

ACT No. XXVII OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 20th of December 1856.)

AN ACT for appointing Municipal Commissioners, and for levying rates and taxes, in the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca.

WHEREAS it is expedient to make better provision for the appointment of Commissioners for the conservancy and improvement of the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca, and for assessing and levying rates and taxes for certain Municipal purposes in the said stations. It is enacted as follows:—

I. Act IX of 1848 is hereby repealed, except so far as it repeals any other Act, and except as to any assessment or tax which shall be unpaid, and as to any proceeding for the recovery of the same which shall have been commenced, before this Act shall come into operation.

II. The Municipal committees and other persons, heretofore appointed or acting under Act IX of 1848, shall carry this Act into execution until other persons shall be appointed or elected under the provisions herein contained; and the assessment and taxes payable under the said Act shall, until duly altered, respectively remain in full force and effect, and shall be levied and recovered as rates and taxes payable under this Act.

III. 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 Act:

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Act ; and, in construing the said Act as incorporated with this Act, the expression
Construction. "the special Act" shall mean this Act, the expression
"the Commissioners" shall mean the Municipal Commissioners constituted by this Act, and the expression "the Local Government" shall mean the Governor of the said Settlement.

IV. At each of the stations of Prince of Wales' Island, Singapore, and Malacca,
Commissioners incorporated. there shall be a Committee of not more than five persons, who shall be called respectively "The Municipal Commissioners of Prince of Wales' Island," "The Municipal Commissioners of Singapore," and "The Municipal Commissioners of Malacca," and who shall respectively by such name be a body corporate and have perpetual succession, and a common seal and by such name shall sue and be sued.

V. At each of the said stations, the Resident Councillor shall be one of the
Official and elected Commissioners. Municipal Commissioners, one shall be appointed by the Governor of the Settlement, and three shall be elected by the rate-payers in the manner hereinafter provided. The Resident Councillor shall be the President of the Commissioners.

VI. Every rate-payer, whose annual payment of rates under this Act shall
Qualification for election as a Municipal Commissioner. amount to Forty Rupees and upwards, shall be qualified for election as a Municipal Commissioner for the station at which he resides and where the property for which the rates are paid is situate.

VII. Every rate-payer, whose annual payment of rates under this Act
Voters' qualification. shall amount to the sum of Twenty-five Rupees and upwards, shall be entitled to vote in the election of the three elective Commissioners of the station where the property for which the rates are paid is situate.

VIII. The Municipal Commissioners of each station shall, previously to an
List of voters. election under this Act, cause to be prepared correct lists of the persons qualified to be elected and qualified to vote for the election of Commissioners ; and these lists shall be published and shall be open to public inspection at the Office of the Commissioners between the hours of ten in the morning and three in the afternoon on every day (Sundays excepted) between the thirty-first of October and the day of election, when the said lists

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lists shall be taken to the place of election for the use of the Sheriff or his Deputy. The said lists may be revised or amended by the Court of Judicature of the station on the application of any person qualified to vote at any such election, provided that such application be made at least ten days before the day of election.

Revision.

IX. Elections under this Act shall be made on one of the first seven days of December under the superintendence of the Sheriff of the Settlement or of one of his Deputies, who shall appoint the day and place of election within each station, and shall give public notice of the same fifteen days at least before the day appointed.

Election of Commissioners.

X. The voting shall begin at the hour of ten in the morning, and shall end at the hour of five in the afternoon of the appointed day.

Time of voting.

XI. At the time and place appointed for the election, the Sheriff or his Deputy shall attend with a closed box with an opening for the reception of voting tickets. Every voting ticket shall bear the signature of the voter and the names of the persons for whom he wishes to vote.

Voting tickets.

XII. Every voter having written on his voting ticket the names of the persons for whom he wishes to vote, and having signed the same, shall personally attend at the place of election and shall deliver his voting ticket to the Sheriff or his Deputy, who, on being satisfied of the identity of the person tendering the voting ticket with the person whose signature it bears, and that the name of such person is registered in the list of persons qualified to vote, shall deposit such voting ticket in the closed box.

Manner of voting.

XIII. As soon as the election is completed, the Sheriff or his Deputy, in the presence of the voters or such of them as shall be present, shall ascertain the number of votes given for each person; and the Sheriff or his Deputy shall thereupon publicly declare the names of the three persons for whom the greatest number of votes has been given, and shall declare such persons to be duly elected Municipal Commissioners of the station.

Sheriff to declare who are elected.

XIV. In case any one of the persons so elected shall refuse to serve as a Municipal Commissioner, the Sheriff or his Deputy shall, immediately after such refusal, declare the name of the

Refusal to serve.

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the person for whom the next greatest number of votes has been given, and shall declare such last mentioned person to be duly elected a Municipal Commissioner in the place of the person first elected. Provided always, that no person shall be competent to be elected a Municipal Commissioner of either of the said stations unless the number of votes given in his favor shall exceed ten.

Minimum of votes requisite for election.

XV. In case there shall be an equal number of votes for any two or more persons at any such election, the Governor of the Settlement, or, in his absence from the station at which such election is being made, the Resident Councillor, shall give a casting vote for one or more of such persons having an equal number of votes.

Casting vote.

XVI. In case it shall be found impracticable to obtain by election three Municipal Commissioners at any of the said stations, from refusal to act, failure of election, or otherwise, it shall be lawful for the Governor of the Settlement, or, in his absence from the station, for the Resident Councillor, to appoint some person, being a qualified rate-payer, to be a Municipal Commissioner; and such appointment shall be as valid and effectual as if the person so appointed had been elected in manner hereinbefore provided for.

Appointment in default of election.

XVII. If from death, resignation, or any other cause, a vacancy shall happen before the time of a new election, it shall be lawful for the Governor of the Settlement, or in his absence from the station, for the Resident Councillor, to declare the person for whom, next after the elected Commissioners, the greatest number of votes was given at the last election to be a Municipal Commissioner; or if there be no person for whom the prescribed number of votes was given, to appoint some person being a qualified rate-payer.

Appointment in case of vacancy before the time of a new election.

XVIII. The names of the persons elected at every election shall be certified by the Sheriff or his Deputy to the Resident Councillor of the station, who shall cause notice thereof, together with the names of the official and appointed Commissioners, to be published in such manner as the Governor of the Settlement may direct.

Publication of the Commissioners' names.

XIX. The Commissioners at each of the said stations shall enter upon their office on the first day of January after their election and appointment, and shall hold their office for one year.

Tenure of office by Commissioners.

Appointments

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Appointments to fill up vacancies shall have effect only for the remaining portion of the year within which they are made.

XX. The Commissioners shall hold their first meeting at such time and place as shall be fixed by their President, and their subsequent meetings at such times and places as they shall themselves appoint; and at every such meeting all questions shall be decided by a majority of votes. Three Commissioners shall constitute a quorum, and the President, or, in his absence, the Chairman, who shall be chosen by the Commissioners present, shall have a second or casting vote on all questions on which the Commissioners are equally divided in opinion.

XXI. An annual rate not exceeding ten per centum of the annual value shall be imposed upon all houses and buildings, and not exceeding five per centum upon all lands within each station, and shall be payable by the owners thereof by half-yearly instalments. The rate shall be fixed from time to time by the Governor of the Settlement.

XXII. Houses and buildings used exclusively as places of public worship or for charitable purposes, hospitals, barracks, and lines for soldiers, Courts of Justice, and Police Offices and stations, jails, and convict lines, shall not be liable to the rate.

XXIII. The Commissioners 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, or any house or hut which shall be occupied rent-free by any laborers employed at a plantation.

XXIV. When any house or building shall have been vacant for sixty consecutive days during any year, the 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 such house or building, or his agent, shall have given notice in writing of the vacancy thereof to the Commissioners, and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

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XXV. A tax shall be imposed upon all carriages, waggons, carts, and all horses, ponies, mules, and elephants kept in each of the said stations, and shall be payable quarterly in advance by the owners or persons having charge of the same at the following rates per annum, namely—

	<i>Rupees.</i>
For every four-wheeled Carriage on springs 24
For every two-wheeled Carriage on springs 18
For every Waggon drawn by man or beast 16
For every Cart drawn by any description of Cattle 12
For every Cart drawn by man 8
For every horse, pony, or mule 4
For every elephant 20

Exemptions. Provided that the several vehicles and animals hereinafter mentioned shall be exempt from the said tax, namely—

1. Gun carriages, and Ordnance carts and waggons.
2. Horses belonging to Officers doing Regimental duty, at the rate of one horse for each Officer.
3. Conservancy carts, horses, ponies, and mules belonging to the Commissioners.
4. All vehicles and animals kept for sale, and not used for any other purpose, provided the same be in the hands of *bonâ fide* dealers in such vehicles or animals.
5. Waggons and carts kept within estates or plantations and not used upon the public roads, having the name of the owner painted upon 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 11 hands, and children's carriages the wheels of which do not exceed 24 inches in diameter.

XXVI. Every carriage kept and let out for hire, and every waggon and cart kept and used within any of the said stations, shall be registered in the office of the Commissioners with the name and residence of the owner, and shall bear the number

Registry and numbering of hired Carriages.

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number of such registration in such manner as the 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, or cart, which has not been registered, may obtain registration on application to the Commissioners at their Office. When any registered carriage, waggon, or cart 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.

XXVII. Whoever keeps within any of the said stations, any such carriage, waggon, or cart required to be registered by the provisions of 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 Commissioners, or any officer duly authorized by them, may seize or cause to be seized any such carriage, waggon, or cart (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 Commissioners or their Officer as aforesaid, to seize and detain the same. If the carriage or other vehicle as aforesaid be not claimed, or if the fine be not paid within ten days, such carriage or vehicle, 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.

XXVIII. All monies received by the Commissioners by virtue of this Act, or of Act XIV of 1856, or of any other Act at each of the said stations, shall form a fund which shall be called the "Municipal Fund" of the station at which the same shall have been so received ; the Municipal Fund of each station shall be under the direction, management, and control of the Municipal Commissioners of such station, who shall in the first instance appropriate such sum as may be declared by the Governor of the Settlement to be necessary for the payment and maintenance of the Police force constituted according to Section VII of Act XIII of 1856 and for the payment of the Office establishments of the Magistrate and of the Commissioner of Police (but

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(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 Governor may direct; and shall apply the residue to the purposes of this Act, and the incorporated Act and of Act XIV of 1856.

XXIX. All fines and penalties imposed, and all fees and poundage levied, by the Court of Quarter Sessions or by any Magistrate, and all tolls received at any public ferry, shall be paid to the Commissioners of the station at which the same shall have been imposed, levied, or received, and shall be carried to the credit of the Municipal Fund of such station.

Certain fines to be paid to the
Municipal Fund.

Commencement of Act.

XXX. This Act shall commence and take effect from and after the first of January 1857.