

# ACTS

PASSED BY THE

GOVERNOR OF BOMBAY IN COUNCIL

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YEARS 1887 AND 1888.

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	Year.	Act	Section
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	Year.	Act.	Section.	Clause.
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	Year.	Act.	Section	Clause
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	Year.	Act.	Section.	Clause.
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	Year.	Act.	Section.	Clause.
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- B.*—Division of the city into wards.
- C.*—Form of debenture.
- D.*—Form of endorsement for transfer of debenture.
- E.*—Form of notice of transfer to be given when the transfer has been effected by instrument.
- F.*—Form of notice of transfer to be given when the transfer has taken place, otherwise than by instrument.
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- R.*—Transitory provisions.

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Amendment of section 109 of Bombay Act III of 1888	"	"	3	...
Amendment of section 138, sub-section (1) of Bombay Act III of 1888	"	"	4	...
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Amendment of section 308, sub-section (2) of Bombay Act III of 1888	"	"	6	...
Amendment of schedule H of Bombay Act III of 1888	"	"	7	...
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The Aden Port Trust Act, 1888—				
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"High-water mark" ... ..	"	"	"	(b)
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"Land" ... ..	"	"	"	(d)
"Master" ... ..	"	"	"	(e)
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Appointment of other trustees	"	"	7	...
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Term of office of first trustees when to commence	"	"	9	...
Length of term of office of non-official trustees	"	"	10	...

	Year.	Act.	Section.	Clause.
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Re-eligibility of trustees ... ..	"	"	12	...
<i>Disqualifications of Trustees.</i>				
Disqualifications for office of trustees ... ..	"	"	13	(1)
Trustee who becomes disqualified to cease to be a trustee ... ..	"	"	"	(c)
Proviso ... ..	"	"	"	(2)
<i>Remuneration of Trustees.</i>				
Fee payable to non-official trustees... ..	"	"	14	
<i>Proceedings of Board.</i>				
Provisions concerning the board's proceedings ... ..	"	"	15	..
Vacancy not to affect board's proceedings ... ..	"	"	"	(1)
Board to meet together and arrange for transaction of business as they think fit, but... ..	"	"	"	(2)
there must be two ordinary meetings in each month, and ... ..	"	"	"	(a)
a special meeting may be called whenever necessary, and ... ..	"	"	"	(b)
three trustees shall form a quorum, and... ..	"	"	"	(c)
every meeting shall be presided over by the chairman, and ... ..	"	"	"	(d)
all questions must be decided by a majority of votes, and ... ..	"	"	"	(e)
votes must be recorded, if a poll is demanded, and ... ..	"	"	"	(f)
minutes of proceedings must be kept ... ..	"	"	"	(g)
Board may delegate powers to committees... ..	"	"	"	(3)
Committees' meetings to be presided over by a chairman ... ..	"	"	"	(4)
Committees when to meet ... ..	"	"	"	(5)
Questions how to be decided at committees' meetings ... ..	"	"	"	(6)
Acts of board, &c., not to be invalidated by informalities ... ..	"	"	"	(7)
Mode of executing contracts ... ..	"	"	16	(1)
Proviso ... ..	"	"	"	(3)
The board may compound for claims against them ... ..	"	"	17	

	Year.	Act.	Section.	Clause.
<b>II.—OF THE BOARD OF TRUSTEES—contd.</b>				
<i>The Chairman.</i>				
Duties of chairman ... ..	1888	V	18	...
<b>III.—OF THE OFFICERS AND SERVANTS OF THE BOARD.</b>				
<i>Strength of Staff.</i>				
Schedule of officers and servants and of their pay and allowances to be prepared and sanctioned by the board ... ..	"	"	19	(1)
Present staff maintained by authority of Government to be deemed to be sanctioned staff ... ..	"	"	"	(2)
And to have been appointed under this Act ... ..	"	"	"	(3)
Provisoes ... ..	"	"	"	(4)
Board to frame regulations ... ..	"	"	20	
for regulating leave ... ..	"	"	"	(a)
for settling absentee allowances ... ..	"	"	"	(b)
for fixing acting allowances .. ...	"	"	"	(c)
for regulating length of service .. ...	"	"	"	(d)
for fixing pensions, &c. ... ..	"	"	"	(e)
for authorizing contributions to provident fund ... ..	"	"	"	(f)
Proviso ... ..	"	"	"	"
<i>Powers of Appointment, &amp;c.</i>				
Appointments, &c, by whom to be made ... ..	"	"	21	(1)
Sanction of Political Resident at Aden when necessary ... ..	"	"	22	...
<b>IV.—OF THE PROPERTY AND LIABILITIES OF THE BOARD.</b>				
<i>General Powers as to Property.</i>				
Powers of board as to property ... ..	"	"	23	(1)
Proviso ... ..	"	"	"	(2)
Procedure to be observed when the board are unable to acquire by agreement any immoveable property ... ..	"	"	24	(1)
Transfer of Government property to the board ... ..	"	"	25	"
Provisoes ... ..	"	"	"	(2)
Transfer to the board of the Aden port fund's liabilities and claims... ..	"	"	26	...

	Year	Act.	Section	Clause
<b>V.—ON THE POWERS AND DUTIES OF THE BOARD.</b>				
<i>Works.</i>				
Works to be constructed ... ..	1888	V	27	(1)
But no new work to be commenced without a plan and estimate, if its cost shall exceed Rs. 1,000 ... ..	"	"	"	(2)
nor without the sanction of Government to such plan and estimate, if the cost shall exceed Rs. 50,000 ... ..	"	"	"	...
Free landing-places to be provided ..	"	"	28	..
Removal of bathing and landing-places ...	"	"	29	...
Proviso .. ..	"	"	"	...
<i>Landing and Shipping of Goods.</i>				
Declaration that wharves, &c, are ready for receiving, landing and shipping goods ... ..	"	"	30	...
If accommodation sufficient, all sea-going vessels compelled to use wharves, &c. ...	"	"	31	...
Proviso ... ..	"	"	"	...
Inland vessels compelled to use wharves, &c. ... ..	"	"	32	(1)
Exemptions from obligation to use wharves, &c. ... ..	"	"	33	..
Discharge of liability on goods landed ...	"	"	34	..
<i>Customs Wharves, &amp;c.</i>				
Accommodation to be provided for Customs Officers on wharves, &c, appointed under Sea Customs Act ... ..	"	"	35	...
Dues at customs wharves, &c....	"	"	36	...
<i>Erection of wharves, &amp;c, by private persons.</i>				
Private wharves, &c., prohibited ...	"	"	37	(1)
Power to permit erection of private wharves, &c., within the port subject to conditions ... ..	"	"	38	...
Wharves, &c., beyond port limits ...	"	"	39	...
<i>Rates.</i>				
Scale of tolls, rates and charges to be framed ... ..	"	"	40	(1)
With the approval of Government ..	"	"	"	(2)
Proviso ... ..	"	"	"	...

	Year.	Act.	Section.	Clause.
<b>V.—OF THE POWERS AND DUTIES OF THE BOARD—continued.</b>				
<i>Rates—continued.</i>				
Tolls, rates and charges may be remitted in special cases ... ..	1888	V	41	...
Agency for collection of tolls on landing and shipping of goods ... ..	"	"	42	..
Board's lien on goods for tolls and charges. ... ..	"	"	43	(1)
Prior lien on goods for freight, &c. ... ..	"	"	44	"
Discharge of lien for freight, &c. ... ..	"	"	45	"
Goods may be removed to warehouse ... ..	"	"	46	(1)
Liability of consignee ... ..	"	"	"	(2)
Recovery of tolls, rates and charges by sale of goods .. ..	"	"	47	(1)
Notice of sale to be given ... ..	"	"	"	(2)
Proviso ... ..	"	"	"	(4)
Application of sale-proceeds ... ..	"	"	48	(1)
Proviso ... ..	"	"	"	(2)
Power to distrain vessels for the non-payment of rates, &c. ... ..	"	"	49	(1)
And sell them ... ..	"	"	"	(2)
Port clearance not to be granted till rates, &c., are paid ... ..	"	"	50	...
Surplus of port dues to be paid to the board ... ..	"	"	51	...
<i>Control of Pilots.</i>				
Trustees to be vested with the right and privilege of maintaining pilots ... ..	"	"	52	(1)
And to make bye-laws ... ..	"	"	"	(2)
With the approval of Government ... ..	"	"	"	...
<i>Bye-laws.</i>				
Trustees empowered to make bye-laws ... ..	"	"	53	(1)
Approval and publication of bye-laws ... ..	"	"	54	"
Cancellation by Government ... ..	"	"	"	(2)
Penalties for infringement of bye-laws ... ..	"	"	55	...
Proviso ... ..	"	"	"	...
Bye-laws and scales of rates and charges to be exhibited .. ..	"	"	56	...
<b>VI.—OF REVENUE AND EXPENDITURE.</b>				
<i>Management of Funds.</i>				
Moneys where to be kept ... ..	"	"	57	(1)
How to be disbursed ... ..	"	"	"	(2)
Moneys on what purposes to be expended... ..	"	"	58	...



	Year.	Act.	Section.	Clause.
<b>VI.—OF REVENUE AND EXPENDITURE—continued.</b>				
<i>Annual Estimates.</i>				
Chairman to submit an annual estimate of income and expenditure to the board ...	1888	V	59	(1)
Board to revise and sanction the estimate .	"	"	60	...
Estimate to be submitted to Governor in Council ...	"	"	61	..
List of works to accompany estimate ...	"	"	62	...
Supplementary estimates may be made when necessary ...	"	"	63	...
No expenditure above Rs. 3,000 to be incurred unless sanctioned in an estimate .	"	"	64	(1)
If incurred, to be reported to Government .	"	"	"	(2)
<i>Audit of Accounts.</i>				
Accounts to be audited and examined ...	"	"	65	(1)
Auditors to have power to call for books, &c, their remuneration to be fixed by Government ...	"	"	"	(2)
their report to be published... ..	"	"	"	(3)
<i>Disposal of Balances.</i>				
Balances may be invested by the board in public securities ...	"	"	66	(1)
Amounts which may be so invested to be limited by Government ...	"	"	"	(2)
<b>VII.—PENALTIES.</b>				
For being interested in contracts with the board ...	"	"	67	(1)
Proviso ...	"	"	"	(2)
For obtaining illegal gratification ...	"	"	68	...
Infringement of sections 31, 32, 33, or 38... ..	"	"	69	...
For refusing or neglecting to appear before an auditor of accounts, &c ...	"	"	70	..
For understating quantity or weight of goods, &c. ...	"	"	71	...
For evading rates, &c. ...	"	"	72	...
Compensation for damage to property of board may be awarded by Magistrate after enquiry ...	"	"	73	(1)
Proviso ...	"	"	"	(3)
Cognizance of offences ...	"	"	74	(1)
Disposal of fines . . . . .	"	"	"	(2)
Prosecutions ...	"	"	75	...

	Year.	Act.	Section.	Clause.
<b>VIII.—CONTROL.</b>				
Government may order survey ...	1888	V	76	...
Government may carry out neglected works ...	"	"	77	...
Governor in Council may prohibit execution of orders, &c, affecting the defensibility of Aden or the security or sanitary condition of the garrison ...	"	"	78	(1)
Pending orders of Governor in Council, Political Resident may act ...	"	"	"	(2)
In default, the Governor in Council may require the board to increase the rates ... and on the board's failing to do so, may himself increase them ...	"	"	79	(1)
Governor in Council may revoke powers of board ...	"	"	"	(2)
Governor in Council may revoke powers of board ...	"	"	80	(1)
<b>IX.—MISCELLANEOUS.</b>				
Saving of previous port regulations ...	"	"	81	...
Recovery of dues as fines under the Criminal Procedure Code ...	"	"	82	...
Trustees not personally liable ...	"	"	83	...
Trustees liable for breach of trust ...	"	"	84	...
Limitation of suits ...	"	"	85	(1)
Effect of tender of amends in suit for damages ...	"	"	"	(2)
Board not responsible for certain acts of their officers and servants ..	"	"	86	(1)
Proviso ...	"	"	"	(2)
The Gujarát Tálukdárs' Act, 1888—				
<b>PART I.—PRELIMINARY.</b>				
Short title ...	"	VI	1	(1)
Definitions ...	"	"	2	"
"Tálukdár" ...	"	"	"	(a)
"Registered Tálukdár" ...	"	"	"	(b)
"Jama" ...	"	"	"	(c)
"Alienation"; "Alienee" ...	"	"	"	(d)
"Incumbrance"; "Incumbrancer" ...	"	"	"	(e)
Expressions defined in the Bombay Land Revenue Code ...	"	"	"	(f)
Meaning of "Tálukdár" in Part II ...	"	"	"	(2)
Repeal of part of section 114, Bombay Act V. of 1879 ...	"	"	3	...

	Year.	Act.	Section.	Clause.
<b>PART II.—SURVEY AND SETTLEMENT.</b>				
<i>Revenue Survey.</i>				
Government may direct survey of a tálukdári estate ... ..	1888	VI	4	...
<i>Settlement Registrar.</i>				
Settlement register of a tálukdári estate what to contain ... ..	"	"	5	...
<i>Determination of Disputes.</i>				
Disputes concerning matters which have to be recorded under Section 5 to be determined by Survey Officer ... ..	"	"	6	(1)
<i>Custody and Amendment of Records.</i>				
Settlement records by whom to be kept; and... ..	"	"	7	"
to be from time to time corrected ... ..	"	"	"	(2)
Bar of suits against Government, &c., to set aside decisions under section 6 or 7 ... ..	"	"	8	(1)
But effect to be given to decrees obtained by parties <i>inter se</i> ... ..	"	"	"	(2)
Changes in records to be communicated to parties affected thereby ... ..	"	"	9	...
<b>PART III.—PARTITION.</b>				
Persons entitled to partition ... ..	"	"	10	(1)
Applications for partition to whom to be made ... ..	"	"	11	...
Notification of application ... ..	"	"	12	(1)
Notice to co-sharers not joining in the application ... ..	"	"	"	(2)
Procedure where notice cannot be personally served on co-sharer ... ..	"	"	13	...
Power to refuse partition when objection is admitted ... ..	"	"	14	...
Procedure if question of title is raised ... ..	"	"	15	(1)
Decision when and how to be made by Tálukdári Settlement Officer or officer appointed by Government ... ..	"	"	"	(2)
Procedure previous to decision ... ..	"	"	"	(3)
District Court may hear appeal from Tálukdári Settlement Officer's or other officer's decision; ... ..	"	"	16	(1)
and may stay partition ... ..	"	"	"	(2)

	Year.	Act.	Section	Clause.
<b>PART III.—PARTITION—continued.</b>				
Partition how to be effected ... ..	1888	VI	17	(1)
When partition is complete, order to be made confirming it ... ..	"	"	18	"
Notification of order ... ..	"	"	"	(2)
Partition when to take effect .. ..	"	"	"	"
Delivery of possession ... ..	"	"	19	(1)
Resistance or obstruction how to be dealt with ... ..	"	"	"	(2)
Appeals against order confirming partition to the Commissioner ... ..	"	"	20	...
Civil Courts barred from entertaining suits or applications for partition ... ..	"	"	21	..
<b>PART IV.—REVENUE ADMINISTRATION.</b>				
<i>The Tálukdár's Jama.</i>				
Tálukdár's jama how to be calculated ... ..	"	"	22	(1)
Saving of existing agreements and settlements as to amount of jama... ..	"	"	23	"
Responsibility for jama ... ..	"	"	24	"
Liability of other persons if tálukdár makes default ... ..	"	"	"	(2)
Credit to be allowed for recoveries made from other persons ... ..	"	"	"	(3)
Distribution of jama in case of partition .. ..	"	"	25	(1)
<i>Management of Tálukdárs' Estates by Government Officers.</i>				
Management of Tálukdári Estate may be assumed by Collector in certain contingencies ... ..	"	"	26	(1)
Power to take up management of estate pending partition ... ..	"	"	27	"
Power to take up management of estate at tálukdár's request ... ..	"	"	28	...
Applicability of section 160 of Bombay Act V of 1879 when an estate is taken under management by a Government officer ... ..	"	"	29	(1)
Disposal of surplus receipts .. ..	"	"	"	(3)
<i>Police Officers and Establishment.</i>				
Government to fix the number and remuneration of police ... ..	"	"	30	(1)
Police charges how recoverable ... ..	"	"	"	(2)

	Year.	Act.	Section.	Clause.
<b>PART V.—MISCELLANEOUS.</b>				
Bar of incumbrances on a tálukdár's estates beyond tálukdár's own life, except with consent of the Tálukdári Settlement Officer ... ..	1888	VI	31	(1)
And of all alienations, except with consent of Governor in Council ... ..	"	"	"	(2)
Saving of rights of Government under section 3, Bombay Act VII of 1863 ..	"	"	32	(1)
Saving of sections 28 and 24 of Act XXI of 1881 ... ..	"	"	"	(2)
Applicability of the Land Revenue Code to tálukdárs' estates ... ..	"	"	33	(1)
Limitation of operation of Bombay Act VI of 1862 ... ..	"	"	34	..