

MUNICIPALITIES, BENGAL ACT 1842

ACT No. X. OF 1842.

(Rep., of Act 26 of 1850)

[14th October, 1842.]

Passed by the Hon'ble the President of the Council of India in Council, on the 14th of October, 1842, with the assent of the Right Hon'ble the Governor General of India.

AN Act 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 purpose connected with public health and convenience.

I. It is hereby enacted, that if it shall appear to either of the Governments of the Presidency of Fort Williams, that two-thirds in number of the householders of any Town, Suburb, Settlement or Place of Public resort and residence within that Presidency are desirous of making better provision for the repairing, cleansing, lighting, draining or watching of any public streets, roads, drains or tanks, or any like Local purpose, it shall be lawful for the Local Government to which such place as above described is subject to authorize the same in manner following.

II. And it is hereby enacted, that the Local Government, upon any application made to it for the purpose by or on the part of the householders aforesaid, may, at its discretion, authorize the persons whose names shall be presented or so many of them as may be thought proper being inhabitants of the place as above described to be a Committee for the purpose or effecting the local objects specified in the application.

III. And it is hereby enacted, that any such Committee may make such assessments and at such rates as may be necessary for effecting the objects aforesaid, and may make all necessary contracts and appoint such servants as may be required with reasonable salaries. Provided always that not rate exceeding the amount of five percent. on the rent or yearly value of the premises within the place as above described, or more that one rate in any year shall be raised without the express sanction of the Local Government. Provided also that no Member of any such Committee shall be personally liable in respect of any contract entered into by such Committee on behalf of the inhabitants of any place as above described. Provided that the said Committee and every Member thereof shall be liable for the misapplication of all monies collected, and the same shall be recoverable in a Civil action as the money and at the suit of the Local Government.

IV. And it is hereby enacted, that the Local Government shall in every case prescribe such rules for every Committee as may appear necessary for the proper security of the funds collected from the inhabitants. And shall have the power of removing any Member of every such Committee on its appearing to such Government that the security or efficiency of the trust is in danger of being impaired. And in case of no person being named by the remaining Members of the Committee to the satisfaction of the Local Government to act upon such Committee in the place of the person removed within one month, the Local Government may appoint a Member of the Committee in the place of the person removed.

V. And it is hereby enacted, that every such committee shall on the 30th day of April, in every year, or oftener, if required by the Local Government, render to the Local Government an account of all sums received and expended in the preceding year, in such form and with such vouchers as the Local Government may from time to time require.

VI. And it is hereby enacted, that upon the application of such Committee to any Magistrate of Justice of the Peace, and Magistrate or Justice is required to exercise the same powers for levying the rate which may be due from any defaulter as are specified in Act II. of 1839.

VII. And it is hereby enacted, that no rate shall be invalidated, for defect of form, and it shall be sufficient if in any such rate as aforesaid, or any assessment for the purposes of such rate the property assessed shall be sufficiently identifies, and it shall not be necessary to specify the name of the owner or occupier thereof. And all property found at any time upon the premises rated shall be liable to be seized and sold under Warrant from a Magistrate or Justice of the Peace for the Payment of the rate.

VIII. And it is hereby further enacted, that it shall be competent at all times to the Local Government to dissolve any such Committee, and to appoint any person or persons to inquire into and report upon the conduct of such Committee or of any Member thereof in the execution of their Trusts, and such person or persons so appointed shall have power to send for persons, papers and records, and to compel the attendance or delivery of the same and to examine witnesses upon oath.
