M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1899 Press ~~Mis.~~

253. 254

Dated 15. 8. 1865.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
15th August 1865.

No. 253. Read the following Proceedings of the Madras Government in the Legislative Department :—

Directing the introduction, into the Legislative Council, of the Draft Bill to enable land-holders to make provision for the construction, &c., of cross roads in their Districts, and observing that the Chief Secretary will take charge of it. } (Here enter 10th August 1865, No. 306.)

No. 254. ORDER THEREON, 15th August 1865, No. 1,899.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

(Signed) J. GROSE,
Acting Under Secretary to Government.

Exd. S. T. Augustin.

No. of 1865.

A

BILL

TO

Enable land-holders in certain localities to make provision for the construction, repair, and maintenance of Cross Roads in the District in which their lands are situated.

Whereas it is expedient to enable land holders in the Wynaad or other similar localities to make provision for the construction, repair and maintenance of cross roads in the District, or Division of the District, in which their lands are situated, it is hereby enacted as follows :—

1. This Act shall not be capable of operation in any District of the Madras Presidency until it has been extended thereto by an order of the Governor in Council.

2. If the land-holders of any District, or Division of any District, to which this Act has been extended shall be desirous of making provision for the construction, repair and maintenance of cross roads therein, they shall apply to the Governor in Council to declare such District or Division of a District, to be a Road District under this Act. Their application shall specify the exact boundaries of the Road District which it is proposed to form, and the approval of Government to the formation of the Road District so defined, shall be indispensably necessary as a preliminary condition.

3. On such application being made and approved as above provided, notice thereof shall be given in the Government and District Gazettes, and also by proclamation within such District or Divi-

sion of a District, and reasonable time shall be given for all land-holders qualified to vote, to declare themselves for or against the formation of such Road District so defined, by letter addressed to the Collector of the District concerned, which letter shall also state how many votes the writer claims to be entitled to as below provided. No land-holder shall be qualified to vote who does not possess at least 20 Acres of cutivated land, or 50 Acres of uncultivated land within the District or Division to which the Act is to be applied. An additional vote shall be allowed for every Acres of cultivated land so held by any one person in excess of 100 Acres, and for every Acres of uncultivated land similarly held in excess of 200 Acres, provided that no individual land-holder shall in any case be allowed more than votes.

4. If, on the expiration of the time allowed, it shall appear that the majority of the votes of qualified landholders are in favor of the formation of the Road District, the Governor in Council shall notify accordingly in the Government and District Gazettes that the said District or Division is constituted a Road District under this Act, and that this Act will take effect in the said District or Division from a date to be specified in the Notification. Such Notification shall be conclusive proof that the provisions of this Act have been complied with, and that it is thenceforth to be in force within the said District or Division from the date specified.

5. On publication of such Notification, the Collector shall convene a Meeting of the land-holders qualified to vote as aforesaid, to appoint Commissioners for putting this Act in force.

6. The number of Commissioners so appointed shall not be less than 3, nor more than 5, and two Provisional

Commissioners shall, at the same time, be appointed to supply vacancies that may occur during the term of the Commission.

7. The Commissioners shall hold office for a year, but shall be eligible for re-election, at a General Meeting to be convened by the Collector, by the land-holders of the District qualified to vote as aforesaid. Any Commissioner absent, or about to be absent from his District, for more than six consecutive months, shall be deemed to have vacated his office, and the Provisional Commissioner next for office shall be appointed in his room.

8. The Commissioner shall prepare rules for giving effect to this Act, which rules, when approved by the Governor in Council, shall be of the same force, until altered or rescinded as hereinafter provided, as if they were inserted in this Act.

9. The rules prepared by the Commissioners shall provide, among other things, for those following, that is to say:—

I. For the appointment, remuneration and control of all necessary Officers and Servants of the Commissioners.

II. For the conduct of the business of the Commissioners and for the manner in which the rules in force may, from time to time, be amended or rescinded and new rules may be made with the approval, in every case, of the Governor in Council.

III. For raising the funds necessary for the purposes of this Act, whether by a cess on lands, or by tolls, or by both, and for fixing and declaring the amount and rate thereof.

10. No cess or scale of Tolls shall be valid until the rate thereof has been approved by Government, but when once approved it shall remain in force until altered with similar approval.

11. It shall be competent to the Commissioners to assess to this cess all waste land as well as all cultivated land in their Road District, provided that in the case of waste land the rate shall in no case exceed the amount of per Acre.

12. The Commissioners appointed from time to time shall have full power to make all necessary contracts for the purposes of this Act, and to apply the taxes raised as aforesaid in the necessary works, and in payment of their Officers and Servants, and in the other expenses incident to the execution of this Act within the said Road District.

13. No Commissioner shall be personally liable for any contract made by the Commissioners on behalf of the inhabitants of such Road District; but every Commissioner shall be liable for any misapplication of the monies collected, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and shall be liable to be sued for the same as for money due to, and at the suit of the Government.

14. The Commissioners shall prepare a book, containing the names and residences of all persons upon whom a cess is to be imposed; the amount of the cess assessed upon each; the assumed area, cultivated and uncultivated, of the property, upon which the assessment is calculated; and the date at which it will become payable—and such book shall be termed the Rate Book.

15. When the Rate Book shall be completed, the Commissioners shall give public notice thereof, and of the place where such book or a copy thereof, can be inspected; and every person who is assessed, or his Agent, shall be entitled to inspect the Rate Book, and to make extracts therefrom without charge.

16. The Commissioners shall give public notice of a day, not being less

than fifteen days from the publication of such notice, when they will proceed to revise the said Rate Book. All complaints against the assessment, shall be made on or before the day fixed in the notice; and all complaints so made shall be enquired into by the Commissioners, and such amendments shall, thereupon, be made in the said book, as to the Commissioners shall appear fit.

17. After the complaints have been enquired into, and the revision of the Rate Book has been completed, the amendments made in the said book shall be authenticated under the signatures of two of the Commissioners, who shall, at the same time, certify under their signatures, that no valid objection has been made to any entry in the said book, except in the cases in which amendments have been made as shewn therein. The rates so amended and certified, shall be deemed to be the rates leviable under this Act, until altered in the manner provided in the following Section.

18. The Commissioners may, at any time, amend the Rate Book, by inserting therein the name of any person whose name ought to be so inserted; or any property liable to the rate; or by striking out the name of any person, or property, not liable to the rate; or by reducing or enhancing the amount of the assessment in any case after notice given and enquiry held. In all cases in which any property is inserted as liable to the rate, the amendment shall be considered to have been made at the time when the person interested first received notice thereof.

19. When any rate is due, the Commissioners shall cause to be presented to the person liable to the payment thereof, or to his local agent or representative on his behalf, a bill for the sum due, which shall also contain a statement of

30. Every bill, notice, or demand, under this Act, may be served personally upon the person to whom it is addressed, or, if he cannot be found, may be left at his usual place of abode with some adult male member or servant of his family; or, if it cannot be so served, may be put up on some conspicuous part of such place of abode: Provided that, if the place of abode of the owner of any land, in respect of which a rate is assessed, be unknown, or if such owner be not resident within the limits over which the Commissioners have jurisdiction, every such bill, notice, or demand, shall be deemed to have been duly served, if served upon the actual occupier of the premises, or in case no such service can be effected, if put up on some conspicuous part of the land.

31. No proceeding under this Act shall be deemed unlawful, nor shall any assessment be set aside, on account of any defect, or want of form, in any document or in any service of notice required by this Act, nor on account of any irregularity in the procedure herein laid down; but all persons substantially aggrieved by any such defect, or irregularity, may recover satisfaction for the special damage in any Court of competent jurisdiction.

32. Within fifteen days after the 31st December of each year, the Commissioners shall prepare and publish in the District Gazette an account of the sums received and expended by them during the previous twelve months ending on the 31st December, and of the works executed by them, and their accounts and vouchers shall be open to the inspection of all rate-payers, free of charge, for a space of fifteen days after such publication.

33. The Committee shall convene a General Meeting of the rate-payers in January of each year for the election of

Commissioners for the ensuing twelve months.

34. Any five rate-payers may require the Commissioners to convene a General Meeting at any period during the year to take into consideration any matter connected with the operation of this Act, provided that fifteen days' clear notice of the subject to be considered be given to the Commissioners.

SCHEDULE.

A. *Notice of Demand.*

Take notice that the Road Commissioners of demand from you the sum of due from* (you) as owner (or occupier) of (here describe the property or thing upon which the rate or tax is imposed) on account of Road cess for the months of 186 ; and that, if the sum due is not paid, or if sufficient cause for the non-payment of the sum is not shewn to the Commissioners within five days from the service of this notice, a Warrant of Distress will be issued for the recovery of the same with costs.

Date (Signature of one of the Commissioners.)

B. *Distress Warrant.*

To *(here insert the name of the Officer charged with the execution of the Warrant.)* of

Whereas has not paid or shewn sufficient cause for the non-payment of the sum of due for the Road rates (or taxes) (or rates and taxes) mentioned in the margin, for the months of 186 , although the said sum has been duly demanded in writing from the said and five days have elapsed since the service of the notice of demand. This is to command you, to distrain the goods and chattels of the said (or, as the case may be, any goods and chattels found on the premises referred to) to the amount of the said sum of , and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if, within five days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels; and have paid and deducted out of the proceeds of the sale the said sum of and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said you are to certify the same to us together with this Warrant.

(Signature of one of the Commissioners.)

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* In the case of a demand under Section 20, state that notice of demand has been served upon the owner, and that the sum due remains unpaid.

C. *Form of Inventory and Notice.*

State particulars of goods seized.

Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of due for the rates (or taxes) mentioned in the margin, for the months of 186 ; and that unless you pay the amount due, together with the costs of this distress, within five days from the day of the date of this notice, the goods and chattels will be sold.

Date

(Signature of the Officer executing the Warrant of Distress.)

D. *Notice of Attachment.*

To of village in Talook of the District.

Take notice that as you have not paid or shewn sufficient cause for the non-payment of Rupees Road Cess due by you, although the said sum has been duly demanded in writing from you, the landed property belonging to you is hereby placed under attachment; and that unless the arrear due by you with interest and other charges be paid within the landed property will be brought to sale in due course of law.

Place and Date.

(One of the Road Commissioners
for the Road District of)

N. B.—This notice is to be affixed to some conspicuous part of the land attached. The attachment is also to be publicly proclaimed on the land, and is also to be published in the District Gazette.

E. *Notice of Sale.*

It is hereby notified that all the rights of the present registered Landholder in the undermentioned lands selected out of those attached in satisfaction of arrears of Road Cess due by of a Road Cess defaulter, will be sold by Public Auction at the village of in Talook of the District on . The sale will commence at o'clock M. and the lands will be knocked down to the highest bidder without reserve.

The land will be sold subject to the payment of all land assessment or other public dues legally chargeable thereon.

(One of the Road Commissioners
for the Road District of)

Government of Fort Saint George.

LEGISLATIVE DEPARTMENT.

A

BILL

TO

Enable land-holders in certain districts to make provision for the construction, repair, and maintenance of Cross Roads in the District in which their lands are situated.

(The Honorable A. J. Arbuthnot.)

Introduced August 1865.

Recd 24th Oct

Proceedings of the Madras Government, Legislative Department, 10th August 1865.

Read the following papers :—

Proceedings of Government in the Revenue Department.

Referring to the Legislative Department, for disposal, a Draft Bill, prepared in the Revenue Department, to enable landholders to make provision for the construction, repair, and maintenance of cross roads in their Districts. } (Dated 25th July 1865, No. 1726.)

Draft Bill revised by the Acting Assistant Secretary to Government, Legislative Department.

ORDER THEREON, 10th August 1865, No. 306.

The Governor in Council directs that steps be taken for introducing the Bill appended to the foregoing Proceedings into the Council of the Governor for making Laws and Regulations, at an early date. The Chief Secretary will take charge of it.

(True Extract).

Thomas M. Burkett

Acting Assistant Secretary to Government, Legislative Department.

To the Revenue Department. With copy of Bill ✓
" Board of Revenue. ✓
" Honorable A. J. Arbuthnot.

Exd. J. H. Burns.

4 Dd.

Pos. 25th July 65 at 45 m

Rev. 1865. August
Pro. Govt. Gen. August
No. 2217.

Proceedings of the
Madras Govt. in the
Legislative Dept.

Dated 10th } August
Received 12th } 1865.

No. 306.

Ent.

Directing the introduction, into the Legislative Council, of the draft Bill to enable landholders to make provision for the construction &c of cross roads in their Estates, and observing that the Chief Secy will take charge of it.

No. 1899.

RECORDED.

No 253 & 271

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