



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE
CONTAINING
ACTS FINALLY PASSED.

Published by Authority.

THURSDAY, 6TH NOVEMBER 1862.

Separate Paging is given to these Supplements, in continuation from one to the other, that the Acts may be collected into a separate Compilation.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

BOMBAY.

Act No. VIII. of 1862.

An Act to abate the Nuisance arising from the Smoke of Furnaces in the Town and Suburbs of Bombay.

[Received the assent of the Governor of Bombay on the 19th day of September 1862, and of the Governor General on the 17th day of October 1862, and published by the Governor of Bombay on the 30th day of October 1862.]

Whereas it is expedient to abate the nuisance arising from the smoke of Furnaces in the Town and Suburbs of Bombay; It is enacted as follows:—

I. From and after the 1st day of January 1864, every Furnace employed or to be employed in the Town and Suburbs of Bombay, in the working of Engines by Steam, and every Furnace employed or to be employed in any Government or Public Works or Buildings, or in any Mill, Factory, Tannery, Printing-house, Dye-house, Iron Foundry, Glass-house, Distillery, Brew-house, Sugar Refinery,

Bake-house, Iron Works, Gas Works, Water Works, Chemical Works, or in the Works of any Press Company, Spinning Company, Weaving Company, Spinning and Weaving Company, Ice Company, or in any Works for the purpose of Manufacturing Ice, or in any Works in the possession or occupation or under the control or power of the Peninsular and Oriental Steam Navigation Company, or of the Bombay or any other Steam Navigation Company, or employed or to be employed in any other works or buildings used for the purposes of any trade or manufacture whatsoever within the Town and Suburbs of Bombay (although a Steam Engine be not used or employed therein), shall in all cases be constructed or altered so as to consume or burn the smoke arising from such furnace; and if any person shall after the 1st day of January 1864, within the Town and Suburbs of Bombay, use any such furnace which shall not be constructed so as to consume or burn its own smoke, or shall so negligently use any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt, or shall carry on any trade or business which shall occasion any noxious or offensive effluvia, or otherwise annoy the neighbourhood or inhabitants without using the best practicable means for preventing or counteracting such smoke or other annoyance, every person so offending,

being the owner or occupier of the premises, or being an agent, foreman, or other person employed by such owner or occupier, shall, upon a summary conviction for such offence before any Magistrate, forfeit and pay a sum not more than 100 Rupees nor less than 40 Rupees, and upon a second conviction for such offence the sum of 200 Rupees, and for each subsequent conviction a sum double the amount of the penalty imposed for the last preceding conviction.

II. The words "consume or burn the smoke" shall not be held in all cases to mean "consume or burn all the smoke," and the Magistrate before whom any person shall be summoned may remit the penalties enacted by this Act if he shall be of opinion that such person has so constructed or altered his furnace as to consume or burn, as far as possible, all the smoke arising from such furnace, and has carefully attended to the same and consumed or burnt as far as possible the smoke arising from such furnace.

III. It shall, for the purposes of this Act, be competent for the Municipal Commissioners for the town of Bombay to appoint a person or persons who shall be thereby authorized to enter any premises to which the provisions of this Act shall apply, and inspect any Furnaces therein, and if the owner or occupier of the premises, or if the Agent, Foreman, or other person employed by such owner or occupier shall refuse to allow their premises to be inspected by the person so authorized, it shall be lawful for any Police Officer or Constable authorized by the order in writing of a Magistrate, with or without assistance, to enter into and upon any building or premises in the Town or Suburbs of Bombay, in which any furnace may be or in which any noxious trade or business may be carried on, and to examine into the construction of such furnace, and into the manner of carrying on such trade or business; and any person obstructing any such Police Officer or Constable in the execution of any such order shall, upon a summary conviction for such offence before a Magistrate, forfeit and pay any sum not exceeding five hundred Rupees.

IV. No proceedings shall be taken against any person under this Act taken except by authority of a Magistrate or Municipal Commissioners. except by the authority of a Magistrate or by the authority of the Municipal Commissioners for the Town of Bombay.

V. Nothing in this Act shall be held to apply to Locomotive Engines used for the purposes of traffic in or upon any Railway within the limits of the Town and Suburbs of Bombay.

VI. The Town and Suburbs of Bombay mentioned in this Act comprise whatever has been hitherto included within the limits generally known as the Islands of Bombay and Colaba, together with all land or ground now or which may hereafter be reclaimed from the sea or harbour.

VII. All penalties by this Act imposed shall be recoverable according to the provisions of Act XIII. of 1856.

Penalties recoverable under Act XIII. of 1856.

BOMBAY.

Act No. IX. of 1862.

An Act for further amending Act XXVI. of 1850.

[Received the assent of the Governor of Bombay on the 19th day of September 1862, and of the Governor General on the 17th day of October 1862, and published by the Governor of Bombay on the 30th day of October 1862.]

Whereas it is desirable that the Governor in Council of Bombay should have power to depute to the Police Commissioners and the Commissioner of Sind the powers and duties which are exercised or performed by the Governor in Council under the provisions of Act XXVI. of 1850; And whereas it is desirable to make provision for certain officers to be *ex-officio* Members of Municipal Commissions; It is hereby enacted as follows:—

I. From and after the passing of this Act, the Governor in Council of Bombay may, from time to time, depute to the Police Commissioners and to the Commissioner in Sind, all or any of the powers or duties which under Act XXVI. of 1850 are required or intended to be exercised or performed by the Governor in Council of Bombay, and may from time to time revoke such powers or duties or any parts or part thereof.

II. All Collectors, Sub-Collectors, Assistant and Deputy Collectors, Mamludars and Mahalkurrees shall be *ex-officio* Commissioners of every Municipality within the limits of their local jurisdiction, and the following Officers shall be *ex-officio* Commissioners when resident in any city, town, or suburb, in which a Municipal Commission is or shall be established, viz.:—

The Executive Engineer of the District.

The Civil Surgeon.

The Superintendent of Police.

The Assistant Superintendent of Police.

The Deputy Collector at the Sudder Station.

The City or Town Foujdar.

Provided that the *ex-officio* Commissioners shall not at any time exceed the proportion of one-third in number of the non-official Commissioners of any Municipality.

III. This Act shall be read with and taken as Act to be read as part of part of Act XXVI. of 1850.

BOMBAY.**Act No. X. of 1862.***An Act to amend Section 45 Clause 1 of Regulation XIII. of 1827.*

[Received the Assent of the Governor of Bombay on the 11th day of September 1862, and of the Governor General on the 17th day of October 1862, and published by the Governor of Bombay on the 1st November 1862.]

WHEREAS it is provided amongst other things by Section 45 of Regulation XIII. of 1827, that Prisoners sentenced to hard labour, transportation, or death, shall be secured with fetters. And whereas it is expedient to modify the said Regulation: It is enacted as follows:—

I. Prisoners sentenced to hard labour, rigorous imprisonment, transportation, penal servitude, or death, shall, at the discretion of the Sessions

Preamble.

Prisoners sentenced to hard labour, rigorous imprisonment, &c. may be secured with fetters, &c. at

the discretion of the Sessions Judge or other Officer in charge, but only when necessary for maintenance of discipline and security against escape.

Judge or other Officer in charge of the Jail, be secured with fetters, handcuffs, or stocks, it being understood that such means of restraint are to

be imposed as a necessity only for the maintenance of discipline and security against the escape

Same means of restraint may be applied to other Prisoners.

of Prisoners and not as a part of the punishment.

The same means of restraint may when it is necessary be applied to other Prisoners.

II. Provided always, that British-born subjects sentenced to hard

labour, rigorous imprisonment, &c. shall not be secured with fetters, except in cases of urgent necessity.

labour, rigorous imprisonment, penal servitude, or death, shall not be secured with fetters, excepting when it may be urgently necessary so to secure them for the discipline of

the Jail, or the prevention of violent or dangerous behaviour.