return required in the printed form which will be sent, & further that you will call upon the Commissioners either to cancel their resolution altogether or to apologise for the discourtesy which they have shown -

I have &c
 Wm. M. Castle
 Atty. General

(True copy)

Wm. M. Castle
 Atty. General

(13)
 Extract from the Proceedings of the Municipal Commissioners Negapatam 17th August 1871 -

"Had letter from the President with reference to the resolution of the 10th instant declining to furnish the return called for by him -"

"Resolved that the Commissioners adhere to their previous resolution. They consider that there is no legal obligation on them to furnish the return called for; and that this particular return is objectionable as implying a close superintendence outside the Commission of the operations of the Commission by the President whom the Commissioners regard as one of their number.

The Commissioners cannot admit that the President is "charged by the Government with the entire execution of the Commission." They are aware that the President during his visit to Negapatam acted on this view; but they must express their regret that he did so. No meeting was convened by the President from the 1st June to the 10th July. Previous period of management ought after a brief vacation and long ~~time~~ ^{time} in this town ~~the~~ ^{the} set aside; an important work was commenced and

Enclosure No 2
 in a letter

From the President
 Municipal Comm.
 Negapatam
 to the Chief Secretary
 to Government
 Calcutta
 dated 24th August 1871
 10/20/71

Copy of a letter to
 the Vice President
 Municipal Comm.
 Negapatam
 dated 18th July 1871

and money paid without the sanction of the
Committee. Still they believe your report was
and not in accordance with the views of
Government regarding the relative position of
President and Commissioners. They therefore
are now deeply impressed with the importance
of the business of the Commission being arranged
at its own meetings, and not conducted from
without.

They regard the Municipal Police as
their police, under their immediate control,
and the agents of that Police as their employees,
under their rules. They cannot therefore agree
with the President's view of his relation to this
Police. They regret that the President
has treated a question as one of courtesy, which
the Commissioners regard as one of law. They
therefore resolve that this resolution be sent
to the President.

Negotiated
Municipal Commission
Office
18 August 1871
(True Copy)
Signed J. G. S. Stokes
Vice President
True Extract
Signed J. G. S. Stokes
Vice President

Wm. J. Hall

Chas. President

No. 204

President's Office
Vallam, Sempur Taluk
24th August 1871.

From

H. M. Adell Esq
Offs. President of the
Municipal Commission
Meyapattam

To,

The Honorable R. S. Ellis
C. B.
Chief Secretary to Govern-
ment, Cateamund

For

I have the honor herewith
to forward, for the consideration and
orders of Government, the following
correspondence which has taken place
between myself and the Vice Presi-
dent of the Meyapattam Municipal
Commission.

2. The correspondence originated
thus: On the 19th July, I wrote a
Circular to the Vice Presidents of
all the Municipalities requesting
them to furnish me, monthly, with
a statement showing the Demand,
Collection and Balance in each
Municipality; this information is

Enclosure No. 3
in a letter

from
the President

Municipal Comm-
mission & Meyapattam

to the Chief Secretary
to Government

Cateamund
Dated 24th August 1871

No. 204

Copies of Resolution
of the Commission
Meyapattam

Recd. 18th Sept 71

No. 175 Sept 71

I requested might be sent in
the same form as that in use in
the Revenue Department, and
which, though short and succinct,
shows all the requisite particulars.
I may here mention that the only
statement showing the progress
of collections or of expenditure in
the municipalities, which has
hitherto been sent to this office, is
a simple abstract of receipts and
expenditure; this statement was
called for by my predecessor,
Mr. Morris, on the 13th September
1870, in order to meet a call

from the Ac-
countant General and has been
regularly since furnished ^{monthly} by all
the municipalities; it, however,
contains no information whatever
as to arrears, and regarding which
Government have on several occa-
sions called the attention of the
several municipalities.

I did not think, therefore,

(19) 2
I was adopting an ~~unsuccessful~~ ^{unauthorized} or
unauthorized course, or attempting
in the slightest degree to menace
any of the municipalities in simply
asking for a return of the way in
which the collections were being
carried out; hence I was not
prepared for the unanimous and
flat refusal made to my request
by the Commissioners of the ~~the~~
Patan Municipality, ^(the same) marked (1)
and wrote again, repeating my
request, ^{subscribed} marked (2).

To this, however, I have now
received the resolution of the commis-
sioners (3), in which they reiterate
their refusal on the ground that
such a course is not according to
Law &c.

4. The Government will thus see
that, if the Commissioners are right
in their view of the Law, I am pre-
cluded from calling for any in-
formation from the municipal
office (the employees of which are
all appointed and can only be

removed

4 removed by myself, and that, on every occasion in which I require information for submission to Government or otherwise, I can only obtain the same by attending their meetings, and glancing what I can from such papers as may happen to be on the table. It is almost unnecessary for me to say, that, with my other duties, it is simply an impossibility for me to attend the meetings of 5 Municipalities, and the effect, therefore, of the position the Commissioners have now taken up, will be simply to ignore the President and the legally constituted head of the Commission. If such then be the real interpretation of the Law, I hope the Government will at once relieve me from all responsibility as regards the Municipal Commissions.

5. I may add that nothing was further from my wishes or intention than

than to interfere in the ²¹smallest ³way with the Commissioners in the execution of their duties, and, indeed, with the very numerous other and more important duties which devolve upon myself. I should be glad if the Government would relieve me of all responsibility, at least, as regards the Negapatam Municipality.

6. In reference to the remarks made by the Commissioners in their resolution, I would only observe that there were legally no Commissioners after the expiry of the term for which the Commissioners were appointed under the old Act, and ^{until} the appointment of their successors under the new Act and which appointments were only made on the 4th July. As I happened to be at Negapatam during a great part of this interval, I simply, and under Article XXII of the Act, carried on the ordinary and every day

day duties of the Commission.
No new work was undertaken except-
ing the Commencement of the clean-
ing of the Akharai Nohar (Tank),
a work which had already long since
been determined on by the late
Commissioners, and the Commence-
ment of which (in anticipation of
the appointment of the new Com-
missioners) was urged on me by
almost all of the late Commissioners.
The steamship had then just
arrived from England, and as the
fishes in the rivers had already
come down, there was not a day to
be lost in making a commence-
ment of a work, the necessity for
which was most urgent. The water
in the tank, (and which it is to be
observed is the largest and most
frequented tank in the whole town)
had become quite putrid and un-
fit for use, and two of the Com-
missioners, Mr. Pichetto and

(23)
the Sahaidar, were not only cogni-
sant of what was going on, but
gave valuable assistance both
morning and evening in super-
intending the work. The baling may
thus have commenced a few days
before the appointment of the Com-
missioners, but on the evening the
Gazette was received with their
nomination, I called a meeting
of the ^{new} Commissioners, when their
sanction was unanimously given
to the execution of the work and
the estimate for which was then
passed and entered in the Pro-
ceedings.

Have the honours
be

Your most Obedt. Servt

Wm. F. S. C.
Offs. President

