

Dhananjayrao Gadgil Library



GIPE-PUNE-125023

Rare section

ACTS

PASSED BY THE

GOVERNOR OF BOMBAY IN COUNCIL

IN THE

YEARS 1881, 1882, AND 1883.



Bombay:

PRINTED AT THE GOVERNMENT CENTRAL PRESS.

1884.

Z 231
B1-B3
125023

TITLES

OF

ACTS PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL IN THE YEARS 1881, 1882 AND 1883.

1881.

- ACT No. I.—An Act to amend the Bombay Port Trust Act, 1879.
ACT No. II.—An Act to confirm the jurisdiction of Presidency Magistrates in municipal cases.
ACT No. III.—An Act to further amend the Bombay Port Trust Act, 1879.
ACT No. IV.—An Act to provide for the appointment and maintenance of Village Officers in Sind.
ACT No. V.—An Act to amend the law relating to Tolls on Roads and Bridges in the Presidency of Bombay.

1882.

- ACT No. I.—An Act for the repeal of (Bombay) Act No. VII. of 1878.
ACT No. II.—An Act to amend Bombay Act II. of 1874.
ACT No. III.—An Act to amend the Bombay and Karáchi Vaccination Acts.
ACT No. IV.—An Act to amend Act XLVIII. of 1860.
ACT No. V.—An Act to amend the Bombay Salt Act of 1873.
ACT No. VI.—An Act to amend the Bombay Municipal Acts of 1872 and 1878.
ACT No. VII.—An Act to provide for the levy of fees for the use of Public Landing-places.

1883.

- ACT No. I.—An Act to provide funds for maintaining Provincial Roads used for local purposes.
ACT No. II.—An Act to authorize the making and to regulate the working of Street Tramways in Karáchi.
ACT No. III.—An Act to further amend the Bombay Port Trust Act, 1879.
ACT No. IV.—An Act to amend the law concerning the confinement of civil prisoners liable to imprisonment under the Criminal Procedure Code.
ACT No. V.—An Act to enable Government to prescribe the official seals of Sessions Judges, Magistrates and other public authorities.
ACT No. VI.—An Act to further amend the Bombay Port Trust Act, 1879.

INDEX

TO THE

ACTS PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL FOR THE YEARS 1881, 1882 AND 1883.

	Year.	Act.	Section.	Clause.
Aden—				
Landing and wharfage (<i>see Landing and Wharfage</i>).				
Amendments—				
Act XLVIII of 1860, Sections 17 and 18.	1882	IV	I	...
Bombay Municipal Acts of 1872 and 1873, Sections 6, 26 (clause 2), and 137 (last clause)	"	VI	4, 10	...
Bombay Act VII of 1873, Sections 3, 4 and 6	"	V	& 11 1, 2 & 3	...
Bombay Act II of 1874, Sections 15 and 16.	"	II	1, 2	...
Bombay Act III of 1875, Section 12 ...	1881	V	3	...
Bombay Act I of 1877, Section 8 ...	1882	III	1	...
Bombay Act IV of 1879, Section 8 ...	"	"	1	...
Bombay Act VI of 1879, new section after Section 30 and Section 42 amended ...	1881	I	1, 2	...
Bombay Act VI of 1879, new section after Section 17 and Sections 30A, 34 and 39 amended	"	III	1 to 4	...
Bombay Act VI of 1879, Sections 22 and 49.	1883	III	1 to 4	...
Bombay Act VI of 1879, Section 43 ...	"	VI	1	...
Bombay—				
Municipality (<i>see Municipalities</i>).				
Port Trust (<i>see Port Trust</i>).				
Vaccination (<i>see Vaccination</i>).				
Cess (<i>see Village Officers, Sind</i>).				
Compassionate Allowances (<i>see Municipalities and Port Trust</i>).				
Cotton Frauds—				
Repeal of Bombay Act VII. of 1878 ...	1882	I	1	...
Debentures—				
Forms of Debentures to be issued by the Bombay Port Trust	1881	I	2	...

	Year.	Act.	Section.	Clause.
Fees (see Landing and Wharfage).				
Highway—				
Imposition of tax on carriages, &c., in notified area	1883	I	3	...
Rules to be framed for the levy of the tax.	"	"	4	...
Tax not leviable in a Municipality or Cantonment where a tax on vehicles and animals is already levied	"	"	5	...
Application of proceeds of the tax	"	"	6	...
Tolls under Bombay Act III of 1875 not to be levied in local areas notified under the Act	"	"	7	...
Saving provisions	"	"	8	...
Jails—				
Disposal of corpse of prisoners	1882	II	1	...
Disposal of subsistence money in hand on prisoner's death or release	"	"	2	...
Cost of disposing of corpses and of other expenses connected with Civil Jail to be provided by Government	"	"	"	...
Balance of Civil Jail Fund to be at disposal of Government	"	"	3	...
Jurisdiction—				
Of Presidency Magistrates in municipal cases	1881	II	1, 2	...
Karachi—				
Vaccination (see Vaccination).				
Landing and Wharfage (see Landing and Wharfage).				
Tramways (see Tramways).				
Landing and Wharfage—				
Landing-place and Commissioner defined. Governor in Council to fix limits of bandars, &c., and the fees to be levied	1882	VI	4	...
Powers and duties by whom to be exercised and performed	"	"	5	...
Powers, privileges and liabilities of officers who collect fees	"	"	6	...
Punishment of offenders	"	"	7	...
Tables of fees to be posted up	"	"	8	...
Power to make bye-laws	"	"	9	...
Fees realized under the Act how to be applied	"	"	10	...
Yearly accounts to be published	"	"	"	...
Indemnity	"	"	11	...

	Year.	Act.	Section.	Clause.
Municipalities (Bombay City)—				
Jurisdiction of Presidency Magistrates in municipal cases	1881	II	1 & 2	...
Fresh general elections and appointments	1882	VI	4	...
Continuance of the Corporation and Town Council until 31st March 1883	"	"	5	...
Term of office of members of the Corporation	"	"	6	...
Saving of list of persons eligible and qualified to vote published prior to the Act	"	"	7	...
Property rates for the quarter ending 31st March 1883	"	"	8	...
Separate estimate or separate budget not required for the quarter ending 31st March 1883	"	"	9	...
Increase to the salary of the Secretary to the Town Council	"	"	10	...
Compassionate allowances to the widows or orphans of Municipal Officers dying while in the service of the Corporation .	"	"	11	...
Pensions—				
To Port Trust servants (<i>see Port Trust</i>).				
Port Trust—				
Substitution of securities in new forms for those issued under Section 30 of the Bombay Port Trust Act, 1879 ..	1881	I	1	...
Forms of debentures	"	"	2	...
Signature of Chairman may be engraved, lithographed or impressed on the coupons attached to debentures issued by the Port Trust	"	III	1	...
Pensions, gratuities or compassionate allowances to officers and servants of ..	1883	II	2	...
Provident Fund to be established by ..	"	"	3, 4	...
The words " pier, land or building " substituted for " or pier," in Section 43 of the Port Trust Act, 1879	"	VI	1	...
Presidency Magistrates—				
Disability of a Presidency Magistrate to try offences under the Bombay Municipal Acts by reason only of his being liable for municipal rates, &c. or of his being benefited by the municipal fund, removed	1881	II	1	...
Defined	"	"	2	...

	Year.	Act.	Section.	Clause.
Prisoners (Civil)—				
May be confined under the Criminal Procedure Code in a Civil Jail ...	1883	IV	1	...
Procedure Code (Civil) (see Prisoners, Civil).				
Procedure Code (Criminal) (see Prisoners, Civil).				
Provident Fund (see Port Trust).				
Repeal—				
Bombay Act II. of 1870 ...	1883	V	2	...
Bombay Municipal Acts of 1872 and 1878, certain parts as per schedule ...	1882	VI	3	...
Bombay Act VII of 1873, Section 61 ...	"	V	4	...
Bombay Act VII of 1878 ...	"	I	1	...
Bombay Act III of 1879 ...	"	VII	3	...
Roads (see Highway).				
Salt—				
Commissioner of Salt Revenue to exercise chief control in Salt Department and the Collector of Salt Revenue to be subordinate to him ...	1882	V	1	...
Appointment of Commissioner of Salt Revenue ...	"	"	2	...
Appeal from proceedings and orders of Collector of Salt Revenue to be to Commissioner... ..	"	"	3	...
Seals—				
Government empowered to prescribe the seals of certain public authorities ...	1883	V	3	...
Securities—				
New forms of—for those issued under Section 30 of the Bombay Port Trust Act, 1879 ...	1881	I	1	...
Sind Village Officers (see Village Officers).				
Taxes (see Highway).				
Tolls—				
Power of Government to lease the levy of tolls ...	1881	V	2	...
Acts of lessee or his agent ...	"	"	"	...

	Year.	Act.	Section.	Clause.
Tramways (Karachi) —				
May be made in accordance with the agreement between the Municipality and the grantee	1883	II	3	...
Application of Act to suburban tramways.	"	"	4	...
Form in which tramways are to be constructed and maintained	"	"	5	...
No tramway to be opened without certificate from Engineer	"	"	6	...
Carriages how to be worked... ..	"	"	7	...
Grantee may use tramway carriages with flange wheels	"	"	8	...
Grantee may fix and demand fares	"	"	9	...
Printed list of fares, &c., to be placed in carriages	"	"	10	...
Fares how to be paid... ..	"	"	11	...
Power to break up streets	"	"	12	...
Grantee to keep the tramway roads in proper repair	"	"	13	...
Grantee not to obstruct ordinary traffic	"	"	14	...
Reservation of right of public to use roads	"	"	15	...
Right of user only	"	"	16	...
Penalty for failure of grantee to comply with provisions of the Act	"	"	17	...
Penalty for obstructing grantee in the exercise of his power	"	"	18	...
Penalty for interfering with tramway	"	"	19	...
Penalty for avoiding payment of proper fare	"	"	20	...
Servant of grantee may arrest persons avoiding payment of fare... ..	"	"	21	...
Carriage of dangerous or offensive goods.	"	"	22	...
Bye-laws by Municipality	"	"	23	...
Grantee may make certain regulations	"	"	"	...
Penalty for breach of bye-laws	"	"	24	...
Power of Municipality to license drivers, conductors, &c.	"	"	25	...
Grantee to be responsible for all damages.	"	"	26	...
Power for the Municipality and police to regulate traffic on roads	"	"	27	...
Reservation of power over roads	"	"	28	...
Municipality to have right of purchasing tramways after 21 years	"	"	29	...
Grantee may sell his rights and powers to other persons.	"	"	30	...
Vaccination—				
Bombay and Karachi Vaccination Acts amended by substituting the words "any earlier or later day" for the words "an earlier day" in Section 8	1882	III	1	...

	Year.	Act.	Section	Clause.
Village Officers (Sind)—				
Defined	1881	IV	2	...
Appointment of village officers ..	"	"	3	...
Grant of hereditary office	"	"	4	...
Village Police officers	"	"	5	...
Levy of cess	"	"	6	...
Village officer not to mortgage, charge, lease, or alienate salary or other remuneration granted under the Act ...	"	"	7	...
Rules	"	"	8	...
Weights and Measures—				
Presidency Magistrates to keep standards of weights and measures	1882	IV	1	...
Powers of police as to inspection, search and seizure	"	"	"	...
Wharfage (see Landing and Wharfage).				

BOMBAY ACT No. I. OF 1881.

[Received the assent of the Governor of Bombay on the 10th February 1881, and of the Governor-General on the 7th April 1881, and published by the Governor of Bombay on the 9th April 1881.]

An Act to amend the Bombay Port Trust Act, 1879.

WHEREAS it is expedient to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing; It is enacted as follows:—

1. After section thirty of the said Act the following section shall be inserted (namely):—

New Section to be added after Section 30.

“ 30 A. The Board may from time to time, with the previous consent of Government, provide for the issue of securities in lieu of those already issued or yet to be issued under section thirty in a form other than that of Schedule B., and for the payment of the interest due on the principal sums thereby secured by coupons annexed to the said securities, or in such other manner as they shall think fit.

Substitution of securities in new forms for those issued under Section 30.

“ The holder of any security in the form of Schedule B., or in any new form duly authorized under this section, may obtain in exchange therefor, upon such terms as the Board shall from time to time determine, a security in any other form so authorized.

“ Every new security issued under this section shall be transferable in such manner as shall be therein expressed.”

2. For section forty-two of the said Act the following section shall be substituted (namely):—

Amendment of section 42

“ 42. When money is raised by the Board on debentures, the debentures shall be in the form of

Forms of debentures.

Schedule D,

[Price Half Anna]

The Bombay Port Trust Act, 1879 [BOMB. ACT I. OF 1879.]

Schedule D, or in such other form as the Board, with the previous consent of Government, shall from time to time determine.

“ The holder of any debenture in the form of Schedule D, or in any form duly authorized under this section, may obtain in exchange therefor, upon such terms as the Board shall from time to time determine, a debenture in any other form so authorized.

“ Every debenture issued by the Board shall be transferable—

“ (a) if it is in the form of Schedule D, by endorsement, and

“ (b) if it is in any other form, in such manner as shall be therein expressed.

“ The right to sue in respect of the monies secured by debentures issued under this section shall vest in the respective holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.”

BOMBAY ACT No. II. OF 1881.

(Received the assent of the Governor of Bombay on the 8th April 1881, and of the Governor-General on the 17th May 1881, and published by the Governor of Bombay on the 7th June 1881.)

An Act to confirm the jurisdiction of Presidency Magistrates in Municipal cases.

WHEREAS doubts are entertained whether a Presidency Magistrate who is a rate-payer is legally competent to take cognizance of Municipal offences, and it is expedient to remove such doubts; It is enacted as follows :—

1. No Presidency Magistrate shall be, or shall be deemed to have ever been incapable of taking cognizance of any act or omission made punishable by the Bombay Municipal Acts of 1872 and 1878, or by the Bombay Municipal Act of 1872, or by any bye-law framed under either of the said Acts, by reason only of his being liable to pay any rate, tax, toll, duty, or other impost leviable under the said Acts or either of them, or of his being benefited by the Municipal fund to the credit of which any fine or penalty which may be, or may have been levied in respect of such act or omission is or was payable.

Disability of a Presidency Magistrate to try offences under the Bombay Municipal Acts by reason only of his being liable for Municipal rates, &c, or of his being benefited by the Municipal fund, removed.

2. In this Act the words "Presidency Magistrate" include a Police Magistrate and a member of a Court of Petty Sessions appointed before the Presidency Magistrates Act, 1877, came into force.

"Presidency Magistrate" defined.

Price half anna.

BOMBAY ACT No. III. OF 1881.

(Received the assent of the Governor of Bombay on the 20th July 1881, and of the Governor-General on the 16th August 1881, and published by the Governor of Bombay on the 18th August 1881.)

An Act to further amend the Bombay Port Trust Act, 1879.

WHEREAS it is expedient to amend the Bombay Port Trust Act, 1879, in the manner hereinafter appearing: It is enacted as follows:—

1. After Section 17 of Bombay Act VI. of 1879 the following Section shall be added:—

Section inserted after Section 17.

“17A. Notwithstanding anything contained in Section 17, the signature of the Chairman may be engraved, lithographed, or impressed by any mechanical process on the coupons attached to debentures issued under this Act, and such signature so engraved, lithographed, or impressed, shall be as valid as if the same had been subscribed in the proper handwriting of the said Chairman.”

2. After the words “therein expressed” in paragraph 3 of Section 30A of the said Act shall be added the following words and figures:—

Amendment of Section 30A.

“Anything in Section 30 to the contrary notwithstanding.”

3. After the words “Section 30” in paragraph 5 of Section 34 of the said Act there shall be inserted the following words and figures:—

Amendment of Section 34

“or Section 30A.”

4. To paragraph 2 of Section 39 of the said Act the following words shall be added:—

Amendment of Section 39.

“or for the purpose of repaying, either in whole or in part, any monies heretofore or hereafter borrowed, or owing, by the Board.”

Price—Half anna.

BOMBAY ACT No. IV. OF 1881. *A.C.*

(Received the assent of the Governor of Bombay on the 20th July 1881, and of the Governor-General on the 23rd September 1881, and published by the Governor of Bombay on the 13th October 1881.)

An Act to provide for the appointment and maintenance of Village Officers in Sind.

WHEREAS it is expedient to make provision for the appointment and maintenance of village officers in the Province of Sind ; It is enacted as follows :—

1. This Act may be cited as “ The Sind Village Officers Act, 1881.” Short Title.

It extends to the whole of the Province of Sind. Extent.

2. In this Act “ Village Officer ” means any person appointed under this Act whose duty it is to collect, or to supervise the collection of the revenue of a village, or to perform Police duties or both. “ Village Officer ” defined.

3. Subject to the general orders of Government, the Commissioner in Sind may from time to time— Appointment of Village Officers.

(a) appoint any person to be a village officer, and

(b) cancel any such appointment.

Every person so appointed shall hold office under such designation and for such period, and shall exercise his functions within such local area, as shall be prescribed by the said Commissioner.

4. The said Commissioner may, with the previous sanction of Government, confer the office of village officer upon any person and his descendants hereditarily. When any office is so conferred, the succession thereto, and the right to officiate or to Grant of hereditary office.

nominate

Price—One anna.

— 682

The Sind Village

nominate an officiator, shall be determined under such rules as may from time to time be prescribed by Government in this behalf under section 8 of this Act.

Village.
Police
Officers.

5. Any village officer may, if the Commissioner in Sind so directs, be appointed by the Magistrate of the District to be Village Police Officer, and in such capacity shall exercise all the powers and perform all the duties conferred and imposed by the Bombay Village Police Act, 1867, on a Police Patel, and when any such appointment is made, and so long as it continues, the provisions of the said Act and of the enactments by which it has been amended shall, with such exceptions, if any, as Government shall from time to time direct, be deemed to be in force in the local area to which such officer's jurisdiction extends :

Provided always that no village officer shall exercise any of the powers mentioned in sections 15 and 16 of the said Act, unless expressly empowered in this behalf by a commission duly issued to him under the said section 15.

Levy of cess
for the pur-
pose of this
Act.

6. For the purpose of defraying the salaries and other emoluments of village officers appointed under this Act, it shall be lawful for the Governor in Council, on the introduction or revision of a settlement, to levy a cess from all land in the Province of Sind at a rate not exceeding one anna for every rupee of the amount at which such land is assessed, or, in the case of alienated land, at which, if it had not been alienated, such land would be assessed to the ordinary land revenue.

The cess so leviable shall be included in, and levied as, one demand along with the land revenue from the sum total of which it shall thereafter be deducted and applied to the purposes of this Act :

Provided always that in the case of a village entirely alienated, the said cess shall be leviable only
if

Officers Act, 1881.

if a village officer be appointed under the provisions of this Act for such village.

Explanation.—In this section “alienated” has the same meaning as in the Bombay Land Revenue Code, 1879.

7. It shall not be competent to any village officer appointed under this Act to mortgage, charge, lease, or alienate any salary or other remuneration to which he may be entitled as such officer; and the Collector shall refuse payment of the salary, or of any portion thereof, to any person claiming the same in virtue of any such mortgage, charge, lease, or alienation, and may withhold or resume any other remuneration assigned to the village officer which has been so mortgaged, charged, leased, or alienated.

Village Officer not to mortgage charge, lease, or alienate salary or other remuneration granted under this Act.

8. The Commissioner in Sind may, with the previous sanction of Government, from time to time, make rules consistent with this Act—

Rules.

(a) determining the duties of any village officer appointed under this Act;

(b) fixing the salaries and other remunerations of every such officer;

(c) regulating the punishment, suspension, and dismissal of village officers;

(d) prescribing, in the case of hereditary village officers, the order of succession, the authority by whom the right of succession shall from time to time be determined, the conditions under which the right of personal service will be admitted, and when and by whom a deputy may be appointed to officiate;

(e) determining the circumstances under which any hereditary office may be forfeited or resumed; and

(f) generally for carrying out the provisions of this Act.

BOMBAY ACT No. V. OF 1881.

[Received the assent of the Governor of Bombay on the 20th July 1881, and of the Governor-General on the 5th October 1881, and published by the Governor of Bombay on the 14th November 1881.]

An Act to amend the law relating to Tolls on Roads and Bridges in the Presidency of Bombay.

WHEREAS it is expedient to amend the law Preamble relating to tolls on roads and bridges in the Presidency of Bombay ; It is enacted as follows :—

1. This Act may be cited as “ The Tolls on Short title Roads and Bridges Act Amendment Act, 1881.”

2. The following Sections shall be inserted after Insertion of Section 9 of Bombay Act III. of 1875 as Sections new Sections 10 and 11, and Section 10 shall be read as Section 11 and alteration of number of Sections 10 to 12. :-

“ 10 It shall be lawful for the Government to Power of lease the levy of tolls at such rates not exceed- Govern- ing the rates mentioned in the schedule annexed ment to this Act, upon any public road or bridge by lease the public auction or private contract from year to year or for a longer period not exceeding seven levy of tolls. years on such terms and conditions as the Government may deem desirable, provided that the lessee shall give security for the due fulfilment of such conditions, and that all sums payable under the terms and conditions of the lease shall be recoverable as a demand for the Land Revenue under the law for the time being in force so far as applicable.

Price—Half Anna.

“ 11.

*The Tolls on Roads and Bridges Act Amendment
Act, 1881.*

Acts of
Lessee or
his Agent.

“ 11. When the tolls on any public road have been duly leased, the lessee and every person employed by the lessee as his agent for collecting the tolls shall be deemed to be persons appointed to collect tolls under this Act, and shall exercise all the powers and be subject to all the responsibilities attaching to persons appointed to collect tolls under this Act.”

Amend-
ment of
Section 10
of Act III.
of 1875.

3. In Section 12 for the words “levied” after the words “tolls” in both places, read “and leases of tolls.”

BOMBAY ACT No. I. OF 1882.

[Received the assent of the Governor of Bombay on the 22nd February 1882, and of the Governor General on the 17th March 1882, and published by the Governor of Bombay on the 23rd March 1882.]

An Act for the repeal of (Bombay) Act
No. VII. of 1878.

WHEREAS it is expedient to repeal the Bombay Preamble.
Cotton Frauds Act, 1878; It is hereby enacted
as follows:—

1. Bombay Act No. VII. of 1878 is hereby
repealed. Repeal of
Bombay
Act VII.
of 1878.

[Price—Half-anna.]

BOMBAY ACT No. II. OF 1882.

[Received the assent of the Governor of Bombay on the 22nd February 1882, and of the Governor General on the 17th March 1882, and published by the Governor of Bombay on the 29th March 1882]

An Act to amend Bombay Act II. of 1874.

WHEREAS it is expedient to abolish the fund called "The Civil Jail Fund" and to provide for the disposal of subsistence money remaining in hand on the death or release of prisoners in the Civil Jail, and for this purpose to amend Bombay Act II. of 1874; It is enacted as follows :—

1. In lieu of the last twenty-eight words of Section fifteen of the said Act the words "if any be present and willing to take charge of it" shall be substituted; and to the said section the following clause shall be added, viz. : "If no relative or friend of a prisoner who has died in prison is present and willing to receive and dispose of his corpse, it shall be buried, burnt, or otherwise disposed of."

Amend-
ment of Sec-
tion 15 of
Bombay
Act II. of
1874.

2 For Section sixteen of the said Act the following section shall be substituted, namely :—

Amend-
ment of
Section 16
of the said
Act.

"16. If at the time of a prisoner's death or release any of the subsistence money furnished by the party at whose suit such prisoner was detained, remains unexpended, notice shall be forthwith given to the party paying the same, and the balance so remaining unexpended shall be returned to such party or his representatives, provided

Disposal of
subsistence
money in
hand on
prisoner's
death or
release.

[Price—Half-anna]

provided that he or they claim payment thereof within three months from the date of such notice ; failing which such balance shall become the property of Government.

Cost of disposing of corpses and of other expenses connected with Civil Jail to be provided by Government.

“ The cost of disposing of the corpses of deceased prisoners under clause two of the last preceding section and of procuring comforts for sick prisoners and generally for the maintenance of the Civil Jail shall be provided by Government, subject to such rules as Government may from time to time prescribe in this behalf.”

Balance of Civil Jail Fund to be at disposal of Government.

3. The balance, if any, at the credit of the Civil Jail Fund on the date when this Act comes into force shall be at the disposal of Government.

BOMBAY ACT NO. III. OF 1882.

[Received the assent of the Governor of Bombay on the 22nd February 1882, and of the Governor General on the 17th March 1882, and published by the Governor of Bombay on the 29th March 1882.]

An Act to amend the Bombay and Karáchi
Vaccination Acts.

WHEREAS it is expedient to amend the Bombay Preamble.
and Karáchi Vaccination Acts of 1877 and
1879, respectively; It is hereby enacted as follows :—

1. This Act may be cited as “ The Vaccination Short title.
Acts Amendment Act, 1882.”

2. In Section 8 of Bombay Act I. of 1877 and Amend-
in Section 8 of Bombay Act IV. of 1879, instead of ment of Sec-
the words “ an earlier day ” the following words tion 8 of
shall be substituted, namely :— Bombay
Acts I. of
1877 and
IV of 1879.

“ any earlier or later day.”

[Price—Half-anna.]

BOMBAY ACT No. IV. OF 1882.

[Received the assent of the Governor of Bombay on the 22nd February 1882, and of the Governor-General on the 25th April 1882, and is published by the Governor of Bombay on the 15th May 1882.]

An Act to amend Act XLVIII. of 1860.

WHEREAS it is expedient to amend certain provisions of Act XLVIII. of 1860 :

1. The following sections are substituted for Sections 17 and 18 of Act XLVIII. of 1860, which are hereby repealed, and shall be read and taken as part of the said Act XLVIII. of 1860 :—

Alterations
in Act
XLVIII. of
1860.

“17. The Presidency Magistrates shall keep standards of such weights and measures as are in use in the Presidency town, and they shall be open to the inspection of any one who may desire to examine them.

Presidency
Magistrates
to keep
standards of
weights and
measures.

“18. Any officer of Police generally or specially deputed to that duty by the Commissioner of Police may, without a warrant, enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein.

Powers of
Police as to
inspection,
search and
seizure.

“If he finds in such shops or premises any weights, measures or instruments for weighing or measuring which he has reason to believe are false, he may seize the same, and shall forthwith give information of such seizure to the Magistrate having jurisdiction ; and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.”

[Price—Half Annus]

To be substituted for the copy
previously issued.

BOMBAY ACT No, V. OF 1882.

[Received the assent of the Governor of Bombay on the 4th July 1882 and of the Governor General on the 8th August 1882 and published by the Governor of Bombay on the 18th August 1882.]

An Act to amend the Bombay Salt Act of 1873.

WHEREAS it is expedient to amend the Preamble. Bombay Salt Act of 1873 and to make provision for the occasional appointment of a Commissioner of Salt Revenue to be intermediate between Government and the Collector of Salt Revenue, it is hereby enacted as follows :—

1. In section three after the eighth paragraph the following shall be inserted (namely) :— Addition to section 3.

“ But whenever a Commissioner of Salt Revenue shall be appointed under section 4 of this Act, such officer shall exercise under Government the chief control in the said Department, and the Collector of Salt Revenue shall be subordinate to him in all matters connected with the administration of this Act.”

2. To section four the following clause shall be added (namely) :— Addition to section 4.

“ The Governor in Council may also from time to time appoint a person to hold the office of Commissioner of Salt Revenue, and may from time to time cancel such appointment and keep the said office in abeyance and may thereafter revive the same, and may direct that during the continuance of such office any of the powers conferred or duties imposed by this Act on the Collector of Salt Revenue shall be exercised or performed exclusively by the Commissioner of Salt Revenue.”

[Price—Half anna.]

3. To section six the following clause shall be added (namely) :— Addition to section 6.

“ Whenever a Commissioner of Salt Revenue shall have been appointed under section 4 of this Act, an appeal shall lie from all proceedings and orders of the Collector of Salt Revenue to the Commissioner of Salt Revenue, whose proceedings and orders shall likewise be subject to the general control of the Governor in Council.”

4. Section sixty-one is hereby repealed.

Section 61
repealed.

5. This Act shall be read and taken as part of Bombay Act VII. of 1873.

Act to be
read with
Bombay
Act VII. of
1873.

BOMBAY ACT No. VI. OF 1882.

[Received the assent of the Governor of Bombay on the 11th September 1882 and of the Governor General on the 10th October 1882 and published by the Governor of Bombay on the 25th October 1882.]

An Act to amend the Bombay Municipal Acts of 1872 and 1878.

WHEREAS it is expedient that the official year commencing from the first day of April and ending on the thirty-first day of March should be substituted for the Calendar year commencing from the first day of January and ending the thirty-first day of December in the Bombay Municipal Acts of 1872 and 1878, and that the period for which the Corporation is appointed should be extended to three years;

And whereas for this purpose it is necessary to pass an Act and also to amend the Bombay Municipal Acts of 1872 and 1878 in the manner herein-after provided: It is enacted as follows:—

1. This Act shall be called "The Bombay Municipal Acts Amendment Act of 1882;" and it shall come into force at once. Short title.
2. This Act shall be read with and taken as part of the Bombay Municipal Acts of 1872 and 1878. Commencement.
This Act to be taken as part of Acts of 1872 and 1878.
3. The words quoted in the second column of the Schedule to this Act from the sections of the Bombay Municipal Acts of 1872 and 1878 respectively mentioned in the first column of the said Schedule Repeal of certain parts of the Bombay Municipal

are

[Price—One and Half Anna.]

The Bombay Municipal

[BOM. ACT VI.

Acts of 1872 and 1878. are repealed, the words contained in the third column thereof shall be deemed to be respectively substituted for the words so repealed.

Amendment of section 6 of the Acts of 1872 and 1878. 4. Section 6 of the Bombay Municipal Acts of 1872 and 1878 is repealed, and the following section is substituted, namely :—

Fresh general elections and appointments.

“ 6. There shall be fresh general elections and a fresh general appointment by Government of members of the Corporation every three years.

“ The next general elections and appointment made after the passing of this Act shall be made to have effect from the first day of April 1883, and the said elections and appointment and all subsequent general elections and appointments of members shall be for a term of three years beginning on the first day of April in the first year, and terminating on the thirty-first day of March in the third year, both days inclusive.

“ At the expiration of such term the persons who are the members of the Corporation shall cease to be members thereof, unless they have been re-elected or re-appointed members for the next ensuing term. ”

Provided that the repeal of section 6 of the Bombay Municipal Acts of 1872 and 1878 shall not affect the validity of all general elections and appointments made prior to the passing of this Act in pursuance of the provisions of the said repealed section.

Continuance of the present Corporation and Town Council until 31st March 1883

5. The several persons who at the time of the passing of this Act are members of the Municipal Corporation of the City of Bombay and Town Council respectively and the Chairmen of the said Corporation and Town Council respectively, shall continue to be such members and Chairmen respectively until and inclusive of the thirty-first day of March 1883 in the same manner, in all respects, and subject to the same powers, duties, emoluments and disqualifications

disqualifications as if the term for which they were respectively elected and appointed extended to that date.

6. From and after the thirty-first day of March 1883, the persons who may be members of the said Corporation on that day shall cease to be members thereof unless they have been re-elected or re-appointed members for the next ensuing term of three years :

Term of office of members of the Corporation.

Provided that the members of the Town Council on the thirty-first day of March 1883 shall continue to hold office as such until such time as a new Town Council shall be duly appointed.

7. The list of persons qualified to be elected or appointed members of the Corporation and of persons qualified to vote at rate-payers' elections published by the Municipal Commissioner under the provisions of section 9 D of the Bombay Municipal Acts of 1872 and 1878 on or before the first day of July 1882 shall, for the purposes of the next general elections which shall have effect from the first day of April 1883, be taken to be the list referred to in sections 9 and 9 B of the said Acts, and nothing contained in section 9 D, as amended by section 3 of this Act, shall be deemed to require the Municipal Commissioner to prepare and publish any other such list on or before the first day of October 1882.

Saving of list of persons eligible and qualified to vote published prior to this Act.

8. The property-rates and the tax on Fire Insurance Companies respectively leviable under the authority of the Bombay Municipal Acts of 1872 and 1878 shall, for the quarter ending thirty-first day of March 1883, be levied by a special quarterly instalment which shall become due and leviable on the first day of January 1883.

Property-rates, &c., for the quarter ending 31st March 1883.

For the purpose of assessing and determining the amount of the said quarterly instalment the rates at which the property-rates were fixed by the Corporation under the provisions of section 67 of the said

Acts for the year ending thirty-first day of December 1882 shall be held to be the respective rates at which the said property-rates shall continue to be leviable for the said quarter and the valuations as fixed for the year 1882 shall, subject to any alterations and amendments which may hereafter be made under the provisions of section 81 of the said Acts, be deemed to be the valuations for the said quarter.

The said quarterly instalment payable by each Fire Insurance Company shall be one-fourth of the sum which shall have been determined by the Town Council under the provisions of sections 122 and 123 of the said Acts as payable by such Company for the year 1882.

Separate Estimate or separate Budget not required for the quarter ending 31st March 1883.

9. It shall not be necessary to prepare a separate Estimate of expenditure or a separate Budget under the provisions of sections 34 and 35 of the Bombay Municipal Acts of 1872 and 1878 for the quarter ending thirty-first day of March 1883; but it shall be lawful to defray all establishment and other usual and proper current charges for the said quarter out of the Municipal Fund on the scale and at the rates duly sanctioned for the year 1882 as though the said quarter had been included and estimated for in the said Budget.

For any special requirements which may arise during the said quarter, it shall be lawful for the Corporation, on the recommendation of the Town Council, from time to time, to make special grants, provided that the cash balance on the thirty-first day of March 1883 shall not thereby be reduced below one lakh of rupees.

Addition to the second clause of section 26 of the Bombay Municipal Acts of 1872 and 1878.

10. In section 26 of the Bombay Municipal Acts of 1872 and 1878, the following proviso shall be added to the second clause, namely:—

“provided that the Town Council may, with the sanction of the Corporation, make, in addition to such monthly salary of Rs. 700, the grant of a personal allowance not exceeding Rs. 500 monthly for long and approved service.”

11. In

1882.] *Acts Amendment Act of 1882.*

11. In the last clause of section 137 of the Bombay Municipal Acts of 1872 and 1878, after the words
 "or servants of the Corporation,"
 and before the words
 "at such rates,"

Addition
 the last
 clause of
 section 137
 of the Bom-
 bay Municip-
 al Acts of
 1872 and
 1878.

the following words shall be inserted, namely :—

"and the payment of compassionate allowances to the widows or orphans of Municipal officers or servants dying while in the service of the Corporation."

12. In addition to the alterations expressly specified in the Schedule annexed to this Act such of the provisions of the Bombay Municipal Acts of 1872 and 1878 as are in any way inconsistent with this Act shall, from and after the date of the passing thereof, be deemed to be respectively altered or modified so far as may be necessary to give effect to this Act but not further or otherwise.

Provisions
 of the Acts
 of 1872 and
 1878 to be
 continued
 so as to give
 effect to the
 provisions
 of this Act.

SCHEDULE.

(See Section 3.)

Section and Clause of the Acts of 1872 and 1878.	Words repealed.	Words substituted for the words repealed
5 ...	"January"	"April."
" ...	"June" ...	"September."
7 ...	"January" in both places in which it occurs	"April."
8 ...	The word "two" in the last line	"Three."
9 A ...	"January"	"April."
" ...	"June"	"September."
9 D ...	"January" ..	"April"
" ...	"June" ...	"September."
" ...	"July" ..	"October."

The Bombay Municipal Acts Amendment Act of 1882.

Section and Clause of the Acts of 1872 and 1878.	Words repealed.	Words substituted for the words repealed.
11 ...	" January " in the first place in which it occurs	" April."
21 ...	The word " two " in the fourth line	" Three."
32	" February" ...	" May."
33 ...	" January " ...	" April."
" ...	" April " ...	" July."
34 ...	" 1st of October"	" 20th of November."
" ...	" January " ...	" April."
35 ...	" November "	" January."
67 ...	" January " ...	" April."
" ...	" Tenth day of December"	" Fifteenth day of January."
" ...	" November "	" January."
69 A ...	" January " ...	" April."
" ...	" July " ...	" October."
76, Clause 2	" January " ...	" April."
" ...	" July " ...	" October."
80 ...	" January " ...	" April."
96 ...	" April " ...	" July."
115 ...	" November "	" January."
123 ...	" First day of September "	" Tenth day of January."

BOMBAY ACT No. VII. OF 1882. *A.C.*

[Received the assent of the Governor of Bombay on the 11th September 1882 and of the Governor General on the 4th November 1882, and published by the Governor of Bombay on the 18th November 1882.]

An Act to provide for the levy of fees for the use of Public Landing-places.

WHEREAS it is expedient to provide for the Preamble.
levy of fees for the use of public landing-places in certain ports in the Bombay Presidency; It is hereby enacted as follows :

1. This Act shall be called "the Bombay Land- Short title,
ing and Wharfage Fees Act, 1882."

2. It shall extend—

(a) to the Ports of Karáchi and Aden;

(b) to any other ports in the Presidency of Bombay to which the Governor in Council may from time to time by notification in the *Bombay Government Gazette* and other local official Gazette, extend the Act.

Present local extent and power to extend the Act.

3. Bombay Act III of 1879 is hereby repealed, and all fees levied and every declaration, appointment, or rule made under that Act shall be deemed to have been levied and made under this Act.

Repeal of Bombay Act III of 1879.

4. In this Act the term "landing-place" includes a bandar, wharf, pier, jetty, hard, and any place used for the landing, shipping, wharfage, crannage, or storage of goods ;

Landing-place and Commissioner defined.

and the term "Commissioner" shall include the Commissioner in Sind, the Political Resident at Aden and the Chief Customs Authority for the Presidency of Bombay.

5.

The Bombay Landing and [BOM. ACT VII.]

The Governor in Council to fix limits of bandars, &c, and the fees to be levied.

5. It shall be lawful for the Governor in Council from time to time by notification in the *Bombay Government Gazette* and other local official Gazette—

- (a) to define the limits of any port to which this Act is made applicable when such limits have not been defined under the Indian Ports Act, 1875 ;
- (b) to determine what are public landing-places to which the provisions of this Act shall apply ;
- (c) to determine the limits of any such landing-place ;
- (d) to withdraw this Act from any port in which it is for the time being in force ;
- (e) to fix the fees to be levied—
 - (1) for the landing, shipping, wharfage, crantage, storage or demurrage of goods at ; and
 - (2) for permitting animals or vehicles to bring or remove goods to or from, or to ply for hire at ; and
 - (3) for permitting vessels or boats to approach or lie alongside any such landing-place :

Provided that it shall be lawful for the Governor in Council at any time to exempt any goods, vessel, boat, animal or vehicle, either wholly or partially, from any fee to which the same may be liable under this Section.

Powers and duties under this Act by whom to be exercised and performed.

6. The levy of fees under this Act shall be made and all other powers and duties conferred and imposed by this Act or by any bye-laws made hereunder, shall be exercised and performed by such officers as the Governor in Council shall from time to time direct, or by such persons as he shall from time to time direct in this behalf.

Powers, privileges and liabilities of officers who collect fees.

7. The officers and persons whose duty it may be to levy fees under this Act shall have the same powers for collecting and enforcing payment of the same as are exercisable under the provisions of any law
law

law, for the time being in force, in respect of duties of sea customs by the Collector of Customs and his subordinates, and shall have the same privileges and be subject to the same liabilities in respect of any thing done by them in collecting and enforcing payment of the said fees as the said Collector of Customs and his subordinates have, or are liable to, under the provisions of any such law.

The law for the time being in force for the punishment of offences relating to the levy or payment of duties of sea-customs, and for the reward of informers, shall, as far as may be, apply to similar offences committed in respect of the said fees. Punishment of offenders.

8. Tables of the fees leviable under this Act shall be posted up in some conspicuous position at every landing-place at which such fees are leviable, in English and the Vernacular language of the district, province, or territory in which the port is situate. Tables of fees to be posted up.

9. The Commissioner may, within the district, province or territory under his charge, and in respect of any other port or ports, to which the provisions of this Act may hereafter be extended, the chief Customs Authority for the Presidency of Bombay may, with the previous sanction of Government, from time to time make, and from time to time alter or repeal, bye-laws not inconsistent with the provisions of this Act : Power to make Bye-laws.

- (a) regulating the use of every landing-place to which this Act applies ;
- (b) providing for the management of the traffic over, on or about and to and from every such landing-place ; and
- (c) generally for the guidance of all persons in matters connected with the enforcement of this Act.

The bye-laws so made, and every alteration of the same and every order repealing the same or any portion thereof, shall be published in the *Bombay Government Gazette* and other local official Gazette.

The Bombay Landing and Wharfage Fees Act, 1882.

Fees realized under this Act how to be applied.

10. The proceeds of all fees realized under this Act in any port to which this Act applies shall be applied in such port :

- (a) in payment of the expenses of the administration of this Act ;
- (b) in defraying the cost of acquiring or constructing new landing-places required for the convenience of the trade of such port ;
- (c) in maintaining and improving any existing landing-place and generally in the improvement of such port.

Yearly accounts to be published.

Accounts of all receipts and expenditures under this Act shall be published once in every year in the *Bombay Government Gazette* and other local official Gazette.

Indemnity Section.

11. The levy of wharfage dues made in any Port in conformity with any notifications or orders of the Governor in Council prior to the coming into force of Bombay Act III of 1879 or of this present Act in such port shall be deemed to have been lawfully made, and all officers are hereby indemnified in respect of anything done by them under the authority of the said notifications or orders which might have been done if the said notifications or orders had been lawfully made, and no suit shall be maintained against Government or against any officer of Government in respect of anything so done.

BOMBAY ACT No. I. of 1883. A ✓

[Received the assent of the Governor of Bombay on the 8th February 1883 and of the Governor General on the 26th March 1883 and published by the Governor of Bombay on the 10th April 1883.]

An Act to provide Funds for maintaining Provincial Roads used for local purposes,

WHEREAS it is expedient to provide additional funds for the construction and proper maintenance and repair of public roads in or near stations which are chiefly used by the residents for purposes of local convenience, as, for example, for intercommunication, pleasure-driving or riding, other than for military purposes or for purposes connected with agricultural operations or petty trade, dealing or industry, and which are not provided for out of imperial, municipal or cantonment funds; It is hereby enacted as follows:—

1. This Act shall be cited as the "Bombay Highway Act, 1883," and it shall come into force in the manner provided in the next following section. Preamble.

2. This Act shall extend to the whole of the territories administered by the Bombay Government, but shall not come into force anywhere within the said territories until the Governor in Council may, by notification in the *Bombay Government Gazette*, apply the same to any local area to be specified in such notification within the said territories; and the Governor in Council may, in like manner, amend or cancel any such notification. Short title.

3. It shall be lawful for the Governor in Council, after the publication of the notification referred to in the last preceding section, to levy a tax on all carriages, &c., in notified area. Local extent.

[Price—Half Anna.]

Bombay Highway [BOMB. ACT 1.

riages, coaches, vans, carts, hackeries, horses, or ponies in accordance with the rates specified in the Schedule annexed to this Act, from all persons owning or having charge of the same, who are resident within the local area so notified; Provided

(a) that the Governor in Council may reduce, alter, or modify this tax as he may deem fit, but may not increase the rates specified in the said Schedule;

(b) that any person who may have owned or had charge of any vehicle or animal as aforesaid kept for use within such local area for a period exceeding fifteen and not exceeding thirty consecutive days shall be liable only to one-third of the tax for that quarter, and for any period of a quarter exceeding thirty consecutive days shall be liable for the whole tax of that quarter;

(c) that no tax shall be leviable in respect of any vehicle or animal as aforesaid which shall have been out of use for the whole period contained in any quarter, on due notice in writing being given by the owner in accordance with the rules of assessment hereinafter provided for in section four of this Act.

For the purposes of this section the word "resident" means and includes any person who dwells or takes up his abode in a local area notified under this Act for a period exceeding fifteen days.

Rules to be framed for the levy of the tax.

4. It shall be lawful for the Governor in Council, from time to time, to make rules for the assessment and recovery of the tax referred to in the last preceding section, which shall be published in the *Bombay Government Gazette*, and such rules may be general for all areas notified under the provisions of section two of this Act, or special for any one or more such areas, according as the Governor in Council directs, and it shall be lawful for the Governor in Council at any time to amend or cancel such rules.

The tax not leviable in a

5. Whenever in any Municipality or Cantonment

ment within any local area notified under this Act, a tax on vehicles and animals is levied within the limits of such Municipalities or Cantonment, under the authority of any law for the time being in force therein, the tax imposable under Section 3 of this Act shall not be levied within such limits ; but such contribution which, under any law for the time being in force, may be made out of the funds of any such Municipality or Cantonment to Provincial or Local Funds, as shall, in the opinion of the Governor in Council, be deemed a just and proper share towards meeting the expenses of maintaining Provincial roads which are not provided out of such Municipal or Cantonment Funds, but which are calculated to benefit the residents within the limits of such Municipality or Cantonment, may be applied in the manner prescribed for the application of the proceeds of the tax imposed under Section 3 of this Act.

Municipality or Cantonment where a tax on vehicles and animals is already levied.

6. The proceeds of the tax in each area where such tax has been lawfully imposed under the provisions of this Act, shall be credited to Provincial or Local Funds as the Governor in Council shall direct : Provided always that the proceeds of such tax levied within or contributed by any Cantonment as defined by Act III of 1880, shall only be applied in conformity with Section 23 of that Act.

Application of proceeds of the tax,

7. No tolls leviable under Bombay Act III of 1875 shall be levied within any local area notified under this Act.

Tolls under Bombay Act III of 1875 not to be levied in local areas notified under this Act.

8. Nothing in this Act shall be deemed to apply to or include any vehicles or animals as aforesaid belonging to the Government, or vehicles kept for sale by *bonâ fide* dealers and not used for any other purpose ;

Saving provisions.

Or

Bombay Highway Act, 1883.

Or shall apply to any persons who are specially exempt from municipal taxation under any rules or law for the time being in force, or to any persons whom the Governor in Council may by an order in writing exempt from the tax imposable under section 3 of this Act.

Or shall apply to any person who earns his livelihood wholly or principally by agriculture carried on within the district within the limits of which the local area to which this Act may be applied is situated, or to any class of persons carrying on any petty trade, dealing or industry in such local area, which the Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*, exempt from the tax imposable under section 3 of this Act.

SCHEDULE.

(Referred to in Section 3 of this Act.)

**TAX ON CARRIAGES, COACHES, VANS, CARTS, HACKERIES,
HORSES AND PONIES.**

- | | |
|--|--|
| 1. For every four-wheeled vehicle on springs ... | a rate not exceeding Rs. 10 per quarter. |
| 2. For every two-wheeled vehicle on springs ... | ditto „ 6 ditto. |
| 3. For every cart or hackery drawn by bullocks ... | ditto „ 6 ditto. |
| 4. For every horse, or pony of the height of 12 hands or upwards ... | ditto „ 5 ditto. |

BOMBAY ACT No. II. OF 1883.

[Received the assent of the Governor of Bombay on the 8th February 1883 and of the Governor General on the 26th March 1883 and published by the Governor of Bombay on the 10th April 1883.]

An Act to authorize the making and to regulate the working of Street Tramways in Karachi.

WHEREAS the Commissioners of Karachi Municipal District, hereinafter called the Municipality, by an Agreement dated the 21st day of April 1882, for the considerations therein expressed, granted to Edward Davis Mathews, and his assigns, hereinafter called the Grantee, the right to construct, maintain and use a tramway or tramways in Karachi upon the terms and in the manner mentioned in the said Agreement, a copy whereof is set forth in the schedule to this Act; and whereas the said Grantee is desirous of being empowered to construct the several street tramways in the said Agreement and in this Act particularly described, and also such other tramways between such other places in Karachi and the Suburbs of Karachi, and by such other routes as may hereafter be approved; and whereas the objects of this Act cannot be attained without the authority of the Legislature: It is hereby enacted as follows:—

1. This Act may be called "The Karachi Tramways Act, 1883:" Short title.

and it shall come into force from the date on which it may be published in the *Sind Official Gazette* with the assent of the Governor-General. Commencement.

2. In

[Price—2½ Annas.]

1

Meaning of
"Tramway"

2. In this Act—unless there be something repugnant in the subject or context—"Tramway" means a tramway constructed under this Act.

Tramways
may be
made in
accordance
with the
Agreement
between the
Municipality
and the
Grantee.

3. Subject to the provisions of this Act, and of the said Agreement, so far as the same is not inconsistent with any thing in this Act, the Grantee may make and maintain in Karáchi a tramway or tramways, with single or double lines, and with all necessary sidings, turnouts, connections and lines (but in the case of sidings and turnouts only in such places as the Municipality may sanction) on the following routes and between such other places and by such other routes as may be hereafter approved by the Municipality and sanctioned by the Commissioner in Sind:—

1st, a tramway from a point opposite the carriage stand on the old Post Office Square, Sadar Bázár along 'Preedy Road, Garden Road and Bandar Road to Keamari, and

2nd, from a point opposite the City Station of the Sind, Panjaub and Delhi Railway to the Native Jetty crossing the afore-named line to Keamari at a point near the Junction of the McLeod and Bandar Roads.

Application
of Act to
suburban
tramways.

4. In the event of any other tramway or tramways on other routes in Karáchi, or in the Suburbs of Karáchi being from time to time approved by the Municipality for the said Suburbs, as the case may be, and sanctioned by Government and undertaken by the Grantee, notice thereof, specifying the routes so approved of, and, in the case of suburban tramways, a copy of the Agreement entered into between the said Municipality and the Grantee in respect thereof, shall thereupon be published in the *Sind Official Gazette*, and upon such publication all the provisions of this Act, so far as the same may be applicable, shall apply to the tramway or tramways in such publication specified, and all works and things

things connected with the same or incidental thereto, as if the said routes had been particularly specified in this Act, and as if the Agreement, if any, in reference thereto had been included in the schedule to this Act.

5. Every tramway shall be constructed on a gauge not exceeding 4 feet, or on such lesser gauge as may be agreed upon between the Municipality and the Grantee, and shall be laid and maintained in such manner that the uppermost surface of the rails shall be on a level with the immediately adjacent surface of the road; and before the work of construction is begun, the drawings and specification showing the proposed construction of each tramway shall be submitted to the Municipality and be approved by them, and the cars and carriages intended to run on the tramways shall also be of such construction and furnished with such brakes and other appliances as shall have been approved by the Engineer to the Municipality. No vehicle used on any tramway authorized under this Act shall extend beyond the outer edge of the wheels of such carriage more than fourteen inches on each side.

Form in which tramways are to be constructed and maintained.

6. No tramway shall be opened for public traffic until the same has been inspected and certified by the Engineer to the Municipality to be fit for such traffic.

No tramway to be opened without certificate from Engineer. Carriages how to be worked.

7. The cars and carriages of the Grantee on the lines of the Tramways shall be worked with such power, animal or mechanical, as the Grantee may think suitable: provided that no steam carriages shall be used without the special consent of the Municipality, to be obtained in special general meeting of the Commissioners, and without the sanction of the Governor of Bombay in Council.

8. The Grantee may use on his tramways carriages with flange wheels or wheels suitable only to run on a grooved rail, and subject to the provisions of this Act, and of the hereinbefore recited Agreement, wheels.

Grantee may use tramway carriages with flange wheels.

ment, he shall have the exclusive use of his tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail.

Grantee may fix and demand fares

9. The Grantee shall have power from time to time to fix the rates of fares for carrying passengers and goods in the said cars or carriages, and may demand and take the same for every passenger travelling upon any of his tramways, or for the carriage of goods by his tramways: provided that the rate of fare for each person or parcel shall, for any distance not exceeding three miles, not exceed four annas, and for any greater distance shall not exceed the same proportion.

Printed list of fares, &c., to be placed in carriages.

10. A printed list in English, Arabic, Sindhi and Gujaráthi of all the fares and charges authorized by this Act to be taken, and a printed copy in the same languages of all bye-laws in force as hereinafter mentioned, shall be exhibited in a conspicuous place inside each of the cars or carriages used by the Grantee upon any of his tramways.

Such list and printed copy as aforesaid shall be published in the *Sind Official Gazette* at the expense of the Grantee.

Fares how to be paid.

11. The fares and charges by this Act authorized shall be paid to such persons at such places, upon or near to the tramways, and in such manner and under such regulations as the Grantee may, by notice to be annexed to the list of fares, from time to time appoint with the approval of the Municipality.

Power to break up streets.

12. The Grantee from time to time, for the purpose of constructing and maintaining any tramways under this Act or any part or parts thereof respectively, may open and break up the soil and pavement of the streets, roads or bridge, and therein lay sleepers and rails, and repair, alter, or remove the same; and may, for the purposes aforesaid, do in and on such streets and bridges all other acts which he shall from

from time to time deem necessary for constructing and maintaining his tramways, subject to the following regulations:—

1st. He shall give to the Municipality notice in writing of his intention to open or break up any such street, road or bridge, specifying the time at which he will begin to do so, and the portion of the road proposed to be opened or broken up. Such notice to be given at least three days before the commencement of the work except in cases of emergency arising from defects of the rails or other work, and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen.

2nd.—He shall not open or break up or alter the level of any such street, road or bridge, except under the superintendence and to the reasonable satisfaction of the Engineer to the Municipality, for which superintendence the Grantee shall pay all reasonable expenses, unless the Engineer to the Municipality neglect to give such superintendence at the time specified in the notice or discontinue the same during the work.

3rd.—He shall not, without the consent of the Engineer to the Municipality, open or break up at any one time a greater length than a quarter of a mile on any one line of tramway.

4th.—He shall, with all convenient speed, and in all cases within six weeks at the most, unless the Engineer to the Municipality otherwise consents in writing, complete the work for which the said street or bridge shall be broken up, and fill in the ground, and make good the surface, and, to the satisfaction of the Engineer to the Municipality, restore the street or bridge to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby.

5th.

5th.—He shall in the mean time, when such street or bridge is opened or broken up, cause it to be fenced and watched, and to be properly lighted at night.

6th.—He shall make good all damage done to the gas and water pipes and sewers whether belonging to the Municipality or to private individuals, by the disturbance thereof.

7th.—If, by any such operations as aforesaid, the Grantee interrupts the supply of water or gas in or through any main or main pipe, he shall be liable to a penalty not exceeding two hundred rupees for every day upon which such supply shall be so interrupted.

Grantee to keep the tramway roads in proper repair.

13. The Grantee shall, at his own expense, at all times maintain and keep in good condition and repair, in such manner as the Engineer to the Municipality shall direct, the rails of which any of his tramways shall for the time being consist, and so much of any street or bridge as lies between the rails of any tramway; and, in the case of double lines or turnouts or sidings, the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway; and in the course of carrying out such repairs, it shall not be necessary to give notice thereof to the Municipality.

Grantee not to obstruct ordinary traffic.

14. In exercising the powers given to him by the last two preceding sections, the Grantee shall arrange his work so as to afford the least possible obstruction to the ordinary traffic of the streets, and so as to admit of as free and unrestricted entry at all times into the sewers through the man-holes and lamp-holes for the time being in use, as is possible under the circumstances, and also so as to enable proper repairs to be made to water or gas pipes by the direction of the Engineer to the Municipality.

15.

15. Nothing in this Act, or in any bye-law made under this Act, shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid whether on or off the tramway, with carriages not having flange wheels or wheels suitable to run on a grooved rail.

Reservation of right of public to use roads.

16. Notwithstanding any thing in this Act contained the Grantee shall not acquire, or be deemed to acquire, any right other than that of user of any road along or across which he lays any tramway.

Right of user only.

17. If the Grantee fail in any respect to comply with the provisions of sections five, six, seven, twelve (except the last two clauses), thirteen and fourteen of this Act, he shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act, or to any other remedy against him) upon complaint of the Municipality or of any person injuriously affected thereby, be liable to a penalty not exceeding two hundred rupees, and to a further penalty not exceeding fifty rupees for each day, during which any such failure continues after the first day on which such penalty is incurred.

Penalty for failure of Grantee to comply with provisions of this Act.

18. If any person wilfully obstructs any person acting under the authority of the Grantee in the lawful exercise of his powers in setting out or making, laying down, repairing, or renewing a tramway, or injures or destroys any mark made for the purpose of setting out the line of the tramway, he shall for every offence be liable for a penalty not exceeding fifty rupees, and shall also be liable to pay such damages as may be awarded in respect of such injury by any competent Court.

Penalty for obstructing Grantee in the exercise of his power.

19. If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things, namely:—

Penalty for interfering with tramway.

Interferes •

Interferes with, removes, or alters any part of a tramway of the Grantee, or of the works connected therewith ;

does or causes to be done anything in such a manner as to obstruct any carriage using the tramways ;

or knowingly aids or assists in the doing of such thing, he shall for every such offence be liable (in addition to any proceedings by way of criminal charge or otherwise to which he may be subject) to a penalty not exceeding one hundred rupees.

Penalty for avoiding payment of proper fare.

20. If any person travelling or having travelled in any carriage of the Grantee avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance, and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every such person shall for every such offence be liable to a penalty not exceeding ten rupees.

Servant of Grantee may arrest persons avoiding payment of fare.

21. It shall be lawful for any servant of the Grantee, and all persons called in by him for his assistance, to arrest and take to the nearest Police station any person who shall be discovered either in or after committing or attempting to commit any such offence as in the last preceding section mentioned, and whose name and residence is refused by him, and is unknown to such servant or person, and the police officer in charge of the said Police station, on receiving a complaint that an offence under this Act has been committed, shall adopt such legal measures as may be necessary to cause the said person to be taken before a Magistrate with the least possible delay.

22. No.

22. No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous or offensive nature, and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the Grantee with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding fifty rupees for every such offence, and it shall be lawful for the Grantee to refuse to take any parcel that he may suspect to contain goods of a dangerous or offensive nature, or to require the same to be opened to ascertain the fact.

Carriage of dangerous or offensive goods.

23. The Municipality in special General Meeting may, subject to confirmation thereof by the local Government, from time to time make such regulations as to the rate of speed, number of passengers, and mode of use of the tramways and motive power as the convenience and safety of the public may require, and as are not inconsistent with this Act.

Bye-laws by Municipality.

The Grantee may, subject to confirmation as aforesaid, from time to time make such regulations—

The Grantee may make certain regulations.

for preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to him; and

for regulating the travelling in or upon any carriage belonging to him as are not inconsistent with this Act.

And for better enforcing the observance of all or any of such regulations it shall be lawful for such Municipality and Grantee respectively, subject to the confirmation thereof by the local Government, to make bye-laws for all and any of the aforesaid purposes, and from time to time to repeal or alter such bye-laws and make new bye-laws, provided that such bye-laws be not repugnant to the provisions of this

this Act or of any law for the time being in force in the city of Karachi. Notice of the making of any such bye-laws shall be published by the Municipality in the *Sind Official Gazette*.

Penalty for breach of bye-laws.

24. Any person offending against any bye-law made under the provisions of the last preceding section shall forfeit for every offence any sum not exceeding twenty-five rupees to be imposed in such bye-laws as a penalty for such offence.

Power to Municipality to license drivers, conductors, &c.

25. The Municipality shall have the like power of making and enforcing rules and regulations and of granting license with respect to all drivers, conductors and other persons having charge of the carriages using the tramways.

Grantee to be responsible for all damages.

26. The Grantee shall be answerable for all accidents, damages and injuries happening through his act or default, or through the act or default of any person in his employment by reason or in consequence of any of his works or carriages, and shall save harmless the Municipality and their officers and servants from all damages and costs in respect of such accidents, damages and injuries.

Power for the Municipality and police to regulate traffic on roads.

27. Nothing in this Act shall limit the powers of the Municipality or the police to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and the Municipality or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the Grantee as to the traffic of other persons.

The Municipality shall not be liable to pay to the Grantee any compensation for loss of traffic occasioned by the reasonable exercise of such authority.

Reservation of power over roads.

28. Nothing in this Act shall be construed to prevent the Municipality, in the exercise of the powers conferred upon them under Bombay Act VI. of 1873, from opening, breaking up, widening, altering, diverting

diverting or improving any of the roads traversed by the tramways for the purposes for which they may now lawfully open, break up, widen, alter, divert, or improve the same, provided—

(1) that they shall cause as little detriment or inconvenience to the Grantee as circumstances admit ;

(2) that they may (if absolutely necessary, but not otherwise) order the temporary stoppage of traffic on the tramways or any of them, on giving 24 hours' previous notice in writing to the Grantee ;

(3) that before they commence any work, whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Grantee notice of their intention to commence such work, specifying the time at which they will begin to do so ; such notice to be given eighteen hours at least before the commencement of the work ;

(4) that in the event of their so interfering with or stopping the running of any tramway under this section, an abatement proportioned to the length of road over which and time during which running is stopped, shall be made from the rent hereinbefore reserved and payable by the Grantee ;

(5) that any alteration of the position of any of the tramways, or the making good of any injury or damage that may be occasioned thereto by reason of such widening, alteration or improvement, shall be executed by the Grantee at the expense of the Municipality.

29. The Municipality shall have the right of purchasing the tramways with the plant, buildings, stores, rolling stock and every thing connected therewith upon the expiration of twenty-one years from the commencement of this Act, upon declaring its intention so to do in writing not less than six months before the expiration of the said twenty-one years, and

Municipality to have right of purchasing tramways after 21 years.

and shall have a renewed right of purchase at the end of every seven years after the expiration of the said twenty-one years upon similar notice being given, and the consideration for such purchase shall be a cash payment of one and two-fifths of the amount of the invested capital of the Grantee or securities of the Government of India, or securities the interest whereon shall have been guaranteed by the Secretary of State for India in Council, of such amount as to produce, at the rate of interest current on such securities, seven per cent. per annum on the amount of the said invested capital; and if the consideration for such purchase shall be given in such securities as aforesaid, the Grantee shall be entitled to have in addition a first mortgage of all the property, assets and profits of the tramway or tramways which shall have been purchased from him.

Grantee
may sell
his rights
and powers
to other
persons.

30. At any time the Grantee may sell the undertaking to any person, persons, Corporation or Company (subject nevertheless to the provisions of the said agreement or such of them as shall be then subsisting) and when any such sale has been made all the rights, powers, authorities, obligations and liabilities of the Grantee under the said agreement and this Act shall be transferred to, vested in, and may be exercised by, and shall attach to the person, persons, Corporation, or Company, to whom the same has been sold in like manner as if such person, persons, Corporation or Company had been authorized to construct the tramways of the Grantee then already constructed, and thereafter to be constructed instead of the Grantee.

SCHEDULE.

ARTICLES of AGREEMENT made this twenty-first day of April 1882, between the Commissioners of the Karáchi Municipal District incorporated under Bombay Act VI. of 1873, (hereinafter

(hereinafter called "The Municipality") of the one part and Edward Davis Mathews, Civil Engineer and Contractor for Public Works of 10 Union Court Chambers, Union Court, Old Broad Street in the City of London (hereinafter called "The Grantee") of the other part. Whereas the Municipality have agreed to grant to the Grantee the right to construct, maintain and use a tramway or tramways in Karáchi upon the terms and conditions hereinafter contained and on the part of the said Municipality to be performed the Grantee for himself, his heirs, executors, administrators and assigns, hereby covenants with the Municipality so far as the covenants and agreements hereinafter contained are to be performed by the Grantee and his heirs, executors, administrators and assigns, and the Municipality for and in consideration of the covenants and agreements hereinafter contained and on the part of the Grantee and his heirs, executors, administrators and assigns to be performed hereby covenant with the Grantee and his heirs, executors, administrators and assigns, so far as the covenants and agreements hereinafter contained are to be performed by the Municipality in manner following, that is to say :—

1. The Municipality grant to the Grantee and his heirs executors, administrators, and assigns (all which persons are hereinafter included in the words "The Grantee") the right to construct, maintain and use a tramway or tramways with single or double lines and with all necessary sidings, turnouts, connections and lines of whatever nature may be required to connect the said tramway or tramways with the Depôts of the Grantee on the following routes and between such other places and by such other routes as may be hereafter approved of by the Municipality, viz. : from a point opposite the Carriage Stand on the Old Post Office Square, Sadar Bázár, along Preedy Road, Government Garden Road and Bandar Road to Keamari ; and from a point opposite the City Station of the Sind, Punjab and Delhi Railway to the Native Jetty, crossing the Keamari line at a point near the junction of the McLeod and Bandar Roads.

These lines are more particularly delineated on a plan annexed hereto and thereon shewn by red lines.

2. Tho

2. The Grantee shall moreover (subject to clause 3) have the exclusive right of laying and constructing, maintaining and using a tramway or tramways within the limits of the Municipality on the terms contained in these presents, provided always that if the Grantee shall at any time or times refuse or neglect for six months to accept any proposal by the Municipality for the construction, maintenance and use of any tramway or tramways other than those mentioned in Clause 1, which the Municipality may consider necessary or desirable it shall be lawful for the Municipality to employ any other person or company for the purposes aforesaid or any of them and to make such arrangements as they may think proper independently of the Grantee, and that in all such cases as aforesaid that these additional lines which the Grantee does not take shall have running powers over the Grantee's lines, provided always that in the exercise of these privileges they shall not interfere with or obstruct the traffic of the Grantee and shall conform to such rules for the regulation of that traffic as may be drawn up by the Grantee and approved by the Municipality.

Provided also that it shall not be lawful for the said other parties to both take up and set down the same passenger on the Grantee's line.

3. The Grantee shall construct all the lines mentioned in Clause 1 in such a manner as to be available for use within two and a half years from the passing of the necessary Act by the Legislature failing which it shall be lawful for the Municipality to withdraw and cancel the concessions and rights granted by these presents to the Grantee as regards the lines remaining unconstructed. Provided always that the Grantee shall not be compelled to construct a greater length of line than five and one-half miles within the said term of two and a half years.

4. Any tramway or tramways to be constructed under this agreement shall be constructed on a gauge of four feet and the rails shall be laid and maintained in such manner that the uppermost surface of the rails shall be on a level with the surface of the road and before the work of construction is begun,

begun, drawings and a specification shall be submitted to the Engineer and Secretary to the Municipality and be approved by him and the Cars and Carriages intended to run on the said tramways shall be such as shall have been approved by the Engineer and Secretary to the Municipality.

5. If the Municipality shall hereafter alter the level of any street or road along or across which any tramway by this agreement authorized shall be laid the Grantee shall alter the rails so that the uppermost surface thereof shall be on a level with the surface of the road so altered. Provided always that any such alteration as aforesaid shall be so made as to interfere as little as possible with the safe and convenient working of the said tramways and in any case so as not to stop or prevent the free use and working thereof.

6. The Cars and Carriages of the Grantee on the tracks of the said Tramways shall be worked with such power, animal or mechanical, as the Grantee may think suitable. Provided that the Municipality shall have power at all times to make such regulations as to the rate of speed, number of passengers and mode of use of the said power and tracks as the convenience and safety of the public using the streets may require.

7. The rails, materials, implements and erections placed and erected by the Grantee on the streets and roads under the powers hereby granted shall be and remain the property of the Grantee but he shall not remove or displace the same or any of them or any part or parts thereof (except for the purpose of renewing or repairing the same) without the consent in writing of the Municipality.

8. Except as provided in Clause 2 no person other than the Grantee may use upon any tramway or tramways to be made under this agreement carriages with flange wheels or other wheels suitable only to run on the prescribed rail.

9. The Grantee shall have the power to fix from time to time the rates of fares for carrying passengers and goods in the said cars or carriages provided that the rate for each passenger or parcel shall for any distance not exceeding three miles not exceed four annas and shall not for any greater distance exceed the same proportion.

10. He

10. The Grantee may (for the purpose of constructing and maintaining any tramways under this Agreement) under such superintendence as is hereinafter specified open and break up the soil and pavement of the several public and other streets and bridges in Karáchi and therein lay rails and all necessaries and from time to time repair alter or remove the same and may for the purposes aforesaid remove and use all earth and materials in such streets and bridges and do in and on such streets and bridges all other acts which he shall from time to time deem necessary for constructing and maintaining such tramways subject to the following conditions:—

1st. He shall give to the Engineer of the Municipality notice in writing of his intention to open or break up any such street or bridge specifying the time at which he will begin to do so and the portion of the road proposed to be opened or broken up, such notice to be given at least three days before the commencement of the work.

2nd. He shall not open or break up or alter the level of any road, street or bridge except under the inspection and to the reasonable satisfaction of the Engineer to the Municipality.

3rd. He shall not without the consent of the Engineer to the Municipality open or break up at any one time a greater length than a half of a mile on any one line of tramway.

4th. He shall with all convenient speed complete the work for which the said street or bridge shall be broken up and fill in the ground and make good the surface and to the satisfaction of the Engineer to the Municipality restore the street or bridge to as good condition as that in which it was before it was opened or broken up and clear away all surplus materials or rubbish occasioned thereby.

5th. He shall make good all damage done to the gas and water pipes and sewers whether belonging to the Municipality or to private individuals by the disturbance thereof.

6th. He

6th. He shall in the meantime when such street or bridge is broken up cause it to be watched and to be properly lighted at night.

11. The Grantee shall at his own expense at all times maintain and keep in good condition and repair to the reasonable satisfaction of the Engineer to the Municipality, the rails of which any of the tramways shall for the time being consist and also so much of any street or bridge whereon any tramway belonging to him is laid as lies between the rails of the tramways and in the case of double lines the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway and in the course of carrying out these repairs it shall not be necessary to give notice thereof to the Municipality.

12. In exercising the powers given to him by Clauses 10 and 11 the Grantee shall arrange his work so as to afford the least possible obstruction to the ordinary traffic of the streets, and so as also to admit of as free and unrestricted entry at all times into the sewers through the manholes and lampholes for the time being in use as is possible under the circumstances, and also so as to enable proper repairs to be made to water or gas pipes by the direction of the Municipality, provided always that the Municipality shall keep all gas and waterpipes and other pipes or works which may hereafter be laid down as far as practicable from the lines of tramway.

13. If the Grantee shall commit any breach of Clauses 10, 11 and 12 it shall be lawful for the Municipality in their discretion where such breach shall be in the execution of any work or repairs at any time after 7 days' notice to the Grantee themselves to do and execute such work or repairs and the expenses incurred by the Municipality in so doing including the cost of superintendence shall be repaid to them by the Grantee and the certificate of the Engineer to the Municipality as to such cost shall be conclusive.

14. If any person sustain any loss or damage by reason of any defect or want of repairs in any of the plant, rolling stock

stock or other properties of the Grantee, or by reason of any carelessness, neglect or misconduct of his agents or servants in the management, construction or use of the said tramways or any portion thereof, or in the exercise of the powers given by Clauses 10 and 11 the same shall be made good by the Grantee, and in the event of any suit being instituted against the Municipality in respect of any of the matters hereinbefore mentioned the Grantee shall within 14 days from receipt of notice thereof from the Municipality settle the same, but if the Grantee chooses to defend such suits he shall be at liberty to do so on his undertaking to indemnify the Municipality against all losses, damages and expenses in respect thereof, provided always that if the Grantee fails to settle such suit or to indemnify the Municipality as is hereinbefore provided it shall be lawful for the Municipality to settle the same without any consent or concurrence on the part of the Grantee and the sum which they shall have to pay in making such settlement and with all expenses to which they may be put shall be recoverable as a debt from the Grantee.

15. If at any time after the opening of any tramway for traffic the Grantee shall discontinue the working of such tramway or any part thereof for the space of six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Grantee) it shall be lawful for the Municipality without any previous notice to the Grantee to remove the tramway or any part thereof so discontinued. And the Grantee shall pay to the Municipality the cost of such removal and of the making good of such street or bridge through which the said tramway shall have been made and the certificate of the said Engineer to the Municipality as to such cost shall be conclusive.

16. The Grantee will if required by the Municipality before opening and breaking up the soil and pavement of any street or bridge under Clause 10 of these presents deposit in the Bank of Bombay or other approved Bank in Karáchi in the name of the Municipality the sum of Rupees 5,000 or in his option promissory Notes of the Government of India or Municipal Bonds of the nominal value of Rupees 5,000 and the same will remain so deposited until the completion by the Grantee

Grantee of the lines of tramway hereby sanctioned. But all interest accruing on the said sum or the said notes shall be credited to the Grantee and subject as next hereinafter mentioned be paid to him as the same shall accrue due, provided nevertheless that the Municipality shall be entitled to deduct out of the sum so deposited or the interest accruing on the said sum or notes or bonds or out of the proceeds of sale of the said notes or bonds all moneys to which they may be entitled under these presents.

17. In consideration of the concession hereby granted the Grantee shall pay to the Municipality a sum at the rate of 500 Rupees per annum per mile of running tramway whether double or single line, all necessary sidings, turnouts, connections or loops of whatsoever kind being, however, exempt from such mileage rate and the said sum shall be payable half-yearly and shall form a first charge on the undertaking and the date on which such sum on each line of tramways or part of a line shall begin to accrue shall be the date on which such line or part of a line of tramway shall be opened for public traffic. The sum so payable as aforesaid shall be in lieu of all rates, taxes, and assessments of any kind whatsoever made by or payable to the Municipality in respect of the Tramways, Horses, Carriages, Engines, Depôts, Stables and any other property or effects, provided always that no lines or sidings over which passengers or goods are not carried for hire connecting the traffic lines with the stables, carriage sheds, or depôts or other property of the Grantee shall be included in mileage for which such sum shall be payable.

18. If the said sum or any part thereof shall not be paid on due date the Grantee shall be liable to pay interest thereon at the rate of 8 per cent. per annum from the due date until payment.

19. From and after the commencement of 15th year of this contract to the end of the twenty-first the Grantee shall not be at liberty to enter upon any fresh engagements or expenditure which would increase his capital account in connection with this contract without first notifying his intention to

to the Municipality and obtaining their approval thereof and sanction thereto in writing.

20. The Municipality shall have the right of purchasing the said tramways with the plant, buildings, stores, rolling stock and everything connected therewith upon the expiration of twenty-one years from the date of opening the first section for traffic upon declaring its intention so to do by notice in writing to be given to the Grantee not less than six months before the expiration of the said 21 years and shall have a renewed right of purchase at the end of every seven years after the expiration of the said 21 years upon similar notice being given and the consideration for such purchase shall be a cash payment of one and two-fifths of the amount of the invested capital of the Grantee or Securities of the Government of India, or Securities the interest whereon shall have been guaranteed by the Secretary of State for India in Council of such amount as to produce at the rate of interest current on such Securities seven per cent. per annum on the amount of the said invested capital and if the consideration for such purchase shall be given in such Securities as aforesaid the Grantee shall be entitled to have in addition a first mortgage of all the property assets and profits of the tramway or tramways which shall have been purchased from him.

21. In the event of the Municipality failing to declare its intention as above provided to purchase the property of the Grantee the terms of this contract shall continue in force.

22. The provisions hereinbefore contained shall so far as applicable apply to all tramways to be constructed by the Grantee by any route or routes to be hereafter fixed by the Municipality or under Clauses 1 and 3 of these presents and to the works connected with or incidental to such tramways.

23. The date of the commencement of this contract or concession shall be the date on which notice of the confirmation hereof by the Bombay Legislature shall be given to the Grantee or his representative in Karachi.

24. Unless the Grantee shall have commenced the work of laying down the said tramways within 12 months from the said date the Municipality shall be at liberty to cease and determine

determine this contract and to enter into arrangements with, any other person or persons for the construction of tramways.

25. Nothing in this agreement shall take away or affect any power which the Municipality may have by law to open or break up or to widen, alter, divert or improve any street or road provided always :—

1st. That they shall cause as little inconvenience to the Grantee as circumstances will admit.

2nd. That they may (if absolutely necessary but not otherwise) order the temporary stoppage of traffic on the said tramways or any of them on giving twenty-four hours' notice in writing to the Grantee.

3rd. That before they commence any work where-by the traffic on the tramways will be interrupted they shall except in cases of urgency (in which cases no notice shall be necessary) give to the Grantee notice of their intention to commence such work specifying the time at which they will begin to do so, such notice to be given twenty-four hours at least before the commencement of the work.

4th. That in the event of their so interfering with or stopping the running of any tramway under this clause an abatement proportioned to the length of road over which and time during which running is stopped shall be made from the sum hereinbefore reserved and payable by the Grantee in lieu of Municipal rates, taxes and assessments.

5th. That any alteration of the position of any of the tramways or the making good of any injury or damage that may be occasioned thereto by reason of such widening, alteration or improvement shall be executed by the Grantee at the expense of the Municipality.

26. If any doubt, difference or dispute shall arise between the Grantee and the Municipality touching the construction of these presents or anything herein contained or touching or concerning any other matter or thing relating to these presents then

The Kardchi Tramways Act, 1883.

then and in every such case such doubt, difference or dispute shall be referred to the arbitration of two persons one to be chosen by the Grantee and the other by the Municipality within one calendar month after either of them shall have made to the other a requisition to that effect in writing and should the Arbitrators fail to agree they shall refer the question at issue to the decision of an Umpire to be chosen by the said Arbitrators and the decision of such Arbitrators if they agree or of such Umpire if they disagree shall be final and in case either party shall neglect or refuse to appoint an Arbitrator within the specified time the Arbitrator appointed by the other party shall make a decision alone and the decision of such Arbitrators, Umpire or Arbitrator as the case may be shall be effectual and binding upon both parties.

BOMBAY ACT No. III. OF 1883.

[Received the assent of the Governor of Bombay on the 8th February 1883, and of the Governor General on the 19th April 1883, and published by the Governor of Bombay on the 8th May 1883.]

An Act to further amend the Bombay Port Trust Act, 1879.

WHEREAS it is expedient to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing: It is enacted as follows:—

1. After the word and figure “section 22” and before the word and figure “or 23” in the proviso to section 21 there shall be inserted the following words and figures, namely:—

Amendment of proviso in section 22.

“(except clauses 5 and 6 thereof).”

2. To clause 5 of section 22 there shall be added the following proviso, namely:—

Addition to clause 5 of section 22.

“Provided that it shall be in the discretion of the Board to determine whether all of such officers and servants, or any, and, if so, which of them, shall become entitled on retirement to any such pensions, gratuities, or compassionate allowances as aforesaid.”

3. To clause 6 of section 22 there shall be added the following words, namely:—

Addition to clause 6 of section 22.

“or to such Provident Fund, if any, as may be established by the Board for the benefit of such officers and servants.”

4. To clause 1 of section 49 there shall be added the following words, namely:—

Addition to clause 1 of section 49.

“Or to such Provident Fund, if any, as may be established by the Board for the benefit of such officers

officers

[Price—3 pies.]

officers and servants, and if any such Provident Fund be established by the Board the costs and expenses, if any, which may be incurred by the Board in the conduct and administration thereof."

This Act to be taken as part of Bombay Act VI. of 1879.

5. This Act shall be read with, and taken as part of, Bombay Act VI. of 1879.

BOMBAY ACT No. IV, of 1883.

[Received the assent of the Governor of Bombay on the 25th August 1883 and of the Governor General on the 15th October 1883 and published by the Governor of Bombay on the 5th November 1883.]

An Act to amend the Law concerning the confinement of Civil Prisoners liable to imprisonment under the Criminal Procedure Code.

WHEREAS it is expedient to amend the law relating to the confinement of civil prisoners who are liable to be imprisoned or committed to custody under the Code of Criminal Procedure, 1882: It is enacted as follows:—

1. Notwithstanding anything contained in Bombay Act II. of 1874 to the contrary, any person who, whilst he is imprisoned in a civil jail, becomes liable to be imprisoned or committed to custody under the Code of Criminal Procedure, 1882, may, if the Governor in Council so directs under Section 541 of the said code, be confined under the said code in a civil jail; Civil prisoners may be confined under the Criminal Procedure Code in civil jail.

Provided that on such person's obtaining his release from civil custody he shall, if still liable to be imprisoned or kept in custody under the said code, be forthwith transferred to a criminal jail.

[Price— $\frac{1}{2}$ Anna]

BOMBAY ACT No. V. OF 1883.

[Received the assent of the Governor of Bombay on the 25th August 1883 and of the Governor General on the 15th October and published by the Governor of Bombay on the 5th November 1883.]

An Act to enable Government to prescribe the Official Seals of Sessions Judges, Magistrates and other public authorities.

WHEREAS it is expedient to extend the provisions of Bombay Act II. of 1870 (*An Act to enable the Government of Bombay to prescribe the Official Seals of the Magistrates*), so as to enable the Government to prescribe what official seals other public authorities besides Magistrates shall have and use; It is enacted as follows:—

1. This Act may be called “the Bombay Public Authorities” Seals Act, 1883.” Short title.

2. Bombay Act II. of 1870 is hereby repealed. Repeal of Bombay Act II. of 1870.
Every notification issued under the said Act and now in force shall be deemed to have been issued under this Act.

3. The Governor in Council may, from time to time, by notification in the *Bombay Government Gazette*, direct what official seals each of the following Courts and other public authorities shall have and use (namely)— Government empowered to prescribe the seals of certain public authorities.

(1) Sessions Judges, Additional and Joint Sessions Judges and Assistant Sessions Judges;

(2) Presidency Magistrates;

(3) any other Magistrates;

(4) any other judicial officer or public authority, whose official seal is not prescribed by law and no other authority is legally competent to prescribe.

[Price— $\frac{1}{2}$ Anna.]

The Bombay Public Authorities' Seals Act, 1883.

Every such notification may from time to time be modified or rescinded by the Governor in Council by a like notification.

4. Every notification made under the last preceding section shall come into force on such date as the Governor in Council shall therein fix in this behalf.

Date on which notifications under last section shall take effect.

BOMBAY ACT No. VI. OF 1883.

[Received the assent of the Governor of Bombay on the 25th August 1883 and of the Governor General on the 3rd November 1883, and published by the Governor of Bombay on the 26th November 1883.]

An Act to further amend the Bombay Port Trust Act, 1879.

WHEREAS it is expedient to amend the Bombay Port Trust Act, 1879, in manner hereinafter appearing: It is enacted as follows:—

1. Instead of the words "or pier" in Section 43 of the said Act, the words "pier, land or building" shall be substituted. Amendment of Section 43.