

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	168	Press ~~Mis.~~
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*Proceedings of the Madras Government, Judicial Department,
31st January 1865.*

No. 281. Read the following letter from A. HATHAWAY, Esq., President of the Municipal Commission Bellary, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated, Camp Adoni, 28th December 1864, No. 54.

With reference to the Proceedings of Government (Judicial Department), of the 30th ultimo, No. 1715, I have the honor to submit, for the early approval of Government, a copy of amended Rules for the guidance of the Municipal Commissioners of the Civil Pettahs of Bellary, which were adopted at a General Meeting of the Commission held in Bellary on the 21st instant, and at which all the Commissioners but two* were present.

* The President, absent on circuit, and P. Baupoo Row.

2. It will be observed that in Rule XIII the rate of assessment has been fixed, not as originally at $\frac{1}{2}$ per cent. on the estimated cost of the buildings, houses, &c., but at a per centage on their probable rent, or derivable income.

3. The present mode of calculation, though likely to yield a somewhat less income, is more acceptable to the towns-people than the former method. I suggested to the Commissioners a plan for increasing the funds at their disposal, but they were unwilling to adopt it. Should, therefore, the amount raised be found eventually to be too small, it will be necessary to pass a bye-law to increase the same. In conclusion, I would recommend

* Lieutenant Hicks.

that the Superintendent* of Mofussil Police, who has intimated his willingness to accept the said office, be appointed by Government Vice-President.

Rules made by the Municipal Commissioners of the Civil Pettahs of Bellary, under Section 6 of Act XXVI of 1850.

CHAPTER I.

Of the Constitution of the Commission.

I. Besides the Ex-officio President, the Magistrate of the District, there shall be twelve ordinary Commissioners, of whom one shall be appointed by Government to be Vice-President, at the recommendation of the President.

Number of Commissioners.

II. A General Meeting of the Commissioners shall be held ordinarily on or about the first Monday in every quarter; extraordinary meetings may be summoned by the President, when-

General Meeting.

ever he may deem it expedient, or, in his absence, by the Vice President duly authorized by him in writing. A printed notice of every General Meeting, whether ordinary or extraordinary, specifying the time and place at which it is to be held, and the nature of the business to be transacted thereat, shall be sent by the Secretary to every Commissioner, at least two days before the holding of such Meeting. Any three Commissioners may call a General Meeting, by addressing a requisition to the Secretary.

III. Any proposition brought forward at any meeting of the Commissioners, if approved of by a majority of the Commissioners present, shall be deemed to be carried; the President having a casting vote in the matter.

Casting vote of the President.

IV. There shall be a Sub-Committee of Commission consisting of not more than, *five*, and of not less than *three*, Commissioners, of whom, one (who shall preside over the Sub-Committee, and be designated the *Chairman*, with a view to distinguish him from the President) shall be elected by the Commissioners present, and shall hold office during his pleasure; the

Appointment of Sub-Committee.

remaining Members shall be elected at the first quarterly General Meeting in every year, and shall resign their seats at the first quarterly General Meeting in the succeeding year. They shall, however, be eligible for re-election.

V. The Sub-Committee shall meet at least once a week for the despatch of business; and a report of the works executed and business transacted by them, during each quarter, shall be presented to the ordinary General Meeting of the ensuing quarter. The Sub-Committee shall exercise ordinarily all the powers of the Commission in respect of the execution of any work, or of the making of any contract, or of the carrying out of any of these rules, or of the punishing of any servant with fine or dismissal: provided always that, in all grave and important matters, the Sub-Committee shall convene a General Meeting, to decide the same; and also that no contract above the amount of three hundred Rupees shall be entered into without the consent of a General Meeting; and also that the Secretary shall not be suspended or dismissed without a reference to, and the consent of, a General Meeting; and also that in no case shall any servant be fined to an extent exceeding one-third of his salary; and also that *not less than three Members of the Sub-Committee, of whom the Chairman thereof shall be one, shall form a quorum for the discharge of the business of the Sub-Committee.*

VI. The Chairman of the Sub-Committee shall have the power of withdrawing any proposition from the consideration of the Sub-Committee, and of referring it to a General Meeting for disposal.

Chairman of the Sub-Committee may withdraw any proposition for submission to a General Meeting.

VII. For the carrying out of the objects of the Commission, the establishment detailed in Appendix A shall be employed. Of the officers mentioned in the said Appendix, the appointment of the Secretary shall rest with a General Meeting; but the appointment of the other servants shall be in the hands of the Sub-Committee. It shall be lawful for a General Meeting to increase, diminish, or vary that establishment, in any manner which they may consider expedient.

Establishment.

VIII. No Commissioner shall retain his seat in the Commission, if he shall cease to reside habitually in the town of Bellary, or if he shall be convicted of any grave crime in a Court of Justice. In such cases, and in any other case in which it appears to the President that any Commissioner ought to be removed from the Commission, if such Commissioner does not voluntarily resign his seat, the President shall communicate with Government, setting forth the circumstances of the case, and requesting permission for the removal of the disqualified person from the Commission.

Withdrawal of Commissioners.

IX. Whenever a vacancy occurs among the Commissioners by death, or otherwise, it shall be the duty of the President, within three months of the occurrence of such vacancy, after consultation with the other Commissioners, to recommend a proper person to Government to fill the said vacancy.

Appointment of Commissioners.

X. The Commissioners shall have a seal of one and a half inches in diameter, bearing the inscription in English and Telugu characters, "The Seal of the Municipal Commissioners of the Civil Pettahs of Bellary," which seal shall be in the custody of the Secretary.

Seal of the Commission.

XI. The correspondence of the Committee shall ordinarily be conducted by the Secretary; but when Heads of Departments have to be addressed, it will be done through the Chairman, and the correspondence of the Commission with Government will be conducted by the President.

Correspondence of the Commission.

XII. Two Auditors, who shall not be Members of the Sub-Committee, shall be appointed by the Commissioners at the first quarterly meeting in every year. It shall be their duty to examine, and certify to, the correctness of all the accounts of the Commission, especially those accounts which must be presented to Government on or before the 30th of April in every year.

Auditors.

CHAPTER II.

Of Assessment.

XIII. In order to raise the requisite funds for carrying out the purposes for which the Commission was instituted, an Assessment at the rate of Rupees ten per cent. on the probable annual income or rent of all dwelling houses, buildings, and open grounds in the possession of known persons, compounds and back-yards, &c., and at Rupees fifteen per cent. on the probable annual income or rent of all shops, bazars, mundies, maliga, or by whatever name such shops may locally be designated, shall be levied within the jurisdiction of the Commissioners.

Assessment to be levied on dwelling houses, &c.

XIV. The property on which the said assessment is to be levied shall be valued once in every five years, and not oftener, unless, from some special reason, it shall seem expedient to the Commission. A Register of all houses, shops, buildings, lands, &c., liable to assessment, shall be opened, showing the number of the house or shop, &c., and its proprietor, &c., the valuation assessment, &c. This Register to be prepared by the Secretary, under instructions of the Commissioners, and to be laid before the General Meeting for approval, after which it shall be kept open for inspection of parties concerned, from 11 A. M. till 3 P. M., until a fixed period. A notice to be given to all those who wish, after inspection of the said Register, to appeal against the valuation, &c., that they may do so within a month. All such appeals to be laid before a meeting of the Sub-Committee, for hearing and disposal according to their merits.

Valuation to be made every five years.

XV. For the more convenient collection of the assessment, all the houses within the jurisdiction of the Commissioners shall be numbered, and the assessment shall be fixed and collected on each number.

Numbering of houses.

XVI. In case any number be divided, subsequently to the fixing of the assessment, on the application of the owners of the several parts into which the number is divided (or on the application of any one of them), the Commissioners shall cause the assessment to be apportioned among the said several parts, in such manner as may appear to be equitable. Such apportionment shall be announced to the owners of the several parts, with an intimation that no appeal can be received against it, unless preferred within the space of fifteen days.

Division of numbers.

XVII. An assessment ticket, duly stamped with the seal of the Commission, and signed by the Secretary, exhibiting the number and value of the property, and the amount payable thereon annually, shall be furnished by the servants of the Commission to the owners of such property. The Bill Collector, who shall be furnished with the receipts stamped and signed by the Secretary, shall collect the tax, and deliver the amount at the close of the day to the Secretary, who is also the Treasurer, and who shall be required to give security, either personal or real, in such sum as may be deemed necessary by the Commissioners; the Bill collector finding security in a sum not exceeding 100 Rupees. The Receipt Books shall be printed in duplicate, the original being signed, and the duplicate (or counter-foil) initialed, by the Secretary. They shall be numbered consecutively. The Receipt Book shall be daily inspected by the Secretary, who shall not allow in any case the daily collections to

Mode of collecting the assessment.

be retained by the Bill collector for more than 24 hours. In case of non-payment, the Secretary shall issue a notice to the defaulters with a warning; and after eight days a bill, showing the name of the defaulter and the amount of assessment due, shall be submitted to the Magistrate, in order to the collection of the amount, under Section 61 of the Code of Criminal Procedure. Any notice or other document required by these Rules to be served upon any person shall be served by the servants of the Commission, in the mode prescribed for service of summons in Sections 71 and 72 of the Code of Criminal Procedure.

Exemptions from assessment.

XVIII. The assessment shall not be levied on buildings or lands belonging to Government, or on those devoted to purely religious or charitable purposes.

XIX. Whenever any portion of the amount sanctioned by Government in their Proceedings, under date 6th of July 1861, may be required for the purpose of carrying out the objects of the Commission, the Secretary shall apply to the Collector by a writing, which shall be countersigned by the Chairman of the Sub-Committee, specifying the sum required, and certifying that an amount equal to the said sum has been collected under the assessment.

XX. Not more than 250 Rupees shall be allowed to remain in the charge of the Secretary and Treasurer ordinarily, and without special cause. To ascertain the same, the Vice-President, or any other Commissioner authorized by the President, shall from time to time, once a month at least, proceed to examine the Cash Chest, &c., without giving any previous notice or hint to the Treasurer, and shall report the result to the Commissioners for such notice as the nature of the case may require.

Custody of the money of the Commission.

Such sums as may remain with the Secretary, and the money of the Commission, shall be deposited under their seal in the Huzur or Taluq Treasury, the Treasury officials being responsible for the safe custody of the box containing the Commission cash, and not for the custody of its contents.

The Secretary, under the orders of the President, has the authority of depositing in, or taking back from, the Treasury, the Commission Cash-box, as often as circumstances may require; but in no case shall this indulgence be allowed more than once a day, and during the official hours for Treasury transactions.

CHAPTER III.

Of the power and duties of the Commissioners.

XXI. From the date of the promulgation of these Rules, all roads, streets, lanes, bridges, tanks and wells, within the jurisdiction of the Commissioners, shall be vested in the Commission; the Commissioners agreeing to be responsible for the conservancy of roads, &c., the property of Government, which may be included within the limits of the Commissioners' jurisdiction.

Roads, &c., vested in the Commission.

XXII. It shall be the duty of the Commissioners to keep all the above works, &c., clean, and in a good and substantial state of repair. Any person who commits mischief or nuisance, in respect of any of the above mentioned property, or commits any of the following nuisances, shall be liable to a penalty of not more than 50 Rupees, and to a further penalty of Rupees 5 for every day in which such nuisance is continued, or shall be liable to be prosecuted in a recognized Court of Law.

(a.) Any person easing himself, or permitting or causing a child to do so, in or near any public street, lane, or thoroughfare, or bathing, or washing, or causing or permitting a child to do so, 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 within the town, or allows any stagnant pool in front of his house, &c., for more than 12 hours. Any person who allows any offensive matter to run out from his 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 or about it.

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

The Secretary, or any other servant of the Commission, or any of the Commissioners, shall be at liberty to prosecute or perform all acts necessary in any Court, without the necessity of a Vakalatnamah. Any grievous or unnecessary prosecution shall be dealt with according to law, at the instance of the aggrieved party, proving before the Court of Award the same.

XXIII. The Commission shall have authority, with the sanction of Government, to form new roads and streets, to widen and enlarge the existing ones, and also to purchase grounds, which may be necessary for such purposes.

Commissioners to make new roads, &c.

Grounds for the above purposes shall be taken under Act VI of 1857.

XXIV. Application for permission to erect temporary pandals shall be made to the Commission, who will fix the extent of space which such pandals may occupy, and the period for which they will be allowed to remain; and if any person erect pandals, without the permission of the Commission, or fail to comply with the conditions on which permission is granted, the said pandals shall be removed at the expense of the person so offending, who shall further be liable to a fine not exceeding five Rupees.

XXV. No person shall erect any new buildings, or make any new excavations, within the jurisdiction of the Commissioners, without their permission previously obtained. Any person who erects such building, or makes such excavation, without the consent of the Commissioners, or who violates the conditions on which such consent was given, shall be liable to a fine not exceeding twenty Rupees, and such building may be removed, and such excavation filled up, at the cost of the persons offending [leaving the aggrieved party to seek redress in a recognized Court, if there be cause for such complaint.]

Commissioners to grant permission for new buildings or excavations.

XXVI. Any person who knowingly erects any building on, or makes any excavation in, any of the property vested in the Commission by Rule XXI, shall be fined to an extent not exceeding thirty Rupees, and such building shall be removed, or such excavation filled up, at the cost of the party so offending.

Penalty for building on, or excavating any property vested in the Commission.

XXVII. If any building, or any part of it, which (having been built previous to the promulgation of these Rules) projects beyond the regular line of a public street, or beyond the front of the house or building on either side thereof, be pulled down or taken off for the purpose of being re-built or altered in any way, the Commissioners may require the same to be re-built, or altered, so as to be within the line of the street or the line of the adjoining houses or buildings. Provided always that the Commissioners shall make full compensation to the owner of any such house or building, for any damage he may sustain in the removal, &c., thereof by order of the Commissioners after these Rules have come into force; and if any dispute shall arise touching the amount of such compensation, the same shall be referred for disposal to a Jury, appointed as in Section 310, Criminal Procedure Code.

XXVIII. No new verandahs or chuppers, intended to remain permanently in front of any building, shall be permitted to be built of grass, leaves, mats, or other inflammable material. If any such shall be in existence at the time of the promulgation of the Rules, the Commissioners may require the same to be removed within one year, and in default of compliance with such order, may cause them to be removed at the expense of the owner.

Commissioners to prevent re-erection of buildings projecting beyond the regular line.

Commissioners to have power to remove inflammable chuppers

XXIX. It shall be the duty of the Commissioners to set apart certain wells for drinking purposes only, and any person using such wells for any other purposes shall be prosecuted under Section 277 of the Indian Penal Code.

Wells to be set apart for drinking.

XXX. The sweepings and other rubbish of the houses shall be deposited in baskets or stone enclosures, placed or made in front, or by the side, of house pials or street doors of the houses, in order to the same being removed daily by the scavenger's carts of the Commission. If the sweepings, &c., be not deposited as aforesaid, and be thrown about the street, the owner of the house, so offending, shall be liable to a fine not exceeding eight Annas for the first, and five Rupees for every subsequent offence of the kind.

Sweeping of the houses, &c., to be deposited in baskets before the doors, &c.

XXXI. The Commissioners shall provide by purchase, or otherwise, a suitable place without the town for the deposit of the sweepings, and shall cause the said sweepings to be sold, and apply the proceeds to the general purposes of the Commission.

Commissioners to provide a suitable place within the town for reception of sweepings.

XXXII. Applications for permission to open and clean sink pits already in existence shall be made to the Municipal Commissioners, and (until some better arrangement can be made for the disposal of foul water) such permission may be granted, subject to the following conditions:—

Commissioners to grant permission for the opening and cleaning of sink pits.

1st.—That the Inspector of Conservancy, or some other servant of the Commission, duly authorized, be present.

2nd.—That the sink pit be emptied, as quickly as possible, all necessary preparations being made before it is opened.

3rd.—That dry earth be thrown over each cart load of filth, to prevent a noxious smell from being diffused in its transit through the town.

Any person who opens a sink pit without the permission of the Commissioners, or who wilfully violates any of these conditions, shall be liable to a fine not exceeding fifty Rupees.

XXXIII. If a house or open place be left unoccupied, owing to a dispute as to its ownership between two or more parties, so that it affords facilities for the commission of nuisances, the Commissioners shall have authority to serve the said parties with a notice, requiring that a wall or fence be raised, within twenty days, in line with the external boundary of such premises, in order to prevent the commission of nuisances therein. If such notice be not attended to, the Commissioners shall cause such wall or fence to be raised, and recover the expenses incurred thereby from the party who may be eventually declared to be the owner of the place.

Commissioners to have power to compel the enclosure of unoccupied premises.

XXXIV. The Commissioners shall, at their discretion, provide separate places within the limits under their control, to which the males and females of the town, respectively, may resort to perform the calls of nature; such places shall be enclosed with walls, which shall be high enough to screen those who are within from the public observation. The Commissioners shall also provide for the proper cleaning of such places daily.

Commissioners to erect latrines.

XXXV. 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 fifty.

Commissioners to have authority to issue sanitary orders.

XXXVI. Butchers shall not be allowed to slaughter cattle in any places other than those which shall be appointed by the Municipal Commissioners for that purpose, and such places shall be kept by the butchers in a clean and wholesome state. Persons offending against this rule shall be fined to an amount not exceeding twenty Rupees.

Commissioners to fix a slaughtering place.

XXXVII. The Commissioners shall be authorized to prevent the exposure of fish, or any other commodity which emits an offensive or disagreeable smell, for sale on, or near, any road frequented by the people, and shall appoint a convenient place in which, and in no other place, such things shall be allowed to be sold. Any person who offends against this rule shall be liable to a penalty not exceeding ten Rupees.

Commissioners authorized to prevent the sale of fish, &c., on the roads, &c.

XXXVIII. Nuisances and other offences against public health, safety, and decency, shall be brought by the servants of the Commission to the notice of the Police, in order that the offending parties may be prosecuted in due course of Law. In all grave and important cases, this shall be done by the Chairman of the Sub-Committee, who can communicate with the President of the Commission, the Magistrate of the District, whenever necessary. The Secretary may communicate with the Head Constable, or the Inspector of the Town Police, by letter. It shall be the duty of the Commissioners to report to the Chairman of the Sub-Committee any flagrant or continued neglect of the Police of their duties, in regard to the commission of offences detailed in Section 48 of Act XXIV of 1859, to the obstruction, inconvenience, annoyance, risk, or damage, of the residents or passengers within the limits of the jurisdiction of the Commission.

XXXIX. Whenever any penalty inflicted upon any person, under any of the foregoing rules, or the amount of any expense which the Commissioners may have incurred in performing any act, which, under any rule, they are empowered to perform at the expense of any person, or any assessment due by any person, shall not be paid on demand, it shall be lawful for the Commissioners to require by letter, or to empower their Secretary to request, in person, any Magistrate to recover the said amount, under Section 10 of the Act, and Section 61, Criminal Procedure Code.

Recovery of fines or expenses.

XL. The Commissioners may, from time to time, make such bye-laws as they may think fit for the several purposes of carrying out the objects of the Commission, and may from time to time repeal, alter, or amend any such bye-laws, provided such bye-laws be not repugnant to law, or to the provisions of these rules, and for any breach of any of such bye-laws, the offender shall be liable to a fine not exceeding twenty Rupees, and, in case of a continuing offence, to a further penalty not exceeding ten Rupees, for every day, after notice of the offence from the Commissioners, during which such offence is continued.

Commissioners empowered to make bye-laws.

Bye-laws to be confirmed.

XLII. No bye-law, or alteration of a bye-law shall be confirmed, until the same has been published in the *Government Gazette*, or in one of the public newspapers for one month, during which period a copy of such proposed bye-law shall be kept at the office of the Commissioners, and all persons may, at reasonable times, inspect such copy without fee or reward.

Notice of confirmation.

XLIII. Such bye-laws, when confirmed, shall be published in the *Government Gazette*, and in one or more of the public Newspapers, and a copy thereof, in English, and in the Vernacular languages chiefly in use, shall be painted or placed on boards, which shall be hung up in some conspicuous part of the office of the Commissioners.

XLIV. All Courts of Magistrates shall take judicial notice of such bye-laws when the same shall have been confirmed and published as aforesaid.

XLV. Copies of such bye-laws shall be transmitted to the Clerk of the Legislative Council, as soon as conveniently may be, after the confirmation thereof, and no such bye-law shall have effect if disallowed by order of the Legislative Council.

XLVI. The Commissioners shall publish short particulars of the several offences for which any penalty is imposed by these Rules, or by any bye-law made under these Rules, and of the amount of every such penalty; and shall cause such particulars, in English and in the Vernacular languages chiefly in use, to be painted or placed on boards, which shall be hung up in some conspicuous part of the office of the Commissioners.

(Signed) A. HATHAWAY,
President of the Municipal Commission,
Civil Pettahs, Bellary.

APPENDIX A.

Establishment of the Municipal Commission of the Civil Pettahs of Bellary.

	rs.
1 Secretary and Inspector of Conservancy, from 50 to 70 Rupees, according to qualification...	70
1 Bill Goomastah...	12
1 Peon, at 7 Rupees...	7
3 Peons, at 6 Rupees...	18
3 Bill Collectors, at 7 Rupees...	21
1 Office Sweeper...	1

Maramut Establishment

1 Maistry...	12
12 Coolies at 6 Rupees...	72

Cleaning and Lighting Establishment.

8 Scavenging carts, at 18 Rupees...	144
16 Sweepers, at 6 Rupees...	96
2 Lighters at 4 Rupees...	8

Total..... 461

(Signed) A. HATHAWAY,
President of the Municipal Commission,
Civil Pettahs Bellary.

No. 282. ORDER THEREON, 31st January 1865, No. 168.

With this letter, the Magistrate of Bellary submits revised rules for the Municipal Commissioners of the Civil Pettahs of that town, and proposes the name of Lieutenant Hicks as Vice-President of the Commission. Lieutenant Hicks is, as recommended, appointed Vice-President, and a Notification to that effect will be inserted in the Fort Saint George Gazette.

2. In several of the rules, material alterations have been made by the Commissioners. Slight verbal alterations, in no way affecting the principles of the rules, have now been made in the Government Office, and with the exception of those on which remarks are now about to be made, the rules are sanctioned.

To Rule II should be added:—"A general meeting shall consist of at least 7 Commissioners."

Rule IV.—It does not appear necessary that a new Chairman should be elected at every sitting of the Sub-Committee, as would appear to be intended by the rule now proposed.

"The Commissioners shall, at the first general meeting of each year, elect, from among their own number, a Sub-Committee of five Members, of whom one shall be elected Chairman, and have a casting vote in the deliberations of the Sub-Committee. The Sub-Committee shall resign office at the first general meeting of the year after their election, but shall be eligible for re-election. Any vacancy in the Sub-Committee shall be filled by the vote of a general meeting assembled for the purpose."

The Commissioners may elect the Chairman, who will hold office until the election of a new Sub-Committee. The rule may properly run as given in the margin.

In order to raise the requisite funds for carrying out the purposes for which the Commission is appointed, there shall be levied upon every shop, or by whatever name any such building may be locally designated, situated within the jurisdiction of the Commissioners, an annual rate of 15 per centum of the estimated annual value of such shop; and upon every building not a shop, as aforesaid, and upon all ground not built upon, situated within the jurisdiction of the Commissioners, shall be levied an annual rate of 10 per centum of the estimated annual value of such building or ground not built upon.

Rule XIII.—The Commissioners have changed the mode of assessment, slightly, though the change appears to be, practically, more formal than real. The rule appears re-cast in the margin.

The property on which the said assessment is to be levied shall be valued once in every five years, and not oftener, unless, from some special reason, it shall seem expedient to the Commission. A Register shall be kept of all property rateable under these rules, shewing the number given to each property, the name of its proprietor or tenant, and its estimated annual value. This Register shall be prepared by the Secretary, in accordance with the instructions of the Commissioners, and shall after approval by a general meeting, be kept, for inspection of parties concerned, in the office of the Commission, from 11 A. M. to 3 P. M., daily, for a period of not less than one month after notice given that such Register is open to inspection. Such notice shall declare that appeals against the entries in the Register, whether of the name of proprietor, or estimate of annual value, shall be received until, but not after, the expiration of the time fixed for the public inspection of the Register. Appeals shall lie to the Sub-Committee, who may alter or amend the Register, on appeal, as to them may seem fit.

Rule XIV is vague, and has been re-cast as shown in the margin.

Rule XVII has been slightly altered, so as to prescribe that the Bill Collector shall in all cases pay in, within 24 hours, to the Secretary, the monies collected by him. Of course, if he be *unavoidably* prevented, he cannot be charged with breach of rule, and the rule need contain no reference to unavoidable circumstances preventing his doing his duty.

The Secretary shall not ordinarily, or without special cause, retain in his possession an amount exceeding Rupees 250 of the monies of the Commission. It shall be lawful for any Commissioner, authorized by the President or Vice-President, at any time, to examine the Bill Collector's books, the accounts, and Cash Chest, and to bring to the notice of the Commissioners any breach of this rule. The President will see that such examination is made at least once in each month.

The money of the Commission shall be deposited in a box under their seal in the Huzur or Taluq Treasury, the Treasury officials being responsible for the custody of the sealed box, but being in no way concerned with the contents of the box.

The key of the cash-box will remain ordinarily with the Secretary, who may, not oftener than once daily, during the office hours for Treasury transactions, visit the Treasury for the purpose of depositing money in, or removing it from, the cash-box.

Rule XXII.—The clause A of this rule has been altered to accord with what seemed to be the meaning of the Commissioners, which however is now only doubtful. The last clause of this rule is clearly inadmissible. It empowers *any servant*, a scavenger for example, to do, of his own motion, any act in any Court,

on the part of the Commissioners. It is re-cast in the margin. It shall be lawful for the Secretary, or the Chairman of the Sub-Committee to do and perform, on the part of the Commissioners, all or any acts which it may be necessary for the Commissioners to do in any Court.

Rule XXV.—The added clause of this rule has been struck out being quite unnecessary.

Every house-holder, or owner of property, within the jurisdiction of the Commissioners, shall place daily, at or before a certain time to be fixed by the Commissioners, in such receptacle, and in such place adjoining his house, or property, as may be ordered by the Commissioners, all sweepings, and other filthy matter, which may be, or be made, in his house or property, in order that the said matter may be removed by the Scavengers of the Commission. Any person disobeying this order shall be liable to a fine, not exceeding eight Annas for the first offence, and not exceeding 5 Rupees for each subsequent offence.

XL. No rule shall be in any way altered or added to, or be rescinded, and no new rule shall be added, unless by the consent of a majority present at a General Meeting of not less than seven of the Commissioners. No such alteration, addition, or rescission, shall have effect, until confirmed by the Government, nor until it shall have been published in the District Gazette for one month.

XLI. Copies of these rules, in English and the Vernaculars of the District, shall be placed in conspicuous situations in the office of the Commissioners, and in the Huzur and Taluq Cutcheries.

XLII. The Commissioners shall cause to be prepared a brief statement of the actions which are constituted offences, and made punishable under these rules, and cause the same to be publicly exhibited in the office of the Commissioners, and such other public places as may to them seem good.

Rule XX has been re-cast.

on the part of the Commissioners. It is re-cast in the margin.

Rule XXX.—Will be re-placed by the rule given in the margin.

Rule XXXIX.—The words "and Section 61, Criminal Procedure Code," should be omitted from this rule.

Rules XL to XLVI.—Will be re-placed by the rules given in the margin.

With the alterations made above, the rules are sanctioned, and may at once come into force.

3. The Governor in Council regrets to remark that the move which has lately been made in various quarters towards municipal action, that is, in a measure, towards local self-government, has not met with the intelligent and careful support which it ought to have done from the European Officers, in whose hands so much power for good or evil is placed. The rules now before the Government are stated to have been framed at a meeting held in the absence of the Magistrate; but, before they could come up to the Government, they must have been approved by the Magistrate, and he must be held, in a measure, responsible for them.

4. At the close of the rules have been added Rules XL to XLVI. The latter portion of Rule XL prescribes penalties for breach of bye-laws generally without any reference to their nature. What penalty could attach to breach of a bye-law to the effect that "the Sub-Committee shall meet every Saturday at 7 A. M."? It must be borne in mind that the rules, when passed, are *law*, and form part of Act XXVI of 1850, and that as such, they should be drawn up with the stringent exactness of law. Rule XLIV is useless. A Magistrate *must* take notice of all law affecting himself. Rule XLV involves an interference with the province of the executive Government, in whom is vested the duty of approving the rules of the Commissioners.

5. The Government expect that the District officers will look upon Municipal Commissions as opportunities for *intelligently* aiding the local Communities to help themselves, and not blindly accept any rules which Native gentlemen, not fully conversant with the English tongue, may have drawn up, thus throwing upon Government a function which they are by no means called upon to exercise.

(True Extract).

Chief Secretary.

To the Magistrate of Bellary:

" Municipal Commissioners for the Civil Pettahs of Bellary.
" Sanitary Commission.

Ed. J. H. Burns.

Judicial Department.

12 4
P. 11-60
28/11-60

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the President of the Municipal
Commission-Bellary.

(Here enter 28th December 1864 No. 54.)

Order thereon 31st January 1865. No. 168.

With this letter the
Magistrate of Bellary submits
revised rules for the Municipal
Commissioners of the Civil
Pottahs of that town, and proposes
the name of Lieutenant Hicks
as Vice-President of the Commission.
Lieutenant Hicks was recommend-
ed appointed Vice-President, and
a notification to that effect
will be inserted in the Fort St.
George Gazette.

2 In several of the rules
material alterations have been
made by the Commission.

Slight

W.D.U.

JP

Slight verbal alterations, in no way affecting the principles of the rules, have now been made in the Government Office and with the exception of ^{these} ~~the~~ rules on which remarks are now about to be made, the rules are sanctioned.

should be added.

To Rule II. "A general meeting shall consist of at least 7 Commissioners."

Rule IV. It does not appear necessary that a new Chairman should be elected at every sitting of the Sub-Committee as would appear to be intended by the ~~present~~ rule now proposed.

The Commissioners may elect the Chairman - who will hold office until the election of a new Sub-Committee. The rule may properly run as given in the margin.

Rule XIII. The Commissioners have changed the mode of assessment

"The Commissioners shall at the first general meeting of each year elect from among their own number a sub-committee of five members of whom one shall be elected chairman and have a casting vote in the deliberations of the sub-committee. The sub-committee shall resign office at the 1st general meeting of the year after their election, but shall be eligible for re-election. Any vacancy in the sub-committee shall be filled by the vote of a general meeting assembled for the purpose."

In order to raise the requisite funds for carrying out the purposes for which the Commission is appointed, there shall be levied upon every shop or

by whatever name any such building may be locally designated, situated within the jurisdiction of the Commissioners, an annual rate of 10 per centum of the estimated annual value of such shop and upon every building not a shop as aforesaid, and upon all ground not built upon, situated within the jurisdiction of the Commissioners, shall be levied an annual rate of 10 per centum of the estimated annual value of such building or ground not built upon.

The property on which the said assessment is to be levied shall be valued once in every five years, and not oftener unless from some special reason it shall seem expedient to the Commissioners. A Register shall be kept of all property rateable under these rules showing the number given to each property the name of its proprietor or tenant - and its estimated annual value - This Register shall be prepared by the Secretary in accordance with the instructions of the Commissioners and shall after approval by a general meeting, be kept for inspection of parties concerned in the office of the Commission from 11 A.M. to 3 P.M. daily for a period of not less than one month after notice given that such Register is open to inspection. Such notice shall declare that appeals against the entries in the Register

assessment, slightly - though the change appears to be, practically, more formal than real. The rule appears recast in the margin.

Rule XIV is vague - and has been recast as shown in the margin

whether of the name of proprietor - or
estimate of annual value, shall
be ^{received} ~~received~~ until, but not after, the
expiration of the time fixed for the
public inspection of the register -
Appeals shall lie to the sub-
Committee, who may alter or
amend the Register, on appeal,
as to them may seem fit.

Rule XVII has been slightly alter-
ed so as to prescribe that the
Bill collector shall in all
cases pay in, within 24 hours,
to the Secretary, the monies col-
lected by him. Of course if he
be unavoidably prevented he
cannot be charged with breach
of rule - and the rule need con-
tain no reference to unavoidable
circumstances preventing his
doing his duty.

Rule XX has been recast.

The Secretary shall not ordinarily
or without special cause, retain in
his possession an amount exceeding
Rs 250 of the monies of the Commission.
It shall be lawful for any Commission-
er, authorized by the President or
Vice President, at any time to examine
the Bill Collector's books, the accounts
and cash chest and to bring to the

notice of the Commissioners any breach
of this rule. The President will see that
such examination is made at least
once in each month.

The money of the Commission
shall be deposited in a box under
their seal in the Huzar or Lahur
Treasury, the Treasury officials being
responsible for the custody of the
sealed box but being in no way
concerned with the contents of the box.

The key of the cash box will
remain ordinarily with the Secretary
who may, not oftener than once daily,
during the office hours for Treasury
transactions, visit the ^{Treasury} ~~cash~~ for the
purpose of depositing money in or
removing it from the cash box.

Rule ^{rule} XXII The clause a of this
has been altered to accord with
what seemed to be the meaning
of the Commissioners, which
however is now only doubtful.

The last clause of this rule is
~~clearly inadmissible~~
~~a sample of the little care bestowed~~
~~upon the rules in general.~~ It
empowers any servant, a scavenger
for example, to do of his own
motion, any act in any Court.

It shall be lawful for the Secre-
tary, or the Chairman of the sub Com-
mittee to do and perform on the part of
the Commissioners all or any acts
which it may be necessary for the
Commissioners to do in any Court.

on the part of the Commissioners.
It is recast in the margin.

Rule XXV. The added clause of this rule has been struck out being quite unnecessary.

Rule XXX will be replaced by the rule given in the margin.

Every house holder or owner of property within the jurisdiction of the Commissioners shall place daily at or before a certain time to be fixed by the Commissioners, in such receptacle and in such place adjoining his house or property as may be ordered by the Commissioners, all sweepings and other filthy matter which may be or be made, in house or property, in order that the said matter may be removed by the scavengers of the Commission. Any person disobeying this order shall be liable to a fine not exceeding eight annas for the first offence, and not exceeding 5 Rs for each subsequent offence.

Rules XL to XLVII will be replaced by the rules given in the margin. XL No rule shall be in any way altered, or added to, or be rescinded and no new rule shall be added, unless by the consent of a majority present at a general meeting of not less than seven of the Commissioners. No such alteration, addition or rescission shall have effect until confirmed by the Government, nor until it shall have been published in the District Gazette

for one month.

XL I Copies of these rules in English and the Vernaculars of the District shall be placed in conspicuous situations in the office of the Commissioners and in the Puzur and Taluk Cutcheries.

XL II The Commissioners shall cause to be prepared a brief statement of the actions which are constituted offences and made punishable under these rules and cause the same to be publicly exhibited in the office of the Commissioners and such other public places as may to them seem good.

With the alterations made above, the rules are sanctioned and may at once come into force.

3 The Governor in Council reports to remark that the move which has lately been made in various quarters towards Municipal action, that is, in a measure, towards local self government, has met with the intelligent and careful support which it ought to have done from the European officers in whose hands so much power for good or evil is placed. The rules now before the Government are stated to have been framed at

at a meeting held in the absence of the Magistrate - but before they could come up to the Government they must have been approved by the Magistrate and he must be held in a measure responsible for them.

4 At the close of the rules have been added rules 40-46. The latter portion of Rule 40 prescribes penalties for breach of bye laws generally without any reference to their nature. What penalty could attach to breach of a bye law to the effect that "The sub Committee shall meet every Saturday at 7 A.M."? It must be borne in mind that the bye laws are to be drawn up with the stringency of law. Rule XLIX is useful. A Magistrate must take notice of all law affecting himself. Rule XLV is an attempt at interference with the province of the executive Government in whom

inserted
3 Feb 1865

whom is vested the duty of approving the rules of the Commissioners.

5 The Government expect that the District Officers will look upon Municipal Commissioners as opportunities for intelligently aiding the local Communities to help themselves, and not blindly accept any rules which native gentlemen, not fully conversant with the English tongue, may have drawn up - thus throwing upon Government a function which they are by no means called upon to exercise.

Notification.

7th Feb. Jan 31st 1865.

The Governor in Council is pleased to appoint Lieut. F. J. Hicks, Probationary Superintendent of Police in the Bellary District to be Vice President of the Municipal Commission for the Civil Peltahs of Bellary.

To the Magistrate of Bellary
" Municipal Comm^y for the Civil Peltahs of Bellary
" Sanitary Commission
" Gazette 3-2-65

Decd 3/2/65

*Minutes of the
Court of Sessions*

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Journal 1865. Department.

No. 178.

PROCEEDINGS OF GOVERNMENT.

Atk. 610.

Dated 31 January 1865

(continued)

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