

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

737

Press

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190-191

Dated

19-5-19-1864

6/12
6/6Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
19th May 1864.*

No. 190. Read the following letter from Colonel J. E. ROBERTSON, for President, Municipal Commission, Cowl Bazaar, Bellary; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Bellary, 30th April 1864.

I have the honor to acknowledge Proceedings of Madras Government, Judicial Department, under date 19th April 1864, No. 551, and with reference to the Orders of Government thereon, beg to submit the amendment as directed in Clause No. 1 of the same, as well as to state that the 4th Clause of Chapter 4 has been omitted, and shall feel obliged by your obtaining the sanction of Government to the same.

2. The amendments above referred to are indicated in red ink in the copy of Proceedings accompanying.

No. 191. ORDER THEREON, 19th May 1864, No. 737.

Before sanctioning the amended rules prepared by the Municipal Commission of Cowl Bazaar, Bellary, the Governor in Council resolves to refer them for the opinion of the Sanitary Commission.

(True Extract.)

Chief Secretary.

To the President of the Sanitary Commission, with the amended Rules.

No. 208. Read the following letter from Major General E. ARMSTRONG, President, Municipal Commission, Cowl Bazaar, Bellary; to the Secretary to Government, Fort Saint George, dated Bellary, 4th March 1864, No. 35.

I have the honor to forward for submission to the Right Honorable the Governor in Council the accompanying Rules which have been unanimously agreed to at a meeting of the Municipal Commissioners of the Cowl Bazaar, Bellary, under date the 3rd ultimo, and should they meet the approval of His Excellency in Council to request they may be duly sanctioned.

2. Various causes have retarded the preparation of these rules; but I beg to report that the Municipal Commission has been partly in operation since the 1st October last; the first object was to ascertain the number and description of properties, with their respective value, in order to compute a rate of tax which would enable the Commissioners to carry out the intentions of the Act; and it has been ascertained with tolerable accuracy that there are about 3000 houses of the value of 10 Rupees and upwards within the limits of the Cowl Bazaar (all huts under that value have been exempted from any tax) and the value of such property is estimated at Rupees 2,81,000. The Commissioners have therefore proposed that a tax of 1 per cent. per annum shall be levied on such property for the first year, which is calculated to realize a Revenue of Rupees 2810 for Municipal purposes; or say Rupees 2500, allowing for houses unoccupied and other uncertainties. The quarterly collection will consequently amount it is estimated to Rupees 650, the amount collected up to this date is Rupees 240.

3. After a full consideration of the subject, the Commissioners find that the monthly expenditure for establishment alone will amount to the sum noted in the margin* towards which at present Rupees 83 is received from Cantonment conservancy allowance; but in lieu of this small aid I have the honor to solicit that the same liberality on the part of Government as is afforded to other Municipalities of Vizagapatam, Vizianagrum, &c, may be afforded to the infant Institution at this station until it shall have become self-supporting, and that the Government will be pleased to authorize a grant-in-aid of Rupees 2500 per annum being paid to the Commissioners in quarterly payment on their guarantee; that a similar sum shall be raised as proposed by taxation in the Cowl Bazaar of Bellary, with retrospective effect from the 1st October last less the amount already drawn from the Cantonment conservancy and which latter will then require revision.

4. The Sub-Committee have already advanced Rupees 500 for the current expenditure of the Commission; and when funds are forthcoming have many sanitary improvements in view, which they consider will conduce greatly to the general healthiness of the bazaars; and as they are so intimately connected with the health and well being of the European and Native Soldiers, I trust His Excellency in Council will be pleased to sanction the amount in aid of the Municipal funds now respectfully solicited.

Extract from the Proceedings of a special Meeting of the Municipal Commissioners, Cowl Bazaar, Bellary, convened on the requisition of the President of the Sub-Committee, and held on Wednesday the 3rd February 1864.
Major General Armstrong, President of the Board, in the chair:

Present.
A. Wedderburn, Esq., Collector (Vice President.)
Deputy Inspector General of Hospitals, E. Balfour, Esq.,
Surgeon Major Pickering, Garrison Surgeon.
Lieutenant Colonel Steele, Major of Brigade.
Captain Johnstone, Cantonment Joint Magistrate.
Mr. M. Abraham, Honorary Secretary.

Proceedings of Government
Judicial Department
Fort Saint George
Dated 19th May 1864
Decd 21st
Order of the
Reports for the
of the Judicial Commission
the amended Rules proposed
by the Municipal Commission
of Cowl Bazaar, Bellary.
before their being sanctioned
by Government.

1864
March 21st

Loganatha Moodliar.
Aroonagherry Chetty.
Hussain Sett.
Copoloo Ramasawmy Chetty.
Chedulla Vencataram Chetty.
Budday Mecan.
Soondraling Moodliar.

Absent.

Sidoo Mecan.

1. Lieutenant Colonel Steele, President of the Sub-Committee, having laid before the Meeting the rules drawn up by the Sub-Committee for the guidance of the Municipal Commissioners, the Sub-Committee and inhabitants of the Cowl Bazaar under the operations of Act XXVI of 1850, they were read over, and the several points upon which questions had been raised when the rules were in circulation were duly discussed.

Resolved.—2. That a fair copy of the rules as now revised, and approved of by this Meeting, be prepared for submission to Government by the President of this Board with reference to Clause 6, of the above Act.

(Signed) E. ARMSTRONG, Major General,
President, Board of Municipal Commission.

Rules for the guidance of the Municipal Commissioners of the Cowl Bazaar of Bellary.

Preamble.—On the representation of the inhabitants of the Cowl Bazaar of Bellary, the Government have in their Proceedings, dated 6th July 1861, sanctioned the introduction into the said portion of the Town of Bellary, of the Municipal Act No. XXVI of 1850; and for that purpose allowed an annual grant of Rupees, equivalent to whatever sum may be realized and collected from the aforesaid inhabitants of the Cowl Bazaar, Bellary.

Object.—1st To keep the roads and drains clean, and in repair.

2nd To keep lights at night in the streets.

3rd To carry out other Municipal improvements.

CHAPTER I.

Appointment of the Commissioners and their powers.—1. The Members of the Committee convened for carrying out the provisions of Act XXVI of 1850, in Cowl Bazaar, Bellary, shall be designated "The Municipal Commissioners of the Cowl Bazaar, Bellary."

2. The Commissioners shall be vested with the powers enumerated in the rules herein after mentioned.

3. A sketch exhibiting the jurisdiction of the Commissioners shall be prepared and lodged in the office of the Commissioners.

4. All public streets, roads, wells, tanks, and bridges, which may be existing prior or subsequent to the promulgation of these rules within the jurisdiction of the Commissioners, as well as their materials, shall be vested in the Municipal Commissioners.

5. Should any vacancy occur among the Members, a competent person shall be nominated by the majority, subject to confirmation by Government.

CHAPTER II.

How Commissioners are to execute their duties.—1. Whenever a Meeting of the Commissioners is required for the discharge of any duty connected with the Municipality, the same will be convened by the President, who will direct the Secretary to circulate in due time a notice to that effect among all the Commissioners.

2. In cases of importance the whole of the Commissioners should meet; but in all other cases of ordinary nature, and for the general despatch of business, it shall be sufficient for the Sub-Committee (not less than three of their number) to meet at the office of the Municipal Commissioners.

3. The decision arrived at by the Commissioners at a General Meeting, convened as in paragraph 1, shall be communicated to the other Commissioners who shall subscribe their names under it as intimating their concurrence. But should they dissent from the above decision, they shall record their objections in detail and forward the same to the Secretary, who shall in the latter case circulate a notice among all the Commissioners for the purpose of a General Meeting being held. In case of any difference of opinion arising among the members at such Meeting, the decision of the majority shall be final.

4. Whenever the cancelling or modifying of any of the existing rules, or the framing of fresh rules may be considered necessary, a General Meeting of the Commissioners shall take place, and the opinion of the majority shall be brought to the notice of Government—a Member being at liberty to append his dissent.

5. At Meetings held by the Sub-Committee, a majority of votes will regulate their proceedings; but all projects recommended by them, and outlays for improvements or expenditure beyond the current fixed expenses of establishment, are to be first submitted to the Commissioners at a General Meeting, or by circulating their written propositions as may be found convenient.

6. The Commissioners shall use a seal bearing the inscription "Seal of the Municipal Commissioners of the Cowl Bazaar, Bellary," in the English character. This Seal shall be in charge of the Secretary.

7. The Sub-Committee shall have authority to furnish badges to the Peons, Bill-collectors, and Warders, who may superintend the repairs of works, &c., &c., attached to the Municipality. The said badges shall bear an inscription in the English character, to the effect, viz., "Peon," (Bill-collector, or Warder as the case may be) of the Municipal Commission of the Cowl Bazaar, Bellary.

8. The Sub-Committee shall be vested with authority to appoint, remove, or fine any servants in the employ of the Commission. No less than three Members shall meet, whenever it may be necessary, to investigate any fault or irregularity, which may be committed by any of the servants in the performance of his routine business; and pass a decision thereon which shall be final if the punishment thereby awarded does not exceed a fine of a moiety of the monthly salary of the said servant. Should it be found necessary to inflict a more severe punishment, the concurrence of all the Sub-Committee shall be required.

CHAPTER III.

Mode of Assessment.—1. In order to raise funds requisite for the carrying out of the purposes connected with the Commission, it is necessary that a tax should be levied upon all the private buildings and lands (comprising houses, shops, back-yards, compounds, huts, open grounds, &c.,) situated within the jurisdiction of the Commissioners; and that such tax shall be fixed by the Commissioners according to the value of the property, at such rate per centage as will meet the requirements of expenditure to be considered hereafter.

2. The buildings and lands belonging to Government, as well as those devoted to purely religious, charitable, and Educational purposes, shall be exempt from the above taxation.

3. For the better despatch of business, the local jurisdiction of the Commissioners shall be divided into such Sub-divisions as may be determined on, and the Sub-divisions shall be distinguished by Boards (bearing the name of the respective Sub-divisions) being fixed conspicuously at each end of the Sub-division.

4. The lands occupied by houses, shops, compounds, huts, &c., &c., as well as the open spaces in each Sub-division shall, after having been duly measured and separately numbered, be entered in a Register kept for that purpose in the Commissioner's office.

The number shall be written in figures in English, and painted with some colour on the front door of each building, or any conspicuous part thereof.

CHAPTER IV.

Collecting Assessment.—1. That the whole of the houses in the Cowl Bazaar be numbered, and at a printed assessment ticket, duly stamped with the Municipal Seal be furnished to each

house-holder, or tenant, under the signature of the Secretary, and of at least two Members of the Sub-Committee—exhibiting the number of house, the value of property, and what amount payable, both quarterly and annually. On payment of assessment, printed receipts will be furnished to the payer, also bearing the signature of the Secretary and of not less than two of the Members of the Sub-Committee. All monies so collected are to be in the same day paid to the Treasurer—no assessment collector being permitted on any account whatever to retain funds in hand beyond the day of collection.

2. In case of non-payment, the Secretary shall cause warning to be given, allowing ten days thereafter to expire before taking proceedings against the party by whom the tax may be due.

3. In default of their making the payment, notwithstanding the above warning and within the prescribed period, and in case of the party quitting the houses, &c., the Secretary shall forward a Bill to the Magistrate, showing the names of the defaulters and the amount of the assessment due by them, in order that the amount may be recovered from them.

4. The Magistrate on receiving such Bill, shall recover and remit the amount to the Treasurer agreeably to the provision of Act II of 1839.

5. Every new occupant, or owner of each house, shall intimate to the Commissioners' Office, the date of his occupation, and obtain a fresh assessment ticket. Should he fail to do so, he shall be held responsible for the payment of the tax which may have been due by the former occupier or owner.

6. The Bill-collectors shall make over to the Treasurer, on the evening of each day, the collections made by them on that day: all sums collected by the Bill-collectors, or paid into the Commissioners' Treasury by the inhabitants, shall be duly entered in the daily account of collections, this amount shall be kept in charge of the Secretary.

7. All accounts to be paid by the Treasurer under authority from the Sub-Committee, and the Treasurer shall not retain in his possession any collections or funds exceeding Rupees 250.

8. When the amount exceeds Rupees 250, the sum in excess shall be remitted to the Treasury, or kept secure in the custody of any convenient Police guard.

9. Whenever any portion of the amount sanctioned by Government in their Proceedings, under date 6th July 1861, may be required for carrying out the purposes of the Municipality, the Treasurer shall make an application to the Collector, which shall be duly countersigned by the President of the Sub-Committee and at least three of the Members, and the collector shall thereupon remit to the Treasurer the amount therein applied for.

CHAPTER V.

Public health, cleanliness, and Fines.—I. Any person who shall cause or allow any filthy, or daily used water, or any offensive liquid matter to run from his house, land or privy, into the street or channel, shall be liable to a penalty not exceeding Rupees 10.

2. Any person who shall at any time of the day, or night, commit, or cause to be committed any nuisance in a public street, lane, or other place, under the control of the Commissioners, shall be punished by a fine at the discretion of the Magistrates.

3. Any person who shall erect or cause to be erected a wall, or a pial, over, or exceeding the side drains on either side of the streets, roads, or lanes, or who shall extend the verandah in front of his house, exceeding the limits of the above drain, shall be liable to a fine not exceeding the sum of Rupees 20. The Commissioners shall cause the removal of such unauthorized erection, and recover the expenses incurred thereby from the person who erected the same.

4. If any person, or persons, who may have been permitted by the Police authorities to carry on a procession, or any other ceremonies, wish to have a "Pandal" or other temporary shed erected in a street, he, or they shall apply for permission to do so to the Commissioners, who shall grant the permission, fixing the period for which the "Pandal", &c., shall be allowed to remain. Immediately after the termination of such period the "Pandal" shall be removed, and the holes, &c., &c., which may have been made for that purpose filled up, and the place cleaned. In default of which the Commissioners shall cause the same to be done, and make the defaulter, or defaulters, pay the expenses.

5. Any person who shall without the written permission of the Commissioners remove the stones of any of the roads, bridges, &c., &c., under the control of the Commissioners, or wilfully cause any damage to such buildings, shall be liable to a fine not exceeding Rupees ten.

6. No person shall erect huts or other buildings in such place and manner as shall be considered by the Commissioners to be an impediment or nuisance. If any such erection be raised, the Commissioners shall issue an order for its immediate removal; and if such order be not attended to they shall cause the removal of the building objected to, and recover the expenses from the defaulter.

7. If the huts or other buildings have been built too close to each other, in opposite directions, so that the street having been rendered too narrow no sufficient room is left for the removal of the sweepings, and for the free passage of rain water; and further, if it should appear to the Commissioners that thereby the residents of such locality are likely to be attacked with any disease, they shall issue a notice to the owners, or occupiers of the huts in such locality, requiring them to abate the nuisance. If such owners or occupiers fail to do as required within the space of one month from the date of the above notice, they shall be liable to a fine not exceeding Rupees ten, and the Commissioners shall cause the required works to be done, and recover the cost attendant thereon from the parties concerned. In case of any huts, from the nature of their position being considered to be the cause of inconvenience and disease to the public as aforesaid, the Commissioners may require the owners thereof to remove them entirely. If the same be not attended to within the time allowed for that purpose, the Commissioners shall cause the materials thereof to be sold by public auction, and transmit the sale proceeds to the owner or owners, after deducting the amount actually expended by the Commissioners on account of the above sale. Due compensation shall be paid to the owner or owners in cases in which it shall be necessary to remove the huts entirely as above stated, or for any improvements, or loss sustained whatever.

8. If any building which may have been erected over the side drains, previous to the promulgation of these rules be pulled down by the owner, for the purpose of being repaired, or re-built, the Commissioners shall prevent the re-building of such erection over the side drains.

9. All new verandahs or chuppers intended to remain permanently in front of houses, &c., shall not be permitted to be made of grass, leaves, mats, or other inflammable materials. If any such should exist previous to the carrying out of these rules, the Commissioners shall require the same to be removed before the expiration of one year from date of notice.

10. If a house or open place be left unoccupied owing to a dispute as to its ownership and between two or more parties and which affords facility for nuisances being committed in it, a notice shall be served on the above parties, to the effect that a wall shall be raised in line with the external boundary, in order to prevent the dilapidated walls, &c., &c., being observed by the passengers, and nuisance being committed therein. If such notice as the above be not attended to, the Commissioners shall cause a wall of the above description to be raised, and recover the expenses incurred thereby from the individual who may eventually be declared to be the owner of the place.

11. The Commissioners shall require the owners or occupiers of houses, &c., to cause the removal of all the filth and disagreeable substance, or matter collected in their premises; and should they fail to comply with such requisition they shall be liable to a penalty not exceeding Rupees 10; and the Commissioners shall cause the above nuisance to be removed, and recover the expenses incurred by them from the defaulting parties. The Commissioners shall direct the owner or owners, or those who may be in possession of privies, to erect a wall around them of not less than seven feet in height, in order that they may not be open to the sight of the passers by. If the above order be not attended to within the time allowed, the defaulter or defaulters shall be subjected to a penalty not exceeding Rupees 20.

12. Any person who keeps his cows, bullocks, poultry, asses, sheep, goats, or other animals, in or about the streets, instead of within fenced places, shall be fined in a sum not exceeding Rupees 5. In case such animal be left or set free in, or close by the streets, or found straying thereon, they shall be impounded, and released under the poundage rules and regulations.

13. Any person who shall render foul, the waters of wells and tanks which are used by the public by throwing in them, sweepings, or filth, shall be punishable by a fine not exceeding Rupees 50.

14. The Commissioners shall be vested with authority to prevent the exposure of fish, &c., emitting an offensive or disagreeable smell for sale, on any road frequented by the people, or near it. The Commissioners shall appoint a convenient place where such things may be sold, and any person who shall expose for sale, or cause to be sold any such articles in any place other than that appointed for the purpose, shall be punished under the Police Act.

15. For the burial and burning of dead bodies, a place shall be provided beyond the limits of the town, and to be duly secured and enclosed; any person who may attempt to bury or burn in any place other than that fixed for the above purpose, shall be prevented from doing so.

16. No person following the occupation of Butchers shall be permitted to kill and slaughter cattle or other animals in any localities but those fixed upon by the Municipal Commissioners; and such places shall be kept by the Butchers in a clean and wholesome state; in default, a fine not exceeding Rupees 20 shall be levied from the parties who kill in the slaughter sheds.

17. The amount of all fines inflicted, and the expenses incurred in the pursuance of the above sections shall, if not duly paid by the parties concerned, be communicated by the Secretary to the Magistrate, with a request that the amount may be collected, as provided in Act II, 1839. The amount of such fines shall be determined by the Sub-Committee.

18. The fines, &c., &c., which may be levied by the Magistrate, in conformity to the above sections, shall be transmitted by him to the Treasurer of the Municipal Commission for the purpose of being carried to the credit of the Municipal Fund.

No. 209.

ORDER THEREON, 19th April 1864. No. 551.

His Excellency the Governor in Council observes that the Rules submitted with the foregoing letter do not define the amount or rate of the taxes which the Municipal Commissioners propose to impose, as required by Clause 2, Section 7, Act XXVI of 1850. In Chapter 3 of the Rules, it is declared that "such tax shall be fixed by the Commissioners according to the value of the property at such rate per centage as will meet the requirements and expenditure to be considered hereafter." This is not sufficiently definite. The amount of the rate must be declared, and must be sanctioned by Government before it can be imposed.

2. The 4th Clause of Chapter 4 should be omitted. It is not the province of the Municipal Commissioners to declare what course shall be taken by the Magistrate on being required to put in force the provisions of Act II of 1839.

3. The Commissioners are requested to revise the Rules with reference to the foregoing remarks.

4. The Governor in Council sanctions a grant of Rupees (2500) two thousand and five hundred per annum in aid of the funds of the Municipality, subject to the condition that an equal sum shall be raised by local taxation. The grant will be paid quarterly.

(True Extract.)

To the Municipal Commission of the Cowl Bazar, Bellary.
" Civil Paymaster.
" Deputy Auditor and Accountant General.

Ed. R. H. Lee.

W. A. J. Belantier
Chief Secretary.

*Proceedings of the Madras Government, Judicial Department,
19th May 1864.*

No. 190. Read the following letter from Colonel J. E. ROBERTSON, for President, Municipal Commission, Cowl Bazaar, Bellary; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Bellary, 30th April 1864.

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2. The amendments above referred to are indicated in red ink in the copy of Proceedings accompanying.

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(True Extract.)

Chief Secretary.

To the President of the Sanitary Commission, with the amended Rules.

Exd. J. Tulloch.

No.
A. J. Arbuthnot Esq.
Chief Secretary
Fort St. George

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To the President of the
Sanitary Comm.
with the amended Rules. } *desp 22/5*

Post No. 208-209
19.4.64

19th May 1864 No. 737-

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[Signature]

[Signature]

For St. George,
May 1864.

To the President of the Sanitary Comm^y } des^d 22/5
with the amended rules.

Dec 19th 1864 No. 208-209

[Handwritten marks]

6th Dec 1864, Bellary
To the President of the
Municipal Commission of
Cool Bazar, Bellary.

Case 3346
No. 6 May 1864.

7th Dec 1864

Dec.

No. 911

Forward with certain
amendment made therein
as requested, the Rules of
the Commission proposed for
adoption.

With a ~~document~~ enclosure

190 5491

1912-1913