THE IMPROVEMENTS IN TOWNS ACT, 1850

ACT NO. XXVI OF 1850

[*Passed on the* 21*st June*, 1850.]

1. *Repeals.* Act 10, 1842.

2. *Act may be put in force by order of Local Government wherever inhabitants desire it.*

3, 4. *Notice of application to Government to be advertised in order that inhabitants may declare their wishes, and (4) decision of Local Government herein to be final.*

5. *Act to come in force from publication of order, and order to be conclusive, & c.*

6, 7. *Commission formed of Magistrate and inhabitants to be appointed by Government, who shall make rules, & c. for furtherance of Act : and (7) the rules shall be for objects in Act specified.*

8. *Empowers Commissioners to make necessary contracts and apply the taxes.*

9. *Commissioners not to be personally laible on contracts but only for misapplication of monies and gross neglect.*

10. *Act 10, 1839, for recovery of fines to apply to taxes, & c. under this Act.*

11. *No rate or assessment to be invalid for defect of form, & c.*

12. *All moveable property on the assessed premises to be liable for taxes.*

13. *Account of receipts and disbursements to be submitted annually to Local Government.*

14. *Empowers Government to suspend the operation of the Act.*

An Act to enable improvements to be made in Towns.

Whereas Act X. 1842, was passed for enabling the inhabitants of any place of public resort or residence, under the Presidency of Fort William, not within the Town of Calcutta, to make better provision for purposes connected with public health and convenience, but the said Act has proved ineffectual for the purpose, and it is expedient to amend the provisions thereof, and to extend the like powers to the inhabitants of Town in the other Presidencies under the Government of the East india Company, It is enacted as follows:

I. Act X. 1842, is repealed.

II. If it shall appear to the Governor or Governor in Council, or Lieutenant Governor, of any Presidency or Place within the Territories under the Government of the East India Company, that the inhabitants of any Town or Suburb, not within the Town of Calcutta, Madras, or Bombay, are desirous of making better provision for making, repairing, cleaning, lighting, or watching any public streets, roads, drains, or tanks, or for the prevention of nuisances, or for improving the said Town or Suburb in any other manner, the said Governor or Governor in Council, or Lieutenant Governor, may order this Act to be put in force within such Town or Suburb.

III. Whenever any application shall be made to the Government for putting this Act in force in any Town or Suburb, notice thereof shall be given in the *Government Gazette* of the Presidency, or place, and also by proclamation within such Town or Suburb, setting forth the purposes of the application, and giving reasonable time for all inhabitants of such Town or Suburb, who are minded to declare themselves for or against the adoption of this Act therein, for such purposes or any of them.

IV. The Governor or Governor in Council, or Lieutenant Governor, shall take all such declarations into due consideration, and after the time allowed for receiving the same, shall make a final order, which shall be published in the *Government Gazette*, and also notified by proclamation within such Town or Suburb, to the effect that the application appears, or does not appear, to be according to the wishes of the inhabitants, either wholly, or in respect to one or more of the purposes in respect of which it is made ; and if the whole or any part of it shall appear to be according to the wishes of the inhabitants, then that this Act shall be thenceforth in force in such town or Suburb, for such purposes only as shall be mentioned in the Order.

V. Whenever any such order shall order shall be made and published as aforesaid, this Act shall come into force within the said Town or Suburb, for such purposes as are mentioned in the Order, and the making

and publication of the said Order shall be conclusive evidence that the provisions of this Act have been complied with, and that it is thenceforth in force within the said Town or Suburb, for such purposes as are mentioned in the Order.

VI. Whenever this Act shall come into force in any Town or Suburb, the Governor or Governor in Council, or Lieutenant Governor, shall appoint the Magistrate and such number of the inhabitants thereof as to him shall appear necessary, to be Commissioners for putting the Act in force, and shall give authority to them to prepare Rules for more effectually accomplishing the purposes for which they are appointed; which Rules, when approved by the Governor or Governor in Council, or Lieutenant Governors, shall be of the same force within the said Town or Suburb, until altered or rescinded as hereinafter provided, as if they were inserted in this Act. And the said Governor or Governor in Council, or Lieutenant Governor, may remove any of the Commissioners and appoint others, and may fill up vacancies occurring among the Commissioners in such manner as may seem to him fit.

VII. The Rules to be prepared by the said Commissioners shall provide, among other things, for those following, that is to say:

1. The appointment and management of all necessary Officers and Servants of the Commissioners, and the salaries to be allowed to them.

2. The definition of the persons of property within the Town or Suburb to be taxed for raising the monies necessary for the purpose of this Act, whether by House Assessment or Town Duties, or otherwise, the amount or rate of the taxes to be imposed, the manner of raising and collecting them, and ensuring the safety and due application of them when collected.

3. The manner in which from time to time the Rules in force are to be amended or rescinded, and new Rules are to be made, with the approval in every case of the Governor or Governor in Council, or Lieutenant Governor.

4. The definition and prohibition of nuisances within the Town or Suburb.

5. The imposition of reasonable penalties for breach of any Rule made by the Commissioners, not exceeding Fifty Rupees, or in the case of continuing nuisance, not exceeding Five Rupees for every day that such nuisance is continued.

VIII. The Commissioners appointed from time to time shall have full power to make all necessary contracts, for the purposes of this Act, and 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 Town or Suburb.

IX. No Commissioner shall be personally liable for any contract made by the Commissioners on behalf of the inhabitants of such Town or Suburb ; but every Commissioner shall be laible 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 the suit of the East india Company.

X. The powers of Act II. 1839, for the recovery of fines, shall be applied for the recovery of all arrears of taxes and penalties under this Act ; and every Magistrate shall put in force the powers of the said Act II. 1839 for that purpose, whenever thereunto required by the Commissioners, or any of their Officers deputed by them for the purposes of enforcing payment of arrears of taxed imposed under this Act.

XI. No rate on property made under this Act shall be invalid for defect of form : and it shall be enough in any such rate on property, or any Assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known ; and it shall not be necessary to name the owner or occupier thereof.

XII. All moveable property found in any house or building or upon any land assessed under this Act may be seized and sold by warrant of a Magistrate for payment of any arrear of tax laid on such house, building or land under this Act.

XIII. All Commissioners acting in execution of this Act shall, on or before the last day of April in every year, make up and send to the Governor or Governor in Council, or Lieutenant Governor, an account of all works executed by them, and of all sums received and spent by them in the foregoing year, in such form

and with such vouchers as the Governor or Governor in Council, or Lieutenant Governor, shall from time order.

XIV. The Governor or Governor in Council, or Lieutenant Governor may, at any time, suspend the operation of this Act in any town or Suburb, and appoint any person or persons to examine and report upon the behavior of the Commissioners, or any of them, or their Officers in the execution of this Act.

———————

Verified RealEstate™