5-9-44 II

1.3.45. II

HAT PURPOSE.	C. No.	Year.	Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.

M.R.O. 1—77,006—8-6-37.

(1) Number of pages 122

(2) Date of repair 8. 7. 48

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Local & Municipal DEPARTMENT.

G.O. No. 210-M. Press/Mis.

Dated 20-2-1889.

Original

Not to be folded or roughly handled

20th February 1889, No. 210 M., Local and Municipal.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—again G.O., dated 31st August 1888, No. 978 M., Local and Municipal.

Abstract.—Stating that the sale, by the Karúr Municipal Council, of the lane referred to was not of itself illegal or *ultra vires*, and publishing, for information and criticism, a rule framed under section 256 (1) regarding transfer of property vested in a Municipal Council.

Read—also the following papers :—

From the	Collector	of Chingleput,	dated	20th Sept.	1888,	No.	64.
,,	,,	of Trichinopoly	,,	28th ,,	,,	,,	566.
,,	,,	of Cuddapah	,,	29th ,,	,,	,,	6961.
,,	,,	of South Canara	,,	29th ,,	,,	,,	3546.
,,	,,	of Vizagapatam	,,	11th Oct.	,,	,,	47.
,,	,,	of Tanjore	,,	27th ,,	,,	,,	767.
,,	,,	of Bellary	,,	27th ,,	,,	,,	——.
,,	,,	of Anantapur	,,	29th ,,	,,	,,	——.
,,	,,	of Tanjore	,,	1st Nov.	,,	,,	——.
,,	,,	of Coimbatore	,,	6th ,,	,,	,,	——.
,,	,,	of Ganjám	,,	21st ,,	,,	,,	229.
,,	,,	of Kistna	,,	22nd ,,	,,	,,	6964.
,,	,,	of Gódávari	,,	12th Dec.	,,	,,	68.
,,	,,	of Nellore	,,	8th Jan.	1889	,,	16-Eng.

Order—dated 20th February 1889, No. 210 M., Local and Municipal.

In the Government order read above, the following draft rule, which it was proposed to issue under section 250 (1) (*g*) of the District Municipalities Act, was notified for general information and criticism under section 256 (1) :—"No property vested in a Municipal Council shall be transferred by sale, mortgage, exchange or otherwise without the sanction of the Governor in Council." The letters read above contain the remarks and suggestions made by certain Municipal Councils and Collectors, with reference to this notification.

2. His Excellency in Council, after careful consideration of these papers, remains of opinion that all transfers of *immovable* property by Municipal Councils should be subject to the sanction of Government. As regards movables, however, he admits the force of the objections that have been raised by the majority of the Collectors and Councils who have reported, viz., that the extension of the rule to this class of property would unnecessarily restrict the freedom of the Councils and would create a large amount of correspondence on trivial matters. The draft rule will accordingly be modified by the insertion of the word "*immovable*" before "*property*," and will be enacted in this form under section 250 (1) (*g*) of the Act.

3. The following notification will be published in all District Gazettes in English and in a vernacular language of the district :—

NOTIFICATION.

The Right Honourable the Governor in Council is pleased, under section 250 (1) (*g*) of the District Municipalities Act IV of 1884, to issue the following rule regarding the conditions on which immovable property vested in Municipal Councils may be transferred. The rule shall come into force in each district three months after its publication in the District Gazette in English and in a vernacular language of the district :—

Rule.

No immovable property vested in a Municipal Council shall be transferred by sale, mortgage, exchange or otherwise, without the sanction of the Governor in Council.

4. The Translators to Government will furnish the necessary translations of the above notification, and the Superintendent, Government Press, will print the required number of copies in English and the vernaculars and forward them to the Collectors for publication. Each Collector will report the date of publication in his District Gazette.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To all Chairmen of Municipal Councils,
through the Collectors concerned.
,, all Collectors.
,, the Tamil Translator to Government.
,, the Telugu do. do.
,, the Malayalam do. do.
,, the Canarese do. do.
,, the Superintendent, Government Press.

Exd. P. Seetharam.

'25D

GOVERNM[illegible]RAS.

LOCAL AND MUN[illegible]PARTMENT.

Read—again G.O., dated 31st August 1[illegible] M., Local and Municipal :—

Abstract.—Stating that the sale, by th[illegible]l Council, of the lane referred to, was not of itself illegal or *ultra vires*, and pub[illegible]nation and criticism, a rule framed under section 256 (1) regarding transfer of pr[illegible] Municipal Council.

Read—also the following papers :—

From the Collector		of Chingleput,	d[illegible]	888, No.	64.
,,	,,	of Trichinopoly		,, ,,	566.
,,	,,	of Cuddapah		,, ,,	6961.
,,	,,	of South Canara		,, ,,	3546.
,,	,,	of Vizagapatam		,, ,,	47.
,,	,,	of Tanjore		, ,,	767.
,,	,,	of Bellary	,,	,,	—.
,,	,,	of Anantapur	,,	,,	—.
,,	,,	of Tanjore	,	,,	—.
,,	,,	of Coimbatore	,,	,,	—.
,,	,,	of Ganjam	,	,,	229.
,,	,,	of Kistna	,,	,,	6964.
,,	,,	of Godávari	,,	,,	68.
,,	,,	of Nellore		,,	16 Eng.

Order—dated 20th February 1889, No. 21[illegible] M., Local and Municipal.

In the Government order read above, the following draft rule, which it was proposed to issue under section 250 (1) (*g*) of the District Municipalities Act, was notified for general information and criticism under section 256 (1) :—"No property vested in a Municipal Council shall be transferred by sale, mortgage, exchange or otherwise without the sanction of the Governor in Council." The letters read above contain the remarks and suggestions made by certain Municipal Councils and Collectors, with reference to this notification.

2. His Excellency in Council, after careful consideration of these papers, remains of opinion that all transfers of *immovable* property by Municipal Councils should be subject to the sanction of Government. As regards movables, however, he admits the force of the objections that have been raised by the majority of the Collectors and Councils who have reported, viz., that the extension of the rule to this class of property would unnecessarily restrict the freedom of the Councils and would create a large amount of correspondence on trivial matters. The draft rule will accordingly be modified by the insertion of the word "*immovable*" before "*property*," and will be enacted in this form under section 250 (1) (*g*) of the Act.

3. The following notification will be published in all District Gazettes in English and in a vernacular language of the district :—

NOTIFICATION.

The Right Honorable the Governor in Council is pleased, under section 250 (1) (*g*) of the District Municipalities Act IV of 1884, to issue the following rule regarding the conditions on which perty vested in Municipal Councils may be transferred. The rule shall come into district three months after its publication in the District Gazette in English and in a v cular language of the district :—

RULE.

No immovable property vested in a Municipal Council shall be transferred by sale, mortgage, exchange or otherwise, without the sanction of the Governor in Council.

~~2.~~ Each Collector will report the date of publication ~~of the above notification~~ in his District Gazette.

(Tru xtract.)

The Translator to Govt. will furn
the necessary translations of the above notification
and the Superintendent Govt. Press will print the required
number of copies in English and the vernaculars and forward
them to the Collectors for publication...

Chief Secretary.

To all Chairmen of Municipal Councils,
through the Collectors concerned.
" all Collectors.
" the Tamil Translator to
" " Telugu do
" " Malayalam do do
" " Canarese do do
" " Superintendent Govt. Press

Exd. A. Raitt.

Despd 7/3

№ 544

MUNICIPAL OFFICE

MAN ALORE, 26th September 1888

From W. A. Lee Esquire,
Chairman Municipal Council,
MANGALORE.

To

~~The~~ J. F. Price Esquire,
Ag: Chief Secretary to Governm
Local & Munl Deptt
Madras

Sir,

Thro' the Revenue Divisional of

Enclosures
One only

Referring to G. O. 31st August 1888,
978 M, Local and Municipal, I have the
honor to forward for the favorable con
tion of Government a copy of the re
of the Municipal Council recorded a
meeting held this day, on the subject

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

~~For~~ Chairma

Forwarde

CURRENT No. 2178 M

From,

The Chairman,
Munl Council,
Mangalore,

To, The Chief Secretary
to Government,
L & M. Department,
Madras.
(thro' the Revenue Divisional
officer.)

Dated 26th } September 1888
Despd 27th }

3 - OCT. 88

No - 544.

Enclosures - One only.

Forwarding for favourable consideration of Government, copy of resolution suggesting modification of the draft rule published with G.O. dated 31st August 1888 No 978 M

No 3546

CURRENT No. 2178 M

Forwarded.

My view is that the leasing of land should also be under control. I will give an instance which occured here the other day. There is in the busiest part of this densely built town one of the few open spaces. It is the junction of three main streets and forms a small "piazza" 127 feet by 59 feet all metalled. There is a large tree in the middle and a c bandy man was prosecuted by the Police for unyoking a bandy and placing it on the space to the west of the tree, so as to cause obstruction to the public. He proved before the Magistrates that he had obtained a written lease from the Councillors for the place and was c acquitted. The case was reported to me by the Divisional Officer and I was about to take action under Section 35 (1) under the impression that though the order to lease the portion of the stree was not "in excess of the powers conferred by law," it was "likely to cause obstruction", when I received G. O. dated 31st August 1888, No. 978 M. As the case mentioned there was a stronger case for not merely a portion of a street had been leased so as to cause obstruction but a whole street had been closed and sold, I of course took no further steps. But I think the case shows that control over the proceedings of Councils is required in the case of a lease as well as in the case of a sale. The word "lease" is contained in ~~Section~~ 250 (g) and has evidently been with intention omitted from the proposed rule. I recommend that it be added.

29th September 1888.

Ag. Collector.

No. 47.

Collectors Office
Vizagapatam. 11th October 1888

From
G. J. T. Power Esquire,
Ag. Collector,
Vizagapatam District.

2274 M

To
J. F. Price Esquire
Ag. Chief Secretary to Government
Madras.

Sir,

In forwarding herewith letter No. 348 dated 29th September last from the Chairman Municipal Council Bimlipatam, I have the honor to state that in my opinion the rule regarding transfer of property vested in a Municipal Council, published in G O No. 978 M. dated 31st August /88, requires to be amended by the insertion of the word "Immoveable" before the word "property".

As the Chairman points out, it would be very inconvenient to have to obtain the

Sanction of Government before disposing of an old Kerosine oil tin or packing case.

I have the honor to be,

Sir,

Your most obedient Servant

For ag. Collector

NS

No. 348

Municipal Office
Bimlipatam 29th Sept. 1888

From
M.R.Ry. V. Ananthamrow Pantulu Gara Row Sahib.
Chairman M. C.
Bimlipatam

To
The Chief Secretary
to Government Fort Saint George
(Local & Municipal Departt.)
Madras

Sir,

Adverting to the rule notified in G.O. No. 978 M of 31st Ultimo, I have the honor to suggest that the application of the rule be restricted to immovable property, otherwise the word "property," as it stands in the rule includes generally all the property immovable or otherwise vested in a Municipal Council, and necessitates the Sanction of the Government before a Council could dispose of its unserviceable articles such as old Kerosine tins &c, which process will doubtless entail unnecessary trouble and delay. Should the Government desire to reserve to themselves the power sanctioning the sales of movable property also, I would add that a limit say Rs100 or upwards be fixed beyond which a municipal Council should not sell their movable property without previously obtaining the orders of Government.

I have the honor to be
Sir
Your Most Obdt. Servant.

Venuntharow
Chairman M C

J.M.R.
Dy M C

From
M.R.Ry. V. Ananthrow Pu. Garu R.S.
Chairman M.C.
Bimlipatam

To
The Chief Secretary
to Govt. Ft. St. George
(Local & Munpl. Depts)
Madras

Despd. on 29 - 9 - 88
Recd.
Ansd.

Letter No. 348 of 29th Sept. 1888.

Subject

With reference to the rule notified in G.O. No. 97 Mnl of 31st Ult, suggesting that the word "property" used in the same may be restricted to immovable otherwise to such amount so that the councils may not be put to inconveniences for selling unserviceable articles such as "old kerosine oil tins &c" before obtaining sanction of Govt.

188 8.

Local & Munl

DEPARTMENT.

ENCLOSURE No. 1

Collector

In a letter from the President of the District Board, Vizagapatam, to the Chief Secretary to Government, Madras, dated 11th October 188 8

No. 47

PURPORT,

Letter from the Chairman M.C. Bimlipatam No 348 dated 29th Sept-188 suggesting that the word "property" may be restricted to immoveable.

1 / C.2274 M of 88

1888.

Local & Municipal DEPARTMENT.

ENCLOSURE No. 1

In a letter from the Collector President of the District Board, Vizagapatam, to the Chief Secretary to Government, Madras, dated 11th October 1888

No. 47

PURPORT,

Letter from the Chairman M.C. Bimlipatam No 348 dated 29th Sept. 188 suggesting that the word "property" may be restricted to immoveable

1 / C.2274 M of 88

Enclosure: 1.

In a letter from the Chairman, Municipal Council, Mangalore, to the Chief Secretary to Government, Local & Muni. Deptt, Madras, dated 26th September 88, No 544.

Extract from the Proceedings of the Council dated 26th September 1888.

2 / C.2178 M. 488

12

MUNICIPAL REGR: NO. 32 OF 1888

Extract from the Proceedings of the Municipal Council Mayavaram dated 16th October 1888

Present

Mr.Ry. T. A. Alaga Pillai Avergal Rao Bahadur Chairman

J. N. Atkinson Esquire Sub Collector and Ex Officio Councillor

Mr.Ry. T. Krishna Row Avergal Rao Sahib Councillor.

" T. V. Narasimhalu Naidoo Garu Do Do.

" T. G. Suntharasa Iyer Avergal Do Do.

" T. Kothandarama Iyer Avergal Do Do

" Narayanasamy Iyer Avergal Do Do

" Seetharama Chettiar Avergal Do Do

" P. Kanacasabai Chettiar Avl. Do Do

" S. Nateraja Chettiar Avergal Do Do

" K. Chockalinga Chettiar Avergal Do.

" A. Viswalinga Chettiar Avergal Do

" T. Vencatachella Pillai Avergal Do.

" M. Saumynatha Chettiar Avl. Do.

" S. Chockalinga Chettiar Avl. Do.

5 Read Footnote of the Collector of Tanjore No $\frac{664}{15.9.88}$ forwarding, for ~~some~~ information and remarks if any, G.O. 31st August 88 No 978 M regarding the transfer of property vested in a Municipal Council

Enclosure: 1.

In a letter from the Chairman, Municipal Council, Mangalore, to the Chief Secretary to Government, Local & Munl. Deptt, Madras, dated 26th September 88, No. 544.

Extract from the Proceedings of the Council dated 26th September 1888.

2/c. 2178/M 7.88

MUNICIPAL REGR. NO. 32 OF 1888

12

Extract from the Proceedings of the Municipal Council Mayavaram dated 16th October 1888

Present

M.R.Ry. T. A. Alaga Pillai Avergal Rao Bahadur Chairman
J. N. Atkinson Esquire Sub Collector and Ex Officio Councillor
M.R.Ry. T. Krishna Row Avergal Rao Sahib Councillor.
" L. V. Narasimhalu Naidoo Garu Do. Do.
" T. G. Suntharasa Iyer Avergal Do. Do.
" T. Kothandarama Iyer Avergal Do. Do.
" Narayanasamy Iyer Avergal Do. Do.
" Sivarama Chettiar Avergal Do. Do.
" P. Kanacasabai Chettiar Avl. Do. Do.
" S. Nateraja Chettiar Avergal Do. Do.
" K. Chockalinga Chettiar Avergl. Do.
" A. Viswalinga Chettiar Avergl. Do.
" Vencatachella Pillai Avergal Do.
" M. Sawmynatha Chettiar Avl. Do.
" S. Chockalinga Chettiar Avl. Do.

5 Read Footnote of the Collector of Tanjore No. $\frac{664}{15.9.88}$ forwarding, for ~~remo~~ information and remarks if any, G.O. 31st August 88 No 978 M regarding the transfer of property vested in a Municipal Council

Proposed by J. N. Atkinson Esquire and Seconded by M. R. Ry T. V. Narasimhalu Naidoo Garu Avergal and Carried unanimously that the words "Immoveable" "Interest in" and "Easement of" be inserted in the draft rule as follows:—

"No immoveable property and no interest in, or easement of, immoveable property vested in a Municipal Council, shall be transferred by Sale, Mortgage, exchange or otherwise without the Sanction of the Governor in Council".

Signed/. T. A. Alagapillai
Chairman

(True Extract)

Sn
H.C.

T. A. Alagapillai
Chairman

Proposed by J. N. Atkinson Esquire and Seconded by M.R.Ry T. V. Narasimhalu Naidoo Garu Avergal and Carried unanimously that the words "Immoveable" "Interest in" and "Easement of" be inserted in the draft rule as follows:—

"No immoveable property and no interest in, or easement of, immoveable property vested in a Municipal Council, shall be transferred by Sale, Mortgage, exchange or otherwise without the sanction of the Governor in Council".

Signed/ T. A. Alagapillai
Chairman

(True Extract)

In W.C.

T. A. Alagapillai
Chairman

Local & Munl. DEPARTMENT.

ENCLOSURE ~~No~~.

In a letter,

From

THE ~~COLLECTOR,~~ Chairman
Municipal Council
~~of Tanjore~~, Mayavaram

To

THE Chief SECRETARY
TO GOVERNMENT,
L & M DEPARTMENT,
Madras.

Dated 19th October
1888.

No. 478

Subject.

Extract from the Proceedings of the Municipal Council Mayavaram dated 16th October 1888

1
C.2385 M of 88

Extract from Proceedings of the Bellary Municipal Council dated 9th October 1888.

Present.

M. R. Ry. L. Rama Row Garu, Row Saib
Offg. Chairman.

M. R. Ry. A. Sabapathy Moodelliar avergal
Revenue Officer in charge of Division. (B.A. (Cambridge)) Rao Bahadur
K. Abdul Kareem Saib Khan Saib.
M. Abraham Esquire.
M. R. Ry. Pabathi Baliah Garu Row Saib
do. T. Chellapermall Pillay avergal Row Saib
Khader Patcha Saib Khan Saib
M. R. Ry. S. Moorie Spoldapah Garu Row Saib
do. S. Neelakuntappah Garu Row Saib
do. P. Rama Row Garu Row Saib
do. M. Vasudeva Naidu Garu Row Saib
do. R. Venkata Narsiah Garu Row Saib
do. K. Venkoba Row Garu Row Saib.

* * *

7. Read G. O. No. 978 M., dated 31st August 1888, notifying that property vested in Municipal Councils, should not be transferred by them without the sanction of Government.

The Council is unanimously of opinion, that this rule is unnecessary, because the Act already provides the interference of the Collector or Government, in case of improper alienation.

The Rule if brought into force, will be productive of inconvenience to the Public, the Council and the Government.

(True Extract)

Sabapathy Chetty

Chairman Municipal Council.

Municipal Councillors Office,
Bellary 7th October 1888

2379 M. of

Extract from the Proceedings of the Municipal Council Anantapur at a meeting held on the 22nd October 1888.

Present.

M. R. Ry. Sadasiv Rao Garoo Councillor.
" P. Subba Rao Garoo - Do.
" J. Fakhrodeen Sahib - Do.
" G. Venkatramiah Garoo - Do.
" C. Hoossain Peera Sahib - Do
" G. Bundeppa Garoo - Do
" V. Chinna Venkatasamy Chetty garoo - Do

Resolution No. I.

Read G. O. No. 978 M. dated 31st August 1888 forwarding for information and criticism a rule under Section 256 of the Municipal Act regarding the transfer of property vested in the Municipal Council.

The word "property" in the rule

The Council is unanimously of opinion, that this rule is unnecessary, because the Act already provides the interference of the Collector or Government, in case of improper alienation.

The Rule if brought into force, will be productive of inconvenience to the Public, the Council and the Government.

(True Extract)

Chairman, Municipal Council.

Municipal Councillors' Office,
Bellary 7th October 1888

C. 2349 M. of 88

15

Extract from the Proceedings of the Municipal Council Anantapur at a meeting held on the 22nd October 1888.

Present.

M. R. Ry. Nadapir Rao Garu Councillor.
" P. Subba Rao Garu — Do.
" J. Fackhrodeen Sahib — Do.
" G. Venkataramiah Garu — Do.
" C. Hoossain Peera Sahib — Do.
" G. Bundeppa Garu — Do.
" V. Chinna Venkatasamy Chetty Garu —

Resolution No. I.

Read G. O. No. 978 M. dated 31st August 1888 framing for information and criticism a rule under Section 256 of the Municipal Act regarding the transfer of property vested in the Municipal Council.

The word "property" in the rule

quoted above is presumed to mean immoveable property. The rule is approved on the understanding that the word "property" is meant a public street or land. If the word property is to be understood in its widest sense meaning any land belonging to the municipality the rule seems to be rather a hard one as it will entail correspondence with the Government almost every day.—

(Signed) S. Varaju Rao
Presiding Councillor.

(True Copy)

J. Jagannathan
Officiating Chairman.

N.B.

1
C.24 24 Nov/88

Extract from the Proceedings of the Municipa Council, Coimbator, dated 11th October 1888.

Present

M.R.Ry. I. Venkatasawmy Naidu Garu
Rao Saib.
" F. Noone Esqre.
M.R.Ry. P. Shunmuga Mudaliyar Avl.
Rao Saib.
" K. Sadasiva Mudaliyar Avl.
Rao Saib.
" N. Narasier Avergal Rao Saib
" Samier Avergal. Rao Saib.

26. Read and recorded the following papers:—

Report of Mr. Coottiyanna Mudaliyar on G.O. 15th June 1888. No. 647.

G.O. 31st August 1888, No. 978.

(Signed) I. Venkatasawmy Nai
For Chairman.

(True Extract)

Venkatasawmy
For Chairman

C.S.

quoted above is presumed to mean immoveable property. The rule is approved on the understanding that the word property is meant as public street or land. If the word property is to be understood in its widest sense meaning any land belonging to the municipality the rule seems to be rather a hard one as it will entail correspondence with the Government almost every day.—

(Signed) S. Varaju Rao
Presiding Councillor.

(True copy)

J Jagannathan
Officiating Chairman.

N.B.

1 / C24 24 M of 88

Extract from the Proceedings of the Municipa
Council, Coimbator, dated 11th October 1888.

Present

M. R. Ry. I. Venkatasawmy Naidu Garu
Rao Saib.
" F. Noone Esqre.
M. R. Ry. P. Shunmuga Mudaliyar Avl.
Rao Saib.
" K. Sadasiva Mudaliyar Avl.
Rao Saib.
" N. Narasier Avergol Rao Saib
" Samier Avergol. Rao Saib.

/ × × ×

26. Read and recorded the following papers:—

Report of Mr. Coottiyanna Mudaliyar on G.O. 15th June 1888. No. 647.

× × ×

G.O. 31st August 1888, No. 978.

× × ×

(Signed) I. Venkatasawmy Naidu
For Chairman.

(True Extract)

Venkatasawmy
For Chairman

CS

Encls Jumple &c 123
Enclo: 1. 2-11-88

In a letter from the Chairman, Municipal Council Coimbatore dated 31st October 1888, No. 258.

Extract from the Proceedings of the Municipal Council, Coimbatore dated 11th October 1888.

1
C. 2451 M of 88

18

Extract from the Proceedings of the Municipal Council dated 21st September 1888.

× × × ×

III. Read Government order No 978
dated 31-8-88 stating that the sale, by the Haru
Municipal Council, of the lane referred to, wa
not of itself illegal or ultra vires, and publishi
for information and criticism a rule framed un
Section 256 (1) regarding Transfer of property ves
in a Municipal Council.

Resolution.

The Council observe that
term "property" used in the proposed rule seem
be of wide application: they don't think th
is the wish of Government to prohibit sales,
Municipality, of movable property such as unservi
tools, dealwood boxes and kerosine empty tins and
and the like, without special sanction, or of imm
property of a trifling value for house sites and
yards.

× × × ×

(Sd) C. Raghava Row
Chairman

(True Extract)

19

Extract from the proceedings of the Municipal Council for the Town of Trichinopoly passed at the meeting held on 20th September 1888.

Present.

J. G. D. Partridge Esquire	Chairman
M. R. Ry. V. Muthuswami Iyer Avl Rao Sahib	Rev. Officer
Revd. Father. J. Wt. W. Sewell S. J.	Commr.
M. R. Ry. B. Muthusami Mudaliar avl Rao Sahib.	Do.
Do. M. Pathmanaba Chettyar avl Do	Do.
Do. Mohamed Sirasudeen Sahib Kan Sahib	Do.
Do. Mohamed Asadullah Sahib Do	Do.

* * *

Para. 3.

Read G. O. nos $\frac{\text{890 M}}{\text{10/8/88}}$, $\frac{\text{1528 L}}{\text{17/8/88}}$, $\frac{\text{1484 L}}{\text{11/8/88}}$ $\frac{\text{1507 L}}{\text{13/8/88}}$, $\frac{\text{1604 L}}{\text{27/8/88}}$, $\frac{\text{971 M. Mis}}{\text{31/8/88}}$, $\frac{\text{917 M. Mis}}{\text{18/8/88}}$, $\frac{\text{973}}{\text{3/8/88}}$ $\frac{\text{970 M}}{\text{30/8/88}}$, $\frac{\text{988 M. Mis}}{\text{3/9/88}}$ and $\frac{\text{1004 M. Mis}}{\text{8/9/88}}$.

* * *

Recorded. With regard to G. O. No 9, the Council are of opinion that the rule proposed should apply to land and buildings only and not to all property and that land not exceeding 25 square feet may be sold without the sanction of Government.

(Signed) J. G. D. Partridge
Chairman

(True copy)

Municipal office
Trichinopoly 21.9.88

Offg Chairman

1
C. 2159 M/88

Extract from the Proceedings of the Municipal Council, Berhampore at a meeting held on Saturday the 10th November 1888.

Present

M.R.Ry. Baboo Bepin Charan Chatterjea garu, Rao Sahib, Councillor in Charge — Chairman.
M.R.Ry. S. Ramamurti Pantulu garu, Rao Sahib
M.R.Ry. K. Gummidi Subudhi garu, Rao Sahib
M.R.Ry. J. Ramayya Patnam garu, Rao Sahib
M.R.Ry. P. Venkatarao Pantulu garu, Rao Sahib
M.R.Ry. P. Viswanadham [illegible] garu, Rao Sahib
M.R.Ry. A. Chitti[illegible] Setty garu, Rao Sahib
M.R.Ry. A. Gummin[illegible] Naidu garu, Rao Sahib, Tahsildar, Berhampore

6. Read G.O. dated 31st August 1888, No. 978 M., Local and Municipal Department regarding transfer of property.

Resolved to submit to Government the following amended rule for their consideration:—

Rule. No immoveable property of the value of Rs 100 or upwards vested in a Municipal Council shall be transferred by sale, mortgage, exchange or otherwise without the sanction of the Governor in Council.

(Signed) B. Chatterjea
Councillor in Charge.

(True Extract)

B. Chatterjea
Councillor in Charge.

Su. M. No. 388/88.

Extract from the Proceedings of the Municipal Council Ongole, passed at a meeting held on Saturday the 1st December 1888.

× × ×

282. Read G. O. No. 978 M. of 31st August 1888 publishing for information and Criticism a rule framed under Section 256 (1) regarding the Transfer of Property vested in a Municipal Council.

The meeting are of opinion that the rule as at present framed is too wide, and that the proposed restriction of the powers of the Municipal Councils should only apply to the movable property vested in them.

× × ×

(True Copy and Extract)

For Chairman

Enclosure No. 1

to Letter from the Collector of Nellore

No. 16 of 1889.

With the Secy. to Govt. Local & Municipal Dept.

1

No 32 14/1/89

Chingleput District, Collector's Office,
SAIDAPET, 20th September 1888.

No. 64/M.

Local & Municipal Dep
CURRENT No. 2111/92

FROM
C. M. [illegible]ullaly Esquire
Acting COLLECTOR OF THE
CHINGLEPUT DISTRICT.

To
THE Chief Secretary to Government,
Local and Municipal Department,
Madras.

SIR,

With [illegible] to G. O. dated 31st August 1[illegible] 78 M, Local and Municipal, [illegible] the honor to state that the rule seems to me to go too far.

2. I would [illegible] distinction between moveable and immoveable property. My reason for this is that the moveable property will usually be of not much value, e.g., manure, rubbish, Deal boxes, Kerosine oil tins &c; all that is necessary in such cases is due publicity to prevent fraud in the council, for, no permanent injury can be done to the inhabitants in these cases by the bad faith of

their representative, but the case is very different in the case of landed property any alienation of which would permanently affect the rights of the inhabitants and is [illegible]ually of great value.

3. For moveable property I would pass a rule embodying the following conditions of sale.

(1) That the property should be invariably sold by public auction.

(2) That public [illegible]tion for three months be given of [illegible]tended sale and published in the District Gazette.

(3) That no Municipal Councillor or subordinate should [illegible] or be interested in the sale.

4. For Immoveable property I suggest the following modification to the rule.

No immoveable property vested in a Municipal Council shall be transferred by sale, mortgage, exchange or otherwise without

(1) Public notification in the District Gazette and in the town

(2) The sanction of the Governor in Council.

The reason for the first condition is that if some improper alienation were intended, it would be easy so to gloss over the facts as to make the alienation seem unobjectionable and the application for sanction merely a matter of form. Local publication, however, would give the parties likely to be affected an opportunity of objecting.

5. I wo[illegible] draw attention to Sections 315 & 444 of Act I of 1884, (City of Madras Municipal Act) and the corresponding Sections 24 (2) & 250 (1) (g.) of Act II of 1884.

6. Under Section 315 Act I of 1884, "all "rubbish, sewage, filth and other matters "Collected by the orders of the President under "this Act shall be the property of the Commis- "sioners, and may be sold or disposed of "as they think proper". This power of alienation is wanting in [illegible]tion 24 (2) of Act II of 1884,

but may be given by a rule such as is proposed in para 3 above.

7. Section 444 Act I of 1884 lays down that "the Commissioners may, with the sanction of the Governor in Council, sell any lands or buildings or ~~other~~ property vested in them by virtue of this Act or acquired by them for the purposes thereof."

The words "other property" would seem to include all property not coming under Section 315, Act I of 1884, but it scarcely seems necessary to trouble Government with references about moveable [illegible] of small value not included under the term rubbish. Instead of following the Madras Town act I would draw a distinction between moveable & immoveable property as proposed above which would give sufficient protection to municipal property and in the case of petty articles save useless

references

Municipal Councillor's Office
Trichinopoly 21st September 1888.

Local & Municipal Dept
CURRENT No. 2159M

No. 66

From,
M. R. Ry. V. Muthuswami Iyer Avgl.
Officiating Chairman
Municipal Council
Trichinopoly

To,
The Chief Secretary to Government
Local and Municipal Dept
Fort Saint George.

Through the Collector of Trichinopoly.

Sir,

With reference to G. O. No. 978 M dated 31st August 1888, I have the honor to submit herewith copy of the resolution of the Council passed at the meeting held on 20th Instant from which it will be seen that they are of opinion that the rule proposed should apply to land and buildings only and not to all "property" and that the Council should have the power, in order to avoid frequent applications to Government, to sell land not exceeding 25 square feet without the sanction of Government.

I have the honor to be,
Sir,
Your most obedt servant,

Offg. Chairman

to Government.

I have the honor to be,
Sir,
Your most obedient Servt.

Acting Collector

Copied H.
20/9

24 S. R.

Local & Municipal De
CURRENT No. 2111 M

FROM
THE Ag COLLECTOR OF THE
CHINGLEPUT DISTRICT.

To
THE Chief SECY. TO GOVERNMENT,
Local & Munl DEPARTMENT,
MADRAS.

Dated 20th
Despatched } September 1888.
Received 22 SEP 88

No. 64/M.

ENCLOSURES.

SUBJECT.

Offering certain suggestions with reference to the proposed rule regarding alienation of Municipal lands.

MUNICIPAL OFFICE,

No. 862

Dated 24th September 1888

Enclosure - 1

28

From
M.R.Ry C. Raghava Row Pantulugaru
Chairman Municipal Council,
Cuddapah.

Local & Municipal De
CURRENT No 2172 M

To
J. F. Price Esq,
Chief Secretary to Government
Local and Municipal Deptt

No. 6961 L
29-9-88
Forwarded
E Sewell
Ag. Collr

SIR,

With reference to G. O. No. 978 M / 31-8-88 I have the honor to submit herewith Copy of a resolution passed by the Council on 21st Instant. They consider that the term "property" used in the proposed rule is of wide signification, and that it requires a clear definition of the "sort of "property" contemplated by the rule. They don't think that the Government intend by the rule to restrict the sale of street sweepings, Cattle manure, old and unserviceable furniture, packing cases & the like

as they may [illegible] terpreted to
fall under the definition of
Municipal property.

I have the honor to be
Sir,
Your Most obedt. Servant
C Macarthy
Chairman.

B. R. No 556
28.9.88

Forwarded
[illegible]
Ag Colr
28 9 88

Local & Municipal Dept.
CURRENT No 2159 M
SEP. 88

From.

M. R. Ry. V. Muthusami Iyer
Avergal
Offg. Chairman
Municipal Council
Trichinopoly

To.

The Chief Secretary
to Government
Local & Municipal Deptt
Fort Saint George

Thro' the Collector of Trichy

Dated 21st
Despd 24th } September 1888
Recd 1 - OCT. 88

No 66

Enc. 1

Informing that the Council are of opinion that they should have the power to sell land not exceeding 25 square feet without the sanction of Government.

1888.

CUDDAPAH MUNICIPAL
CURRENT No. 2172 R

From

The Chairman Municipal Council,
Cuddapah.

To

The Chief Secretary to
Government
Fort St George

Dated 25th
Despatched 27
Received 2 OCT. 88
September

No. 862

Enclosures. 1

Subject.

Submitting, for inform
of Government, cop
Resolution of the Coun
dated 21st September 188
regarding the proposed
in the matter of trans
of property vested in
Council & requesting
clear definition of
term "property" for
reasons set forth.

30

Extract [illegible] the Proceedings of a
Meeting [illegible] the Municipal Council
of the To[illegible] of Mangalore, held on
26th Sept[illegible]ber 1888.

Present:

W. A. [illegible] Esquire, Chairman.
M. R. Ry. [illegible] Ananthaya Avargal, Rama
" [illegible] Shiva Rau "
" [illegible] Gundu Rau "
" [illegible] Srinivas Rau "
" [illegible] Narna Shetti "
D. [illegible] Esquire.
Bail Abb[illegible] Byari Saheb Bahadur K
sah

* * * *

2. Read G[illegible] 31st August 1888, No 978,
stating that [illegible] sale, by the Karur
Municipal Council, of the lane referre
to, was not of itself illegal or ultra
vires, and publishing, for information
criticism, a rule framed under sec:
(1) regarding the Transfer of Property
in a Municipal Council.

With regard to the Rule published

G.O. 31st August 1888, No 978 M.

e Council consider that the words "or otherwise" should either be ommitted r clearly defined; if their tendency would be to prevent the Council from leasing from year to yea, or for a term f years property vested in them.

* * *

(True extract)

For Chairman

NO. 478

31

Office of the Municipal Council
MAYAVERAM.
19th October 1888

Local & Municipal
CURRENT No 2385/M

FROM

M. R. Ry. T. A. ALAGA PILLAI Avergal Rao Bahadur
CHAIRMAN, MUNICIPAL COUNCIL
MAYAVERAM.

TO

THE Chief Secretary to
Government Fort Saint Geo
Local & Municipal Dept.
Through Sub Collector
of Tanjore.

SIR,

I have the honor to submit herewith Extract from the Proceedings of the Municipal Council Mayavaram dated the 16th Instant (Resolution No 5) offering their remarks on the draft rule embodied in G.O. No 978 M dated 31st August '88, relating to transfer of property vested in a Municipal Council.

I have the honor to be
Sir
Your most obedient
Servant
T. A. Alagapillai
Chairman

PAL REGR. NO. 1326 OF 1888

Local & Municipal Dept.
CURRENT No. 2385 M

FROM

M.R.Ry. T. A. ALAGA PILLAI Avergal Rao Bahadur
CHAIRMAN, MUNICIPAL COUNCIL
MAYAVERAM.

Reh
1248

TO

The Chief Secretary
to Government
Fort St. George
Local & Muni. Dept.
Thro' Sub Collector
of Tanjore

Dated. 19th
Despatched.
Received.
October, 1888

No. 478

CHIEF SECRETARY
30 OCT 88

ENCLOSURE. 1

SUBJECT.

Submitting copy of Resolution of the Council dated the 16th October, 88 No. 5 on the draft rule relating to transfer of property vested in a Municipal Council.

Forwarded to Collector for attention

Atkinson
Ag. Sub Collector

No. 767 Muni.
Forwarded.

Ag. Collector

Dis
25/10

...jore Collector's office
Muni. 27th October 1888

B. H. CHESTER.
25 OCT. 1888

33

No. 1785.

Municipal Councillors' Office,
Bellary 24th October 1888.

Local & Municipal Dept.
CURRENT No. 2399 M

From

M. R. Ry., Rao Bahadoor
A. Sabapathy Mudr. Avergal.
Chairman, Municipal Council,
Bellary.

To

The Chief Secretary to
Government,
Local & Municipal Dept.
Madras.

Sir,

With reference to G. O. No. 978, M., dated 31st August last, I have the honor to submit herewith, the Resolution of the Municipal Council, passed at their Meeting held on the 9th Instant, and to state that the Rule is unnecessary, as there is already provision in the Act, for the interference of the Collector and the Government, in case of improper alienation, and that the Rule, if brought into force, will be productive of inconvenience to the Public, the Council and the Government.

Sir, I have

2. 3 The word "property" used in the Rule, is very ambiguous, as it includes moveable as well, as immoveable property.

3. 4 Frequent, applications are received from the owners of houses, for small plots of grounds, situated close to their dwellings, for building and other purposes, and, all the applications for grants of land, are considered by the Municipal Council at their meetings; decayed trees, and unserviceable articles, and tools have to be sold by public auction.

4. Reference to Government for sanction, for the disposal of all such cases, would result in unnecessary correspondence, and much inconvenience to the Public.

I have the honor to be,

Sir,

Your most obed^t Servant

Chairman M. C

PM

Registry 3920
26.10.88

Local & Municipal Dept
25.10.88
CURRENT No 2399 M

From

The Chairman,
Municipal Council,
Bellary

To

The Chief Secretary
to Government
Local & Municipal Dept
Madras

D/ 24th October 1888.
R/

CHIEF SECRETARY
31 OCT 88
GOVERNMENT OF MADRAS

No. 1785

Submitted
H. Goodrich
Collector.
27/10/88

29.10.88
26.10.88

Subject.

Stating that the proposed draft Rule regarding transfer of property vested in a Municipal Council is not necessary.

2/11

Local & Municipal Dept
CURRENT No 2417 M.

Proceedings of the Municipal Council Kumba-konam dated 19th October 1888.

Present.

M.R.Ry. D. Tambisami Mudaliar Avargal Rao Bahadur
Chairman

" S. Seshaiyar " Rao Sahib

" T. S. Ganapathi Aiyar "

" R. Kumarasami Pillai "

" Konetty Venkatachalapathi Chettiyar "

Mr. J. G. Ashworth

× × × ×

3. Read Collector's Endorsement No. 664 Municipal dated 15th September 1888 forwarding for information and remarks if any G.O. No 978 Mu dated 31st August 1888 Containing draft rule regarding the transfer of Municipal property.

Resolved that the Council approve of the draft rule Embodied in the G.O.

× × ×

(Signed). D. Tambisami
Chairman

(True Extract)

No. 348

Communicated to the Collector of Tanjore with reference to his Endorsement No. 664 Municipal dated 15th September 1888.

(Signed) T. Tambisami
Chairman

22nd October 1888.

(True Copy)

No. 789 Munl.

Forwarded to Government in the Local and Municipal Department with reference to G.O. No. 978 Mn dated 31st August 1888.

A/Collector

IK

W/

Tanjore Collector's office
Vallam 1st November 1888

G. S.

Local & Municipal Dept
CURRENT No. 2417 M.

Local & Mun^l DEPARTMENT.

FROM

THE COLLECTOR OF
TANJORE,

To

THE ~~Chief~~ SECRETARY
TO GOVERNMENT,
L & M DEPARTMENT,
Madras.

Dated 1st November 1888.
Received 4 NOV 88
No. 789 Mun^l
ENCLOSURE. Nil
Subject.

Transfer of Property.

Submitting Kumbakonam Chairman's letter forwarding Resolution of the Council approving the draft rule embodied in the G. O. relating to the —

Local & Municipal Dept
CURRENT No. 2424 M

Submitted to the Collector
J. Jagannatham
Divisional Officer
26.10.88

No. 358

Enclosure 1

Anantapur Municipal
Councillors' Office
Dated 25th October 1888.

From,
M. R. Ry.
T. Jagannatham Pantulu Garu
Officiating Chairman
Municipal Council
Anantapur.

To,
The Chief Secretary to Government
Fort Saint George.
(Local and Municipal Department)

Through,
The Divisional Officer,
Anantapur.

Sir,

Referring to G. O. No. 978 M. dated 31st August 1888, I have the honor to forward herewith a copy of resolution No. 1 passed by the Municipal Council of Anantapur at their meeting held

(True Extract)

No 348

Communicated to the Collector of Tanjore with reference to his Endorsement No 664 Municipal dated 15th September 1888.

(Signed) T. Tambisami
Chairman

22nd October 1888.

(True Copy)

No 789 Munl.

Forwarded to Government in the Local and Municipal Department with reference to G.O. No 978 Mn dated 31st August 1888.

Ag Collector

W

Q/

Tanjore Collector's office
Vallum 1st November 1888

on the 22nd instant on the subject.

I have the honor to be,
Sir,
Your Most obedient Servant,
J. G. [illegible]
Officiating Chairman

Local & Municipal Dept
CURRENT

Regd 4953
27/10/88 2424 M

M.C.
29 OCT 88
M.C.

Forward together
29 Oct

Chief Secretary
3 NOV 88
Government of Madras

WG
29/10 88

From,

The Chairman,

Municipal Council

Anantapur.

To,

The Chief Secretary to

Government,

Fort-Saint George.

(Local and Municipal Dept.)

Through,

The Divisional Officer

Anantapur

Dated	25th	October 1888.
Desp'd	26th	
Recd		

No. 358

Enclosure, 1

Subject.

Forwarding a copy of resolution No. 1 passed by the Municipal Council Anantapur at a meeting held on the 22nd instant on the subject of "Transfer of Property".

39

Coimbatore Municipal Office
30th October 1888.

No. 258.

From

The Chairman
Municipal Council
Coimbatore.

Local & Municipal Dept
CURRENT

To

The Chief Secretary 2451 M
to Government. Madras.

(Thro' the Rev: Officer of the Division)

Sir,

With reference to G. Os. dated 15th June and 31st August 1888, Nos. 647 and 978, respectively I have the honor to forward herewith an Extract from the Proceedings of the Municipal Council under date the 11th October 1888, from which it will be observed that the above G.os. were read and recorded.

I have the honor to be,
Sir,
Your most obedient Servant,
Venkatasamy
For Chairman.

CL

Forwarded to the Collector

Bosanquet
21.11.88

Chief Secretary
14 NOV 88
Government of Madras

Forwarded
Ellore

Municpl. D. No. 123
1888
2-11-88

Coimbatore Municipality

Local & Municipal Dept
CURRENT No 2451 M

From
The Chairman
Municipal Council
Coimbatore
To
The Chief Secretary
to Government
Madras.
(thro the Revenue Officer of the Division)

Dated
Desptd } October 1888.
Recd

No. 258
Enclo: 1.

Forwarding an Extract from the Proceedings of the Municipal Council Coimbatore dated 11th October 1888 in reference to G.Os 15th June and 31st August 1888 Nos 647 and 978 respectively.

R.S. 3/11

41

No. 803 Guntur 13th November 1888

From
The Chairman
Municipal Council, Guntur

To
The Under Secretary to Government
Municipal and Local Fund Departments
Madras.

Sir,

In obedience to the rule passed under G.O. $\frac{978}{31-8-88}$ restricting the Municipal Council from disposing of property without the sanction of Government, I beg to submit that this rule would entail much hardship and inconvenience to the Town-people, who are by this beholden to wait for too long a time when they happen to petition for a small piece of land lying near the road sides, to build some pial, or a small verandah, or covered drain, for temporary relief,, or to join a small angular piece of land into their compound so as to keep within the line of roads without causing inconvenience to the public.

I therefore beg that some such concession may be granted to the Council. The correspondence with the Government in these trivial matters will not only swell, but also cause a considerable amount of trouble and inconvenience to the people.

I have the honor to be,
Sir,
Your Most obedient Servant,
(Sd) T. Mallikharjanam
Chairman.

(True Copy) Ar. 6964

Forwarded to Government.

The objections do not appear to me of weight. There need not be any

great delay in reporting such cases for the sanction of Government and the necessity for such sanction is a salutary check on ill-considered alienations of public land which some local authorities are apt to assent to under pressure from inhabitants of influence. Each such proposed alienation should be accompanied by a survey sketch of both sides of the street drawn to scale and marked with measurements. Certain improper alienations by local authority brought to my notice in this District,—not in Guntur—and with difficulty corrected would not have occurred under the check proposed.

Kistna District
Collector's Office
Masulipatam
22nd November 1888
Despd 24 Do

A. T. Arundel
Collector

To
The Chief Secretary to Government
Local and Municipal Department

DVS

or to join a small angular piece of land into their compound so as to keep within the line of roads without causing inconvenience to the public.

I therefore beg that some such concession may be granted to the Council. The correspondence with the Government in these trivial matters will not only swell, but also cause a considerable amount of trouble and inconvenience to the people.

I have the honor to be,
Sir,
Your most obedient Servant,
(Sd) T. Mallikharjanam
Chairman.

(True Copy) No. 6964

Forwarded to Government.

The objections do not appear to me of weight. There need not be any great delay in reporting such cases for the sanction of Government and the necessity for such sanction is a salutary check on ill-considered alienations of public land which some local authorities are apt to assent to under pressure from inhabitants of influence. Each such proposed alienation should be accompanied by a survey sketch of both sides of the street drawn to scale and marked with measurements. Certain improper alienations by local authority brought to my notice in this District, — not in Guntur — and with difficulty corrected would not have occurred under the check proposed.

Kistna District
Collector's Office
Masulipatam
22nd November 1888
Despd 24 Dec

A. T. Arundel
Collector

To
The Chief Secretary to Government
Local and Municipal Department

1888 Department.

From,
The Collector
Kistna.

To,
The Chief Secretary,
to Government
Local and
Municipal Department

Dated 22d November 1888
Despatched 24 Do.
Received

No. 6964

CHIEF SECRETARY
GOVERNMENT OF MADRAS

Enclosure

Subject.

Forwarding copy of letter No. 803/13.11.88 from Chairman M. C. Guntur requesting that the Council may be allowed to transfer the property vested in them without the sanction of Government.

No. 750

Enclosure 1

Berhampore 44
Municipal Office
16th November 1888.

CURRENT No.

From
M.R.Ry. Rao Sahib
Baboo Bepin Charan Chatterjea garu
Councillor in Charge of the Office of
Chairman, Municipal Council, Berhampore

To
The Chief Secretary to Govt.
Local and Municipal Department
Madras

(through the Senior Assistant Collector Ganjam)

Sir,

With reference to G.O. dated 31st August 1888. No. 978 M. Local and Municipal Department regarding draft rules for transfer of property I have the honor to forward herewith an extract from the Proceedings of this Municipal Council dated 10th November 1888, No. 6 suggesting amendment of the rule for Considerat[illegible] of Government.

I have the honor &c.,

Sir,

Your most obedient Servant

B. Chatterjee

Councillor in Charge

[illegible]
manager

XII

M. No 388/88

Reg Cu 24.11.88

9/1:1661

Forwarded

[illegible] Bell

19.11.88 Ag Pr. Hors

Mr No 229

Forwarded

J. G. Horsfall

Collector

Chatrapur

21.11.88

Despatched 23 November 1888

Chief Secretary
4 3 DEC
Government of Madras

Local & Municipal Dep
CURRENT No.

From

the Chairman,

Municipal Council,

Berhampore

To

the Chief Secretary

to Government

Local & Municipal Depte

Madras

(through the Senior Asst.

Collector, Ganjam)

Dated 16th November /88

No 700.

Enclosure - 1.

Transfer of Property

Forwarding Extract

from the Proceedings of the

Municipal Council dated

10th November 1888 suggesting

amendment of the rule

regarding

No 446.

Municipal Office

Rajahmundry 5th December 1888.

46

From,

Mr.

V. L. Narsimham Garu, B.A. Rao Bahadur

Chairman, Municipal Council

Rajahmundry.

Local & Mun
CURRENT No. 2733 M

To,

The Chief Secretary to Government

Local & Municipal Department

Madras.

Sir,

I have the honor to submit for consideration of Government the following amendment proposed by the Council to the draft rule framed under section 250 (1) g of the Madras District Municipalities Act IV of 1884 & notified in G.O. No 978 M (L & M) dated 31st August 1888.

After the words "to property", in the draft rule, add "Exceeding Rs 100 in value".

2/ The Government have in their order No 1796 L (L & M) dated 28th September 1888 proposed to empower the Taluq Boards to transfer by sale or otherwise any property whether moveable or immoveable vested in them, provided that the value of such property does not exceed Rs 100 and there seems to be no reason why a Municipal Council should not be given as much power in the matter as a Taluq Board.

3/ Cases are not rare in which a Municipal Council is applied to, for the grant of small sites and it is highly desirable on grounds of saving delay in the despatch of business and of avoiding constant correspondence with the Government on trival subjects that some discretion should be allowed to the Municipal C[illegible]s in the matter of

I therefore request that the rule framed might be amended as proposed by the Council.

I have the honor to be

Sir

your most obedient Servant

G. L. Narsinham

Chairman

Regd No 2933 28/1.

1888-89

From,

The Chairman
Municipal Council
Rajahmundry

To,

The Chief Secretary to Govt.
Local & Municipal Dept.
Madras.

Dated }
Despatched } 5th 12-88
Received. 12 " " "

No. 446. Enclosures none

Subject

Proposing an amendment to the draft rule framed under Section 250 (1) of Act IV of 1884 and notified in G.O. No. 978 m. dated 31st August 1888

Forwarded to the Collector, Godavari District, with the remark that the proposed amendment is not necessary. The Presidents of Taluk Boards are Divisional Officers, while in but very few cases are Chairmen of Municipal Councils Government servants. There is not therefore the same check in Municipal Councils as in the case of Taluk Boards. Besides land in towns is more valuable than land in rural tracts, and its value to the Municipal Council cannot be measured by its market value; e.g. the market value of a small encroachment in a public street may be small, but the value of the same with regard to its utility as a thoroughfare may be great.

J. [illegible]
[illegible] Sub Collr

No. 68 of [illegible]

Submitted.
The undersigned agrees with the Acting Sub Collector.

Cocanada
12/12/88

W. A. [illegible]
Collector

CURRENT No. 2733 M

Revenue {1888} Department.

From

The Collector,
Godavari District

No. 68

Dated 12th December 1888
Despatched
Received

Chief Secretary 20 DEC 88 Government of Madras
No.

SUBJECT.

Submitting letter from the Chairman Municipal Council Rajahmundry No. 68 dated 12th December 1888 proposing an amendment to the draft Rule framed under section 256(1) of Act IV of 1884 notified in G.O. No. 978 of 31st August 1888

No. 761 Municipal Council's Office,
Ongole 11th December 1888

From
The Chairman, 32 M
Municipal Council
Ongole

To
The Chief Secretary to Government,
Fort Saint George.

Through the Sub Collector of
Nellore.

Sir,

I have the honor to forward herewith copy of the Council's Resolution No: 282 dated 1st December 1888, as to the rule framed under Section 256 (1) regarding the Transfer of Property vested in a Municipal Council referred to in G.O. No: 978 of 31st August 1888.

I have &c.
(Signed) W. Anandaloo
For Chairman.

(True Copy)

No. 16/Eng: da[illegible] 8th January 1889.
Sub[illegible]ted to the Chief Secretary

Secretary to Government, L. & M.
Department.

2. The Chairman of the Municipal Council, Nellore in his letter No. 932 dated 6th October 1888 states that the Council see no objection to the draft rule published.

Asst Collector
for Collector

The Chief Secretary to Government,
L. & M. department
Madras.

1

From the Collector of

32 M

Nellore.

CHIEF SECRETARY
11 JAN 89
GOVERNMENT OF MADRAS

To The Chief Secy to Govt
L. M. Department
Madras

Dated 8th January 1889

No. 16

Subject.

Transfer of Property

Do.
L&M 210 Mu of 20/2/89

51

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O. dated 31st August 1888 No. 978 Mu and

Current Nos 2111, 2159, 2172, 2178, 2274,
2386, 2399, 2417, 2424, 245
2598, 2622 and 2733 Mu
of 1888
& 32 Mu of 1889

From

FOR ORDERS.

In the G.O read above the following rule framed b Government under sectio 250 (1)(g) of the District Mun-icipalities Act IV of 1884 wa published for criticism und section 256(1):-

"No property vested in a Municipal council shall be transferred by sale, mortgage exchange or otherwise witho the sanction of the Governo in council".

curren

1

From the Collector of

32 M

Nellore.

CHIEF SECRETARY
11 JAN 89
GOVERNMENT OF MADRAS

To The Chief Secy. to Govt.
L. M. Department
Madras

Dated 8th January 1889

No.

Subject.

Transfer of Property.

Dis.
L&M. 210 M. of 20/2/89

[Pr.; 28-11-88.

51

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Municipal Council shall be
transferred by sale, mortgage
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the sanction of the Governo
in Council".

Curren

rrent No 2417 M contains th
esolution of the Municipal Coun
f Kumbakonam approving the
roposed rule and C No 2451 M,
hat of the Coimbatore Counc
ecording the G.O publishing th
ule. The remaining letters conta
he objections and suggestion
ade by certain Municipal
uncils and Collectors in regar
this rule, and the following
a precis of the same :-
rrent No 2111 M. The Collector
f Chingleput is of opinion th
he proposed rule goes too far.
e suggests that a distinction
hould be drawn between
ovable property such as
anure, rubbish, dealwood
oxes, kerosine oil tins &c
hich are not of much value
d by the sale of which
rnment [illegible] case be

done

tive and immovable prope
such as land, which is
usually of great value an
the alienation of which
will permanently affect
the rights of the inhabitan
In Madras the Commission
are competent to sell rubbis
sewage &c as they think fit
while in the case of lands
or buildings &c, they have
obtain the sanction of Gove
ment. On the analogy of
it is suggested that Muni
cipal Councils should be
given power to sell movable
property subject to the condition
(1) That the sale shall
invariably be by public
auction.
(2) That three months
public notice shall be given

of

the intended sale in the District Gazette and

(3) That no Municipal Councillor or subordinate shall be allowed to bid at or be interested in the sale.

In the case of immovable property it is proposed that the sanction of Government should be obtained for its sale, which due notice must be iven in the Town and in e District gazette, as local publication is absolutely necessary to give the interested persons an opportunity for objecting.

Current No. 2159 M. The Trichinopoly Council suggests that the proposed rule should be made applicable only to buildings and lands, exceeding twenty-five square feet.

Current

Current No. 2172 M. The Cuddapah Council considers that the term "property" shoul be defined as it could not have been intended to inclu movable property such as unserviceable tools &c or immovable property of trifling value.

Current No. 2178 M. The Mangalore Council woul omit the words "or otherwis from the proposed rule, or define them more clearly and the Collector proposes th insertion of the word "lease" also, as it is necessary tha there should be some contro over the Council's proceedin in the case of a lease as w as in a sale.

Current No. 2274 M. The Chairm

f the Bimlipatam Council suggests that the applicatio of the proposed rule should be restricted to immovable propert and if necessary to movable property of more than Rs 100 in value. The Collector agrees with him.

Current No 2385 M. The Udayavaram Council suggests the rule should be modified s follows:-

"No immovable property d no interest in or easement immovable property vested n a Municipal Council hall be transferred by sale &c

Current No 2399 M. The Bellary Council considers he proposed rule unnecessary s the Act already provides for the interference of the Collector and the Government

in

in cases of improper alienation of property and the rule if brought into force will be productive of inconvenience to the Public, the Council and the Government, as the sanction of Government will have to be obtained for the sale of movable property also, such as unserviceable articles &c.

Current No 2424 M. The Anantapur Council approves of the proposed rule on the understanding that the word "property" means only immovable property consisting of public streets and lanes and not any land belonging to the Council or movable property.

Current No 2598 M. The

Chairm

hairman of the Guntur Coun is of opinion that the propose ule will entail much hardshi and inconvenience to the Townspeople, as they will have to wait for a long time to get a small piece of land to build some pial or a small verandah on, or for ome such purpose. He therefore uggests that a concession hould be made in such cases, as otherwise there will also be considerable correspondence with Government on trivial matters The Collector however is gainst this suggestion e thinks that the provisions f the rule will exercise a salutary check on ill onsidered alienations of

public

ublic land, which some authorities are apt to assent under pressure from influent inhabitants. He proposes that ll applications for alienations of land should also be accompanied by a survey sketch of both sides of streets drawn to scale and marked with measurements.

Current No 2622 M. The Berhampore Council propose to restrict the operation of the rule to immoveable property of the value of Rs 100 or upwards.

Current No 2733 M. The Rajahmundry Council sugges that the sanction of Government should be a condition of sale, only when property moveable or immoveable exceeds Rs 100 in value, s

enable Municipal Councils
to exercise the same power
which it is proposed× to invest
Taluk Boards with, and to
avoid delay and constant
correspondence with Govern-
-ment in disposing of applica-
tions for the grant of small
house sites &c. The Sub Collector
nd the Collector however
re against this restriction,
s all Presidents of Taluk
Boards are Divisional Officers,
while Chairmen of Municipal
Councils are in very few
cases Government servants,
nd it is not the market
value of lands within Muni-
cipal limits that gives them
importance, but their position
and utility to the public.

The Madras Law Time

× Vide G.O d/28th Septr 1888
No 1796 L.

P. 32 [illegible]. The Ongole Munl Council think the rule too wide. They wd restrict its operation to "movable" (immovable is probably meant) property. The Bellary Council accept the draft rule as it stands.

of the 29th Septem[illegible]
some remarks in connecti
with the proposed rule. It sugge
that Councils should be give
power to sell all movable
property of any value whatev
and immovable property
up to a certain money value,
say, Rs 25 or Rs 50.

From the above it will
be seen that the chief object
against the proposed rule is
that it refers to movable
as well as immovable prope
and that it gives no latitude
to Municipal councils in the
sale of property however trifli
in value. The Bellary Council
view that the proposed rule
is unnecessary because the
ct already provides for the
interference of the Collector

[illegible] cases of
improper alienations of propert
untenable, as some defini
control over the actions of
Municipal Councils in this
matter is necessary. Nor can
the suggestion of the Municipal
Councils of Trichinopoly, Guntur,
Berhampore and Rajahmundry
nd of the Madras Law Times
that power should be given
Councils to sell immovable
property, up to a certain money
value be adopted, as it is not
the money value of the land
that gives importance to
the sale, but the permanent
injury to a street or public site the sale may inflict.
It is however for consideration
whether the rule may not
e made expressly applicable
nly to immovable property
vested in Councils under
the

I submit that it
is advisable to make
it applicable to
both. It will prevent
jobs &c

the Act and not to property
purchased by them. In an
case it should be made a
condition of the sale that
due notice of it is given
the Town, and in the Distric
Gazette, as proposed by the
Collector of Chingleput. It
should also be required that
applications for alienation
land should be accompani
by a survey sketch of both
sides of streets in which the
lands are situated drawn
to scale and marked with
measurements, as suggested
by the Collector of Kistna.

As regards movable
property the Councils and
Collectors are generally agree
that the sanction of Gover
-ment should not be made

any sale within ~~the~~ ~~immovable~~ property
were uncalled for and Mul. Councils
might be left to deal with it as
they have heretofore.

To ~~rule~~ make it necessary that every
alienation of land by Mu. Council should
receive the previous sanction of Govt.
will no doubt add materially to work
and correspondence. It might be laid
down that in all cases where the value
of the land is below 50 Rupees or less Rs 100 the
papers should be submitted to the
Collr. as the representative of Govt.
he sending forward only those cases
in which he considers that the orders
of Govt. should be taken. The argument
used in the Note against allowing
M. Councils any power to alienate
land or immoveable property is I venture
to think a valid one. It is in the petty
cases chiefly that the most harm
is done. Giving the Collr. the opportunity
of objecting would be a sufficient check

&
24 Jany.

[illegible] rule depending on a limit of
value will work, because one of
the forms of jobs is alienating
land at a low price. Nor will
a limit of Extent do, because it
is often the case that the grant
sale of minute portions of land
[illegible] is most objectionable.
On the whole I think it best
insert the word "immoveable" in
the rule & to leave it as it stands

WS
25/Jan

Submitted that there
will be work [illegible] the number
addl. references it [illegible]

---

[5]

Pa to be read in Proceedings :—

Again G.O., dated 31st August 1888, No. 978 M.

2964 Current No. 2111 M o 888, dated 20 Septr/88 from Collr. of Ch
556 " " 2159 M " 28 Septr/88 " " Tric
6961 " " 2172 M " 29 do " " Cud
" " 2178 M " 29 do " " South
47 Current No. 2274 M of 88, dated 11 Octr/88 from " " Viza
769 " " 2385 M " " 27 do " " Tanj
— " " 2399 M " " 27 do " " Bell
2 " " 2417 M " " 1st Novr/88 " " Tanj
— " " [illegible] M " " 29 Octr/88 " " Ananta
" " 2451 M " " 6 Novr/88 " " Coimba
6964 " " 2598 M " " 22d do " " Kistn
229 " " 2622 M " " 21 do " " Ganja
68 " " 2733 M " " 12 Decr/88 " " Godav
16 Eng. " " 32 M 1889 " 8 Jany/89 " " Nellor

Order, dd 20 Feb. 89 No 210 M

the [illegible] read above the
[illegible] draft rule which it
proposed to issue under
250 (1) (5) 2 the district
municipalities etc was
~~[illegible]~~ typed for general information
[illegible] under sec 256 (1
property vested in a Muni.
[illegible] to transfer by sale
[illegible], exchange or otherwise
[illegible] the sanction of the Gov."

— The letters read above contain
the ~~objections~~ replies & suggestions made by
certain Municipal Councils & Collectors
~~in regard to the rule framed~~ draft
~~with reference to this rule~~
~~Govt, defining the power of municipal~~
~~Councils in transferring property~~
~~vested in them.~~

~~The Govt. do not agree with the~~
~~[illegible]llary Council in considering~~
~~that the proposed rule is unnecessary~~
~~[illegible] use the municipal act altogether~~

condition of its sale, or
t all, that only property wor
ore than Rs 100 & could come
within the operation of the
rule. It does not appear to be
necessary to obtain the sanction
of Government for its sale,
but in any case it might
be laid down, as proposed by
the Collector of Chingleput,
(1) that the sale shall invariably
be by public auction,
(2) that due notice of it (sa
a month) shall be given in
the District Gazette and
(3) that no Municipal sub
-ordinate shall be allowed
to bid at or be interested in
the sale. But the The three months
notice suggested by Mr. Mulholy
is perhaps not necessary n
is it advisable to absolute
prohibit

This is the limit
proposed in the case
of L.F. Boards in G.O.
28 Sep 88 [illegible] movable
17566
property is that which
in the rule it will might
be adopted for [illegible]
Councils also. But as
sales of manure, to take an
example, will often fetch
more than Rs 100, it seems
unnecessary to trouble the
Councils especially with the papers
references that the inclusion
of movable property in the
rule will involve
[illegible]

---

prohibit Municipal Council
from bidding at auction sa
In many towns there is no
demand for rubbish and
street sweepings and Councillo
who are generally wealthy
may like to buy them for
manure and set an example
to the ryots.

As observed by the Collector
of South Canara it seems als
inadvisable to adopt the
Mangalore Council's suggestion
"omit the words "or other
in the proposed rule. Th
ggestion to insert the word
se" may perhaps be adopted.

It appears also unnecessary
modify the rule as proposed
the Mayavaram Council.

18/10

was evidently intended that the proposed
rule should refer only to immoveable

they rule within jurisdiction immovable property
being invested for land Local Councils
might be left to the dealt with it as
they have hitherto.
It ~~is~~ therefore be necessary that every
alienation of land by the Council should
receive the previous sanction of Govt.
this w[ould] doubtless add materially to the work
and correspondence. It might be laid
down that in all cases where the value
of the land is below 5 T Rupees ^(or lower 2,500) that
papers should be submitted to the
Colr. as the representative of Govt. he
be sending forward only those cases
in which he considers that the orders
of Govt. should be taken. The argument
used in the note against allowing
the Council any power to alienate
land or immovable property is I venture
to think a valid one. It is in the petty
cases chiefly that the most harm
is done. Giving the Colr. the opportunity
of objecting would be a sufficient check.

Sd
24 Jan

[illegible] rule depending on a limit of
value will work, because one of
the forms of jobs is alienating
land at a low price. Nor will
a limit of extent do, because it
is often the case that the granting
lots of minute portions of land
[illegible] is most objectionable.
On the whole I think it not
insert the word "immovable"
the rule & to pass it as it stands

MS
28 Jan

Submitted that there m
be put with the number
added references i.e. [illegible]

Pa to be read in Proceedings:—

Again G.O. dated 31st August 1888, No. 978 M.

	Current No. 2111 M	of 88, dated	20 Septr/88	from	Colr. of Cl	
56	" " 2159 M		28 Septr/88	"	"	Tric
6961	" " 2172 M		29 do	"	"	Cud
	" " 2178 M		29 do	"	"	South
47	Current No. 2276 M	of 88, dated	11 Octr/88	from	"	Vizag
769	" " 2385 M	"	27 do	"	"	[illegible]
	" " 2399 M	"	27 do	"	"	Bell
	" " 2417 M	"	1st Novr/88	"	"	Tanj
	" " [illegible] M	"	29 Octr/88	"	"	Ananta
	" " 2451 M	"	6 Novr/88	"	"	Coimba
6964	" " 2598 M	"	22 do	"	"	Kistn
229	" " 2622 M	"	21 do	"	"	Ganj
	" " 2733 M	"	12 Decr/88	"	"	Godav
1664	" " 32 M	889	8 Jany/89	"	"	Nello

the papers read above the
following draft rule which it
proposed to [illegible]
258 (4)(5) 2 the [illegible]
municipalities etc was
[illegible] for general [illegible]
[illegible] under sec 258(1)
property vested in a Municipal
Council shall be transferred by sale
[illegible], exchange or otherwise
[illegible] the sanction of the Govt."

Order, Dd 20 Feb. 89 No. 210 M

— The letters read above contain
the requests ~~objections~~ & suggestions made by
certain Municipal Councils & Collectors
~~[illegible]~~
with reference to this rule
~~[illegible], defining the power of municipal~~
~~councils in transferring property~~
~~vested in them.~~

~~The Govt. do not agree with the~~
~~[illegible] Council in considering~~
~~that the proposed rule is unnecessary~~
~~as the municipal establish~~

g or the interference of
or Govt. in cases of im
alienations of property since
definite control over the
of Municipal Councils in
matter is necessary. Nor
the suggestion of the Muni
Councils of Trichinopoly
tur, Berhampore and
Rajahmundry that power should
given to Councils to sell
movable property up to a
certain money value be adopted
as no rule depending on a
limit of value will work
as much as it would leave
lands being alienated for
low price and none depending
on a limit of extent will do as
it is often the case that the g
or sale of minute portions
land for [illegible] is most
jectionable.
3. As regards movab

H.E. in C.
[illegible] after careful c
deration of these papers is
of opinion that all
of immovable property by M
Councils should be subject to
sanction of Govt. As regards
movable property however, the
admits the force of the objections
that have been raised by the
majority of the Collectors whom the
who have reported, viz that the
extension of the rule to this
class of property would unnecessarily
restrict the freedom of the Councils
& would create a large amount
of correspondence on trivial matters
The draft rules will accordingly
be modified by the insertion
of the word immovable before
"property" & will be enacted
in this form under sec 250 (13)(9)
of the Act

---

of the Colle
ere generally agreed tha
sanction of Govt. should
made a condition of sale
The Govt. concur with them a
accordingly resolve to m
draft rule by inserting the wo
immovable" ~~between~~ before "No" a
~~Property~~" 3 The following no
fication will be published
ll District Gazettes in Engl
the vernacular language of
District:-

Notification.

The Right Hon'ble the Governor
Council is pleased under
tion 250(13)(9) of the District
nicipalities Act IV of 184
the following rule
ding the conditions on
immovable property vested in
ipal Councils may

into force ....

ths after its publication

District Gazette in English

& vernacular language

the District.

Rule.

No immovable property

ested in a Municipal Commit

shall be transferred by sale

mortgage, exchange or other

wise without the sanction

of the Governor in Council

(Gov. ord.

Each letter will report

the date of publication of these

rules [illegible] in the District

Gazette

(Gov. orders)

[illegible]

15

Govt. of (1889) Madras.

LOCAL AND MUNICIPAL.

Issued

Recd.

Encl.

G.O., 20th Feb. 1889, No. 210 M.

FEBRUARY.

Transfer of Property.

Ordering the publication in all District Gazettes in English and in a vernacular language of the district of a notification prescribing rule regarding the conditions on which immovable property vested in Municipal Councils may be transferred.

8-

24-5-13 ✓

2-4-14 ✓

31-5-17 ✓

B.II

10-10-19 ✓

19-9-25 B.III ✓