



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

THURSDAY, 18TH SEPTEMBER 1862.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of the Governor of Bombay, for the purpose of making Laws and Regulations, together with the Bill as altered by them, is published for general information.

Report of the Select Committee appointed to consider and report upon "A Bill for the Registry of Vessels and Levy of Pilotage Fees on the River Indus."

The Select Committee have considered the above Bill.

The alterations made do not affect the Principles of the Bill as originally drafted, and, although numerous, they are chiefly verbal.

The only point in which the Committee have really made any modification is, to leave the regulation of rates of Registry and Pilot Fees to the Governor in Council by Notification in the *Government Gazette*.

As the Registry Fees have been already collected for the current year, the Committee recommend that the Act should come into operation on the 1st January 1863.

J. D. INVERARITY.

MICHAEL H. SCOTT.

W. B. TRISTRAM.

A. D. ROBERTSON.

RUSTOMJEE JAMSETJEE JEJEEBHOY.

*A Bill for the Registry of Vessels and Levy of Pilotage Fees on the
River Indus.*

WHEREAS it is expedient to provide for the Registry of Vessels plying on the River Indus and its Tidal Channels, within the Province of Sind, and for the establishment of competent Pilots, and for the levying of Fees in respect of the same : And whereas it is expedient to indemnify certain Officers in respect of acts done by them, in pursuance of the orders of the Commissioner in Sind ; It is enacted as follows :—

Preamble.

Vessels to be registered and marked or branded with a Number, the registered burthen, and a letter indicating place of registry.

I. Every Vessel plying on the River Indus and its Tidal Channels, within the Province of Sind, shall be registered by an Officer appointed for the purpose, and shall be marked or branded with a number, the registered burthen, and a letter or letters indicating the place of registry.

II. The name and number, and burthen of every Vessel plying as aforesaid, and the name of the owner thereof, shall be registered in a book kept for that purpose by a duly authorised Officer ; and whenever any change shall take place in the burthen of such Vessel plying as aforesaid, or in the name or names of the owner thereof, such vessel shall be again registered.

The Name, Number, Burthen, &c. to be registered.

III. The owner of every Vessel plying as aforesaid shall apply to the proper Officer and obtain from him a Certificate of Registry as aforesaid ; and in the case of any Certificate being lost or destroyed, a renewed Certificate may be obtained in the same manner, and on the payment of the Fees hereinafter mentioned.

Owner to apply for Certificate of Registry.

Amount of Fees for Registration.

IV. The owner of every Vessel registered as aforesaid shall annually or otherwise pay such fees as the Governor in Council may, from time to time, direct by Notification in the *Government Gazette*.

Certificate of Registration to be produced on demand.

V. The owner or person in charge of every Vessel plying as aforesaid, shall produce, when required by any public Officer entitled to demand the same, the Certificate of Registry of such Vessel.

VI. In case any Vessel plying as aforesaid shall not be registered, marked or branded, in all respects as hereinbefore directed ; or in case such Vessel shall not be furnished with a proper Certificate of Registry ; or in case the owner of such Vessel shall not produce such Certificate when required as aforesaid, the owner of such Vessel shall be liable to a fine not exceeding ten times the amount of the Fees payable annually, in respect of the Registry of such Vessel ; which fine may be recovered on conviction before a Magistrate, Justice of the Peace, or person exercising the powers of a Magistrate within the Province of Sind, by sale of such Vessel, her furniture, ammunition, tackle and apparel.

Penalty for infringement of the provisions of this Act.

Fees and fines aforesaid how applied.

VII. The sums realised from the fees and fines aforesaid shall be expended in removing obstructions from the Channels of the River Indus, and in other ways improving the navigation of that River.

Establishment of Pilots and Pilot Boats to be maintained near the mouths of the Indus.

VIII. There shall be maintained such Establishment of Pilots and Pilot Boats, near the mouths of the River Indus, as the Commissioner in Sind may, from time to time, direct.

IX. The person in charge of a Vessel passing through any of the Channels at the mouths of the River Indus, shall pay to the duly authorised Officer, such fee as the Governor in Council may, from time to time, direct by Notification in the *Government Gazette*, and in consideration of such payment, shall receive the services of a Pilot.

Establishment of Pilots and Pilot Boats available at places on Tidal Channels between Ghizree and River Indus.

X. The Establishment of Pilots and Pilot Boats shall, when necessary, be available at such place or places on the Tidal Channels between the port of Ghizree and the River Indus, as the Commissioner in Sind may, from time to time, direct.

XI. The person in charge of a Vessel passing through any of the Tidal Channels aforesaid, shall pay to the duly authorised Officer, such fee as may, from time to time, be fixed under the provisions of Section IX. of this Act; and in consideration of such payment, shall receive the services of Pilots.

XII. In case the person in charge of such Vessel as aforesaid shall refuse or neglect to pay to the duly authorised Officer the fee payable in respect of the pilotage of such Vessel, such person shall be subject to a fine not exceeding ten times the amount of the said fee; and such fine may be recovered on conviction before a Magistrate, Justice of the Peace, or person exercising the powers of a Magistrate within the Province of Sind, by sale of such Vessel, her furniture, ammunition, tackle, and apparel.

XIII. The sums realised from fees for pilotage and from fines for non-payment thereof, shall be applied towards the maintenance of an Establishment of Pilots and Pilot Boats, the erection and maintenance of Beacons, and generally as may best conduce to the safe passage of Vessels through the mouths and Tidal Channels of the River Indus.

XIV. An account shall be kept of all sums of money received and expended under the provisions of this Act; and a statement of the same shall be published every year in the *Government Gazette*.

XV. It shall be lawful for the Commissioner in Sind, with the sanction of the Governor in Council, from time to time, to appoint such person or persons, and to suspend and remove the same, and to make such Rules, as may be necessary for carrying out the provisions of this Act; provided that all such Rules shall be notified in the *Government Gazette*.

XVI. All persons who shall, previous to the commencement of this Act, have acted under the authority of the Commissioner in Sind, are hereby indemnified, freed, and discharged from and against all actions, suits, prosecutions, and penalties whatsoever, for, or on account, or in respect of all, or any acts, matters, and things whatsoever done, ordered, directed, or authorised by any of them, in respect to the levying of Fees on account of the Registry of Vessels, and on account of the Pilotage of Vessels on the River Indus and its Tidal Channels aforesaid; provided that such acts, matters, and things shall have been done, ordered, directed, or authorised *bonâ fide*, and in accordance with, and under the authority of the Rules for the Registry of Vessels issued by the Commissioner in Sind, on the 20th day of December 1861, and notified in the *Government Gazette* on the 2nd day of January 1862, and in accordance with, and under the

authority of the Rules for the Pilotage Establishment for the mouths of the Indus, issued by the Commissioner in Sind on the 27th day of November 1861, and notified in the *Government Gazette* on the 12th day of December 1861, or in accordance with or under the authority of any other Rules for the levy of Pilotage Fees heretofore issued by the Commissioner in Sind, with the sanction of the Governor in Council.

XVII. A Barge or Flat towed by a Steamer, and plying in no other manner, shall not for the purposes of this Act be considered a Vessel. In the construction of this Act, unless where a contrary intention appears from the context, the words importing the singular number or masculine gender shall include several persons and parties as well as one person or party and females as well as males and bodies corporate as well as individuals and several matters and things as well as one matter and thing.

Commencement of Act.

XVIII. This Act shall come into operation on the 1st day of January 1863.

By order of His Excellency the Governor in Council,

L. H. BAYLEY,

Deputy Secretary to Government.

Poona, 9th September 1862.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of the Governor of Bombay, for the purpose of making Laws and Regulations, is published for general information.

Report of the Select Committee appointed to consider and report on the Amendments proposed by the Honorable Mr. Inverarity in the "Bill to promote the construction of Lines of Communication as Feeders to Railways, High Roads, Navigable Rivers, and Canals."

The Select Committee have considered the twelve amendments proposed by the Honorable Mr. Inverarity, and have adopted some and rejected others for the following reasons:—

1st. They recommend the adoption of amendment No. 1, viz. that the words "both the land required temporarily during the construction of the works and that required for permanent occupation" be substituted for the words "the land required for the same" in the 8th and 9th lines of Section IX. It is well to distinguish between the occupancies, permanent possession being required only of that land on which the buildings, line, &c. are situated.

2nd & 3rd. The Committee do not recommend the adoption of the second and third amendments which propose the incorporation of the Promoters as a Company; those amendments, if accepted, might lead to the creation of considerable legal difficulties.

4th. The Committee approve of the 4th amendment, viz. to substitute the following for the last five lines of Section XI. after the words "include land," "required for Stations, Buildings, or any works or purposes recognised by the Commissioner, as necessary for the undertaking." This is an advisable check on the Promoters retaining land for private houses and other purposes not *bonâ fide* connected with the undertaking.

5th. They recommend that the following clause proposed in the 5th amendment be substituted for Section XII. of the Bill.

"XII. Whenever the owners shall have completed any line of communication for which land shall have been taken under this Act or any portion thereof suitable for public accommodation, it shall be inspected by a Government Officer, and if he report it complete, that traffic can be carried on it without danger to the public, and that it is equipped with Engines, Boats, and means of transport sufficient for public accommodation, Government will thereupon declare the line to be open to the public, and the owners or lessees will then convey passengers thereon, and undertake the transport of Goods and all descriptions of traffic as common carriers. Provided that the passenger fares and the tolls on goods charged to the public shall not exceed the rates which have been approved by Government."

The Committee consider that this Clause is necessary to prevent the line being used before it is safe. They think there ought to be a day of opening declared, after which the Promoters may be considered to be licensed to carry goods and passengers and take money from the Public; and they further think that they ought to be defined as common carriers to make them responsible for goods intrusted to them. Clause XVIII. does indeed provide for the line being inspected, but an inspection should take place before the line is open to the Public, and the Clause can still remain to come into force, if necessary, any time after the line has been worked.

6th. They recommend that the following Clause proposed in the 6th amendment be inserted as Section XIII.

"XIII. The owners shall, before the line is declared open to the Public, have marked off on the ground, by a sufficient fence, all land permanently required, and restore those portions only required during the construction of the works; and they shall furnish to the Collector on or before the day of opening, an accurate plan of the land to be permanently occupied by them, drawn on a scale not less than 200 feet to an inch, and Government shall give the owners a title (or 99 years' lease) for all the land thus permanently occupied."

The Committee believe that this has been found very necessary with the Railway Companies, and the only way of ensuring punctuality in sending the land plans, is to make the owners furnish them before the line is opened to the Public.

7th. The 7th amendment, viz. "That Sections XIII., XIV., and XV. stand respectively Section XIV., XV., and XVI." is necessary, in consequence of the insertion of the additional Section (XIII.) by the 6th amendment.

8th. The Committee do not advise the adoption of the 8th amendment, viz. "That the following clause be added at the end of Section XV."

"The above provision will not bar any individual suffering loss or damage by the works of the Company from suing them for compensation in a Civil Court."

Provision is made in the Bill for compensation to persons whose lands, &c. are taken or injured, and the Committee think that the proposed addition will lead to nothing but doubts and difficulties, and accordingly recommend its omission.

9th. They recommend the adoption of the 9th amendment, viz. :—

"That the following be inserted as Section XVII."

"Should the owners or lessees have any quarry or ballast pit unfenced, and in the opinion of the Magistrate of the District unsafe, he shall have authority to call upon the owners or lessees to do what is necessary for the protection of the Public in a reasonable time, and the owners or lessees shall be liable to a fine of Rupees 10 per day for every day after that appointed by the Magistrate in which the pit or quarry shall remain unsafe."

The Committee have every reason to believe that the want of a similar Clause to this in the Railway Act has been very much felt, and has given rise to much trouble and correspondence.

10th. The Committee approve of the 10th amendment, viz. :—

"That the following be substituted for the words 'if it appears to the Government' in the first line of the 18th Section :—"

"If at any time after the line has been opened to the Public it appears to the Government," as such amendment is calculated to remove any difficulty that might arise in the construction of the Section as to the time within which Government may take action under it.

11th. The Committee recommend the adoption of the 11th amendment, viz. that "Section XIX. be amended by inserting the various Sections of Act XVIII. of 1854, which are made applicable to Lines of Communication, constructed under this Act," and propose that Section XIX. should stand as follows :—

Certain Sections of Act XVIII. of 1854, to apply to this Act. "Sections II. III. X. XII. XV. XVI. XXV. XXVI. XXVII. XXVIII. XXIX. XXX. XXXI. and XLIII. of Act XVIII. of 1854 shall apply to all lines of communication constructed under this Act."

The Committee consider those Sections alone applicable to the present Bill.

12th. The 12th amendment, viz. "That Sections XVI. to XXIII. stand respectively Sections XVIII. to XXV. of the Bill," is necessary, in consequence of the insertion of the additional Sections by the above amendments.

(Signed) MICHAEL H. SCOTT.
 „ J. D. INVERARITY.
 „ W. B. TRISTRAM.
 „ A. D. ROBERTSON.

By order of His Excellency the Governor in Council;

L. H. BAYLEY,
 Deputy Secretary to Government.

Poona, 10th September 1862.