

No. 12

Rare section

# ACTS

PASSED BY THE

GOVERNOR OF BOMBAY IN COUNCIL

IN THE YEAR 1874.



Bombay:

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# TITLES

OF

ACTS PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL IN  
THE YEAR 1874.

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1874.

Act No. 1.—An Act to authorize the making and to regulate the working of Street  
Tramways in Bombay.

Act No. 2.—An Act for the regulation of Jails in the City and Presidency of Bombay  
and the enforcement of discipline therein.

Act No. 3.—An Act to amend the law relating to Hereditary Offices.

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# BOMBAY.

ACT No. I. OF 1874.

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

*[Received the assent of the Governor of Bombay on the 11th April 1874, and of the Governor General on the 6th May 1874, and published by the Governor of Bombay on the 15th May 1874.]*

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Whereas the Corporation of the Justices of the Peace for the City of Bombay by an Agreement dated the 12th day of March 1873 for the considerations therein expressed granted to William French Stearns and George Alvah Kittredge and their Assigns the right to construct and maintain and to use a Tramway or Tramways in Bombay 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 the said Agreement had on the third day of March 1873 received the sanction of the Governor of Bombay in Council; and whereas the said W. F. Stearns and G. A. Kittredge are desirous of being empowered to lay down and maintain the several Street Tramways in the said Agreement and in this Act particularly described and also such other Tramways between such other places in Bombay 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:—

Short Title. I. This Act may be cited for all purposes as “The Bombay Tramways Act, 1874.”

Interpretation. II. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction:—

The expression “the said Corporation” shall mean the Municipal Corporation of the City of Bombay constituted by Act III. of 1872 or any other Act passed by the Governor of Bombay in Council.

The expression "The Municipal Commissioner" shall mean the Municipal Commissioner for the City of Bombay appointed under the provisions of the said Act III. of 1872 or any subsequent Municipal Act, or any person officiating in the said office.

The expression the "Tramways" or the "undertaking" shall mean the Tramways and works and undertaking by this Act authorized, or any part thereof.

The word "Road" shall mean the way of any street, road, thoroughfare, passage or place along or across which any Tramway authorized by this Act is intended to be laid, and includes the surface pavement soil and sub-soil of a street and any bridge forming part of a street.

III. Subject to the provisions of this Act, and subject to the said Agreement of the 12th of March 1873 so far as the same is not inconsistent with anything in this Act, the said W. F. Stearns and G. A. Kittredge, their Executors, Administrators and Assigns (hereinafter called the said Grantees), may make and maintain in the City of Bombay a Tramway or Tramways with single or double tracks and with all necessary sidings, turn-outs, connections and tracks to and from their stables on the following routes :—

From a point near the Grant Buildings, Colaba, by Hornby Row and the Cruickshank Road to the Money School a double track : Provided that this Tramway shall not be carried or maintained across the Bombay, Baroda, and Central India Railway or any siding which may at any time be constructed from the Cotton Green to the Apollo Bay Reclamation so as to obstruct the said Railway or any such siding.

From a point of junction with the above Tramway near the junction of Bazaar Gate Street and Hornby Row to a point near the Crawford Market a double track.

From the Money School to a point near Pydhonee Well along the Kalbadavie Road and the Coppersmiths' Bazaar, Mombadavie, a single track.

From the Crawford Market along Syed Abdool Rahman Street to a point of junction with the foregoing Tramway near the Pydhonee Well a single track : Provided, however, that in case after the expiration of one year from the date when this track shall have been constructed it shall be considered by Government to be necessary or expedient that the same shall be removed, the Grantees shall immediately after they shall have received an order from Government in that behalf at their own expense remove the said track and all their plant and materials from the said street

street, and restore and make good the road and pavement and remove, all rubbish occasioned by the said track or the removal thereof, and the said Grantees shall not be entitled to or claim any compensation in respect of such removal.

And may also make and maintain a Tramway along the following route when approved by the Municipal Commissioner :

From the said point near Pydhonee Well along the Parell Road to a point near the Byculla Railway Station, a single or double track as may be approved of by the Municipal Commissioner for the said City and sanctioned by Government.

And may also make and maintain Tramways between such other places in the said City and by such other routes as may hereafter be approved of by the Municipal Commissioner for the said City and sanctioned by Government.

IV. In the event of any other Tramway or Tramways on other routes in the said City being from time to time approved by the said Commissioner and sanctioned by Government and undertaken by the said Grantees, notice thereof specifying the routes so approved shall thereupon be given in the *Bombay Government Gazette*, under the signature of a Secretary to Government, and upon the publication of any such notice all the provisions of this Act shall apply to the Tramway or Tramways in such notice specified, and all works and things connected with or incidental thereto as if the same route or routes had been particularly described in Section III. of this Act.

V. Every Tramway shall be constructed and maintained in such form and manner and upon such gradient and with such gauge and rails as the said Municipal Commissioner shall approve, and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the immediately adjacent surface of the road, and shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Municipal Commissioner.

VI. The carriages intended to run upon the said rails shall be furnished with a break which can be worked at each end of the carriage, and shall be of a construction approved by the Municipal Commissioner. No carriage 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.

VII.

VII. The Grantees may use on their Tramways carriages with flange wheels, or wheels suitable only to run on a grooved rail, and, subject to the provisions of this Act, the Grantees shall have the exclusive use of their Tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail.

The Grantees may use Tramway carriages with flange wheels.

VIII. 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 only to run on a grooved rail.

Reservation of right of public to use roads.

IX. The carriages of the Grantees on the tracks of the said Tramways shall, unless with the consent of the said Municipal Commissioner and the sanction of Government, be worked with horse power or other animal power only, and the maximum rate of speed on the said Tramway shall be eight miles per hour.

Carriages to be worked with animal power.

X. The Grantees from time to time, for the purpose of making, forming, laying down, maintaining and renewing any Tramway duly authorized, or any part or parts thereof respectively; may open and break up any road, subject to the following regulations :—

Power to break up streets, &c.

1. They shall give to the Municipal Commissioner, or to the Executive Engineer of the said Corporation, notice of their intention, specifying the time at which they will begin to do so, and the portion of road proposed to be opened or broken up, such notice to be given seven days at least before the commencement of the work, except in cases of emergency arising from defects in any 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 :

2. They shall not open, or break up, or alter the level of any road, except under the superintendence and to the reasonable satisfaction of the Municipal Commissioner or Executive Engineer, unless the said Municipal Commissioner or Executive Engineer refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the work :

3. They shall not, without the consent of the Municipal Commissioner, open or break up at any one time a greater length than one hundred yards of any road which does not exceed a quarter of a mile in length ; and in the case

case of any road exceeding a quarter of a mile in length the Grantees shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the road, and they shall not open or break up at any such place a greater length than one hundred yards.

Completion of works and reinstatement of road. XI. When the Grantees have opened or broken up any portion of any road, they shall be under the following further obligations, namely:—

1. They shall, with all convenient speed, and in all cases within four weeks at the most (unless the Municipal Commissioner otherwise consents in writing), complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, or renewal of the Tramway) fill in the ground, and make good the surface, and to the satisfaction of the Municipal Commissioner restore the portion of the road to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby :

2. They shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night.

XII. The Grantees shall, at their own expense, at all times maintain and keep in good condition and repair, in such manner as the Municipal Commissioner shall direct, and to his satisfaction, so much of any road whereon any Tramway belonging to them is laid as lies between the rails of the Tramway and (where two Tramways are laid by the Grantees in any road at a distance of not more than four feet from each other) 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 consideration of such maintenance of parts of roads and of the yearly rent in the said Agreement mentioned to be paid by the Grantees the horses and carriages and other vehicles of the said Grantees shall be exempt from Municipal taxation.

Penalty for failure by Grantees to comply with provisions of Act. XIII. If the Grantees aforesaid fail to comply in any respect with the provisions of Sections V., VI., IX., X., XI. and XII. of this Act they 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 them) upon complaint of the Municipal Commissioner 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.

XIV. If any unnecessary delay or omission shall take place on the part of the said Grantees in complying with any order which may be made on them by Government for the removal of the said track authorised to be constructed along Syed Abdool Rahman Street as hereinbefore mentioned or of any other track the construction of which may have been sanctioned, subject to similar provisions, or otherwise in acting in accordance with the proviso hereinbefore contained regarding that track or in the performance of any of the works specified in Sections X. and XI. of this Act or in filling in the ground or reinstating and making good the road or pavement so opened or broken up or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road has been broken up to be guarded and lighted, or neglect to maintain or keep in repair the portion of the roads which shall be occupied by their tracks, the Municipal Commissioner may cause the work so delayed or omitted to be executed at the expense of the said Grantees, and the Certificate in writing of the said Municipal Commissioner as to the expense so incurred shall be conclusive, and the said Grantees shall not be at liberty to dispute the same in any Court of Law.

XV. Nothing in this Act shall be construed to prevent the said Municipal Commissioner or the Corporation, or the Bombay Gas Company, Limited, in the exercise of the powers conferred upon them under Act V. of 1863 of the Governor of Bombay in Council, from taking up any of the roads traversed by the said Tramway for the purposes for which he or they may now lawfully take up the same: Provided always that (1) they shall cause as little detriment or inconvenience to the Grantees as circumstances admit:

(2.) 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 Grantees 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:

(3.) They shall not be liable to pay to the Grantees any compensation for injury done to the Tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid.

XVI. The Grantees may demand and take for every passenger travelling upon any of the Tramways, or any part or parts thereof respectively, or for the carriage of goods by such Tramways, such fares or charges as they may fix from

Grantees may demand fees or charges.

from time to time: Provided that the rates of fares, on at least one-half of the carriages available for passengers which shall daily run on the said tracks, shall for any distance not exceeding three miles not exceed three annas, and for any greater distance shall be at the rate of three annas for every three miles or any portion thereof.

XVII. A printed list in English, Marathi and Guzerathi 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 carriages used by the Grantees upon any of their Tramways.

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

XVIII. 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 Grantees shall by notice, to be annexed to the list of fares, appoint.

Fares to whom to be paid.

XIX. If any person wilfully obstructs any person acting under the authority of the Grantees in the lawful exercise of their 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 to 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 Grantees in the exercise of their power.

XX. 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 Tramways.

Interferes with, removes, or alters any part of a Tramway of the Grantees 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.

XXI. If any person travelling or having travelled in any carriage of the Grantees 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

Penalty for avoiding payment of proper fare.



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.

XXII. It shall be lawful for any servant of the Grantees, 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 next 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.

Servant of Grantees may arrest persons avoiding payment of fare.

XXIII. 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 Grantees with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding Rs. fifty for every such offence, and it shall be lawful for the Grantees to refuse to take any parcel that they may suspect to contain goods of a dangerous or offensive nature, or require the same to be opened to ascertain the fact.

Carriage of dangerous or offensive goods.

XXIV. The Municipal Commissioner may, from time to time, make regulations as to the following matters:—

Bye-laws by Municipal Commissioner.

The rate of speed to be observed in travelling upon the Tramway :

The distances at which carriages using the Tramway shall be allowed to follow one after the other :

The stopping of carriages using the Tramway :

The hours during which such carriages carrying goods shall run on the Tramway :

The traffic on the road in which the Tramway is laid.

The Grantees may make certain regulations.

The Grantees may from time to time make regulations—

For

For preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them:

For regulating the travelling in or upon any carriage belonging to them.

And for better enforcing the observance of all or any of such regulations it shall be lawful for such Municipal Commissioner and Grantees respectively, subject to confirmation thereof by the Governor of Bombay in Council to be signified under the hand of a Secretary to the said Governor in Council, to make bye-laws for all or any of the aforesaid purposes, and from time to time repeal or alter such bye-laws, and make new bye-laws, provided that such bye-laws be not repugnant to the provisions of this Act or of any law for the time being in force in the City of Bombay.

Notice of the making of any bye-law under the provisions of this Act shall be published by the Municipal Commissioner in the *Bombay Government Gazette*.

XXV. Any person offending against any bye-law made under the provisions of the next 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.

Penalty for breach of bye-laws.

XXVI. All fares, penalties, forfeitures and charges under this Act or under any bye-law made in pursuance of this Act may be recovered and enforced before a Police Magistrate of Bombay by a summary proceeding; and in default of payment of such fare, penalty, forfeiture or charge the same may be levied under the warrant of such Magistrate by distress and sale of the goods of such offender, with all such powers for the issuing of such warrant and upon the return thereof as are exercised by a Magistrate of Police under Act XIII. of 1856 or any other Act for regulating the Police of the Town of Bombay in force for the time being.

Penalties how to be recovered.

XXVII. The Grantees shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment by reason or in consequence of any of their works or carriages, and shall save harmless the Municipal Corporation of the City of Bombay and their Officers and servants from all damages and costs in respect of such accidents, damages, and injuries.

Grantees to be responsible for all damages.

XXVIII. Nothing in this Act shall limit the powers of the Municipal Commissioner 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 such Municipal Commissioner or Police may exercise their authority

Power for the Municipal Commissioner and Police to regulate traffic on roads.

city as well on as off the Tramway, and with respect as well to the traffic of the Grantees as to the traffic of other persons.

XXIX. If at any time after the opening of any Tramway for traffic the Grantees 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 Grantees, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control) it shall be lawful for the said Municipal Commissioner without any previous notice to the Grantees to remove the Tramway or any part of the Tramway so discontinued, and the Grantees shall pay to the said Corporation the cost of such removal and the making good of the streets, roads or bridges consequent on such removal, and the certificate of the said Municipal Commissioner as to such cost shall be conclusive evidence as between the said Corporation and the said Grantees.

XXX. The said Municipal Corporation of the City of Bombay shall have the right of purchasing the said Tramways with the plant, stores, rolling-stock and everything connected therewith after the expiration of twenty-one years from the 12th day of March 1873 upon declaring its intention so to do within six months after the expiration of the said twenty-one 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; the amount to be paid in the event of such purchase shall be the actual *bonâ fide* value (exclusive of any compensation for goodwill, premium, or compulsory sale or other consideration whatsoever) of the Tramways and of the works and materials connected therewith and of the lands and buildings and all other the property of the Grantees, such value in case the parties do not agree to be decided by arbitration as provided by the said Agreement of the 12th day of March 1873; and as compensation for the goodwill, premium, or compulsory sale and other consideration, the Grantees shall be paid an amount equal to twenty-one years' purchase calculated on the average profits of the previous three years next preceding the purchase, 4 per cent. per annum on the *bonâ fide* value mentioned above being first deducted from such profits.

XXXI. At any time the Grantees 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

authorities, obligations and liabilities of the Grantees 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 Grantees then already constructed and thereafter to be constructed instead of the Grantees.

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### SCHEDULE.

ARTICLES OF AGREEMENT made this Twelfth day of March One Thousand Eight Hundred and Seventy-three, between the JUSTICES OF THE PEACE FOR THE CITY OF BOMBAY, incorporated under Act II. of 1865 of the Legislative Council of Bombay, hereinafter called the said Justices, of the one part; and WILLIAM FRENCH STEARNS and GEORGE ALVAH KITTREDGE, hereinafter called the Grantees, of the other part.

Whereas the said Justices have agreed to grant to the said WILLIAM FRENCH STEARNS and GEORGE ALVAH KITTREDGE the right to construct, maintain, and use a Tramway in Bombay upon the terms and conditions hereinafter contained: NOW THESE PRESENTS, WITNESS that, in consideration of the covenants and agreements hereinafter contained, and on the part of the said Justices to be performed, the said Grantees, for themselves, their heirs, executors, and administrators, do, and each of them for himself, his heirs executors, and administrators, doth covenant with the said Justices, and their successors, so far as the covenants and agreements hereinafter contained are, or ought to be, performed by the said Grantees and their assigns; and the said Justices, for and in consideration of the covenants and agreements hereinafter contained, and on the part of the said Grantees and their assigns to be performed, do hereby covenant with the said Grantees and their assigns, so far as the covenants and agreements hereinafter contained are, or ought to be, performed by the said Justices and their successors, in manner following; THAT IS TO SAY:—

1. The said Justices grant to the said WILLIAM FRENCH STEARNS and GEORGE ALVAH KITTREDGE, and their assigns, the right to construct, maintain, and use a Tramway or Tramways, with single or double tracks, and with all necessary sidings, turn-outs, connections, and tracks, to and from the stables of the Grantees or their assigns on the following routes, and between such other places and by such other routes as may be hereafter approved of by the Municipal Commissioner for the City of Bombay.

The

The Tramways referred to, and now authorized for immediate construction, are :—

From a point near the Grant Buildings, Colaba, to the Money School, A DOUBLE TRACK.

PROVIDED that this Tramway will not be carried across the B. B. and C. I. Railway, or any sidings which it may now be contemplated to construct from the Cotton Green to the Apollo Bay Reclamation, without the express permission of Government.

From a point of junction with the above Tramway near the junction of Church-gate Street and Rampart Row to a point near the Crawford Market, A DOUBLE TRACK.

From the Money School to a point near Pydhonee Well, along the Kalbadavie Road and the Coppersmiths' Bazar, Mombadavie, A SINGLE TRACK.

From the Crawford Market along Syed Abdool Rahman Street to a point of junction with the foregoing Tramway near the Pydhonee Well, A SINGLE TRACK : Provided, however, that, in case after the expiration of one year from the date when this track shall have been constructed, it shall be considered by Government to be necessary or expedient that the same shall be removed, the Grantees shall, immediately after they shall have received an order from Government in that behalf, at their own expense remove the said track, and all their plant and materials, from the said street and restore and make good the road and pavement, and remove all rubbish occasioned by the said track or the removal thereof, and the said Grantees shall not be entitled to or claim any compensation in respect of such removal.

And also the following when approved by the Municipal Commissioner :—

From the said point near Pydhonee Well along the Parell Road to a point near the Byculla Railway Station.

2. The said Tramway shall be constructed and maintained in such form and manner, and upon such gradient and with such gauge, as the Municipal Commissioner may approve ; and the cars and carriages intended to run on the said rails shall be such as are approved of by the said Commissioner.

3. The cars and carriages of the Grantees or their assigns on the tracks of the said Tramway shall, unless with the consent of the said Commissioner, be worked with horse power, or other animal power, only ; and the said Commissioner shall have power at all times to make such regulations, as to the rate of speed and mode of use of the said tracks, as the convenience and safety of the public using the streets may require.

4. The said Grantees or their assigns shall have power, from time to time, to fix the rates of fares for carrying persons and goods in the cars or carriages to be run on the said Tramways, provided that the rates of fares, on at least one-half of the cars or carriages available for passengers which daily run on the said tracks, shall for any distance not over three miles not exceed three annas, and be for any greater distance in the same proportion.

5. The said Grantees or their assigns may, for the purpose of constructing and maintaining such Tramways, under such superintendence as is hereinafter specified, open and break up the soil and pavement of the several streets and bridges in the Town and Island of Bombay, and thereon lay sleepers and rails, 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 the said Grantees and their assigns may, in and on such streets and bridges do all other acts which they shall from time to time deem necessary for constructing and maintaining street Tramways in the said Town and Island of Bombay, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

6. Before the said Grantees or their assigns proceed to open or break up any street or bridge other than those referred to in Clause 1, they shall obtain the approval in writing of the said Commissioner to the tracks of the said Tramway being laid down on the said street or bridge; and shall give to the said Commissioner or the Executive Engineer, or other Municipal officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work, except in cases of emergency arising from defects in any 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.

7. No such street or bridge shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the said Commissioner or of his officer, and according to such plans as shall be approved of by him or them: Provided always that, if the said Commissioner or his officer fail to attend at the time fixed for the opening of any such street or bridge after having had such notice of the said Grantees' or their assigns' intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said Grantees or their assigns may perform the work specified in such notice without the superintendence of such officer.

8. When the said Grantees or their assigns open or break up the road or pavement of any street or bridge, they shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground,  
and

and make good the road or pavement so opened or broken up, and carry away the rubbish occasioned thereby, and deposit the same for the use of the Commissioner at such place as the Executive Engineer of the said Municipality shall direct ; and shall, at all times whilst any such road or pavement shall be so opened or broken up, cause the same to be guarded, and shall cause a light, sufficient for the warning of passengers, to be set up and maintained against or near such road or pavement where the same shall be open or broken up, every night during which the same shall be continued open or broken up.

9. If the said Grantees or their assigns open or break up any street or bridge without giving such notice as hereinbefore mentioned, or in a manner different from that which shall have been approved of or determined as aforesaid, except in the cases in which the said Grantees or their assigns are hereby authorized to perform such work without any superintendence or notice ; or if the said Grantees or their assigns shall make any unnecessary delay in completing any such work, or in filling in the ground, or reinstating and making good, so far as is consistent with the existence of the said Tramway, the road or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby ; or if they neglect to cause the place, where such road or pavement has been broken up, to be guarded and lighted—they shall forfeit to the said Justices a sum not exceeding fifty Rupees for every such offence, and they shall forfeit an additional sum not exceeding fifty Rupees for each day during which any such delay or neglect as aforesaid shall continue after they shall have received notice thereof.

10. The said Grantees or their assigns shall maintain and keep in repair such portion of the streets and bridges in the Town and Island of Bombay as shall be occupied by their tracks, including therein not only the space between the tracks, but eighteen inches on either side thereof, and in consideration of such maintenance of streets and bridges and of the yearly rent hereinafter mentioned to be paid by the Grantees, the horses and carriages and other vehicles of the said Grantees shall be exempt from Municipal taxation.

11. If any unnecessary delay or omission shall take place by the said Grantees or their assigns in complying with any order which may be made on them by Government for the removal of the said track proposed to be constructed along Syed Abdool Rahman Street as hereinbefore mentioned, or otherwise in acting in accordance with the proviso hereinbefore contained regarding that track, or in the performance of any of the works specified in Clause 8 of these presents, or in filling in the ground, or reinstating and making good the road or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby ; or if they neglect to cause the place, where such road or pavement has been broken up, to be guarded and lighted, or neglect to maintain and keep in repair the portion of the roads or bridge,  
which

Which shall be occupied by their tracks—the said Commissioner may cause the work, so delayed or omitted, to be executed, and the expense of executing the same shall be repaid to him by the said Grantees or their assigns, and the certificate in writing of the Commissioner as to the expense so incurred shall be conclusive, and the said Grantees shall not be at liberty to dispute the same.

12. The said Grantees or their assigns shall be liable for any loss or injuries that any person may sustain by reason of any defect or want of repair in any of the plant or other property of the said Grantees, or of any carelessness, neglect, or misconduct of their agents or servants in the management, construction, or use of the said tracks or Tramways; and in case any recovery shall be had against the said Commissioner or the said Justices by reason of such defect, or other matter aforesaid, the said Grantees or their assigns shall be liable to pay to the said Commissioner or the said Justices, as the case may be, any sums thus recovered against him or them, together with all costs and reasonable expenditure incurred by the said Commissioner or the said Justices in the defence of any such suit or suits in which such recovery shall be had.

13. Nothing in this Agreement shall be construed to prevent the said Commissioner from taking up any of the public streets or roads traversed by the said Tramway for the purposes for which he may now lawfully take up the same.

14. If at any time, after the opening of any Tramway for traffic, the Grantees 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 Grantees), it shall be lawful for the Commissioner, without any previous notice to the Grantees, to remove the Tramway, or part of the Tramway, so discontinued, and the Grantees shall pay to the Commissioner the cost of such removal and of the making good of the street; and the certificate of the Commissioner as to such cost shall be conclusive.

15. The provisions of this Agreement shall remain and be in force for a term not less than 21 years from the date thereof. The Corporation shall have the right of purchasing the said Tramways, with the plant, stores, rolling stock, and everything connected therewith, after the expiration of the said 21 years, upon declaring its intention so to do within six months after 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: the amount to be paid in the event of such purchase shall be actual *bonâ fide* value, exclusive of any compensation for goodwill, premium, compulsory sale, or other consideration whatsoever of the Tramways, and of the work and materials connected therewith, and of the  
the



the lands and buildings and all other the property of the Grantees, such value, in case the parties do not agree, to be decided by arbitration as hereinafter provided ; and for the goodwill, premium, compulsory sale, and other consideration of the business of the Grantees, an amount equal to 21 years' purchase, calculated on the average profits of the previous three years, 4 per cent. per annum on the above value as paid being first deducted from such profits.

16. The provisions hereinbefore contained shall, so far as applicable, apply to all Tramways to be constructed by the said Grantees or their assigns by any route or routes to be hereafter fixed by the Commissioner or under Clause 1 of these presents, and to the works connected with, or incidental to, such Tramways, it being agreed that, in the event of the Municipality failing to declare its intention, as above provided, to purchase the property of the said Grantees, the terms of this contract shall continue in force.

17. The said Grantees or their assigns will, if required by the said Commissioner, before opening and breaking up the soil and pavement of any street or bridge under Clause 5 of these presents, deposit with the Bank of Bombay, in the name of the said Commissioner, the sum of Rs. 5,000, or, in their option, promissory notes of the Government of India of the nominal value of Rs. 5,000, and the same will remain so deposited until the completion by the said Grantees or their assigns of the abovementioned lines of Tramway herein sanctioned for immediate construction. All interest accruing on the said sum or the said notes shall be credited to the said Grantees or their assigns, and, subject as next hereinafter mentioned, be paid to them as the same accrues due. The said Commissioner shall be entitled to deduct all fines recovered by him out of the sum so deposited, or the interest accruing on the said sum or notes, or out of the proceeds of sale of a portion of the said notes, on completion of the said Tramways as specified in Clause 1 of this Agreement.

18. In consideration of the concession herein granted, the said Grantees undertake, on behalf of themselves and their assigns, that they will pay to the Municipal Corporation of Bombay a yearly rent of Rs. 3,000 per mile of double track and Rs. 2,000 per mile of single track, payable half-yearly ; the date on which such rent on each line of Tramways shall begin to accrue shall be the date on which such line of Tramways is opened for public traffic.

19. It is agreed that no sidings, turn-outs, or tracks necessary to connect the traffic lines with the stables, carriage sheds, factories, or other property or properties of the Grantees, shall be included in the mileage on which rent is to be paid ; such sidings, turn-outs, and necessary connecting tracks being free of rent.

20. The sleepers, rails, materials, implements, and other erections placed

placed and erected by the said Grantees on the streets or roads under the powers hereby granted, shall be and remain the property of the said Grantees, and the said Grantees shall have the exclusive use of their Tramway or Tramways for carriages with flanged wheels, or other wheels suitable only to run on the prescribed rail.

21. The Grantees shall have the exclusive right of laying and using Tramways within the limits of the Bombay Municipality on the terms herein stated; but in the event of the Grantees refusing to lay down any line which the Municipal Commissioner may consider necessary, he shall be at liberty to grant the right of laying and using such line to any other party.

22. Unless the said Grantees shall have commenced the work of laying down the said Tramways within twelve months from the date of the execution of these presents, the Municipal Commissioner shall be at liberty to cease and determine this contract, and to enter into arrangements with any other person or persons for the construction of Tramways, it being agreed, however, that these presents are subject to the sanction of Government, and that, in the event of their being executed prior to such sanction being given, the said twelve months shall date from the day on which notice of such sanction is given to the said Grantees: Provided also that any delay in commencing the work beyond twelve months shall not have been due to any cause beyond the control of the Grantees.

23. If any doubt, difference, or dispute shall arise between the Grantees, their heirs, executors, or administrators, and the said Justices or their successors, touching the construction of these presents or anything herein contained, or touching or concerning any other matter or thing relating to these presents, then, and in every such case, such doubt, difference, or dispute shall be referred to the arbitration of three indifferent persons, one to be from time to time chosen by the said Grantees and another by the said Justices within one calendar month after either of them shall have made to the other a requisition to that effect, and the third to be named by the two persons from time to time first chosen; 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 final decision alone.

IN WITNESS whereof the said Municipal Commissioner, for and on behalf of the said Justices, has hereunto set his name and caused the seal of the said Justices to be affixed hereunto, and the said WILLIAM FRENCH STEARNS and GEORGE ALVAH KITTREDGE have hereunto set their hands and seal the day and year hereinbefore written.

## SPECIFICATION.

RAIL.—To be similar in upper surface section to the sample submitted herewith, being similar to the rail now in general use in London and Liverpool.

GAUGE.—To be 4 feet  $8\frac{1}{2}$  inches.

CARRIAGE.—Similar to those in use in England and America, to be furnished with a break which can be worked at both ends of the carriage, capable of stopping the carriage within its own length.

As it has been suggested that some doubt may arise as to the meaning of the latter part of Section 15 of the Articles of Agreement between the JUSTICES OF THE PEACE FOR THE TOWN AND ISLAND OF BOMBAY and Messrs. STEARNS and KITTREDGE, we, the undersigned, append the following illustration of the mode in which that Section is to be construed:—

Suppose the <i>bond fide</i> value fixed by arbitration of the	
Grantees' stock is ... ..	Rs. 10,00,000
4 per centum on this sum is ... ..	40,000
And suppose that the average annual profits, for three	
years, of the Grantees are ... ..	Rs. 1,00,000
Rs. 40,000 being deducted from Rs. 1,00,000=	Rs. 60,000—
Rs. 60,000 × 21 years=	Rs. 12,60,000.
And the sum to be paid as purchase-money to the Grantees will be—	
Stock value... ..	=Rs. 10,00,000
Compensation for good-will= ,,	12,60,000
	<hr/>
	<u>Rs.....22,60,000</u>

(Signed) W. G. PEDDER, C.S.,  
*Municipal Commissioner.*

(Signed) GEO. A. KITTREDGE,  
For self and W. F. Stearns.

# Government of Bombay.

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## LEGISLATIVE DEPARTMENT.

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### The Bombay Tramways Act, 1874.

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*[Received the assent of His Excellency the  
Governor on the 11th April 1874, and of  
the Governor General on the 6th May  
1874, and published by the Governor of  
Bombay on the 15th May 1874.]*

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*Price Five Annas.*

# BOMBAY

ACT No. II. of 1874.

*An Act for the Regulation of Jails in the City and Presidency of Bombay and the enforcement of discipline therein.*

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[Received the assent of the Governor of Bombay on the 16th October 1874, and of the Governor General on the 31st December 1874, and published by the Governor of Bombay on the 15th January 1875.]

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WHEREAS it has become necessary that the laws relating to Jails in the City and Presidency of Bombay should be amended; It is enacted as follows :—

Preamble.

## PART I.—Preliminary.

I. Rule, Ordinance and Regulation No. III. of 1827, Bombay Act No. X. of 1862, Bombay Act No. IV. of 1865, and Bombay Act No. V. of 1865 are hereby repealed.

Laws repealed.

II. The words “Inspector General of Prisons” shall mean any person appointed under the provisions of Section II. of Act VIII. of 1856, to inspect and superintend the Jails in the Bombay Presidency, subject to the orders of the Governor in Council.

“Inspector General of Prisons.”

III. The provisions of Act VIII. of 1856 (an Act for the better control of the Jails within the Presidencies of Fort St. George and Bombay) are hereby declared applicable to all Jails situated in the City of Bombay, including the House of Correction, and the supervision of those Jails is vested in the Inspector General of Prisons.

Act VIII. of 1856 applicable to Bombay City Jails.

IV. Nothing in the preceding Section shall be held to interfere with or affect the authority or liability of the Sheriff of Bombay and Superintendent of the Common Jail, over and in regard to persons committed to his custody by the High Court, whether in execution of a decree, or for contempt of Court or other cause.

Saving of powers and liabilities of Sheriff.

V. Nothing contained in this Act shall be construed as interfering with the power vested in the Governor in Council, under Act VIII. of 1856, of control of all Jails, and to appoint persons to inspect and superintend Jails and to vest in them such power and authority, for the purpose, as to the Governor in Council may seem proper.

VI. This Act shall come into operation three months after the publication by the Governor of the assent thereto of the Governor General, and all prisoners in Jail at the time this Act comes into operation shall, until the expiration of their sentences, be held, whatever their sentences may be, to be in legal custody, notwithstanding any thing in this Act provided, so long as it would not be illegal under any of the Acts now repealed.

#### PART II.—*Classes of Jails.*

VII. From and after the date on which this Act shall come into operation there shall be two classes of Jails established in the City and Presidency of Bombay, including Aden and the Province of Sind :—

(1.) Civil Jails for the confinement of persons committed to prison or custody in a Civil Jail, or under process of any Civil Court, or by order of any other Court, in cases in which the law directs that persons so committed to prison or custody shall be confined in the Civil Jail.

(2.) Criminal Jails, for the execution of punishments under Section 53 of the Indian Penal Code (Act XLV. of 1860), and for the confinement of persons committed to custody or imprisonment by any Court of criminal jurisdiction, in all cases in which the law does not expressly direct that such persons shall be confined in the Civil Jail.

#### PART III.—*Civil Jails.*

VIII. The provisions of this Part shall not apply to Civil Jails established in the City of Bombay.

IX. There shall be a Civil Jail at the seat of the District Court for each District created under Section 3 of Act XIV. of 1869, provided that it shall be in the power of the Governor in Council to establish Civil Jails at other convenient places.

X. The Nazir of the District Court or of the chief Civil Court of the place where the Civil Jail is located shall be *ex-officio* keeper of the Civil Jail, and shall be responsible for the safe custody of the prisoners, and for the preservation of cleanliness and good order in the Jail and among the prisoners, and shall have such establishment under

under him as the District Judge, with the sanction of the Governor in Council, may direct.

XI. The Judge or the Assistant Judge of the District in which a Civil Jail is situated shall visit such Civil Jail at least once in each month, and shall issue in writing such orders connected with the economy of the Jail, the good management, health and accommodation of the prisoners, as he may think fit. He shall record the date of his visit, and any remarks he may have to make, in a book to be kept for the purpose.

*The District Judge to visit the Civil Jail.*

XII. A Medical Officer to be appointed by the Governor in Council shall attend the Civil Jail, and shall be bound to offer such advice to the District Judge, or other officer in charge of the Civil Jail, as may seem expedient to him with regard to the sanitary state of the Jail and of the prisoners. He shall also administer remedies at the expense of the Government to the sick, provided that nothing contained in this Section shall prevent a prisoner in a Civil Jail from employing at his own expense any medical man he may think fit to consult.

*A Medical Officer to attend the Jail. Remedies to be administered at the expense of Government.*

XIII. The Civil Jail shall be opened daily for the admission of those wishing to visit prisoners from 9 A.M. till 3 P.M., and no stranger shall be allowed to remain in the Civil Jail beyond the abovementioned hours except by permission of the Judge, the Assistant Judge of the District, or on the recommendation of the Medical Officer by the permission of the Nazir in charge of the Jail.

*Strangers may be admitted to the Civil Jail.*

XIV. *Clause 1.*—Prisoners in the Civil Jail may either make their own arrangements for their subsistence, or may, within the amount of subsistence money or batta furnished by the party at whose suit they are detained, require the Nazir to furnish their food and other necessaries out of the subsistence money fixed for them by the Court by which they are committed; provided that excess in the use of intoxicating liquors or drugs be strictly prohibited. A tariff of prices approved by the District Judge on the first day of each month shall be kept in each Civil Jail and shall be accessible to all the prisoners.

*Subsistence of prisoners in the Civil Jail.*

*Clause 2.*—Every Civil prisoner unable to provide himself with sufficient clothing and bedding, shall be supplied by the Nazir with such clothing and bedding as may be ordered by the Judge or Assistant Judge under the provisions of Section 11 of this Act.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be

be liable to pay to the Nazir on demand in writing the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

XV. Whenever a prisoner shall die in the Civil Jail, the Nazir shall immediately report such death to the nearest Magistrate, who shall thereupon inquire into the cause of such death, and make a written report thereon to the Inspector General of Prisons, and the corpse of such prisoner shall, after the Medical Officer appointed under Section 12 of this Act has certified to his death, be made over to his relatives or friends, or, in failure of their taking the corpse, it shall be buried, burnt or otherwise disposed of at the expense of the Civil Jail Fund, as hereinafter provided.

XVI. The balance of subsistence money remaining in hand at the time of a prisoner's death or release shall be credited to a fund, to be called "the Civil Jail Fund," to be expended on the burial, cremation or disposal of those buried, burnt or otherwise disposed of at the expense of the Fund, and in procuring comforts for sick prisoners, and generally for such purposes connected with the maintenance of the Civil Jail as the Governor in Council may authorize.

PART IV.—*Criminal Jails and the description and classification of Prisoners to be confined therein.*

XVII. Criminal Jails shall be of three kinds:—

Criminal Jails to be of three kinds.	(1) Subordinate,
	(2) District, and
	(3) Central.

XVIII. Subordinate Jails may be established by order of the Governor in Council in any part of the country as occasion may require, and may also, as occasion requires, be abolished or removed, from time to time, to other places.

XIX. District Jails shall be established at the seats of the Courts of the Session Judges, and may be established at the seats of the Courts of Assistant Session Judges at detached Stations, and at such other places as the Governor in Council may, from time to time, direct.

XX. Central Jails may be established at any places the Governor in Council may think fit, and prisoners shall be sent to those Jails under such general rules as the Governor in Council may, from time to time, issue.



XXI. *Clause 1.*—All convicts sentenced by Criminal Courts to periods of rigorous imprisonment not exceeding fourteen days or to simple imprisonment shall be sent to undergo their sentences in the District Jail, or a Subordinate Jail in the same District, whichever may be the nearer or more accessible to the place where sentence is passed upon the convict, but it shall be lawful for the Governor in Council, by order published in the *Government Gazette*, to declare that convicts sentenced to periods of rigorous imprisonment not exceeding three months may be sent to undergo their sentences in such Subordinate Jails adapted to the purpose as may be specified in the said order.

What persons to be confined in District and Subordinate Jails.

*Clause 2.*—All persons committed by Criminal Courts for intermediate custody pending trial before the Court of Session, shall be sent to the District Jail or to a Subordinate Jail in the same District whichever may be nearer to the place where the Court of Session is held.

XXII. All convicts sentenced by the Courts of Session, and all others, not specially ordered or required by the last preceding Section to be imprisoned in a Subordinate Jail, shall be imprisoned in the District Jail. Nothing however in this Section is to be held as interfering with the power of the Local Government, or of the Inspector General of Prisons, if specially empowered by Government, to direct the removal of prisoners from one Jail to another, or to prevent a Central and a District Jail being united in one Jail.

Convicts where to be imprisoned.

XXIII. All prisoners confined in Criminal Jails shall be subsisted at the expense of the Government, the allowance, which shall always be of food and not of money, being regulated by the Inspector General of Prisons under the orders of Government.

Subsistence of prisoners in Criminal Jails.

XXIV. Such clothing, bedding, and other household articles as are necessary for prisoners in Criminal Jails shall be supplied at the expense of Government by the Superintendent of the Jail, under the direction of the Inspector General of Prisons.

Necessary clothing, &c., to be supplied at the expense of Government.

XXV. Male prisoners shall always, and in all Jails, be kept separate from female prisoners, and those sent to Jail for punishment, from those sent there for intermediate custody. Sick prisoners shall always be sent to the Jail Hospital, if any, and prisoners sent to Hospital shall be detained there until the Surgeon direct that they may be returned to ordinary custody in the Jail, and with regard to any further sub-division of prisoners, the Jailor shall attend to any orders on the subject that he may receive from the Superintendent

Classification of prisoners.

Superintendent of the Jail, provided that, consistently with the objects of this Act, due regard is paid to the religious tenets of the prisoners.

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

PART V.—*Superintendents of Criminal Jails and their duties.*

XXVII. Subject to the provisions hereinafter contained, every Criminal Jail shall be governed and superintended by a person to be appointed by order of the Governor in Council, who shall be called the Superintendent of the Jail, and to whom the Jailor shall be subordinate where a Jailor is appointed. It shall be competent to the Governor in Council to declare that in certain Jails the office of Jailor shall be held by the person appointed Superintendent.

XXVIII. Subject to the orders of the Inspector General of Prisons, the Superintendent shall,—

manage the prison in all matters relating to discipline, labour, expenditure, punishment, and control :

correspond on all matters connected with the prison with and through the Inspector General :

submit to the Inspector General all bills of prison expenditure with proper vouchers for audit :

report to the Inspector General, from time to time as they occur, all escapes and re-captures, and all outbreaks of epidemic disease:

send to the Inspector General returns of all prisoners sentenced to transportation :

periodically inspect all property of the Government in his charge and report thereon to the Inspector General :

and generally obey all rules made under Section 51 for the guidance of the Superintendent.

The Superintendent shall forward to Government without delay all petitions addressed to Government by prisoners under sentence, or committed for intermediate custody in the Jail.

PART VI.—

PART VI.—*Jailors and their duties.*

**XXIX.** The Jailors of District, Central, and Subordinate Jails shall, save as hereinbefore provided, be appointed by the Inspector General of Prisons : Provided that it shall be competent for the Governor in Council to declare, by Notification in the *Government Gazette*, that certain Officers are *ex-officio* Superintendents or Jailors of Subordinate Jails or of Jails situated in the City of Bombay.

Appointment of Jailors.

The Jailor responsible for the safe custody of prisoners, and for due execution of warrants.

**XXX.** The Jailor shall be responsible for the safe custody of the prisoners from the time they are received into the Jail, until they are discharged by lawful authority ; for the due execution of all warrants and orders regarding prisoners and their punishment, and for the maintenance of discipline in the Jail.

**XXXI.** No Jailor shall receive any prisoner into custody without the warrant of a Court or Officer having authority to commit to prison or custody, or, in the case of a prisoner sentenced by Court Martial, without an authenticated copy of the sentence or order required by the Mutiny Act or the Indian Articles of War for the time being in force, or without the warrant of a Court or Officer having authority to transfer a prisoner from one Jail to another.

No Jailor to receive a prisoner without warrant.

**XXXII.** The Jailor shall take charge of all clothing and other property and money delivered with, or found upon, the person of a criminal prisoner on his admission into Jail, and shall keep the same under such rules for its safe custody or disposal as the Inspector General of Prisons with the sanction of Government may make, and the prisoner shall have no claim thereto until his discharge. In the event of the prisoner's death while he is undergoing his sentence, such property shall be made over to whomsoever he may appoint to receive it, and, failing such appointment, it shall be made over to the Civil Court under Chapter II. of Regulation VIII. of A.D. 1827, as if there were no heir or executor competent or willing to take possession of such property, provided that any property or money found in possession of a criminal prisoner, at any date subsequent to his admission, shall be forfeited to Government.

Clothing and property belonging to a prisoner to be taken charge of by the Jailor. Disposal of property found in possession of prisoner after his admission to Jail.

PART VII.—*Medical Officer.*

**XXXIII.** In the case of District and Central Jails, a Medical Officer to be appointed by the Governor in Council shall attend the Jail daily, and administer remedies to the sick, ordering the removal of such prisoners as he may

Treatment of sick prisoners.

• think

think fit to the Jail Hospital and shall also visit daily any prisoners in separate or solitary confinement. In the event of the Civil Surgeon being appointed under Section 27 of this Act to be Superintendent of a Jail, he shall himself attend, as Medical Officer, and administer remedies to the sick.

PART VIII.—*Prison Offences.*

XXXIV. The following acts are declared to be  
List of Prison Offences. offences against prison discipline :—

- (1) wilful disobedience to the regulations of the Jail by any prisoner ;
- (2) assault or use of criminal force by any prisoner ;
- (3) insulting or threatening language by any prisoner to any officer or prisoner ;
- (4) indecent or disorderly behaviour by any prisoner ;
- (5) wilfully disabling himself from labour ;
- (6) contumaciously refusing to work ;
- (7) filing or cutting irons or bars ;
- (8) idleness or negligence at work by any convicted criminal prisoner ;
- (9) wilful mismanagement of work by any convicted criminal prisoner ;
- (10) wilful damage to prison property ;
- (11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.
- (12) malingering.

XXXV. The Superintendent of the Jail on report being made to him by the Jailor of the commission by a prisoner of any of the offences mentioned in the immediately preceding Section, and being satisfied of the fact, or when any misconduct of the nature described in the preceding Section is committed or occurs in his presence, may, subject to the Rules made under Section ~~51~~ of this Act, punish such misconduct or breach of discipline by—

Punishment for breach  
of Jail discipline.

- (1) Solitary confinement for a period not exceeding seven days ;
- (2) Confinement in the stocks for a period which may extend to twelve hours ;
- (3) Penal diet.
- (4) Corporal punishment not exceeding twenty-five stripes with a rattan of not more than three-eighths of an inch diameter :

Provided always, that corporal punishment shall not be inflicted on any male prisoner, unless the Medical Officer of the Jail shall state that the prisoner can bear it without danger to his general health, and that such corporal punishment shall never be inflicted in any Subordinate Jail, and shall not be inflicted in any Central or District Jail except in the presence of the Superintendent of the Jail and of the Medical Officer (if the Superintendent is not also the Medical Officer under Section 33), or in his absence of the

of the Medical Subordinate, and that corporal punishment shall in no case be inflicted on any female prisoner: Provided also that when penal diet is awarded as a punishment it shall not be extended beyond 96 consecutive hours and it shall not be repeated in the case of the same prisoner under an interval of seven days.

XXXVI. The Superintendent of the Jail shall keep a book, to be called "The Punishment Book," in which shall be recorded the prisoner's name, the breach of prison discipline of which he was guilty, the date on which it was committed, the punishment inflicted and the date of the infliction of such punishment with the substance of the evidence on which the offence was considered proved when the punishment inflicted is corporal.

A "Punishment Book" to be kept.

PART IX.—*Offences in relation to Jails.*

XXXVII. Whoever, contrary to the regulations of the Jail brings, throws or attempts by any means whatever to give to any prisoner or to introduce into any Jail any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug;

and every officer of a Jail, who knowingly suffers any such liquor, tobacco, or drug to be sold or used in, or introduced into such Jail contrary to such regulations;

and whoever, contrary to such regulations, conveys or attempts to convey any letter or other article not allowed by such regulations into or out of any such Jail;

shall on conviction before a Magistrate be liable to rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred Rupees or to both.

XXXVIII. The Superintendent shall cause to be affixed, in a conspicuous place outside the Jail, a notice setting forth the penalties incurred by persons committing any offence under Section 37 of this Act.

Notice of Penalties to be placed outside prison.

PART X.—*Visits to and correspondence of Prisoners.*

XXXIX. Due provision shall be made for the admission at proper times, and under proper restrictions, into every Jail, of persons with whom prisoners committed for intermediate custody may desire to communicate.

Visit to Prisoners.

Government may also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline.

**XL.** The Jailor may demand the name and address of any visitor to a prisoner, and when the Jailor has any ground for suspicion he may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor.

Power of Jailors to Visitors.

In case of any such visitor refusing to be searched, the Jailor may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be recorded by him in writing and reported to the Superintendent.

**PART XI.—Discharge of Prisoners.**

**XLI.** When a sentence has been fully executed, the Superintendent shall cause to be made over to the prisoner the clothing taken from him under Section 32 or other suitable clothing, and shall cause to be received from him the clothing and other articles furnished to him at the expense of the Government, and shall endorse upon the warrant a statement of how it has been executed, and shall then cause the prisoner to be discharged. The Superintendent of the Jail shall then return the warrant with his endorsement thereon to the officer from whom it was received.

Procedure on the expiration of the term of a prisoner's sentence.

**XLII.** The Superintendent of the Jail shall, at the time of discharging the prisoner, cause to be made over to him any other property or money he may have received with the prisoner or found on him and taken charge of, as directed in Section 32, and shall take his receipt for the same; and the receipt, countersigned by the Superintendent, shall be deemed to be a good acquittance and release from all claims by the prisoner or his representatives against the Jailor for such property or money.

A prisoner's personal property to be returned to him on his discharge.

**XLIII.** When a prisoner is released the Superintendent of the Jail may, if he sees sufficient reason, grant him a sum of money sufficient for his subsistence until he reach his native village, or the place where he was apprehended.

Subsistence money may be given to a prisoner on his discharge.

**XLIV.** No prisoner in a Criminal Jail being in Hospital on the expiration of his sentence, shall be discharged from the Hospital, except at his own request, or unless the Surgeon certify that he can be discharged without endangering his life or protracting his illness; the Superintendent shall explain to him that his sentence has expired, and shall direct all restraint to be removed, and, on the Surgeon reporting the late prisoner convalescent and about to leave the Hospital, the Superintendent of the Jail may grant him, if necessary, subsistence money, as provided in the last Section.

Disposal of prisoner in Hospital on the expiration of his sentence.

**PART XII.—**

PART XII.—*Visitors of Jails.*

XLV. *Clause 1.*—In the case of Mofussil District Jails the Magistrate of the District, or any Magistrate subordinate to him whom he may appoint, shall, once in every week, visit the District Jail and Hospital, to hear complaints, and to see that considerations of cleanliness, health, and security are attended to, and a proper management maintained in all respects. He shall examine the Punishment Book, and record his proceedings and observations in a book, to be called “The Visitors’ Book.” He shall bring any special cases to the special notice of the Inspector General of Prisons, or, if necessary, of the Government, and he may direct petitions from prisoners to Government to be prepared and forwarded.

*Clause 2.*—The Session Judge, the Assistant Session Judge, the District Superintendent of Police, the Executive Engineer of the District, and the Civil Surgeon (when not the Superintendent of the Jail) shall be *ex-officio* visitors of the District Jail, and other persons may from time to time be appointed visitors by Government. Two or more of the visitors, one of whom shall be the District Magistrate, shall, once at least in every quarter, meet in Committee and visit every part of the District Jail and Hospital to hear complaints, and to see that considerations of cleanliness, health, and security are attended to, and a proper management maintained in all respects. They shall examine the register of convicted and undertrial prisoners to see that no person is illegally detained in Jail or kept waiting trial for an undue length of time, and the Punishment Book, and shall record their proceedings in the Visitors’ Book, a copy of which should be forwarded to the Inspector General of Prisons.

XLVI. In the event of the provisions of this Act being extended or applied to any place beyond the Districts subject to the operation of the General Regulations and Acts affecting the Bombay Presidency, the weekly and periodical visitation, as hereinbefore directed, of any District Jail established in the said place, shall be conducted by such officers as the Government may from time to time appoint, and the visitors so appointed shall have the same powers and duties as are conferred on *ex-officio* visitors by the preceding section.

XLVII. Visitors for Central and Subordinate Jails and for Jails in the City of Bombay shall be appointed by the Government, for the purposes contemplated in the preceding Sections, to the provisions of which they shall in all respects conform.

PART XIII.—

PART XIII.—*Extramural Gangs.*

XLVIII. It shall be lawful for the Governor in Council to authorize the employment (under such conditions as he may from time to time determine) of gangs of prisoners sentenced to rigorous imprisonment, penal servitude or transportation upon the construction of roads, canal, or other public works, or upon works of improvements or conservancy in the towns in which Jails are situated; and such prisoners while so employed shall be deemed to be in the same legal custody and to be subject to the same discipline as if they were actually confined within the precincts of a Jail; and if any prisoner escape or attempt to escape from custody while so employed, such prisoner and every person aiding or attempting to aid him in such escape, shall be subject to the same punishment as if such escape or attempt to escape were an escape or attempt to escape from Jail.

Employment of prisoners on extramural works.

PART XIV.—*Miscellaneous.*

XLIX. If any prisoner shall die in Jail before full execution of his sentence, the Superintendent shall immediately report such death to the nearest Magistrate, or, in the case of prisoners dying in Jails situated in the City of Bombay to the Coroner, who shall thereupon inquire into the cause of such death, and make a written report thereon to the Inspector General of Prisons, and upon such death taking place the warrant shall be returned by the Superintendent to the Officer who issued it, with an endorsement showing how far it had been executed, and with a certificate attached to it from the Medical Officer certifying to the prisoner's death. The corpse of any such prisoner or of any convict, on whom the sentence of death has been carried out shall, unless Government otherwise direct, be made over to his friends or relatives, or on failure of their taking the corpse shall be buried, burnt, or otherwise disposed of at the expense of Government.

L. Whenever Government or the Inspector General of Prisons, with the sanction of Government, shall direct the removal of prisoners from one Jail to another, or shall by reason of the outbreak of epidemic disease, or for other cause, order the temporary accommodation of prisoners outside the Jail precincts, such prisoners shall, during the period occupied in their removal or during such temporary transfer be deemed to be in the legal custody of the person or persons empowered to remove or transfer them, and to be subject to the same restraint, and in the event of misbehaviour to the same punishment as if they had continued in Jail, and as if the person

Prisoners whilst being moved from one Jail to another, or when temporarily accommodated outside the Jail precincts to be deemed to be in legal custody.

or



or persons empowered to remove or transfer them were the Jailor or Superintendent of the Jail, wherein such prisoners were prior to such removal or transfer confined; and if any prisoner escape or attempt to escape from such custody, such prisoner, and every person aiding or attempting to aid him in such escape shall be subject to the same punishment as if such escape or attempt to escape were an escape or attempt to escape from Jail.

LI. If any prisoner make his escape from Jail, the Superintendent shall endorse on his warrant to what extent his sentence had been carried out, and the date of the escape, and shall return the warrant to the Officer who issued it, and the warrant and endorsement shall be proof in every Court that the prisoner was convicted, that he underwent the extent of punishment endorsed on the warrant, and that he effected his escape from confinement on the day stated.

LII. The Inspector General of Prisons shall, from time to time, with the sanction of Government, make such rules and orders as may appear necessary for the supervision, employment, custody, clothing, dieting, treatment, punishment and classification of prisoners, and for the management of Jails.

# Government of Bombay.

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## LEGISLATIVE DEPARTMENT.

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### AN ACT

FOR THE

Regulation of Jails in the City and  
Presidency of Bombay and the en-  
forcement of discipline therein.

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*[Received the assent of the Governor of  
Bombay on the 16th October 1874, and of  
the Governor General on the 31st  
December 1874, and published by the  
Governor of Bombay on the 15th January  
1875.]*

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*Price Six Annas.*

# BOMBAY

ACT No. III. OF 1874. ✓ *A.C.*

*(Passed by the Governor of Bombay in Council.)*

*(Received the assent of the Governor of Bombay on the 6th November 1874, and of the Governor-General on the 27th January 1875, and published by the Governor of Bombay on the 5th February 1875).*

*An Act to amend the Law relating to Hereditary Offices.*

WHEREAS it is expedient to declare and amend the law relating to Hereditary Offices, it is hereby enacted as follows :—

## PART I.—PRELIMINARY.

Title and application. I.—This Act may be called the “Bombay Hereditary Offices Act.”

It extends to the Regulation Districts and to all villages therein, whether alienated or otherwise, so far as its provisions shall not conflict with the terms on which any such alienated village may have been secured to the holder thereof.

Nothing in this Act shall affect the powers of Government to deal with any Watan or parts of Watans, or with the profits thereof respectively under Act No. XI. of 1852, or Bombay Acts Nos. II. and VII. of 1863, or any other law at present in force with respect thereto.

Enactments repealed. II.—The enactments mentioned in the Schedule hereto annexed shall be repealed to the extent specified in the third column of the said Schedule.

Application of Parts VI., VII., VIII., and IX. III.—Parts VI., VII., VIII., and IX. of this Act shall not apply to hereditary offices of lower degree than Patel or Kulkarni, nor to Watans appertaining to such offices.

Interpretation. IV.—In this Act, unless there be something repugnant in the subject or context,

“Watan

“Watan property” means the moveable or immoveable property held, acquired, or assigned for providing remuneration for the performance of the duty appertaining to an Hereditary Office. It includes a right to levy customary fees or perquisites, in money or in kind, whether at fixed times or otherwise.

It includes cash payments in addition to the original Watan property made voluntarily by Government and subject periodically to modification or withdrawal.

“Hereditary Office” means every office held hereditarily for the performance of duties connected with the administration or collection of the public revenue, or with the village police, or with the settlement of boundaries, or other matters of civil administration. The expression includes such office even where the services originally appertaining to it have ceased to be demanded.

The Watan property if any and the hereditary office and the rights and privileges attached to them together constitute the Watan.

“Watandar” means a person having an hereditary interest in a Watan. It includes a person holding Watan property acquired by him before the introduction of the British Government into the locality of the Watan, or legally acquired subsequent to such introduction, and a person holding such property from him by inheritance. It includes a person adopted by an owner of a Watan or part of a Watan, subject to the conditions specified in Sections 33 to 35 of this Act.

“Family” includes each of the branches of the family descended from an original Watandar: Provided that no sub-division shall be recognized except as hereinafter provided in Section 26.

“Head of a family” includes the chief representative of each branch of a family.

“Representative Watandar” means a Watandar registered by the Collector under Section 25 of this Act as having a right to perform the duties of an hereditary office.

“Officiator” means the person actually performing the duties of an hereditary office for the time being, whether he be a representative Watandar or a deputy or a substitute appointed under any of the provisions of this Act.

“Guardian” means a relation or other person to whom the care, nurture, or custody of any child falls by natural right or recognized usage, or who has accepted or assumed directly the care, nurture, or custody of any child, or in case of dispute the holder of a certificate of guardianship from a competent court.

## | PART II.—WATAN PROPERTY AND PROFITS THEREOF.

\*Watandar not to alienate Watan to Non-Watandar without sanction.

V. No Watandar shall, without the sanction of Government, sell, mortgage, or otherwise alienate or assign any Watan or part thereof or interest therein to any person not a Watandar of the same Watan.

VI. *Clause 1.* In any case in which it shall appear to the Collector that the institution of legal proceedings is requisite or desirable with respect to any Watan, or the estate, property, funds, or affairs thereof, the Collector shall certify such case in writing under his hand to the Revenue Commissioner, together with such statements and particulars as in his opinion may be requisite or proper for the explanation of such case, and thereupon the said Revenue Commissioner, if upon consideration of the circumstances he thinks fit, shall authorize the Collector to institute and prosecute in the name of the Collector such legal proceedings as may appear requisite or proper for the protection of the Watan, its estates, property, funds, or affairs, by suit or petition in any Civil Court having jurisdiction in the matter. The cost of such proceedings, unless recovered from the opposite party, shall be paid out of the funds of the Watan.

Collector may institute legal proceedings for the protection of a Watan.

*Clause 2.* The Collector may, if he thinks fit, proceed as provided in Sections 8, 9, 10, 11, or 13 of this Act in lieu of instituting or prosecuting legal proceedings under this Section.

Collector may proceed under Sections 8 to 11, or 13.

VII. Watan property assigned under Section 23 of this Act as remuneration of an officiator, and the profits of Watan property so assigned, shall not be alienated or assigned to any person whatever without the sanction of Government.

Watan assigned as remuneration not alienable without sanction.

VIII. Whenever any Watan, or any part thereof, or any of the profits thereof, whether assigned as remuneration of an officiator or not, has or have before the date of this Act coming into force passed by virtue of, or in execution of, a decree or order of any British Court into the ownership or beneficial possession of any person other than the officiator for the time being, or has or have before such date passed otherwise than by virtue of, or in execution of, a decree or order of any British Court into the ownership or beneficial possession of a Watandar other than such officiator; or when any Watan, or part or profits thereof, not being assigned as remuneration of an officiator has, after the date of this Act coming into force, passed by virtue of or in execution

Watan property passed into possession of person other than officiator liable to contribution for remuneration of Officiator.

execution of, a decree or order of any British Court or otherwise, into the ownership or beneficial possession of a Watandar other than such officiator ; such Watan, or any part thereof, or any of the profits thereof, shall be liable under the orders of the Collector to contribution for the remuneration of such officiator in like manner and to the like extent as if no such decree had been passed or no such transfer had taken place.

IX. *Clause 1.* Whenever any Watan, or any part thereof, or any of the profits thereof, whether assigned as remuneration of an officiator or not, has or have before the date of this Act coming into force, passed otherwise than by virtue of, or in execution of, a decree or order of any British Court, and without the consent of the Collector and transfer of ownership in the Revenue records, into the ownership or beneficial possession of any person not a Watandar of the same Watan, the Collector may, after recording his reasons in writing, declare such alienation to be null and void, and order that such Watan, or any part thereof, or any of the profits thereof, shall from the date of such order belong to the Watandar previously entitled thereto, and may recover and pay to such Watandar any profits thereof accordingly.

Collector may declare alienation of Watan property to be under certain circumstances null and void.

*Clause 2.* If such part of a Watan be land, it shall be lawful for the Collector, instead of transferring the possession of the land, to demand and recover the full rent ordinarily paid by tenants of land of similar description in the same locality, and the amount so recovered shall be considered as the profits. The decision of the Collector as to what is the full rent shall be final.

Collector may in the case of land recover full rent.

X. When it shall appear to the Collector that by virtue of, or in execution of, a decree or order of any British Court any Watan, or any part thereof, or any of the profits thereof, recorded as such in the Revenue records or registered under this Act, and assigned under Section 23 of this Act, as remuneration of an officiator, has or have after the date of this Act coming into force, passed or may pass without the sanction of Government into the ownership or beneficial possession of any person other than the officiator for the time being ; or that any such Watan, or any part thereof, or any of the profits thereof, not so assigned has or have so passed into the ownership or beneficial possession of any person not a Watandar of the same Watan, the Court shall, on receipt of a certificate under the hand and seal of the Collector, stating that the property to which the decree or order relates is a Watan or part of a Watan, or that such property constitutes the profits or part of the profits of a Watan, or is assigned as the remuneration of an officiator, and

Civil Court shall, on receipt of Collector's certificate, remove attachment on Watan property assigned as remuneration of Officiator.

and is therefore inalienable, remove any attachment or other process then pending against the said Watan, or any part thereof, or any of the profits thereof, and set aside any sale or order of sale or transfer thereof, and shall cancel the decree or order complained of so far as it concerns the said Watan, or any part thereof, or any of the profits thereof.

'XI. When any alienation of the nature described in Section 10 of this Act shall take place otherwise than by virtue of, Collector may declare null and void alienation of Watan property made after passing of this Act. or in execution of, a decree or order of any British Court, the Collector shall, after recording his reasons in writing, declare such alienation to be null and void, and shall either summarily resume possession of such property, or assess it at the rate prescribed in Section 9, Clause 2 of this Act, as he may think fit, and it shall thenceforward revert to the Watan.

Powers of Collector to carry out provisions of Sections 8, 9, and 11. XII. It shall be lawful for the Collector whenever it may be necessary, in carrying out the provisions of Sections 8, 9, and 11 of this Act,

(a) To summarily evict any person wrongfully in possession of any land, or

(b) To levy any rent due by any person in the manner that may be prescribed in any law for the time being in force for the levy of a revenue demand.

XIII. Watan property assigned as remuneration of an officiator under Section 23 of this Act and the profits of Watan assigned as remuneration not liable to process of Court. such Watan property are not liable to process of any Civil Court.

On receipt of a certificate under the hand and seal of a Collector to the effect that certain property designated therein is Watan property so assigned, the Court shall remove any attachment or other process placed on, or set aside any sale of or affecting, such property or the profits thereof.

'XIV. *Clause 1.* It shall be lawful for a Collector, for reasons to be stated in writing, to combine two or more Watan offices. Watan held for the performance of similar services in the same village or parts of the same village.

*Clause 2.* Any such combination made before the date of this Act coming into force shall have the same force as if made under this Act.

### PART III.—COMMUTATION OF WATANS.

XV. *Clause 1.* The Collector may, with the consent of the holder of a Watan, given in writing, relieve him and his heirs and successors in perpetuity of their liability to perform  
 Commutation of service.

perform service upon such conditions, whether consistent with the provisions of this Act or not, as may be agreed upon by the Collector and such holder.

*Clause 2.* Any settlement made for this purpose before the date of this Act coming into force by any Collector or other officer acting on behalf of Government with the holder of any Watan shall have the same force as if made under this Act.

Settlements made before passing of this Act to have same force as those made under this Act.

*Clause 3.* Every settlement made or confirmed under this Section shall be binding upon both Government and the holder of the Watan and his heirs and successors.

Settlement on whom to be binding.

*Clause 4.* The word "holder" for the purposes of this Section includes any sole owner or the whole number of joint owners or any person dealt with as representative of the persons beneficially interested or entered as such in the Government records at the time of the settlement.

Who is a "holder."

XVI. Nothing in the last preceding Section shall be held to affect any rights of individuals or village communities to exact such service as may be customary from village servants whose Watans were originally granted or are now held for the performance of such service, but who have been relieved by Government of liability to perform such service to the State.

Rights of individuals to exact customary service from village servants not affected by this Act.

XVII. When all or any of the property of a Watan consists of payments of whatever description, whether in money or kind, made by Jagirdars, Inamdars, Mewasi Chiefs, or others owing or occupying immoveable property wholly or partially free from assessment, the Collector may from time to time determine the amount of such payments recoverable; provided that no larger demand shall be made than one equivalent to the amount that would be payable under the scale in force for the time being in the case of Government villages.

Assessment of amount of payments in alienated villages.

XVIII. When all or any of the property of a village Watan of lower degree than that of Patel or Kulkarni consists of a right to levy in money or kind directly from individuals, it shall be lawful for the Collector, on the application of any person interested, to cause the nature and extent of such right and of the duties to be performed, and the persons, families, or classes liable to make payment and to perform the duties, to be defined in writing by a Panchayet of five persons, whereof

Appointment of Panchayet to define rights and duties of certain Classes of Watandars.



whereof two shall be appointed by the villagers, two by the Watandars, and one, who shall be Sir Punch, by the Collector. The decision shall be in accordance with the opinion of the majority of the Panchayet, provided that in case the villagers or the Watandars fail to nominate members within seven days the Collector shall appoint such members as may be required to constitute a Panchayet of five.

Provided also that, in case the Panchayet do not come to a decision within seven days from the appointment of the Sir Punch, the Collector may himself pass a decision.

The decision of the Panchayet or of the Collector, as above provided, shall be final and binding on all persons or classes whose rights, duties or liabilities have been submitted to such decision.

XIX. Whenever, on failure of the Panchayet to come to a decision, the Collector, acting under the last preceding Section, passes a decision, and it appears that the profits of the Watan or part thereof are of fluctuating amount, or are payable in kind, it shall be lawful for the Collector to determine the amount payable and to decide whether the payment shall be made in kind or money.

Mode of fixing amount payable when profits of a Watan fluctuate.

XX. Any settlement of the nature described in Sections 17, 18, or 19 of this Act, made before the date of this Act coming into force, by a Collector or other officer duly authorized by Government, shall have the same force as if made under this Act.

Validity of settlements made prior to passing of Act.

XXI. Settlements of the nature described in Sections 17, 18, and 19 of this Act, made after this Act comes into force, shall be made for such periods as the Governor in Council may from time to time direct.

Settlements for such period as Government may direct.

#### PART IV.—CREATION AND LAPSE OF WATANS.

XXII. When no Watan exists, it shall be lawful for Government to create one, and in so doing to assign, subject to such sanction as may be required by any Law, or order of the Governor-General of India in Council, for the time being in force, such property of Government as to Government may seem fit.

Creation of new Watans.

Such Watan shall be subject to all the provisions of this Act, and the Watandars shall exercise the powers and perform the duties conferred and imposed by this Act or any other law for the time being in force.

When

When a Watan, or part of a Watan, has lapsed or has been confiscated or otherwise lawfully resumed by Government, or when the right of any particular family to hold a Watan does not exist or is not established, it shall be lawful for Government, subject to the sanction mentioned in the first clause of this Section, to assign such Watan, or part of a Watan, to such person or persons as to Government may seem fit.

PART V.—REMUNERATION OF OFFICIATORS.

XXIII. Subject to the provisions of this Act and of any other law for the time being in force regarding Service Inams, Cash allowances and Pensions, it shall be the duty of the Collector to fix the annual emoluments of officers appointed under the provisions of this Act, and to direct the payment thereof to the officers for the time being.

Collector to fix emoluments of Officers.

It shall be lawful for the Collector for this purpose to assign Watan property, or the profits thereof, towards the emoluments of officers. The existing assignments shall, until altered by competent authority, be taken to have been made under this Section. With the sanction of Government the Collector may, as occasion arises, alter the assignment and may increase or diminish it in value, such increase or diminution being made rateably among the holders in proportion to the profit derived by such holders respectively from the Watan.

Collector may assign Watan property for the purpose.

PART VI.—REPRESENTATIVE WATANDARS.

XXIV. The duties appertaining to any hereditary office shall be performed by the representative Watandars or by deputies or substitutes as hereinafter provided, and by no other persons.

Duties of office to be performed by representative Watandars.

XXV. It shall be the duty of the Collector to determine, as hereinafter provided, the custom of the Watan as to service and what persons shall be recognized as representative Watandars for the purpose of this Act, and to register their names.

Determination and registration of representative Watandars.

XXVI. In determining what heads of families shall be recognized as representative Watandars and what is the custom of the Watan as to service, the Collector shall inquire into and take into consideration the practice heretofore observed from the earliest period for which there are records or other evidence available; provided that he shall not

Previous practice to be considered in determining who are representative Watandars.

not be bound to recognize appointments or sub-divisions which have been made subsequently to the introduction of Act No. XI. of 1843, and which he considers to be contrary to the custom of the Watan.

XXVII. If it shall appear to the Collector that the custom has been for a member of one family only to serve, the Collector shall register the name of the head of such family only as the representative Watandar and no other person.

Registration of head of family as sole representative Watandar.

XXVIII. If it shall appear to the Collector that the custom has been for a member of each of several families to perform the duties either contemporaneously or for successive periods, the Collector shall register the name of the head of each of such families as representative Watandars and no other persons, and where the practice of service in successive periods is proved to exist, he shall decide the order in which the representative Watandars shall officiate.

Registration of heads of families as representative Watandars.

XXIX. *Clause 1.* Where the practice of service in successive periods appears to have existed, but is not proved to the satisfaction of the Collector to have existed at the date of the introduction of Act No. XI. of 1843, or when the practice of selection by the Collector from several families prevails, he shall determine who is the head of the eldest family descended from the original Watandar, and shall register his name as sole representative Watandar.

Registration of head of eldest family as sole representative Watandar.

*Clause 2.* In cases where such several families are not descended from a common ancestor, the Collector shall register as representative Watandars the heads of such families, and establish the practice of service in successive periods.

Registration of heads of separate families as representative Watandars.

XXX. When the practice of service in successive periods has been introduced under the British rule, in consequence of the reduction in the number of sharers or the amalgamation of Watans by Government, the head of each family that formerly officiated shall be separately entered as a representative Watandar.

Registration as representative Watandar of head of each family in amalgamated Watan.

XXXI. But if in any case described in Section 29 of this Act the heads of families at any time before the completion of the Register prescribed by this Act agree un-animously in writing, or have in writing agreed during the inquiry made in the preparation of the existing

Procedure if heads of families agree as to who are representative Watandars.

existing Registers, as to who are the representative Watandars, and as to the order of service, then the Register prescribed in this Act shall be prepared in accordance with such agreement.

**XXXII.** When Watan property or profits have been voluntarily relinquished without abandonment of right of service, such right of service shall be dealt with as if the Watandars were still in receipt of such emoluments.

Right of service to remain after relinquishment of Watan property.

**XXXIII.** In any case in which, before the coming of this Act into force, any registered representative Watandar or his widow shall have adopted an Heir, notice of the same shall, within twelve months from the coming into force of this Act, be given by or on behalf of such adopted Heir to the Collector, who shall register the name of such Heir accordingly. But if such adoption shall be shown to have been or shall subsequently be set aside by decree of a competent Court, the Collector shall remove such name from the Register.

Notice of adoption if Heir has been adopted prior to the passing of this Act.

**XXXIV.** In any case in which, after the coming of this Act into force, any registered representative Watandar or his widow shall adopt an Heir, report of such adoption shall within three months be made to the Collector by such Watandar, or by his widow, or in case of their death then by such adopted Heir, or by the Guardian of the latter, and the Collector shall register the name of such Heir accordingly. But if such adoption shall subsequently be set aside by decree of a competent Court, the Collector shall remove such name from the Register.

Notice of adoption when Heir is adopted after the passing of this Act.

**XXXV.** In any case in which report of such adoption shall not be made as herein directed, the Collector shall not recognize the same without the production of a certificate of Heirship, or of a final decree of a competent Court establishing the validity of such adoption.

Procedure if notice of adoption is not duly given.

**XXXVI.** When any representative Watandar dies it shall be the duty of the Patel and village accountant to report the fact to the Collector; and the Collector shall, if satisfied of the truth of the report, register the name of the eldest son or other person appearing to be nearest heir of such Watandar as representative Watandar in place of the Watandar so deceased. A certificate of heirship or a decree of a competent Court shall, until revoked or set aside, be conclusive proof of the facts stated or determined in such certificate or decree.

Death of representative Watandar has to be reported; name of Heir to be registered.

**XXXVII.**

XXXVII. When any head of a family or representative Watandar is under the age of eighteen years, his guardian may, subject to the provisions of Section 51 of this Act, exercise all powers and perform all duties conferred and imposed by this Act.

PART VII.—PERIODS OF SERVICE.

XXXVIII. The periods during which a representative Watandar shall perform the duties shall be as follows:—

Period for which representative Watandar is to perform duties. In Watans registered under Section 27, the first clause of Section 29, and Section 31 of this Act, the period of service shall be for life.

In Watans registered under Section 28, the second clause of Section 29, and Section 30 of this Act, the period of service, if contemporaneous, shall be for life, and if in successive periods the period shall be fixed at the discretion of the Collector, but for a Patel shall be not less than ten years and for a Kulkarni not less than five years.

XXXIX. In the event of the officiating Watandar dying before the expiration of his fixed period of service, his heir shall, subject to the provisions of Part VIII. of this Act, be entitled to officiate for the remainder of that period.

XL. *Clause 1.* In the case of a Watan in which the representative Watandars are entitled to perform the duties in successive periods, the Collector shall, on the occurrence of the turn of any such representative Watandar to perform the duties, issue a notice to the whole body of registered representative Watandars calling upon them to appear before him at a certain time and place to elect an officiator, or such number of officiators as may be required by the Collector under the provisions of Section 43 of this Act.

*Clause 2.* If not less than three-fourths, including the Watandar whose turn it is to officiate, of the representative Watandars appear at the appointed time and place and unanimously nominate a fit and proper person or persons being a Watandar or Watandars of the same Watan, the person or persons so nominated shall be entitled to officiate in the place and for the period of service of the representative Watandar whose turn it is to perform the duties.

*Clause 3.* If the person or persons so nominated be other than the representative

representative Watandar whose turn it is to perform the duties, he or they shall for all the purposes of this Act be deemed to be the duly appointed deputy or deputies of the said representative Watandar.

**XLI.** If in the case of a Watan in which the representative Watandars are entitled to perform the duties in successive periods, the representative Watandars shall not appear at the time and place appointed under the provisions of the last preceding Section, or shall fail to nominate an officiator, or the requisite number of officiators, unanimously, then the provisions of this Act as to service by the representative Watandar entitled to officiate and as to appointment of deputies shall apply.

Mode of appointment if representative Watandars fail to nominate Officiator.

**PART VIII.—OFFICIATING WATANDARS AND DEPUTIES.**

**XLII.** Every representative Watandar whose duty it is to officiate shall, if a fit and proper person, perform the duties of the hereditary office himself on being so required by the Collector, but may be permitted by the Collector to appoint a deputy.

Representative Watandar to perform duties of office.

**XLIII.** The Collector shall determine the number of officiators required for the proper performance of the duties of any office from time to time, and for this requirement may call upon the representative Watandar aforesaid to appoint a sufficient number of fit and proper persons as deputies, or may direct service in successive periods by representative Watandars who have hitherto served or are serving contemporaneously.

Collector to determine number of Officiators required.

**XLIV.** If any requisition of the Collector under Sections 42, 43, 46, or 48 of this Act is not complied with within two months from the date thereof, the Collector may himself appoint a deputy or deputies.

Collector to appoint Deputy if Watandar fails to appoint.

**XLV.** The Collector may refuse to accept the service of any representative Watandar whose duty it is to officiate, or of any deputy nominated by him, if the Collector has good reason to believe after due inquiry that such Watandar or deputy is of known bad character, or is unfit, by reason of physical or mental inability, or by reason of other employment or calling, to perform efficiently the duties of the office.

Collector may refuse to accept service of representative Watandar or deputy nominated by him.

**XLVI.** In the event of any representative Watandar whose duty it is to officiate being or becoming unfit by reason of other employment or calling, or physical incompetency, the Collector shall call upon him to appoint

Procedure if Watandar or deputy is physically or mentally incompetent to officiate.

point a deputy, and in case of his mental incompetency shall himself appoint a deputy. In the event of a deputy so becoming unfit, the representative Watandar, unless himself mentally incompetent, shall be called upon to appoint another deputy in his place.

**XLVII.** Whenever a representative Watandar whose duty it is to officiate ceases to be disqualified under the provisions of Sections 45 and 46 of this Act, he shall become entitled, if otherwise fit, to serve in person or to appoint a deputy in supersession of any deputy appointed by the Collector.

On cessation of disqualification, representative Watandar entitled to serve.

**XLVIII.** In the case of any nomination of a deputy the Collector shall allow a second nomination to be made in case of his rejecting the first nomination, and if he shall reject the second nomination, he shall himself appoint a deputy.

Second nomination of Deputy.

**XLIX.** The representative Watandar whose duty it is to officiate, may himself, if otherwise fit, perform the duties in place of any deputy removed, or rejected by the Collector, or deceased.

Representative Watandar may officiate in place of Deputy removed or rejected.

**L.** When a representative Watandar has been rejected as being of known bad character, or removed on account of grave misconduct, under the provisions of Section 58 of this Act, the Collector himself may nominate and appoint a deputy.

Collector may nominate Deputy if representative Watandar is rejected or removed.

**X LI.** No female shall perform in person the duties of any hereditary office; but if a representative Watandar, or the guardian of a representative Watandar, she may appoint a deputy.

Female cannot officiate, but may nominate Deputy.

**LII.** During the suspension of an officiating representative Watandar or deputy, and during any vacancy, the duties shall temporarily be performed by a substitute, whether a Watandar or not, appointed by the Collector.

Collector to appoint Deputy when Officiator is suspended.

**LIII.** In all other cases, except as provided in Section 58 of this Act, none but a Watandar shall be appointed as deputy, whether by the Collector or any representative Watandar if there be a Watandar of the same Watan fit and willing to serve, and in the event of the representative Watandar declining to appoint a Watandar as his deputy, the Collector shall himself appoint one.

Deputy may be stranger in certain cases only.

When

When the Collector himself appoints a deputy under the provisions of Section 50 of this Act, he may, if Government so direct, appoint other than a Watandar.

Term of appointment of Deputy.      LIV. When the Collector appoints a deputy, it shall be for a term not exceeding five years.

When a Watandar entitled to officiate appoints a deputy, it shall be for a term not less than five years, or for life. The term of appointment of a deputy shall cease and determine on the right of his principal ceasing, or on the death of his principal, and any appointment of a deputy on behalf of a representative Watandar under the age of eighteen years shall terminate on the attainment by such representative Watandar of that age.

⋈ LV. In the event of temporary absence or illness, an officiator may arrange with any fit person for the temporary conduct of the duties, but shall be liable in the penalties prescribed in Sections 57 to 61 of this Act.  
 Officiator if absent or ill may appoint a temporary substitute.

LVI. When the hereditary right to perform the duties of an hereditary office as deputies of the original Watandar is vested in a family distinct from that of the original Watandar, the custom shall be recognized, and the heads of the family entitled to perform the duties shall be registered and treated as representative Watandars.  
 Head of family to be treated as Watandar when right to perform duties as Deputies of original Watandar is vested in the family distinct from original Watandar.

#### PART IX.—PENALTIES.

Punishment of Officiators.      LVII. It shall be lawful for the Collector to suspend any officiator from office during inquiry into alleged misconduct, and to punish any such officiator for misconduct or neglect of duty by suspension from office for a period not exceeding six months, or by fine not exceeding the fourth part of the annual emolument provided for the officiator. The order of the Collector shall be final in such cases, except when the penalty is inflicted on an hereditary district officer.

Collector may remove Officiator with sanction of Government.      LVIII. It shall be lawful for the Collector, with the previous sanction of Government, in case of fraud, the wilful framing of incorrect records, habitual neglect of duty, or other grave misconduct on the part of an officiator, to remove him from office.

LIX.



LIX. Whoever is removed from office under the preceding section shall be ineligible for re-employment or continuance in any hereditary office, except with the sanction of Government, and in case he be a representative Watandar and his period of performing the duties recurs, the appointment of a deputy under the provisions of Part VIII. of this Act shall on the recurrence of such period be made by the Collector and not by him.

X LX. When any representative Watandar or any deputy or substitute appointed by him is convicted by any Court of Session of any offence in the discharge of his official duties, it shall be lawful for Government to direct the forfeiture of the whole or any part of the Watan or of the profits thereof.

LXI. All deputies appointed under this Act shall be subject to the same rules in the performance of the duties of their offices, and to the same penalties, except as otherwise provided, as the representative Watandars themselves are subject to when officiating, and in the case specified in Section 58 of this Act, it shall be lawful for Government to direct the forfeiture of the life interest in the Watan of the representative Watandar entitled to officiate, whether the officiator guilty of misconduct be such representative Watandar himself or a deputy appointed by him.

LXII. No order shall be passed under this part except upon perusal of the judgment of a Court or after investigation recorded in writing.

#### PART X.—INFERIOR VILLAGE HEREDITARY OFFICES.

LXIII. This part applies only to hereditary village offices of lower degree than that of Patel or Kulkarni.

LXIV. The Collector is empowered, subject to the general control of Government—

(a) To register the names of individual Watandars as holders of the office, or to register it as held by the whole body of Watandars.

(b) To determine, when individual names are so registered, the rights, duties, and responsibilities among themselves of the persons so registered, and the mode in which they shall be selected to perform the duties, whether by selection by the Collector or by defined rotation, or by election by the Watandars, or otherwise, as may be expedient.

(c) To

(c) To require, in cases where the registration is made in the name of the whole body of Watandars, that they appoint so many fit persons as may be necessary to perform the duties which the Collector may assign to them severally and jointly ; such appointment to be made within a reasonable time to be previously fixed and notified to them by the Collector. In default of such appointment being made the Collector may himself appoint.

(d) To provide for and enforce the joint responsibility of the whole body for the neglect of duty or misconduct of any of their number or their representatives ; and in cases where the crime of cattle poisoning is prevalent, with the sanction of Government to attach, during the pleasure of Government, the Watans of the persons whom he may have reason to believe to have been guilty of, or to have connived at, the commission of the crime.

(e) To pass orders in regard to appointment, remuneration, period of service, suspension, fining, and dismissal of persons officiating, the grant of leave of absence and other matters of discipline not expressly provided for by this or any other law for the time being in force.

#### PART XI.—THE REGISTER.

LXV. The Collector shall prepare and keep all Registers necessary for the purposes of this Act in the form which Government may from time to time prescribe. There shall be one Register of lands and allowances in consideration whereof liability to perform service exists and another of lands and allowances in respect of which no such liability exists.

Collector to prepare and keep Register.

Non-Service Register what to contain.

LXVI. In the Register of lands and allowances the holders whereof are exempt from service, the Collector shall specify—

(a) The area of the lands, the Survey number and assessment, the quit-rent leviable, and the net revenue alienated by Government.

(b) The amount and nature of the cash or other allowances, and the source from which they are payable.

(c) The terms of the settlement under which the exemption is enjoyed.

(d) The names of the parties to such settlement with Government as indicated in the Sunnuds issued to them.

(e) Such other particulars as Government may from time to time order to be recorded.

Service Register what to contain.

LXVII. In the register of lands and allowances in consideration whereof liability to serve still exists, the Collector shall specify—

(a) The

(a) The area of the lands, the names of the occupants, the survey number and assessment, the quit-rent, if any, leviable, and the net revenue alienated by Government, the amount and nature of the cash or other allowances, the source from which they are payable, and the land and allowances assigned for the remuneration of officiators.

(b) The names of the heads of families and of the representative Watan-dars.

(c) Whether the service is performed by one representative Watan-dar or otherwise: if by several in successive periods, the order in which they are to succeed each other.

(d) The proportional share of the Watan possessed by each head of family which may be expressed in annas or fractions of a rupee.

(e) The number of officiators required to perform the duties.

(f) The nature of the settlement of inferior village Watan-dars referred to Part X. in of this Act.

(g) Such other particulars as Government may (from time to time) order to be recorded.

LXVIII. The Register kept under this Act shall be corrected or Register to be corrected. added to on the occasion of any change being made in accordance with the provisions of this Act in the particulars above specified.

#### PART XII.—MISCELLANEOUS.

LXIX. All Watan-dars of whatever denomination whose liability to Service to be performed by Watan-dars. serve has not been commuted are legally bound, subject to the provisions of this Act, to render such service as has been customary or as is required by law.

LXX. All records which have been or may be prepared by any Watan-dar in pursuance of the duties of the office, or by Records the property of Government. order of his superior officer, or of the present or former Government, are hereby declared to be the property of Government, and the Collector is hereby empowered to demand their production.

LXXI. With regard to hereditary offices not inferior to that of Patel or Kulkarni, it is hereby declared that every Watan-dars may sign vil-lage records. head of family shall have the privilege of signing the abstract of village land and revenues or other village papers which it may be customary for him to sign.

#### PART XIII.

## PART XIII.—PROCEDURE AND APPEALS.

**LXXII. Clause 1.** It shall be lawful for the Collector or other officer conducting an investigation under this Act to take evidence, and in Sections 193 and 228 of the Indian Penal Code the words “judicial proceeding” shall be taken to include any proceeding under this Act.

*Clause 2.* Every person who shall have been summoned to give evidence or to produce any document in his possession, by the Collector or other officer conducting an investigation under this Act, shall be legally bound to attend, or to produce such document.

**LXXIII. Clause 1.** Except as hereinafer provided in clause 2 of this Section, no order under Part III. of this Act directing commutation of a Watan, or under Part V. of this Act assigning the remuneration of officers, or under Part VI. of this Act determining the custom of the Watan as to service and what persons should be registered as heads of families or representative Watandars, or under Part VII. of this Act, determining the periods of service, shall be passed, unless after an investigation recorded in writing and a proper opportunity afforded for the hearing of claims and the production of evidence. In each such investigation, and in removals from office under Section 58 of this Act, the Collector or other officer shall record his decision with the reasons therefor in his own handwriting.

*Clause 2.* Unless the Governor in Council shall otherwise direct, decisions passed subsequently to the year 1866 after an investigation recorded in writing, and after a proper opportunity had been afforded for the hearing of claims and the production of evidence, and which are recorded with the reasons therefor, in the handwriting of a Collector or his Assistant or Deputy, shall be accepted, in so far as they may not be inconsistent with the provisions of this Act, in lieu of fresh investigation and decision under this Act for the purpose of framing the Register required in Section 67 thereof. If any details necessary for the said Register have not been recorded in any decision of the nature described above, but are forthcoming from the evidence taken in connection with such decision, they may be supplied from such evidence in lieu of fresh investigation for the completion of the Register. Such details as may not be forthcoming shall be obtained by such further investigation as the Collector may deem necessary.

LXXIV.

LXXIV. The proceedings of the Collector shall be under the general control of the Revenue Commissioner appointed under Regulation V. of 1830, or other Law in force for the time being, and of Government.

Proceeding of Collector under general control of Revenue Commissioner.

LXXV. The Collector may require any investigation under Part X. of this Act to be made by a Mamlutdar or Mahalkari, but the decision thereon shall be made by the Collector.

Mamlutdar may make investigation under Part X.

LXXVI. No appeal shall lie from any order made under Section 64, clause *e* of this Act before final order, nor from any order registering any fact specified under Section 67, clauses *b*, *c*, *d*, and *e* of this Act, where the effect of such order is merely to register the same facts as are already recorded in the existing registers kept according to law or under the orders of Government.

No appeal to lie, save where specially provided.

LXXVII. Except as hereinbefore provided, one appeal only shall lie from every decision passed after investigation recorded in writing by a Collector, or by an Assistant Collector, or Deputy Collector empowered under the provisions of Bombay Act I. of 1868.

Appeals.

Such appeal, if from the decision of an Assistant Collector, or Deputy Collector so empowered, shall lie to the Collector, and shall be made within sixty days from the date of the order appealed against.

Such appeal, if from the decision of the Collector, shall lie to the Revenue Commissioner, and shall be made within ninety days from the date of the order appealed against.

In computing the above periods the time required to prepare a copy of the order or decision appealed against shall be excluded.

LXXVIII. Every petition of appeal shall be accompanied by a copy of the order or decision appealed against: and it shall be competent for the officer before whom the appeal is presented to reject the appeal if on perusal of the petition it appears to him that there is no sufficient ground for questioning the correctness of the decision, or for interfering with the order appealed against.

Copy of order to accompany petition of appeal. Appeal may be summarily rejected.

LXXIX. Government may call for and examine the record of the proceedings of any officer for the purpose of satisfying itself as to the legality or propriety of any order passed, and may reverse or modify the order as shall seem fit, or, if it seem necessary, may order a new inquiry.

Government may call for proceedings.

LXXX.

**LXXX.** Service of any notice given under this Act shall be deemed to have been made by the notice being affixed in writing to the wall of the village Chowree or other public place in the village not less than seven days before action is required to be taken by any person thereon.

Notice how to be served.

**LXXXI.**—All recoveries of profits from land, assessments, emoluments or penalties under this Act may be made as provided by any law for the time being in force relating to the recovery of the land revenue.

Recoveries how to be made.

**LXXXII.** Government may frame rules not inconsistent with this Act for the guidance of its officers in cases not expressly provided for, and may from time to time modify or revoke any such rules.

Government to frame Rules.

**LXXXIII.** Except as is otherwise provided in Section 18 of this Act, Government shall have power, in cases where doubt exists, to determine what duties appertain to any hereditary office.

Government to determine duties of Hereditary Officers.

**LXXXIV.** The Governor in Council may from time to time confer on any officer specially selected for the purpose all or any of the powers and duties which under this Act are required to be performed by a Revenue Commissioner or a Collector, and may authorize the delegation to any Mamlutdar or Mahalkari of the power to fine hereditary village officers in sums not exceeding two rupees.

Grant of powers under Act to Special Officer.

**LXXXV.**—Nothing in this Act contained shall be deemed to affect Bombay Act VIII. of 1867 or any other law for the time being in force, defining the duties and powers of village officers or imposing penalties for misconduct, and all references in such laws to Act XI. of 1843 shall be taken as made to this Act.

This Act not to affect Bombay Act VIII. of 1867.

## SCHEDULE.

Number and Year.	Subject or Title.	Extent of Repeal.
Reg. XVI. of 1827 ...	Hereditary District and Village Officers inclusive of Village Accountants.	Sections 19 and 20.
Reg. V. of 1833 ...	For declaring all Hereditary District and Village Officers when entrusted by virtue of their offices with the charge or collection of the Public money to be officers of receipts and liable to certain penalties for embezzlement and for providing for the recovery of Public money from such officers ; for extending the provisions of clauses second, third, fourth, and fifth, Sec. XI., Reg. XVI. of 1827 to certain Native Officers on Collector's Establishment and for admitting the employment of deputies of Hereditary District Officers in other cases than those laid in Section XVIII., Reg. XVI. of 1827.	Section 4.
Act XI. of 1843 ...	For regulating the service of Hereditary Officers under the Presidency of Bombay.	So much as is not already repealed.
Bombay Act III. of 1862 .	To amend Act XI. of 1843 ...	The whole Act.

# Government of Bombay.

## LEGISLATIVE DEPARTMENT.

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### AN ACT

TO

Amend the Law relating to Hereditary Offices.

*[Received the assent of the Governor of Bombay on the 6th November 1874, and of the Governor-General on the 27th January 1875, and published by the Governor of Bombay on the 5th February 1875.]*

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*Price Six Annas.*