



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE
CONTAINING
BILLS OF THE GOVERNMENT OF INDIA.

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HOME DEPARTMENT (Legislative).

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1862, and was referred to a Select Committee with instructions to make their Report thereon in one month :—

A Bill for extending certain provisions of Acts XIV. and XXV. of 1856 to the Town and Suburbs of Rangoon, and to the Towns of Moulmein, Tavoy, and Mergui, and for appointing Municipal Commissioners, and for levying rates and taxes in the said Towns.

Whereas it is expedient to provide for the conservancy and improvement of the Towns and Suburbs of Rangoon, and the Towns of Moulmein, Tavoy, and Mergui, for the appointment of Commissioners, and for assessing and levying rates and taxes for municipal purposes in the said Towns; it is enacted as follows :—

I. The provisions of Act XIV. of 1856, entitled "An Act for the conservancy and improvement of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca," are hereby extended to the Town and Suburbs of Rangoon, and to the Towns of Moulmein, Tavoy, and Mergui, and the word "Town" in Section II. of the said Act is hereby declared to include all places within the limits of the said Town and Suburbs of Rangoon, and the said Town, of Moulmein, Tavoy, and Mergui, as

Provisions of Act XIV. of 1856 extended to Rangoon, Moulmein, Tavoy, and Mergui.

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those limits shall be, from time to time, determined and declared by the Commissioner of Pegu and the Commissioner of the Tenasserim and Martaban Provinces respectively; provided that the inter-

Proviso. pretation of the word "Owner" in Section II. of

the said Act shall not be in force in the said Town of Rangoon, and that the said word shall mean the registered owner of the land or premises in connection with which the word is used.

II. Act XXV. of 1856, entitled "An Act to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca" is incorporated with this

Construction. Act; and in construing the said Act as incorporated with this Act, the expression "the special Act" shall mean this Act, the word "Town" shall include all places within the limits of the Town and Suburbs of Rangoon, and of the Towns of Moulmein, Tavoy, and Mergui, as those limits shall, from time to time, be determined and declared by the Commissioner of Pegu and the Commissioner of the Tenasserim and Martaban Provinces respectively, the expression "the Commissioners" shall mean the Municipal Commissioners appointed by this Act, and the expression "the local Government" shall mean the Commissioner of Pegu and the Commissioner of the Tenasserim and Martaban Provinces respectively. Provided that Sections I. II. III. IV. V. VI. VII. VIII.

Proviso.

IX. X. XI. and XII. of the said Act XXV. of 1856 shall not have effect in the limits of the said

Town and Suburbs of Rangoon, and that the appeals referred to in Sections XVII. XVIII. and XIX. of the said Act shall, in the said Town and Suburbs of Rangoon, and in the said Towns of Moulmein, Tavoy, and Mergui, be heard and determined by two Magistrates.

III. At each of the said Towns of Rangoon Moulmein, Tavoy, and Mergui, there shall be five Commissioners for the

Number of Commissioners.

purpose of this Act, and for the conservancy and improvement of the said Towns, who shall be called respectively the Municipal Commissioners of Rangoon, the Municipal Commissioners of Moulmein, the Municipal Commissioners of Tavoy, and the Municipal Commissioners of Mergui, and who shall by such name be a body corporate and have perpetual succession and a common seal and by such name shall sue and be sued.

Their incorporation.

IV. At the said Town of Rangoon the Deputy Commissioner and the

Appointment of Commissioners in Rangoon.

Town Magistrates shall be Municipal Commissioners, and three rate-payers shall be selected and nominated as Commissioners by the Commissioner

Tenure of office.

of Pegu, and shall enter upon their office on the first day of January after their nomination, and shall hold their office for one year, and be eligible for re-nomination. The Commissioner of Pegu shall nominate one of the

President.

said five Commissioners to be President of the Board of Commissioners.

V. At the said Towns of Moulmein, Tavoy, and

Appointment of Commissioners at Moulmein, Tavoy, and Mergui.

Mergui, the Deputy Commissioner or other Chief Civil authority of the District in which the Town is situated, shall be one of the Municipal Commissioners, and four rate-payers, of whom one at least shall be an Officer of Government, shall be selected and nominated as Commissioners by the Commissioner of the Tenasserim and Martaban

Tenure of office.

Provinces, and shall enter upon their office on the first day of January after their nomination, and shall hold their office for one year, and be eligible for re-nomination. The Commissioner of the Tenasserim and Martaban Provinces

President.

shall nominate one of the said Commissioners in each of the said Towns of Moulmein, Tavoy, and Mergui to be President of the Board of Commissioners.

VI. The Municipal Commissioners appointed

Meetings of Commissioners.

under this Act shall meet once in every week at least. The attendance of three Commissioners shall be necessary to constitute a meeting. The President, or in his absence the Chairman, chosen by the Commissioners present, shall have a second or casting vote on all questions in which the Commissioners present are equally divided in opinion.

VII. All Town-lots as originally granted, all

Assessment on Town-lots &c. in Rangoon.

dwelling houses situated on Suburban allotments and in yards, within the limits of the Town and Suburbs of Rangoon, as those limits shall be from time to time determined and declared by the Commissioner of Pegu, shall

be liable to a monthly rate as specified in the annexed Schedule A, which rate shall be payable quarterly by the registered owner of the same. Whenever the registered owner of the lot shall fail to pay the amount of such rate on demand, the occupant or occupants of the whole or any portion of the tenement or tenements on the lot shall be jointly and severally chargeable with the same, as provided in Section XIV. of the Suburban allotment rules.

VIII. Houses, buildings, and lands in the said

Rate on houses, buildings, and lands in Moulmein, Tavoy, and Mergui.

Towns of Moulmein, Tavoy, and Mergui, shall

be liable to an annual rate, to be fixed from time to time by the Commissioner of the Tenasserim and Martaban Provinces, but in no case exceeding seven and a-half per centum of the annual value of the houses, buildings, and lands subject to such rate. The

Publication of rate and mode of payment.

rate fixed by the Commissioner shall, from time to time be publicly notified, and shall be payable quarterly by the owners of the said houses, buildings, and lands.

IX. Houses and buildings used exclusively as

Exemption of certain public buildings.

places of public worship, or for Charitable purposes, burial-grounds, hospitals, Sepoys' lines, and all buildings and lands the property of Government, shall not be liable to the rates specified in the last two preceding Sections.

X. The Municipal Commissioners in Moul-

Power to exempt small holdings in Moulmein, Tavoy, and Mergui.

mein, Tavoy, and Mergui, may exempt from assessment any house, building, or land, the annual value whereof is less than twelve Rupees, if the same be the sole rateable property of the owner.

XI. When any house or building in the Towns

Remission on account of vacant houses in Moulmein, Tavoy, and Mergui.

of Moulmein, Tavoy, and Mergui, shall have been vacant for sixty consecutive days during any year, the Municipal Commissioners shall remit so much of the rate for that year as may be proportionate to the number of days the said house or building may have remained unoccupied, provided that the owner of the said house or building, or his agent, shall have given notice in writing of the vacancy thereof to the said Commissioners, and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

XII. A Tax shall be imposed upon all carriages,

Tax on vehicles and animals.

waggons, carts, horses, ponies, mules, and elephants kept within the said Town and Suburbs of Rangoon and the said Towns of Moulmein, Tavoy, and Mergui, and upon all boats plying in

And on boats in the Port of Moulmein.

the Port of Moulmein, at the rates specified in the annexed Schedule B, and shall be paid quarterly by the owners or parties in charge of the same.

XIII. Provided that the several vehicles and

Exemption of certain vehicles and animals.

animals hereinafter mentioned shall be exempt from the tax, namely:—

1. Gun Carriages, and Ordnance and Commissariat Carts and Waggon.

2. Horses and ponies belonging to Officers doing regimental duty, at the rate of one horse or pony for each Officer.

3. Conservancy carts, horses, ponies, mules, and elephants, belonging to the Municipal Commissioners.

4. Vehicles and animals kept for sale and not used for any other purpose, if kept by *bona fide* dealers in such vehicles and animals.

5. Waggon and carts kept within estates and plantations and not used upon the public roads, having the name of the owner painted on some conspicuous part thereof in letters not less than two inches in length, and registered at the Office of the Commissioners.

6. All animals kept within estates or plantations and not used upon the public roads.

7. Ponies under eleven hands, and children's carriages, the wheels of which do not exceed twenty-four inches in diameter.

XIV. Every person who may have owned or had charge of any vehicle or animal kept within any of the said Towns for a period exceeding thirty days in any quarter shall be liable to the whole tax for that quarter. If the period do not exceed thirty days, no tax shall be chargeable for that quarter. Provided that when any person owning or having charge of any vehicle or animal shall transfer the same to another person, he shall give notice thereof to the Commissioners within one week from the date of such transfer, or, if he fail to give such notice, shall be liable to the whole tax for the quarter, although the period during which he may have owned or had charge of such vehicle or animal shall not have exceeded thirty days.

XV. When a carriage shall have been under repair at a carriage maker's for more than thirty days in any quarter, the Commissioners shall remit so much of the tax for that quarter as may be proportionate to the number of days the said carriage may have been under repair.

XVI. The Municipal Commissioners, at their discretion, may compound for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire for a certain sum to be paid for the carriages and horses so kept by such persons, in lieu of the taxes specified in the Schedule.

XVII. Every carriage kept and let out for hire, and every waggon and cart kept or used within the said Suburbs or Town of Rangoon, or within any of the said Towns of Moulmein, Tavoy, or Mergui, and every boat plying for cargo or passengers in the port of Moulmein, shall be registered in the Office of the Municipal Commissioners with the name and residence of the owner, and shall bear the number of such registration in such manner as the said Commissioners shall direct. The registration shall

be made and the numbers assigned annually upon such day in each year as the Commissioners shall appoint. Any person becoming possessed within the year of any such carriage, waggon, cart, or boat, which has not been registered, may obtain registration on application to the said Commissioners at their Office. When any registered carriage, waggon, cart, or boat is transferred within the year it shall be registered anew in the name of the person to whom it has been transferred. A fee of four annas shall be paid for each registration.

XVIII. Whoever keeps within the said Suburbs or Town of Rangoon, or within any of the said Towns of Moulmein, Tavoy, or Mergui, or within the Port of Moulmein any such carriage, waggon, cart, or boat, required to be registered by the last preceding Section, without being so registered, shall, on conviction before a Magistrate, be liable to a fine not exceeding ten Rupees; and the Municipal Commissioners or any Officer duly authorised by them may seize or cause to be seized any such carriage, waggon, cart, or boat (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods), together with the horses, bullocks, or other animals drawing the same, and may deliver them over to the Police; and all Police Officers are hereby required, on the application of the said Commissioners or other Officer as aforesaid, to seize and detain the same. If the carriage, other vehicle, or boat as aforesaid, be not claimed, or if the fine be not paid within ten days, such carriage, vehicle, or boat, together with the animals seized with it, may be sold by order of the Magistrate, and the proceeds applied to the payment of the fine, and all costs and charges incurred on account of the detention and sale, and the surplus, if any, if not claimed by the owner within a further period of twenty days, shall be paid to the Municipal Commissioners.

XIX. All monies received by the Municipal Commissioners by virtue of this Act, or of Act XIV. of 1856, or of any other Act of the said Town and Suburbs of Rangoon, or of the said Towns of Moulmein, Tavoy, or Mergui, shall form a fund, which shall be called the "Municipal Fund" of the Town at which the same shall have been so received; the Municipal Fund of each Town shall be under the direction, management, and control of the Municipal Commissioners of such Town, who shall in the first instance appropriate such sum as may be declared by the Commissioner of Pegu and the Commissioner of the Tenasserim and Martaban Provinces respectively to be necessary for the payment and maintenance of the Police Force in each of the said Towns, and for the payment of the Office establishments of the Magistrate and Commissioner of Police (but not including the salary of any such Magistrate or Commissioner), such sum to be paid at the times and in the manner which the Commissioner of Pegu and the Commissioner of the Tenasserim and Martaban Provinces may respectively direct; and shall apply the residue to the purposes of this Act, and the Incorporated Act, and of Act XIV. of 1856.

XX. All fines and penalties imposed under this Act, and all fees received under the operation of this Act, and all tolls received at any pub-

Certain fines, fees, and tolls to be paid to the Municipal Fund.

lic ferry within the limits of the said Town and Suburbs of Rangoon, or of the said Towns of Moulmein, Tavoy, or Mergui, or of the Port of Moulmein, shall be paid to the Municipal Commissioners of the Town at which the same shall have been imposed or received, and shall be carried to the credit of the Municipal Fund of such Town.

XXI. This Act shall commence and take effect on and after the Commencement of Act. day of 1862.

SCHEDULE A.

		Rs.	as.	p.
1st Class lots	..	6	8	0
2nd Class lots	..	3	4	0
3rd Class lots	..	1	2	0
4th Class lots	..	0	14	0
5th Class lots	..	0	10	0

SCHEDULE B.

		Rs.	as.	p.
For every four-wheeled carriage on springs	..	24	0	0 a year
For every two-wheeled carriage on springs	..	18	0	0 "
For every waggon drawn by man or beast	..	16	0	0 "
For every cart drawn by cattle.	..	12	0	0 "
For every cart drawn by man.	..	8	0	0 "
For every horse, pony, or mule.	..	4	0	0 "

		Rs.	as.	p.
For every elephant	..	20	0	0 a year
For every boat plying for passengers or cargo	..	6	0	0 "

STATEMENT OF OBJECTS AND REASONS.

This Bill was prepared and brought into the late Legislative Council at the request of the Government of India, for the purpose of extending to Rangoon, Moulmein, Tavoy, and Mergui, the provisions of Municipal Law which now prevail in the Presidency Towns and the Straits' Settlement.

Some slight departures from the existing Law will be found in the Bill, but they are only such as the peculiar circumstances of the Towns, which it is now proposed to bring under the Municipal Acts, have called for.

Since this Bill was originally published for general information, petitions on the subject of it have been received from the inhabitants of the Towns to which it refers. These petitions will be laid before any Select Committee that may be nominated to report on this Bill.

(Signed) H. FORBES.

The 22nd January 1862.

M. WYLIE,

Depy. Secy. to the Govt. of India,
Home Department.