

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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22/23

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
1st December 1864.*

Read the following papers:—

No. 1. From A. HATHAWAY, Esq., Magistrate of Bellary; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Judicial Department, Madras, dated Camp Gooty, 11th July 1864, No. 25.

I have the honor to submit, for the approval of Government, as requested by my Acting Joint Magistrate Mr. Reid, the enclosed Rules drawn up by the Commissioners appointed to bring Act XXVI of 1850 into force in the town of Anantapoor.

2. He assures me that they have been adopted after due deliberation, and are calculated to meet the wishes of the parties concerned; also that nearly one-third of the subscriptions due for the current quarter have already been paid.

3. I have also the honor to request, at his desire, that Government will be pleased to sanction soon the disbursement from the public funds of a sum equal to that subscribed by the inhabitants of Anantapoor.

PROCEEDINGS of the undersigned Members of the Municipal Committee, held on the 10th June 1864.

RULES TO BE SUBMITTED TO THE GOVERNMENT FOR SANCTION.

I. The appointment of servants—

The following servants are required:—

Rupers 60, for 4 Carts, at 15 Rupees each per mensem.

„ 42, for 12 Sweepers, at 3½ do. do.

„ 12, salary for a Goomastah do. do.

„ 10, salary for 2 Peons, at 5 Rupees each do.

Total...124

II. The appointment and dismissal of servants, and negligence in the performance of their duties.

i. To inflict a fine upon any servants for negligence in the discharge of his duties, a meeting of not less than five Members present in the station must be convened, and the fine be imposed or not according to the wishes of the majority.

ii. The appointment and dismissal of servants must have the consent of the majority of a quorum of not less than eleven Members.

III. The salaries of the servants are to be disbursed on the 1st day of each month, and their signatures taken in a book.

IV. A Secretary is to be nominated for the management of such duties.

V. A sum of Rupees 2400 is required for municipal purposes in this town, one-half of which, Rupees 1200, will be collected from the people in the manner shown below, and the Government will be requested to graciously grant the remaining half of the amount, viz., Rupees 1200.

Rules for the purpose of assessing the Tax.

The funds required shall be raised by means of ground rent—

1st.—Houses, shops, &c., of the big or main bazar, beginning north from the Huzur Cutcherry, i. e., the mandi or bazar of Thallam Papannah and Naikanti Nagappa's house to south as far as Rajooloogudi, shall be assessed at the rate.

i. Six Pice for every square yard of roofed houses.

ii. Two Pice for every square yard of open grounds within these houses.

2nd.—Houses in other places not in the bazar at the rate—

i. Three Pice for every square yard of roofed houses.

ii. One Pie for every square yard of open ground within these houses.

*Imposed upon each
of each quarter to the Goomastah*

3rd.—Thatched houses at the rate—

i. One Pie for every square yard.

ii. One Pie for every two square yards of open grounds within such houses.

4th.—Open grounds in front houses, enclosure for straw, small vegetable gardens and waste lands, at one Pie for every four square yards, but the lands entered in Puttals will not be liable to the payment of such tax.

VI. Two kinds of Registers are to be kept—

i. The Register of houses.

ii. Register of the names of persons to whom those houses belong.

The Secretary shall show these Registers to any one who may desire to see them.

VII. The names of such persons as are the reputed owners of any land shall be entered in the Register and tax be assessed thereon, and those who desire to repudiate the ownership of any real property, and consequently wish to be freed from the tax, are to present themselves before the Commissioners and make a declaration to that effect; but those who occupy such lands are to pay the tax as long as it is under their possession.

VIII. It is not the business of the Municipal Commissioners to inquire into the ownership of any land, but if any one appear before the Commissioners and say that a certain landed property belongs to him, it will be registered in his name, and should there be another or second claimant for the same, he shall be referred to the Civil Court, but the Committee will not interfere towards the decision of the matter. The Commissioners will serve notices on whichever of the claimants they think most eligible with regard to the easy collection of the tax.

IX. The Secretary is to prepare a Register of houses by the assistance of the Goomastah and lay it before the Members, and such a Register is to be approved by a meeting of Members not less than fifteen, and a notice is to be issued accordingly to each individual whose name is in the Register, and this notice is to be made out in duplicate forms in a book, one of which will be served as a notice, and the other kept in the book as a record. In this notice 15 days will be allowed for those who have any objection to raise to present such to the Commissioners who will settle it on proper inquiry. One of the peons of the Committee will carry the notice, and deliver it to the owner of the house, or to a male adult in case of his absence. If such persons be absent, the notice will be pasted on the wall in a prominent part of his house. Such notice will be renewed once a year.

Method of collecting the Municipal Fund.

X. i. All persons assessed are to pay a fourth part of the tax imposed upon them on the early part of each quarter to the Goomastah, and take a receipt for the same. By the "early part of each quarter" is meant from the 1st to the 15th of the first month of each quarter. Should there be any default in the payment of this tax within the fixed period, the Committee will apply to any Magistrate for the collection of the tax, under Act II of 1839. At the early part of each quarter the Secretary is to give the people of the town a notice, that the time for the collection of taxes has approached, by means of tom-tom three times.

ii. The Goomastah shall collect this fund daily from 6 to 10 A.M., and 12 to 3 P.M., and within 4 o'clock each day deliver the sum thus collected along with the account to the Secretary, and get his signature in that account as an acknowledgment of the receipt of the money collected. Moreover, the Goomastah shall immediately on the payment of the tax give a receipt to the payer. Receipts are to be given on a form which shall be in duplicate and pasted in a book, one duplicate will be given to the payer, the other remain in the book. It will be the duty of the Secretary to examine this book daily and see whether receipts have been given to all who have paid the amount assessed upon them.

XI. The Secretary is to keep an Account Current, and he is empowered to disburse the monthly salaries of the establishment according to the appointment made by the Members of the Committee, and he shall not expend any money for other purposes without the permission of such a quorum of the Members of the Committee, as is required in the rules laid down.

i. A Committee, consisting of not less than five Members, may sanction the expenditure of any amount not exceeding 5 Rupees.

ii. A Committee of not less than eleven Members may sanction the expenditure of any amount not exceeding 10 Rupees.

iii. For expenditure of any sum exceeding the above-mentioned amount, the consent of the majority of all the Members of the Committee is required.

iv. All the orders, &c., made in such Committee must be in writing, and they will be vouchers for such expenditure.

v. The accounts of receipt and expenditure are to be audited by three Members at least every quarter, and their signatures affixed as having audited and found the accounts correct.

Rules for convening the Committee.

XII. i. All the Members are bound to attend the Committee convened by the President or Vice-President, except they may have a reasonable excuse for non-attendance.

ii. If any of the Members desire that a meeting should be held he must intimate his wish to the Secretary in writing, stating his reasons why such a meeting should be held.

The Secretary shall then issue a Circular to all the Members in the form shown below.

Member——wishes that a meeting be called to consider——. You are requested to be good enough to attend the meeting on such a date, at such an hour.

iii. The day and the time of meeting shall be fixed by the President or the Vice-President, if they be in the town, and during their absence the Secretary will fix it.

iv. Should the Secretary leave the town he shall previously inform those Members of the Committee who are in the town of such intention not later than one day, and they will then assemble and choose a Secretary for the time being.

XIII. The following are declared to be nuisances and punishable by penalty not exceeding Rupees 20:—

Any person obeying a call of nature except in places sanctioned by the Committee.

Heaping dung or other filth inside the town, keeping filth of any sort in any premises for more than 24 hours, allowing filthy water to escape out of a house.

By filthy water is meant not that which is let out from a house after having been used for domestic purposes, but such as is allowed to flow from any manufactory or place where any particular trade, in the exercise of which foul water is generated, is carried on.

XIV. If any owners of wells, and pits, or holes do not fence such holes and wells, or allow them to become noxious to the health of the community, the Committee shall have power to fence such wells and take steps to prevent such pits, &c., being noxious, and the cost of so doing shall be recovered from the individual by a notice being served on them, and, if necessary, by an application to a Magistrate to enforce such payment under Act II of 1839.

XV. If in the execution of any works undertaken by the Commissioners, it is necessary to enter on or break up private ground, the Commissioners shall have full power to do so after giving the owner due warning; whoever at any time obstructs or molests the Commissioners or any of their workmen or servants in the performance of any such works, shall be liable to a penalty not exceeding Rupees 50, to be recovered, if necessary, by an application to a Magistrate to enforce such penalty under Act II of 1839; but the Commissioners shall compensate the owner for any damage sustained by the owners in the execution of such works.

XVI. On occasion of the outbreak of cholera or other epidemic disease, the Committee shall have power to order any individual to adopt such sanitary measures as shall, in the opinion of the Committee, be necessary to the health of the public. Any person disobeying such order shall be liable to a penalty not exceeding 50 Rupees.

XVII. If the Committee wish to modify the present rules, or make new ones as regards assessment to be levied, a meeting is to be held to alter such rules, and they are to be submitted to the Government for approval. On all other points, excepting as regards assessment, the sanction of the Committee shall be sufficient for the alteration of such rules.

(Signed) J. W. REID,

BELLARY, 9th July 1861.

Sub-Collector and Joint Magistrate,
President, Municipal Committee of Anantapur.

*Imposed upon them
of each quarter to the Goomastah.*

Referred to the Sanitary Commission for their remarks.

FORT SAINT GEORGE,
29th July 1864.

(Signed) J. D. SIM,
Secretary to Government.

No. 2. From the Honorable R. S. ELLIS, c. b., President, Sanitary Commission; to J. D. SIM, Esq., Secretary to Government, Fort Saint George, dated Ootacamund, 30th September 1864.

* * * * *

19. These rules are extremely ill-drawn, and the wording of some of the rules made by the Municipal Commissioners of the town of Anantapoor is scarcely intelligible.

It is not stated in the rules what is the number of the Commissioners, nor is there any provision for a President or Vice-President. The rules provide for the appointment of a Secretary, but no provision is made for his payment.

Vide Rule I.

20. No servant is to be fined, unless the punishment is decided upon by a quorum of five of the Commissioners, or dismissed except by a quorum of eleven.

Rule II.

I think this will be found very inconvenient, and that all authority over the Municipal servants should rest with the President or Vice-President in the absence of the President.

21. The rules for assessment appear to me very complicated, and to enter into unnecessary details. Sufficient provision has not been made for appeals against the rates of assessment, and for their revision and amendment.

Act II of 1839, under which it is proposed to collect these assessments, and all fines levied under the rules, has been repealed.

22. Three different "quorums" for the disbursement of monies are provided, according to the amount to be expended. This seems an unnecessary complication.

Rule XI.

23. The Conservancy rules are very carelessly drawn, and very ill-expressed.

24. It is proposed that, on any subject save assessment, bye-laws may be framed by the Committee altering the rules.

No bye-law should be framed, or alteration of the rules allowed, without the previous sanction of Government.

25. I would recommend that these rules be returned to the Municipal Commissioners of Anantapoor, and that they should be directed to frame their rules in accordance with the rules proposed for the Civil Pettahs of Bellary, with the amendments to those rules which have been suggested above, and with such modifications as regards establishments, &c., &c., as may be necessary to make the Bellary rules suitable for the town of Anantapoor.

No. 3. From A. HATHAWAY, Esq., Magistrate of Bellary; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated Bellary, 4th October 1864, No. 38.

I have the honor, at the request of the Acting Joint Magistrate of Bellary, to submit an original letter from that officer of the 30th ultimo, No. 94, in which he solicits a speedy sanction of the rules for the Municipal Association of Anantapoor, and of a grant equal in amount to that subscribed by the residents of Anantapoor.

2. I have also to request that the rules for the Bellary Municipal Committee, submitted by me in letter No. 18 of the 20th June 1864, may receive an early sanction, as progress is at present suspended for want of it.

From J. W. REID, Esq., Acting Joint Magistrate of Bellary; to A. HATHAWAY, Esq., Magistrate of Bellary, dated Anantapoor, 30th September 1864, No. 94.

With reference to my letter noted in the margin regarding the Municipal Association of Anantapoor, as an order has not yet been received from Government approving of the rules and sanctioning a grant of an equal amount

25th June 1864, No. 33.

to that subscribed by the people of Anantapoor, and as through the want of such sanction, the matter cannot be put in that working order which will ensure its success and stability, I venture to again bring the matter forward, and to beg you to forward to the Secretary to Government this letter.

2. In their endorsement on a petition from C. Vasudeva Charloo, P. Tamman Charloo, &c., referred to in Proceedings of Government, dated 20th July 1864, the Government were pleased to express their readiness to sanction a grant of Rupees 480 for the official year 1864-65 for Municipal purposes, provided at least an equal sum were raised by local efforts.

3. In my report dated 25th June 1864, No. 33, I had the honor to recommend a grant of Rupees 1200, 1200 being raised by the people of Anantapoor. The sum first applied by certain inhabitants of Anantapoor in their petition to Government, dated 25th August 1863, Rupees 480, was found, after debate in the Municipal Commissioners' meetings, to be inadequate for the requirements of Anantapoor, as at least in the first year latrines have to be built; tools, wheel-barrows and such like "plant" to be bought, and land to be purchased outside the town, in order to provide a place for shooting rubbish. The rules sent in by me on behalf of the Commissioners provide for the prevention of nuisances, namely, *inter alia*, the prevention of persons from obeying calls of nature except in such places as the Commissioners appoint, the keeping manure or rubbish except in such places as the Commissioners authorize them to place it in, and the rules also prescribe penalties for the breach of these rules. It is, however, unfair to fine people for obeying calls of nature except in allotted places, unless some places be set apart for such purposes; and some sort of latrines must be built in such a way as to provide for the effectual keeping such places clean, and in such a way as to provide for the suitable retirement of those resorting to such places. It is equally unfair to prevent people, especially of the cultivating classes, from storing their rubbish, which serves as manure near their houses, unless the Municipal Commission provide places in which each man may cart his rubbish, so that he can store it, and it will not be lost to him: Latrines and a place to shoot rubbish are therefore essential.

4. Two latrines have now been constructed, and in as cheap a manner as it is possible by funds taken from the subscriptions at a cost of Rupees 55. As ten places were fixed on by the Commissioners for latrines, the cost will be about Rupees 275 for the ten. The necessary expenses for tools, &c., writing materials, printing charges for notices, receipts, &c., were estimated roughly at Rupees 252 (including 5 wheel-barrows for the transport of rubbish from the narrow lanes, 5 pick-axes, 10 mamooties, 1 crowbar, 150 baskets, 300 brooms.)

5. The establishment proposed was to cost 1488 Rupees a year. The balance, 484 Rupees, was for the purchase of land, filling up pits, making tunnels, &c.

Imposed upon me by the Government of India
of each quarter to the Commis.

It will, therefore, be seen that the above Rupees 2100 was not too much, at least for the first year.

6. With regard to the necessity of purchasing land, I would observe that Anantapoor is surrounded on all sides by valuable land which is all taken up, and if land is to be procured, it must be purchased.

7. Next year, if it be found that so large a sum is not required, the subscriptions of the people may be reduced, and the Government grant reduced proportionately.

8. Before bringing the Municipal Act into force, Government paid 7 Rupees per month for one cart, and 10 Rupees for five sweepers. As commonly one cart and a pair of bullocks cannot be procured on hire for less than 10 Annas a day (Rupees 18-12-0 per mensem), and now at this moment, owing to extensive cultivation, cannot be got under 14 Annas a day (Rupees 26-4-0); and as coolies now get 3 Annas a day (Rupees 5-10-0 per mensem) and ordinarily 2 Annas (Rupees 3-12-0), it is not to be wondered that much work was not got out of the cart and sweepers. That amount has been now spent as before in part payment of the six sweepers and two carts, which have been now maintained during June, July, August 1864. These carts and sweepers have not been found sufficient; but the limited funds are insufficient for the maintenance of more.

9. Of the last quarter subscription due on the 1st July, the total amount being 310-7-0, Rupees 262-3-11 have been collected; Rupees 78-3-1 are still due. Out of 886 persons, 563 have paid their subscriptions: 323 persons, consisting of the poorer and disaffected individuals, have not paid the tax. Till the rules are sanctioned the collection by coercive process cannot be enforced.

Of these 323 persons about 150 persons are assessed at the low rate of within Annas 2 per quarter, or 8 Annas a year. The subscriptions have been Rupees 262-3-11. The sum received from Government had been Rupees 20-15-4.

10. Besides the establishment recommended by the Commissioners in their rules, the Municipal Commissioners have thought it necessary to appoint an officer to be called Sub-Secretary and Overseer, to superintend the building of latrines and such like works at 8 Rupees per month, and I have the honor to recommend that this officer be added to the list of establishment sent in with the rules, and approved of by Government.

11. Hoping I shall be excused for again troubling the Government by this application, and for begging that Government will be pleased soon to sanction the grant of Rupees 1200, and send back the rules with their approval.

No. 4. ORDER THEREON, 1st December 1864, No. 1716.

The rules for the Municipal Commission of Anantapoor in Bellary have been for some time under consideration. They have been drawn up in a very careless and slovenly style, and, in places, their meaning is almost unintelligible.

2. It has been found necessary to re-write them entirely, and while the principles of the rules have been preserved, as far as they could be gathered, in several particulars alterations have been made.

3. Thus the minimum number of the Commissioners necessary for a meeting for general purposes has been reduced from eleven to seven, as being more practical, and for a meeting for ordinary purposes from five to three.

4. The varied *quorums* prescribed for sanctioning different amounts of expenditure have been reduced to two.

5. It appears to the Government that an ordinary meeting may sanction expenditure up to Rupees 50, but this is a question for the decision of the Commissioners who should fix the amount, with the proviso that for all expenditure not to be sanctioned by the ordinary meeting, the consent of a General Meeting of not less than seven should be necessary.

6. No provision is made for the safe custody of the cash of the Commission. The Government will not object to its being kept in the Taluq Treasury, provided that it be deposited therein in a sealed box, with the contents of which the Treasury officers, as such, have nothing to do.

7. No provision has been made for requiring security from the rate-collecting Goomastah. This should be remedied.

8. It would be well for the Secretary to be ex-officio Chairman of an ordinary meeting, in case of the President or Vice-President not being present; and if it can be arranged, it is desirable that a standing Committee of five Members, willing to do ordinary duty, should be elected. These would form the ordinary meeting, and three of the Committee might always be present when required. A monthly ordinary meeting seems sufficient.

9. Provision should be made for the recovery of fines, arrears, or other money which the Commissioners are entitled to recover, by moving any Magistrate through the Secretary, to put in force Section 61, Criminal Procedure Code, in place of Act II of 1839, which has been repealed.

10. Rules on the above subjects should be drawn up and passed, and the full set of rules be re-submitted to Government for final sanction.

11. The Governor in Council expects that this duty will be undertaken by the Joint Magistrate himself, and not be left, as would seem to have been the case with the original rules, to a Native official with but a scanty knowledge of English.

12. The Governor in Council sanctions the grant of Rupees (1200) one thousand two hundred yearly, in supercession of the grant of Rupees 480 made in G. O., No. 1092 of the 20th July 1864, on the understanding that at least an equal sum be raised by local efforts.

Rules of the Municipal Commissioners of the Town of Anantapoor.

I. The Commissioners shall appoint from among themselves, at a meeting of not less than seven Members, a Secretary who shall conduct the ordinary business of the Commission.

II. In the event of the temporary absence of the Secretary, the President shall nominate another Commissioner to act for him.

III. An ordinary meeting of not less than three Commissioners shall be held every month for the transaction of general business.

IV. It shall be competent to a General Meeting of not less than seven Members to reverse any order passed at an ordinary meeting.

V. The President or any three Members may call a General Meeting by application to the Secretary, who shall give not less than seven days' notice of the meeting by written circular, stating the subjects to be discussed at the meeting. The time of the meeting shall be fixed by the President or Vice-President if present, if absent, by the Secretary.

VI. If it shall seem to the Commissioners necessary to alter or rescind any of of these rules, or to enact new ones, such alteration, rescission, or enactment shall be made at a General Meeting of not less than seven Members, and the orders of Government shall be taken through the President before any such amendment shall take effect.

*Imposed upon me by the
of each quarter to the Goomastah*

VII. The Secretary is empowered to disburse the monthly pay of the establishment, but shall make no other payments without sanction of the Commissioners.

VIII. An ordinary meeting of not less than three Members may sanction any expenditure not exceeding Rupees 50. For any greater extraordinary expenditure, the sanction of a General Meeting shall be requisite.

IX. The accounts shall be audited by an ordinary meeting of not less than three Members, who shall all sign the accounts, if found correct.

X. The permanent establishment to be maintained shall be that specified below.

1 Goomastah, at Rupees 12.....	Rs.
1 Do. at „ 8.....	8
2 Peons, at Rupees 5 each.....	10
12 Sweepers, at Rupees 3½.....	42
4 Carts, at Rupees 15.....	60
Total...	132

XI. The servants of the Commission shall be appointed at a meeting of not less than seven Commissioners.

XII. No servant of the Commissioners shall be fined or otherwise punished, or dismissed, without the consent of a majority of a meeting of not less than three Members.

XIII. The salaries of the servants of the establishment shall be paid on the 1st of each month, and their receipts taken in a book.

XIV. The sum of Rupees 1200 shall be raised annually in the manner detailed hereafter, and Government will be requested to make a grant of Rupees 1200 annually, to be paid by the Collector of Bellary in instalments of not less than Rupees 100 on the requisition of the Secretary, and certificate signed by him, that a sum not less than the instalment applied for has been raised in the town by assessment.

XV. Houses, shops, and other buildings situated in the Big bazaar, and included between the Huzur Cutcherry on the north, and Rajooloogudi on the south, shall be assessed at the rates following, per annum:—

- i. Roofed houses at 6 Pies per square yard.
- ii. Open ground situated within a roofed house 2 Pies per square yard.
- iii. Thatched buildings at the same rate as open ground.

XVI. Houses, shops, and other buildings, not situated in the limits above-mentioned, at the rates following, per annum:—

- i. Roofed houses at 3 Pies per square yard.
- ii. Open ground, situated within a roofed house, 1 Pie per square yard.

XVII. Thatched houses or buildings at the rates following, per annum:—

- i. For every square yard covered in, 1 Pie.
- ii. For every 2 square yards of open ground, situated within such house, 1 Pie.

XVIII. Open ground in the front of houses or buildings, straw yards, small vegetable gardens, waste and other land, for every 4 square yards 1 Pie per annum, provided that no land shall be assessed which pays land revenue to Government.

XIX. Registers shall be kept of all houses, lands, &c., liable to assessment, and shall be open to inspection by any person who may apply to the Secretary for that purpose. The Register shall be prepared by the Secretary, and shall be laid before a meeting of not less than seven Members, for approval.

XX. The assessment shall be payable quarterly, and shall be due upon the first day of the quarter in advance.

XXI. It shall not be necessary for the Commissioners to make more than one application for any assessment, but after such application, if the assessment due be not paid within 15 days of its becoming due, the Secretary under orders given by the Commissioners, in an ordinary meeting of not less than three Members, shall apply to the Magistrate for the collection of the rate in the manner prescribed in Section 61 of the Code of Criminal Procedure.

XXII. The Secretary shall give public notice at the beginning of each quarter by beat of tom-tom that the rate is due.

XXIII. The Goomastah shall deliver the collections made by him during the day to the Secretary on the day on which they are collected, and on no account shall he detain any portion of the collections till the next day. The Secretary shall sign the Goomastah's account as an acknowledgment of the receipt of the money.

XXIV. The Goomastah shall be provided with a Receipt book in which the assessment due upon each property shall be entered in duplicate, the receipts being numbered consecutively; the receipt being signed and the counterfoil being initialed by the Secretary. On receiving the rate due by any rate-payer, the Goomastah shall deliver him the receipt.

XXV. The Receipt book shall be daily inspected by the Secretary, who shall require the Goomastah to deliver to him, for every receipt removed from the book, the amount shown by the counterfoil to have been payable on that receipt.

XXVI. Every rate-payer shall be entitled to receive on payment of his rate a receipt signed by the Secretary.

XXVII. All rateable property shall be entered in the Registers in the first instance in the name of its reputed owner.

XXVIII. An extract from the Register, specifying the property, its extent and assessment, signed by the Secretary, shall be served upon the person in whose name it is entered, with a notice appended that unless an appeal be preferred to the Commissioners within 15 days, he will be liable to the assessment as therein entered for the ensuing year.

XXIX. The Commissioners shall every year proceed to revise the Registers, giving public notice of their intention, and of the date of the revision, not less than one month before such date. The Commissioners shall at such revision hear all appeals preferred against the assessment.

XXX. If it shall appear on an appeal being preferred to the Commissioners, that the ownership of any rateable property is in dispute, the Commissioners shall levy the rate from the person in possession of such property, if he claim to be the owner; or, if not, from the claimant who is stated by the occupier of the property to be the owner.

XXXI. It shall in all cases be in the option of the Commissioners to levy the rate upon any property from the owner or the occupier of such property.

*Imposed upon owner or occupier
of each quarter to the Goomastah.*

XXXII. Any notice or other document required by these rules to be served upon any person shall be served in the mode prescribed for service of summons in Sections 71 and 72 of the Code of Criminal Procedure.

XXXIII. Any person who shall commit any of the following nuisances, shall be liable to a penalty of Rupees 50, and to a further penalty of Rupees 5 per diem for every day in which such nuisance is continued.

(a.) Any person casing himself in or near any public street or thoroughfare, or bathing or washing in any tank or reservoir not being a place set apart for such purpose.

(b.) Any person who lays down dirt or filth within the town, or who keeps filthy matter of any kind within the town for more than 24 hours. Any person who allows offensive matter to run from any house or place into the street.

(c.) Any person who leaves an unoccupied place, his property, in such condition as to permit the commission of nuisance in it.

(d.) Any person who shall omit to fence in, or duly protect any well, tank, or other dangerous place or structure.

XXXIV. It shall be lawful for the Commissioners to fence in, or cause to be fenced in, any well or tank, or other dangerous place or structure, if, after reasonable notice given, the owner shall omit to fence in, or duly protect such place, and to recover from the owner the expense of such fencing in, in the manner provided for the recovery of rates, provided that nothing in this rule shall be held to exempt the said owner from any penalty to which he may be liable under the preceding rule, or under any Act in force.

XXXV. If it shall be necessary for the Commissioners in the execution of any public work to enter into or upon, or otherwise interfere with any private property, it shall be lawful for them to do so, after giving the owner of the said property due notice, provided that the Commissioners shall pay to the said owner such compensation as may appear due and sufficient, for any damage sustained by the said owner in consequence of such work; the amount of such damage to be settled by a Jury appointed in the manner prescribed in Section 310, Criminal Procedure Code.

Nothing in this rule shall be construed to empower the Commissioners to take possession of private property for public purposes, but in case such taking possession be necessary, the Commissioners shall apply to Government through the President for the enforcement of Act VI of 1857 in the case.

XXXVI. In the event of an outbreak of cholera or other epidemic disease, it shall be lawful for the Commissioners to issue orders to any person or persons for the adoption of such sanitary measures as may seem necessary for the health of the public. Any person who shall disobey such orders, shall, upon due proof of their having been communicated to him, be liable to a penalty not exceeding Rupees 50.

(True Extract.)

G. J. Chatterjee
Chief Secretary.

To the Magistrate of Bellary.
" Municipal Commissioners for Anantapoor.
" Sanitary Commission.
Esq. J. Talloch.

of the Goomastah and lay it before
the members and such a Register
is to be approved by a meeting
of members not less than Fifteen
and a notice is to be issued accordingly
to each individual whose name is in
the Register and this notice is to be
made out in Duplicate Forms in a
Book one of which will be served
as a notice and the other kept
in the Book as a Record - In the
notice 15 days will be allowed for
those who have any objections to raise
to present such to the Commissioners
who will settle it on proper enquiry.
One of the persons of the Committee
will carry the notice and deliver it
to the owner of the house or to a male
adult in case of his absence.
If such persons be absent the
notice will be pasted on the wall
in a prominent part of his house.
Such notice will be renewed once
a year.

The Method of Collecting the Muni-
cipal Fund.

All persons assessed are to
pay a fourth part of the Tax
imposed upon them on the early part
of each quarter to the Goomastah.

and take a receipt for the same.
By the "Early part of each quarter"
is meant from the 1st to the 15th
of the first month of each quarter.
Should there be any default in the
payment of this Tax within the
fixed period, the Committee will
apply to any Magistrate for the
Collection of the Tax. Under Act
of 1839. At the early part
of each quarter the Secretary is to
give the people of the Town a notice
that the time for the Collection of
Taxes has approached by ^{means of} ~~three times~~ ^{three times}.

II. The Towns Clerk shall collect
this Fund daily from 6 to 10
A. M. and 12 to 3 P. M. and
within 4 O'clock each day
deliver the sum thus collected
along with the Account to the
Secretary and get his signature
in that Account as an acknowledgment
of the receipt of the money
collected. Moreover the Towns Clerk
shall immediately on the payment
of the Tax give a receipt to the
Payer. Receipts are to be given on a form which
shall be in Duplicate and pasted in a book one
Duplicate will be given to the Payer
the other remain in the Book.
It will be the duty of the Secretary

to examine this Book daily and
see whether receipts have been
given to all who have paid the
amount assessed upon them.

XI The Secretary is to keep an
Account Current and he is
empowered to disburse the monthly
salaries of the Establishment
according to the appointments
made by the Members of
the Committee and he shall not
expend any money for other
purposes without the permission
of such a quorum of the Members
of the Committee as is required in the
rules laid down.

I. A Committee consisting
of not less than 5 Members
may sanction the expenditure
of any amount not exceeding
5 £s.

II. A Committee of not
less than 11 Members may
sanction the expenditure of
any amount not exceeding
10 £s.

III. For expenditure of any
sum exceeding
the above mentioned amount,
the consent of the majority of all
the Members of the Committee is
required.

Done in the presence of

IV All the orders & made
in such Committee must be
in writing and they will be
vouchers for such expenditure

V The accounts of receipt and expenditure
be audited by 3 Members
at least every quarter
and their signatures affixed
as having audited and
found the accounts correct.

Rules for governing the Committee

XII I All the Members are bound
to attend the Committee convened
by the President or Vice President
except they may have a reasonable
excuse for non-attendance.

II If any of the Members desire
that a meeting should be held
he must intimate his wish
to the Secretary in writing
stating his reasons why such
a meeting should be held.

The Secretary shall then issue a
Circular to all the Members in the
form shown below.
Members — wishes that a meeting be called.
Consider — You are requested
to be good enough to attend the meeting
on such a date at such an hour.

III The day and the time of
meeting shall be fixed by
the President or the Vice President

if they be in the Town, and during their absence the
Secretary will fix it.

IV Should the Secretary leave the Town & shall
previously inform those Members of the Committee
who are in the Town of such intention not later
than one day & they will then assemble and choose a
Secretary for the time being.

XIII The following are declared to be nuisances and
punishable by penalty not exceeding Rs. 20

Any person obeying a call of nature except
in places sanctioned by the Committee.

Keeping dung or other filth inside the Town.
Keeping of filth of any sort in any premises for
more than 24 hours, allowing filth to
escape out of a house.

By filthy water is meant not that which
is let out from a house after having been used for
domestic purposes, but such as is allowed to flow from
any Manufactory or place where any particular
trade — in the exercise of which filth or water
is generated is carried on.

XIV If any owners of wells, and pits or holes do not
found such holes and wells, or allow them to be.
Cause noxious to the health of the community the
Committee shall have power to fence such wells and
take steps to prevent such filth &c. being noxious and
the cost of so doing shall be recovered from the
individual by a notice being served on them and
if necessary by an application to a Magistrate

Magistrate to enforce such payment under

Act II of 1839.

XV

If in the execution of any works under
taken by the Commissioners it is necessary to enter
an on break up private ground the Commissioners
shall have full power to do so after giving
the owner due warning unless at any time the
owner or his servants in any of these
workmen or servants in the performance of

Any such works, shall be liable to a penalty
not exceeding Rs 50 to be recovered, if necessary
by an application to a Magistrate to

enforce such penalty under Act II of 1839
but the Commissioners shall compensate the owner
for any damage sustained by the owner in the
execution of such works.

XVI

On occasion of the outbreak of
Cholera or other epidemic diseases the Committee
shall have power to order any individual to
adopt such Sanitary Measures as shall in the
opinion of the Committee be necessary to the
health of the Public. any person disobeying
such order shall be liable to a penalty
not exceeding 50 Rupees.

XVII

If the Committee wish to modify
the present Rules or make new ones as regards

regards assessment to be held a Meeting is to be
held to alter such Rules & they are to be submitted
to the Government for approval. and all other
points excepting as regards assessment the sanction
of the Committee shall be sufficient for the
alteration of such Rules.

B. Allen
9 July 1884

Pr. Reid
Sub-Collector & Joint Magistrate
President of the Municipal
Committee of Amambapur

13

Sore

Provincial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following

Letter from the Magistrate of Bellary } Here enter 11 July 1861 No 25
 Extract from - Jan 19 to 20
 President Sanitary Commission } 30 Sept
 Magistrate of Bellary } 1st Oct

Order thereon 1st December 1861 No 17/6

The Rules for the Municipal Commission of Anantapoor in Bellary have been for some time under consideration. They have been drawn up in a ^{in a way} style so careless and slovenly as to reflect great discredit on the ~~first~~ ^{Magistrate} Magistrate of Bellary, ^{and} while, in places, their meaning is almost

[Signature]
See...

Enclosure No 1
In a letter from the
Magistrate of Bellary
to the Chief Secretary
Government of
Madras dated
July 1861 No 25

Provincial Rules

Ad. J. B. N. R.
Dec 1861

intelligible.

2 It has been found necessary to rewrite them entirely, and while the principles of the rules have been preserved, as far as they could be gathered, in several particulars alterations have been made -

11 Thus the minimum number of the Commissioners necessary for a meeting for general purposes has been reduced from 11 to 7, as being more practical, and for a meeting for ordinary purposes from 5 to 3.

5 The varied quorums prescribed for sanctioning different amounts of expenditure have been reduced to two -

6 It appears to the Government that an ordinary meeting may sanction expenditure

14
expenditure up to Rs 50, but this is a question for the decision of the Commissioners who should fix the amount with the provision that for all expenditure not to be sanctioned by the ordinary meeting, the consent of a general meeting of not less than 7 should be necessary.

7 No provision is made for the safe custody of the cash of the Commission. The Government will not object to its being kept in the Taluk Treasury, provided that it be deposited therein in a sealed box, with the contents of which the Treasury officers, as such, have nothing to do. No provision has been made for the security of the rate collector Gomashtha. This should be remedied.

9 It would be well for

for the Secretary to be ex-officio Chairman of an ordinary meeting, in case of the President or Vice President not being present; and if it can be arranged, it is desirable that a Standing Committee of 5 members, willing to do ordinary duty should be elected. These would form the ordinary meeting, and three of the Committee might always be present when required. A monthly ordinary meeting seems sufficient.

10 Provision should be made for the recovery of fines, arrears, or other money which the Commissioners are entitled to recover - by empowering any Magistrate through the Secretary - to put in force Section 61 C.P.C. in place of Act II of 1839. which

15
which has been repealed.
11 Rules on the above subjects should be drawn up and passed, and the full set of rules be re-submitted to Government for final sanction.

12 The Governor in Council expects that this duty will be undertaken by the Joint Magistrate himself, and not be left, as would seem to have been the case with the original rules, to a native official with but a scanty knowledge of English.

13 The Governor in Council sanctions the grant of Rs 1200 one thousand two hundred yearly, in supercession of the grant of Rspees 480 made in G.O. No 1092 of the 20th July.

July 1862, on the understand-
ing that at least an
equal sum be raised
by local efforts.

CH

Rules
of the Municipal Commis-
sioners of the town of
Anantapur.

I The Commissioners
shall appoint from among
themselves at a meeting of
not less than 7 members, a
Secretary who shall con-
duct the ordinary business
of the Commission.

II In the event of the
temporary absence of the
Secretary, the President shall
nominate another Commissioner
to act for him.

III An ordinary meeting
of not less than 3 Com-
missioners shall be
held

held every month
for the transaction of general
business.

IV It shall be com-
petent to a general meeting
of not less than 7 members
to reverse any order passed
at an ordinary meeting.

V The President or any
three members may call
a general meeting, by ap-
plication to the Secretary
who shall give not less
than 7 days notice of the
meeting by written circular
stating the subjects to be
discussed at the meeting.
The time of the meeting
shall be fixed by the
President or Vice President
if present, if absent by
the Secretary.

VI If it shall seem
to the Commissioners neces-
sary to alter or ^{rescind} ~~reverse~~
any

any of these rules, or to enact new ones, such alteration, ^{rescission} ~~modification~~, or enactment shall be made at a general meeting of not less than 7 members, and the orders of government shall be taken through the President before any such amendment shall take effect.

VII. The Secretary is empowered to disburse the monthly pay of the establishment, but shall make no other payments without sanction of the Commissioners.

VIII. An ordinary meeting of not less than 3 members may sanction any expenditure not exceeding Rs 50. For any greater extraordinary expenditure, the sanction of a general meeting shall be requisite.

The

What pay is to be sent
to the Secretary - here. He is
a Commissioner himself -
for Rule I
Very good

XII. No servant of the commissioners shall be paid or otherwise furnished or dismissed

By whom are the
servants or employees
to be paid?
Should be paid by
the Commission of Govt.
which is the
Principal Government

IX The accounts shall be audited by an ordinary meeting of not less than 3 members, who shall all sign the Accounts, if found correct.

X The permanent establishment to be maintained shall be that specified below.

Rs.		Rs.
One Gomashita @ Rs 12. -	12	
— — — — — @ — 8. -	8	
2 Persons at Rs 5 each. -	10	
12 Sweepers @ Rs 3 1/2 —	42	
4 Carts @ — 15 —	60	
	132.	

XI The servants of the Commission shall be appointed at a meeting of not less than 7 commissioners.

XIII No fine for negligence shall be imposed upon any servant without the consent of a majority of a meeting of not less than

than 3 members.

XIII The Salaries of the servants of the Establishment shall be paid on the 1st of each month, and their receipts taken in a book.

XIV The Sum of Rs 1200 shall be raised annually in the manner detailed hereafter, and Government will be requested to make a grant of Rs 1200 Annually to be paid by the Collector of Bellary in instalments of not less than Rs 100 on the requisition of the Secretary and Certificate signed by him, that a sum not less than the instalment applied for, has been raised in the town by assessment.

XV ^{Houses} Shops and other buildings situated in the Big Bazaar and included

included between the Huzur Catchery on the North and Rajoolo-gudi on the South shall be assessed at the rates following per annum.

I Roofed House at 6 pies per square yard.

II Open ground situated within a Roofed House 2 pies per square yard.

III Thatched buildings at the same rate as open ground

XVI Houses, Shops and other buildings, not situated in the limits above mentioned, at the rates following per annum.

I Roofed Houses at 3 pies per square yard.

II Open ground situated within a roofed house 1 pie per square yard?

XVII Thatched houses or buildings at the rates following per annum.

I For every square yard covered in, 1 pie

II For every 2 square yards of open ground situated within

within such house - 1 pie.

XVIII Open ground in the front of houses or buildings, show yards, small vegetable gardens, waste and other lands, for every 4 square yards, one pie per annum, provided that no land shall be assessed which pays land revenue to Government.

XIX Registers shall be kept of all houses, lands, &c, liable to assessment, and shall be open to inspection by any person who may apply to the Secretary for that purpose. The registers shall be prepared by the Secretary, and shall be laid before a meeting of not less than 7 members, for approval.

XX The assessment shall be payable quarterly, and shall be due upon the first day of the quarter

in

x It shall not be necessary for the Commissioners to make more than one application for any assessment, but, after such application, —

19
in advance.
XXI * If the assessment due be not paid within 15 days of its becoming due, the Secretary under orders given by the Commissioners, in an ordinary meeting of not less than 3 members, shall apply to the Magistrate for the collection of the rate in the manner prescribed in Sec. 61 of the Code of Criminal Procedure.

XXII The Secretary shall give public notice at the beginning of each quarter by beat of tom tom that the rate is due.

XXIII The Gomastha shall deliver the collection made by him during the day to the Secretary on the day on which they are collected, and on no account

shall

shall he detain any portion of the collections till the next day. The Secretary shall sign the Gomashta's account as an acknowledgment of the receipt of the money.

XXIV The Gomashta shall be provided with a receipt book in which the assessment due upon each property shall be entered in duplicate, the receipts being numbered consecutively. The receipts being signed and the Counterfoil being initialed by the Secretary. On receiving the rate due by any ratepayer, the Gomashta shall deliver him the receipt.

XXV The receipt book shall be daily inspected by the Secretary, who shall require the Gomashta to

20
to deliver to him for every receipt removed from the book, the amount shown by the Counterfoil to have been payable on that receipt.

XXVI Every ratepayer shall be entitled to receive on payment of his rate, a receipt signed by the Secretary.

XXVII All rateable property shall be entered in the Registers in the instance in the name of its reputed owner.

XXVIII An extract from the Register specifying the property, its extent and assessment signed by the Secretary shall be served upon the person in whose name it is entered, with a notice appended that unless

unless an appeal be preferred to the Commissioners within 15 days, he will be liable to the assessment as therein entered for the ensuing year.

XXIX The Commissioners shall every year proceed to revise the registers, giving public notice of their intention, and of the date of the revision, not less than one month before such date. The Commissioners shall at such revision hear all appeals preferred against the assessment.

XXX If it shall appear on an appeal being preferred to the Commissioners, that the ownership of any rateable property is in dispute, the Commissioners shall levy the rate from the person in possession of

71
of such property, if he claim to be the owner, or if not, from the claimant who is stated by the occupier of the property to be the owner.

XXXI It shall in all cases be in the option of the Commissioners to levy the rate upon any property from the owner or the occupier of such property.

XXXII Any notice or other document required by these rules to be served upon any person shall be served in the mode prescribed for service of Summons in Secs. 41 and 42 of the Code of Criminal Procedure.

XXXIII Any person who shall commit any of the following nuisances, shall be liable to a penalty of Rs 50, and to a further penalty

penalty of \$5 per day
for every day in which
such nuisance is continued.

(a) Any person raising
himself in or near any
public street or thoroughfare
or bathing or washing in
any tank or reservoir not
being a place set apart
for such purpose.

(b) Any person who lays
down dirt or filth within the
town, or who keeps filthy
matter of any kind within
the town for more than ²⁴ ~~24~~ hours.
Any person who allows
offensive matter to run from
any house or place into the
street.

(c) Any person who
leaves an unoccupied place
his property in such condition
as to permit the commission
of nuisance in it.

(d) Any person who
shall

shall omit to fence in or
duly protect any well,
tank, or other dangerous
place or structure.

XXXIV It shall be lawful
for the Commissioners to fence
in or cause to be fenced in,
any well or tank, or other
dangerous place or structure,
if, after reasonable notice
given, the owner shall
omit to fence in or duly
protect such place, and
to recover from the owner,
the expense of such fencing
in, in the manner provided
for the recovery of rates, pro-
vided that nothing in this
rule shall be held to ex-
-empt the said owner from
any penalty to which he
may be liable under the
preceding rule, or under any
act in force.

XXXV It shall be
necessary

23
necessary for the Commissioners
in the execution of any
public work, to enter into
or upon, or otherwise interfere
with any private property,
it shall be lawful for
them to do so, after giving
the owner of the said property
due notice - provided that the
Commissioners shall pay
to the said owner such com-
pensation as may appear
due and sufficient, for
any damage sustained by
the said owner in consequence
of such work. The amount
of such damage to be settled
by a jury appointed in the
manner prescribed in Sec.
310 C.P.C.

Nothing in this rule
shall be construed to
empower the Commissioners
to take possession of private
property for public purposes,
but

but in case such taking
possession be necessary,
the Commissioners shall
apply to Government through
the President for the enforce-
ment of Act VI of 1857 in
the case.

XXXVII In the event of
an outbreak of Cholera or
other epidemic disease,
it shall be lawful for
the Commissioners to issue
orders to any person or
persons for the adoption
of such sanitary measures
as may seem necessary
for the health of the public.
Any person who shall
disobey such orders, shall
upon due proof of their
having been immediately
communicated to him, be liable
to a penalty not exceeding
Rs 50.

To the Magistrate of Bellary
" Municipal Commissioners for Anantapur
" Sanitary Commission ——— } Dec 3/12

By [Signature] 100

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1864. Department.

No. 1715

PROCEEDINGS OF GOVERNMENT.

191/65

Dated

1864

Public of 1864 of 1865

Case No. 47-48

1/12/63

2/11-215

20/7/64

283-84

30/3/64

281-203

30/1/64

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