

PASSED BY THE

# Governor of Bombay in Council

IN THE

YEARS 1875-76-77.



Bombay:

PRINTED AT THE GOVERNMENT CENTRAL PRESS.

1878.

Government property.  
Registered.

Inward No. 395

Bombay collector's office  
17<sup>th</sup> October 1878.

F. Herbert Must  
Collector.

ACTS

PASSED BY THE

Governor of Bombay in Council

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## TITLES

OF

ACTS PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL  
IN THE YEARS 1875, 1876 AND 1877.

### 1875.

- Act No. I.—An Act to amend (Bombay) Act No. I, of 1865.
- Act No. II.—An Act to empower the Municipal Corporation of the City of Bombay to aid in the reception of His Royal Highness the Prince of Wales on the occasion of his visit to India.
- Act No. III.—An Act for enabling Government to levy Tolls on Public Roads and Bridges in the Presidency of Bombay.

### 1876.

- Act No. I.—An Act to amend Bombay Act VIII. of 1867.
- Act No. II.—An Act to amend the law relating to the Land Revenue Administration of the City of Bombay.
- Act No. III.—An Act to consolidate and amend the law relating to the Powers and Procedure of Mámlatdárs' Courts.

### 1877.

- Act No. I.—An Act to prohibit the practice of inoculation and to make the vaccination of children in the City of Bombay compulsory.
- Act No. II.—An Act to validate the appointment of certain members and for the temporary continuance of the Municipal Corporation of the City of Bombay.

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FOR THE YEARS 1875, 1876 AND 1877

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. BOMBAY

ACT No. I. OF 1875.

[Received the assent of the Governor of Bombay on the 19th April 1875, and of the Governor General on the 19th May 1875, and published by the Governor of Bombay on the 28th May 1875.]

An Act to amend (Bombay) Act No. I. of 1865.

WHEREAS the date of the 31st March fixed in Section XLII. of the Bombay Survey and Settlement Act as that after which an occupant may not give a written notice of relinquishment of his occupancy has been found productive of inconvenience to Government and hardship to the occupant in certain cases ; it is hereby enacted :—

I. For the purposes of this Act the word “year” shall be taken to mean the period intervening between the 1st day of August in one year and the 31st day of July in the following year, both days inclusive. ‘Year.’

II. *Clause 1.*—In the year in which an original or revised Survey Settlement may be introduced in any Village, it shall be competent to the Governor in Council to fix any date, not being earlier than the 31st March or later than the 5th June, as that up to which notices of relinquishment of occupancy may be given in. Governor in Council may fix date up to which notice of relinquishment of occupancy may be given.

*Clause 2.*—In the year in the course of which a Survey Settlement, whether original or revised, may be introduced, the difference between the old and new assessment of all lands in which the latter may be in excess of the former shall not be payable, and the revised assessment shall be levied only from the year Levy of revised assessment when it commences.

To amend Act No. I. of 1865. [BOMB. ACT I., 1875 ]

year commencing on the 1st August next after such introduction.

Occupant  
dissatisfied  
with increased  
assessment  
shall on giving  
written resig-  
nation of oc-  
cupancy re-  
ceive remission  
of increase

*Clause 3.*—In the year commencing with the 1st August next after such introduction of a new assessment, any occupant who may be dissatisfied with the increased rate imposed by such new assessment on all or any of the Survey fields or recognized shares of fields held by him, shall, on giving a written resignation in the manner prescribed by the Rules under Act I. of 1865 of the Governor of Bombay in Council of all or any such Survey fields or recognized shares of fields on or before the 31st March then following, receive a remission of the increase imposed as aforesaid.

Construction  
of Act

III. This Act shall be read with and taken and construed as part of Bombay Act No. I. of 1865.

## BOMBAY ACT No. II. OF 1875.

[ *Received the assent of the Governor of Bombay on the 29th September 1875, and of the Governor General on the 12th October 1875, and published by the Governor of Bombay on the 18th October 1875* ]

An Act to empower the Municipal Corporation of the City of Bombay to aid in the reception of His Royal Highness the Prince of Wales on the occasion of his visit to India.

**WHEREAS** His Royal Highness the Prince of Wales purposes visiting India some time in the month of November 1875 ; and whereas the Municipal Corporation of the City of Bombay is desirous of contributing from the Municipal Fund towards the fitting reception of His Royal Highness ; and whereas it is expedient to empower the said Corporation to make a contribution from the Municipal Fund for the said purpose, and to provide for the payment of the same out of the cash balance which the said Corporation is required by the Bombay Municipal Act of 1872 to retain at the end of each year, and for the restoration of the said cash balance to its proper amount after three years ; It is enacted as follows :—

1. It shall be lawful for the Municipal Corporation of the City of Bombay, anything contained in the Bombay Municipal Act of 1872 to the contrary notwithstanding, to contribute from the Municipal Fund towards the expense of providing for the becoming reception of His Royal Highness the Prince of Wales and for the public rejoicings during His Royal

Corporation may expend half a lakh of rupees from Municipal Fund in connection with His Royal

[*Price six pnes.*]

MUNICIPAL CONTRIBUTION.

Highness the Prince of Wales' visit to Bombay. Royal Highness' stay in the said City, such sum not exceeding half a lakh of rupees as the said Corporation shall deem fit.

Provisions of Bombay Act III of 1872 as to cash balance suspended 2. The operation of every portion of the Bombay Municipal Act of 1872, which requires that provision shall be made for a cash balance of not less than one lakh and a half of rupees at the end of each year, shall be and is hereby declared to be suspended so far as concerns the years eighteen hundred and seventy-five, eighteen hundred and seventy-six, and eighteen hundred and seventy-seven: Provided that the cash balance at the end of each of the said years shall not be less than as follows, viz.:

At the end of 1875, one lakh of rupees ;  
,, 1876, one lakh and seventeen thousand rupees ;  
,, 1877, one lakh and thirty-four thousand rupees.



## BOMBAY ACT No. III. of 1875.

[Received the assent of the Governor of Bombay on the 8th October 1875, and of the Governor General on the 20th December 1875, and published by the Governor of Bombay on the 28th December 1875 ]

### An Act for enabling Government to levy Tolls on Public Roads and Bridges in the Presidency of Bombay.

**W**HEREAS Tolls have been levied in the Presidency of Bombay in accordance with Act XV. of 1864 since the 30th day of July 1864, but doubts have arisen whether the said Act has been formally extended to the said Presidency ; and whereas it is expedient to remove the said doubts and to consolidate in one Act the provisions for the levy of Tolls upon Public Roads and Bridges in the said Presidency ; It is enacted as follows :—

Preamble.

I. Act VIII. of 1851 is hereby repealed in so far as it affects the Presidency of Bombay.

Repeal of Act VIII. of 1851.

II. Act XV. of 1864 shall be deemed to have been extended to the Presidency of Bombay as from the 30th day of July 1864, and all Tolls levied within the Presidency of Bombay upon any public roads or bridges (from whatever funds the same may have been constructed) between the said 30th day of July 1864 and the coming into operation of this Act, shall be deemed to have been levied under the provisions of Act XV. of 1864 and to have been duly and lawfully levied and collected.

Act XV. of 1864 to be deemed to have been extended to Bombay Presidency since 30th July 1864.

III. The Governor in Council may cause such Rates of Tolls, not exceeding the rates mentioned in the Schedule annexed to this Act, to be levied upon any Road or Bridge which has been or shall hereafter be made or repaired at the expense of the

Rates of Tolls to be levied.

Government

[Price one anna and six pies.]

• 542—a

*Levy of Tolls on Public Roads and* [BOMB. ACT III.

Government or from funds collected under the provisions of Bombay Act III. of 1869, or other funds levied under the authority and subject to the general control of Government, and may place the collection of such Tolls under the management of such persons as may appear to him proper; and all persons employed in the management and collection of such Tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of the Land Revenue. Until such rates of tolls shall be fixed by the Governor in Council, the tolls now levied shall continue to be levied by the persons under whose management the same are now collected, who shall be held to have been appointed under the provisions of this Act.

“Persons.”

*Clause 2.* The word “persons” in this section shall include Local Fund Committees established under Bombay Act III. of 1869.

Procedure  
in case of  
non-pay-  
ment of  
Tolls.

IV. In case of non-payment of any such Toll on demand, the officers appointed to collect the same may in the first place seize any part of the burden or load of the carriage or animal on which the Toll is chargeable of sufficient value to defray the Toll, or in the event of the burden or load being insufficient, such carriage or animal; and if any Toll remains undischarged for 24 hours with the cost arising from such seizure, the case shall be brought before the officer appointed to superintend the collection of the said Toll, who may sell the property seized for discharge of the Toll, and all expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain to be returned on demand to the owner of the property; and the said officer on receipt of the property shall forthwith issue a notice, that at noon of the next day, exclusive of Sunday or any close holiday, he will sell the property by auction: Provided that if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred and of double the Toll payable by him, the said officer shall forthwith release the property seized.

V. No

V. No Tolls shall be paid for the passage of Troops and Military Stores and Equipages on their march, or of Police Officers on duty, or of any person or property in their custody. And it shall further be lawful for His Excellency the Governor in Council, by notification in the *Government Gazette*, to grant and define other exemptions from payment of the Tolls levied under this Act.

Troops and Military Stores, &c., exempt from Toll. Government may grant other exemptions by notification

VI. All Police Officers shall be bound to assist the Toll Collectors, when required, in the execution of this Act, and for that purpose shall have the same power which they have in the exercise of their ordinary Police duties.

Police Officers bound to assist Toll Collectors.

VII. Every person, other than the persons appointed to collect the Tolls under this Act, who shall levy or demand any Toll on any Public Road or Bridge, or for passing through any Bazaar situated thereon, and also every person who shall unlawfully and extortionately demand or take any other or higher Toll than the lawful Toll, or under colour of this Act seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be liable, on conviction before a Magistrate, to imprisonment of either description for any term not exceeding six calendar months, or to fine not exceeding Rs. 200, any part of which fine may be awarded by the Magistrate to the person aggrieved, but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court of the District.

Penalty for demanding illegal Tolls

VIII. A table of the Tolls authorized to be taken at any Toll gate or station legibly written or printed in English words and figures, and also in those of the vernacular language of the District, to which shall be annexed written or printed in like manner a statement of the penalties for refusing to pay the Tolls and for taking any unlawful Toll, shall be furnished by Government to the Collector of Tolls, and the same shall by him be kept in a conspicuous place near such gate or station.

Table of Tolls to be put up at Gate or Station.

*Levy of Tolls on Public Roads and* [BOMB. ACT III.]

Collectors of Tolls may compound for Tolls leviable under this Act. IX. Any person entrusted with the management of the collection of Tolls under this Act, may in his discretion compound for any period, not exceeding one year, with any person for a certain sum to be paid by such person for himself or for any vehicle or animal kept by him, in lieu of the rates of Tolls specified in the Schedule to this Act.

Application of Tolls. X. The net proceeds of the Tolls levied under this Act shall be applied wholly to the construction, repair, and maintenance of roads and bridges within the Presidency of Bombay: Provided that the net proceeds of Tolls levied on roads or bridges constructed by or belonging to any Local Fund Committee shall be applied to the construction and maintenance of roads or bridges in the district under the superintendence of such Local Fund Committee.

SCHEDULE.

	Rs. a. p.
On every four-wheeled carriage on springs ...	1 0 0
On every two-wheeled carriage on springs ...	0 8 0
On every ekka or hackery on springs ...	0 2 0
On every cart and hackery not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses or mules, if laden ...	1 0 0
Ditto if not laden ...	0 8 0
On every cart and hackery not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if laden ...	0 12 0
Ditto if not laden ...	0 6 0
On every cart and hackery not on springs drawn by 4 bullocks, buffaloes, horses, ponies, asses or mules, if laden ...	0 8 0
Ditto if not laden ...	0 4 0
On every cart and hackery not on springs drawn by 2 bullocks, buffaloes, horses, ponies, asses or mules, if laden ...	0 4 0
Ditto if not laden ...	0 2 0
Buffaloes, or bullocks, per head, if laden ...	0 1 0
Ditto ditto if not laden ...	0 0 6
On every	

1875.] *Bridges in the Presidency of Bombay.*

	Rs. a. p.
On every elephant ... ..	1 8 0
On every camel, if laden... ..	0 4 0
Ditto if not laden ... ..	0 2 0
On every horse, if laden or ridden ... ..	0 1 6
Ditto unladen or led ... ..	0 0 9
On every pony or mule, if laden or ridden ... ..	0 0 9
Ditto unladen or led ... ..	0 0 6
On every ass, if laden or ridden ... ..	0 0 6
Ditto unladen or led ... ..	0 0 3
On every sheep, or goat, or pig ..	0 0 1
On every palanquin, dooly, palna, or tonjon, with 8 bearers .. ..	1 0 0
Ditto ditto ditto with ..	0 12 0
Ditto ditto ditto with ..	0 8 0
On every foot passenger with the special sanction of Government on bridges or hill roads ..	0 0 3

Explanation I.—Animals drawing any vehicle for which Toll can be demanded are not to be also charged with Toll.

Explanation II.—No second toll shall be levied on the same carriage or animal returning on the same day.

# BOMBAY ACT No. I. OF 1876.

[Received the assent of the Governor of Bombay on the 12th January 1876, and of the Governor General on the 1st March 1876, and published by the Governor of Bombay on the 9th March 1876]

## An Act to amend Bombay Act VIII. of 1867.

WHEREAS doubts have arisen whether a police patel, or other village police servant, may lawfully be suspended from office either during inquiry into alleged misconduct, or by way of punishment for misconduct, and it is expedient to remove such doubts; It is enacted as follows:—

1. This Act may be cited as “The Bombay Short Title. Village Police Act Amendment Act, 1876.”

2. The following section shall be substituted for section nine of the Bombay Village Police Act, 1867 (namely):—

New section substituted for Section 9 (Bombay) Act VIII. of 1867

“Any police patel, or member of a village establishment liable to be called on for the performance of police duties, who shall be careless or negligent in the discharge thereof, shall be liable to be fined under the order of any Magistrate of the 1st class to any amount not exceeding the fourth part of the annual emoluments of his office.”

Penalties for neglect of duty, &c.

“If he shall be accused of any violation of duty, or breach of rule, or of other misconduct which shall seem to such Magistrate to require a heavier punishment, he may suspend him from office during inquiry into such accusation, and at the close of such inquiry, if the said Magistrate shall consider him guilty of

Penalties for serious misconduct.

[Price One Anna.]

misconduct

*Bombay Village Police Act Amendment.* [Act 1., 1876.]

misconduct meriting such punishment, he may suspend him from office for a further period not exceeding six months, or dismiss him: Provided that no person of the rank of patel shall be dismissed under this section without the sanction of the Police Commissioner."

New section added after Section 9 (Bombay) Act VIII. of 1867.

3. After section nine of the said Act the following section shall be inserted:—

Liability to criminal prosecution not affected. "9 A.—Nothing in the last preceding section shall affect the liability of any police patel or other member of a village establishment to a criminal prosecution for any offence with which he may be charged.

Accused may be suspended during trial. "Any Magistrate of the 1st class may suspend any such person subjected to any such prosecution pending the inquiry and trial."

BOMBAY Act No. II. of 1876. ✓ A.C.

[Received the assent of the Governor of Bombay on the 15th September 1876, and of the Governor General on the 14th October 1876, and published by the Governor of Bombay on the 26th October 1876.]

An Act to amend the Law relating to the  
Land Revenue Administration of the City of  
Bombay.

WHEREAS it is expedient to amend the law relating to the assessment and collection of the land revenue, to provide against encroachments upon public property, to ensure the preservation of survey boundary marks, and otherwise to improve the existing land revenue administration in the city of Bombay; It is enacted as follows :—

Preamble.

PART I.—Preliminary.

1. This Act may be cited as “ The Bombay City Land Revenue Act, 1876.”

Short title.

It extends only to the city of Bombay.

2. So much of Regulation XIX. of 1827 as has not been already repealed is hereby repealed.

Extent,  
Regulation  
XIX. of 1827  
repealed.

All references made in any Act or Regulation to any part of the said Regulation XIX. of 1827 hereby repealed, shall be read as if made to the corresponding portion of this Act.

And all rules prescribed, appointments made, powers conferred, orders issued, and notifications published under the said Regulation, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been

respectively

[Price three annas and six pies ]

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■ 417—a



respectively prescribed, made, conferred, issued, and published hereunder.

And all proceedings now pending, which have been commenced under any part of the said Regulation XIX. of 1827 hereby repealed, shall be deemed to have been commenced under this Act, and shall hereafter be conducted in accordance with the provisions of this Act.

Interpretation Section.

“Collector”

3. In this Act, unless there be something repugnant in the subject or context,

(1) The word “Collector” means the Collector of Bombay ;

“Land Revenue.”

(2) The words “Land Revenue” signify any sum of money legally claimable by Government from any person on account of any land, or interest in, or right exercisable over, land held by, or vested in him, under whatever designation such sum may be payable ;

“Survey Boundary mark.”

(3) The words “Survey Boundary mark” mean, primarily, any iron or other mark set up by the officers who conducted the Bombay City Survey hereinafter described, and include any such new mark that may hereafter be set up by the Collector or, under his orders, according to the provisions of this Act ;

“Superior holder.”

(4) The words “Superior holder” signify the person having the highest title under Government to the land in respect of which land revenue is payable.

*PART II.—The Collector of Bombay and his Subordinates.*

Chief control in revenue matters.

4. The chief controlling authority in all matters connected with the land revenue is vested in the Collector of Bombay subject to the Governor in Council.

Appointment and duties of the Collector of Bombay.

5. The Collector of Bombay shall be appointed by the Governor in Council, and shall exercise the powers and discharge the duties conferred and imposed on him by this Act, or by any other law for the time being in force, and, so far as is consistent therewith, all such other powers or duties as may from time to time be prescribed by the Governor in Council.

6. The

6. The Collector shall have as many Assistants and such other Establishment subordinate to him as the Governor in Council, under the general control of the Governor General in Council, may from time to time sanction, and their appointment shall be made in such manner as the Governor in Council may direct.

His Assistants and establishment how appointed.

The duties of the said Assistants and other subordinates of the Collector shall be such as the Collector, subject to the orders of Government, may from time to time prescribe.

Their duties,

Subject to the previous sanction of Government the Collector may delegate any of his powers under this Act, or under any law which the Governor in Council is able to repeal or alter, to any of his Assistants or other subordinates and may at any time cancel such delegation.

and powers.

7. The Collector shall have power, subject to such rules as may from time to time be prescribed by Government, to fine, reduce, suspend or dismiss any of his Assistants or other subordinates.

Their punishment for misconduct.

*PART III.—Assessment and Collection of Land Revenue.*

8. It shall be the duty of the Collector, subject to the orders of Government, to fix and to levy the assessment for land revenue. When there is no right on the part of the superior holder in limitation of the right of Government to assess, the assessment shall be fixed at the discretion of the Collector subject to the control of Government. When there is a right on the part of the superior holder in limitation of the right of Government, in consequence of a specific limit to assessment having been established and preserved, the assessment shall not exceed such specific limit.

Land revenue to be fixed and levied by the Collector.

9. The settlement of assessment of each portion of land to the land revenue shall be made with the superior holder of the same.

Settlement of assessment with whom to be made.  
If made.

If the said superior holder be absent and have left no known authorized agent in Bombay, or if there be a dispute as to who is entitled to be considered the superior holder of the land, the settlement may be made with the person actually in possession of the land; and any assessment so fixed shall be binding upon the rightful superior holder of the land. Any payment made by the person in possession in accordance with the provisions of this Act shall be deemed to have been made on behalf of the superior holder.

Liability  
for land  
Revenue.

10. The superior holder of land, or, in his absence, the person actually in possession, shall be liable in person and property for the land revenue due upon the holding.

Claims of  
Govern-  
ment to  
have prece-  
dence over  
all others.

11. The claim of Government to any moneys recoverable under the provisions of this Act shall have precedence over any other debt, demand, or claim whatsoever, whether in respect of mortgage, judgment, decree, execution, attachment, or otherwise however, against any land, or the superior holder thereof.

Collector to  
direct to  
whom, and  
when, and  
where,  
revenue is  
to be paid.

12. Subject to such orders as may be passed by the Governor in Council, the Collector shall from time to time give orders and make known the same by notice to be served on all superior holders of land paying revenue, or, in their absence, persons in possession, regulating the persons, places, and times to whom and within which the revenue payable in respect of any land shall be paid.

If default is  
made in  
payment of  
land reve-  
nue, defaul-  
ter's proper-  
ty may be  
attached  
and sold.

13. If any land revenue is not paid at, or within, the time when it becomes payable, and the superior holder or person in possession, as the case may be, shall, for the space of twenty days after service of written notice of demand of payment, fail to discharge the revenue due, it shall be lawful for the Collector to levy the same by attachment and sale of the land on which the revenue is due, or of any other property, moveable or immoveable, of the defaulter.

Such

Such sales shall be by public auction, and shall not take place until at least 15 days after notice thereof shall have been published in the *Bombay Government Gazette*.

Sales how to be held.

If the sale of the defaulter's property shall not produce satisfaction of the demand, it shall be lawful for the Collector to cause him to be apprehended and confined in the Civil Jail under the rules in force at the Presidency for the confinement of debtors, for which purpose a certificate of demand under the Collector's signature sent with the defaulter shall be the Sheriff's sufficient warrant, equally with the usual legal process in ordinary cases of arrest in execution of judgment for debt: Provided, however, that such imprisonment shall cease at any time upon payment of the sum due, and that it shall in no case exceed one day for each rupee of the said sum.

Defaulters may be arrested and confined.

14. The Collector's decision upon any question arising out of the provisions of Sections 8 to 13 of this Act shall, unless superseded by the Revenue Judge, be binding upon all persons whom it may concern, and shall be acted upon accordingly; but the Collector's decision shall be stayed on any such person giving security to the satisfaction of the Collector, that he will, within thirty days from the date when such decision was made known to him, institute a suit before the Revenue Judge for the purpose of contesting the legality of the Collector's decision, and will fulfil the decree that may be passed against him, and will pay all costs and interests which may be so decreed; or that, if he fail to file such suit as above specified, he will, when required, pay the amount demanded.

Collector's decision to be acted on in the first instance;

but may be stayed on security being furnished.

15. All compulsory process against a defaulter shall cease on his paying or tendering the amount demanded of him under protest to the officer executing such process; or

All compulsory process to cease on payment of demand under protest,

on

or on the defaulter's instituting a suit and furnishing security. on his instituting a suit before the Revenue Judge to contest the legality of the demand, and furnishing security satisfactory to the Collector, or Revenue Judge, that he will, pending the decision of the said suit, neither quit the jurisdiction, nor remove, nor transfer any of his property therein without providing to the satisfaction of the Collector, or of the Revenue Judge, for the execution of the decree.

Fees payable in respect of warrant for attachment and sale of property of defaulters. Additional fee payable when property is placed in charge of peons. 16. Fees shall be payable according to the table in the Schedule A hereunto annexed, on all warrants issued under the provisions of Section 13 of this Act for the attachment and sale of the property of defaulters, by the person in respect of whose property such warrants are issued, and an additional fee of four annas per diem shall be paid in like manner in respect of each peon employed, whenever the property distrained is placed in charge of any peon or peons.

*PART IV.—The Revenue Judge.*

Senior Magistrate to be Revenue Judge. 17. The Senior Magistrate of Police shall be Revenue Judge.

His duties and powers. The Revenue Judge shall decide all suits brought before him against the Collector, or any person on his establishment, on account of land revenue, or of acts done in their official capacities by the Collector, or any of his Assistants or other subordinates.

Suits before the Revenue Judge how to be conducted. 18. All such suits shall be commenced and the trial thereof shall be conducted, according to the provisions of the general law of Civil Procedure for the time being in force in a District Court.

Appeals how, and to whom, to lie. An appeal shall lie against a decree passed by the Revenue Judge in any such suit to the High Court on its Appellate Side, and shall follow the same rules as would be applicable under any law for the time being in force to appeals from the decrees of a District Court in original suits tried by it.

The

The decree in any such suit, whether it be that of the Revenue Judge, or of the appellate authority, shall, if it be against the Collector, be fulfilled by the Collector. If it be against the plaintiff, it may be enforced by the Collector under Section 13 of this Act as an established revenue demand: Provided, however, that execution shall in either case be stayed if an appeal be made, and on the plaintiff's furnishing security similar to that described in Section 15 of this Act, if the appeal be brought by him.

Decrees  
how to be  
executed.

*PART V.—The Bombay City Survey  
and Boundary Marks.*

19. The survey made under the authority of the Government during the years 1865 to 1872 shall be called "The Bombay City Survey"; and the demarcation of lands then made, and all the records of the said survey shall be taken as *prima facie* evidence for all proceedings under and for all the purposes of this Act: Provided that the Collector may, on the application of the parties interested in such lands, and shall in pursuance of a decree or order of a competent Court, cause any alteration or correction to be made of any such demarcation of lands, or of any entry in any such record.

The Bom-  
bay City  
Survey to be  
recognized.

20. Every superior holder of land shall be responsible for the maintenance and good repair of the survey boundary marks of his holding, and for any expenses not exceeding five rupees for each mark, reasonably incurred on account of the same by the Collector in cases of alteration or removal.

Respon-  
sibility for  
maintenance  
and repair  
of boundary  
marks.

21. It shall be lawful for the Collector or for any of his Assistants, or other subordinates in that behalf duly authorized by writing under the hand of the said Collector, to enter upon any lands for the purpose of inspecting the survey boundary marks erected thereon, or of altering, renewing, or repairing such marks.

Collector or  
his subor-  
dinates may  
enter upon  
lands.

22. In

Collector may require superior holders of land to renew or repair survey marks thereon. Requisition how to be made.

22. In the event of any survey boundary mark being destroyed, defaced, injured, or removed, it shall be lawful for the Collector to cause to be served on the superior holder, or in his absence the person in possession of any land, of which such mark designates the boundary, a requisition in writing signed by the said Collector, calling on such superior holder or person in possession to renew, or repair, the said mark, at his own expense, within 15 days from the date of the service of such requisition.

In default of renewal or repair of survey marks, Collector or his Assistants may enter and renew or repair the same. Collector may charge for such renewal or repair.

23. If the said survey boundary mark be not renewed or repaired, within the said period, to the Collector's satisfaction, it shall be lawful for the Collector, or any of his Assistants, or other subordinates, or other person duly authorized as hereinbefore mentioned, to enter upon any land to which the said mark appertains, and to renew or repair it; and for each such mark so renewed or repaired, it shall be lawful for the Collector to charge each superior holder or person in possession, the boundary of whose land is designated by any such mark, such sum, not exceeding Rs. 10 in the whole, as he may deem fit.

*PART VI.—Government Lands and Foreshore.*

Right of Government to lands and foreshore.

24. All unoccupied lands within the city of Bombay, and every unoccupied portion of the foreshore below high-water mark, shall be deemed, and are hereby declared to be, the property of Government, subject always to the rights of way, and all other rights of the public legally subsisting.

Such lands and foreshore how to be disposed of.

25. It shall be lawful for the Collector, with the sanction of Government, to dispose of any Government lands or foreshore, in such manner and subject to such conditions as he may deem fit.

*PART VII.—Encroachments.*

Encroachments on Government land or foreshore

26. In the event of any encroachment being made after the passing of this Act on any Government lands or foreshore, it shall be lawful for the Collector

or

or his Assistants, or other subordinates, duly authorized in this behalf by writing under his hand, to summarily abate or remove any such encroachment.

after passing of the Act may be abated or removed.

But it shall be competent to the Collector, with the previous sanction of Government, and if the person making the encroachment so desire; to charge the said person a sum not exceeding five times the value of the land so encroached upon and to fix an assessment not exceeding five times the ordinary annual land revenue thereupon, and then to cause the said land to be entered in his records in the name of the said person.

Or a sum not exceeding five times the value and assessment not exceeding five times the land revenue may be charged therefore.

27. For the purposes of the preceding section the value of land that has been encroached upon shall be fixed by the Collector according to the market value of similar land in the same neighbourhood at the time of such valuation. And the annual revenue of any such land shall be assessed at the same rate as the land revenue of similar land in the vicinity.

Value and land revenue how to be calculated.

28. In the case of any encroachment made within 20 years before the passing of this Act, the Collector may, with the sanction of Government, charge the person who made such encroachment, or who is in occupation of the land so encroached upon, a sum not exceeding double the value of the said land, and fix an assessment not exceeding double the ordinary annual land revenue thereon, and recover arrears of land revenue at the same rate from the date when the encroachment was made.

Encroachments made before the passing of the Act how to be dealt with.

29. For the purposes of the last preceding section, the amount by which any holding shall have been shown by the Bombay City Survey to exceed the area of such holding as entered in the Collector's previous records shall *prima facie* be held to be an encroachment; and the value and land revenue payable in respect of the same, shall be calculated according to the market value of similar land in the neighbourhood, and the land revenue chargeable in respect

What are to be considered encroachments made before the passing of the Act.

Value and land revenue payable in respect of

of



thereof, how of the excess shall be calculated at the same rate at  
to be cal- which the rest of the holding has been assessed. In  
culated. case there has been no such holding, the assessment  
shall be made at such rate as the Collector, with the  
sanction of Government, may fix.

*PART VIII.—Transfer of Lands, &c.*

Notice of transfer of title to lands, &c., to be given to the Collector. 30. Whenever the title to any land, house, or other immoveable property, subject to the payment of land revenue to Government, shall be transferred or assigned, the person transferring or assigning the same, and the person to whom the same shall be transferred or assigned, shall respectively cause notice of such transfer or assignment to be given to the Collector; such notice shall be given within 20 days after execution of the instrument of transfer or assignment, or after its registration, if it be registered, or after the transfer or assignment is effected, if no instrument is executed.

Notice within what period to be given.

Transferee by death to give notice within one year.

In the event of the death of any person in whose name the title to any property is entered in the Collector's records, the person to whom such title shall be transferred as heir or otherwise shall cause notice thereof to be given to the Collector within one year from such death.

Notice to be in the form of Schedule B or C.

31. The notice shall be in the form either of Schedule B or Schedule C annexed to this Act, as the case may be, and shall state clearly all the particulars required by the said form. It shall be accompanied, whenever the Collector shall deem fit so to require, by the instrument of transfer, if any, and by a certificate that public notice has been given of the transfer or assignment by beat of bataki,

Penalty for neglect to give notice.

32. Every person neglecting to give the notice required by the two last preceding sections within the time therein specified, shall be liable at the discretion of the Collector to a fine not exceeding ten rupees in case of holdings paying less than one rupee as land revenue, and in no other case exceeding rupees one hundred,

33. Every

33. Every person transferring the title to any land, house, or other immoveable property, subject to the payment of land revenue to Government, without giving the notice required by Sections 30 and 31 of this Act, shall continue liable to Government for the payment of all land revenue accruing due in respect thereof, until he shall have given such notice or until the requisite transfer shall have been effected in the Collector's records. But nothing contained in this Section shall be held to diminish the liability of the land, house, or other immoveable property to attachment or sale under the provisions of Section 13 of this Act.

Person transferring title to land, &c., and omitting to give the required notice, to continue liable to the rent thereof.

34. Whenever any dispute or question shall arise with respect to the making or completion of any entry or transfer in the records of the Collector, of or relating to any land, house, or other immoveable property, subject to the payment of land revenue to Government, the Collector shall summon all the parties interested in such entry or transfer, and shall call for such evidence, and examine such witnesses, as he shall consider necessary, and shall thereupon decide summarily what entry shall be made in his records in respect of such land, house, or other immoveable property. If at any time a certified copy shall be produced to the Collector of an order of a competent Court determining the title to any such land, house, or other immoveable property, the Collector shall amend his records in conformity with such order.

Proceeding in cases of dispute as to any entry or transfer.

35. The registration or transfer of any title in the Collector's records shall not be deemed to operate so as in any way to affect any right, title, or interest of Government in the land, house, or other immoveable property in respect of which any such transfer is made or registered.

Registration or transfer of title in Collector's records not to affect any right, title, or interest of Government.

#### *PART IX.—Procedure.*

36. The provisions of the Civil Procedure Code in force for the time being with respect to the issue of summonses and commissions, and the compelling the

Law applicable with respect to summonses, &c.

the attendance of witnesses, and for their remuneration, in suits before a District Court, shall apply to all persons summoned to appear before the Collector under the provisions of this Act.

*PART X.—Levy of House Rent, Fees, Penalties, &c*

Arrears of rent of houses, the property of Government, &c., to be levied as revenue demands,

37. All arrears of rent payable by any person in respect of the occupation of any house, the property of Government, and all fees, fines, and penalties chargeable under this Act, and all moneys leviable under the provisions of this Act on account of the value of any land, or on account of the alteration, removal, renewal, or repair of survey boundary marks, shall be realized in the same manner as other revenue demands, under the provisions of Section 13 of this Act.

Collector of Bombay to assist other Collectors in the realization of their dues.

38. It shall be lawful for the Collector of Bombay to levy, in the same way as any arrear of land revenue due under this Act, any sum certified by the Collector, or Assistant, or Deputy Collector of any District or Collectorate in the Presidency of Bombay to be due and recoverable as an arrear of land revenue, from any person residing, or owning property, in the City of Bombay, by whom the same is so certified to be due.

*PART XI.—Miscellaneous.*

Collector to keep Registers and Rent Rolls.

39. It shall be the duty of the Collector to prepare and keep in such form as Government may from time to time sanction, a separate Register and Rent Roll of every description of land according to the nature and terms of the tenure on which such land is held.

Maps, Land, Registers, and Records open to inspection.

40. Subject to such rules and the payment of such fees as the Governor in Council may from time to time prescribe in this behalf, all maps and land registers, and other records of the Bombay City Survey, and all records concerning the land or the land revenue shall be kept in the Collector's Office, and shall be open to the inspection of the public at reason-

able

able hours ; and certified extracts, from such maps, registers, and records, or certified copies thereof, shall be given to all persons applying for the same. Extracts and copies to be given.

41. It shall be lawful for the Governor in Council from time to time to frame, and from time to time to vary, or repeal, rules not inconsistent with the provisions of this Act for the guidance of the Collector and his Assistants and other subordinates in the discharge of their duties, or for any other purpose connected with the subject-matter of this Act, not expressly provided for therein. The Governor in Council to frame rules for guidance of Collector, &c., in matters not provided for by this Act.

Any of such Rules as the Governor in Council may deem fit may be published, and when published shall, until cancelled or amended by the Governor in Council, have the force of law.

### SCHEDULE A.

Table of Fees payable under the provisions of Section 16 of this Act :—

Sum distrained for.	Fee.
	Rs   a.
Not exceeding Rs. 5 . . . . .	0   8
Over Rs. 5 and not exceeding Rs. 10 . . . . .	1   0
" 10           "           "   15 . . . . .	1   8
" 15           "           "   20 . . . . .	2   0
" 20           "           "   25 . . . . .	2   8
" 25           "           "   30 . . . . .	3   0
" 30           "           "   35 . . . . .	3   8
" 35           "           "   40 . . . . .	4   0
" 40           "           "   45 . . . . .	4   8
" 45           "           "   50 . . . . .	5   0
" 50           "           "   60 . . . . .	6   0
" 60           "           "   80 . . . . .	7   8
" 80           "           "  100 . . . . .	9   0
Upwards of Rs. 100 . . . . .	10   0

## SCHEDULE B.

*(Form of Notice of Transfer to be given under Section 30 of this Act, when the transfer has taken place otherwise than by Instrument.)*

To

**THE COLLECTOR OF BOMBAY.**

I, *A. B.*, hereby give notice, as required by Section 30 of the Bombay City Land Revenue Act, of the following transfer of property :—

Date of Notice.	Name in which the property is at present entered in the Collector's records.	To whose name it is to be transferred.	DESCRIPTION OF THE PROPERTY.						REMARKS.
			Of what it consists.	Situation.	Collector's No.	Bombay City Survey No.	Dimensions of Land.	Boundaries.	

(Signed) *A. B.*

The Bombay City

[BOMB. ACT II.]

**SCHEDULE C.**

*(Form of Notice of Transfer to be given under Section 30 of this Act, when the transfer has been effected by Instrument.)*

To

**THE COLLECTOR OF BOMBAY.**

I, *A. B.*, hereby give notice, as required by Section 30 of the Bombay City Land Revenue Act, of the following transfer of property :—

Date of Notice.	Date of Instrument.	Name of Vendor or Assignor.	Name of Purchaser or Assignee.	Amount of consideration.	DESCRIPTION OF THE PROPERTY.						If Instrument has been registered, the date of Registration.	REMARKS.
					Of what it consists.	Situation.	Collector's No.	Bombay City Survey No.	Dimensions of Land.	Boundaries.		

(Signed) *A. B.*

## BOMBAY ACT No. III. of 1876.

[Received the assent of the Governor of Bombay on the 9th December 1876, and of the Governor-General on the 16th February 1877, and published by the Governor of Bombay on the 22nd February 1877.]

### An Act to consolidate and amend the Law relating to the Powers and Procedure of Mámlatdars' Courts.

**WHEREAS** it is expedient to consolidate and amend the law relating to the powers and procedure of Mámlatdars' Courts; It is hereby enacted as follows :—

1. This Act may be called "The Mámlatdars' Courts Act, 1876." Preamble: Short title.

It extends to the whole of the Presidency of Bombay, except the City of Bombay and Aden. Extent.

2. Clause 2, Section I. of Act XVI. of 1838 and Bombay Act V. of 1864 are repealed. All references made in any Act passed by the Governor of Bombay in Council or in any Act of the Governor-General in Council passed prior to the coming into operation of the Indian Council's Act, 1861, to the said portion of Act XVI. of 1838, or to Bombay Act V. of 1864, shall be read as if made to the corresponding portion of this Act. Repeal of Acts.

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

(1.) The word "Mámlatdár" shall include any Revenue Officer ordinarily exercising the powers of a Mámlatdár and any other person who may be specially authorized by the Governor in Council to exercise.

exercise the powers of a Mámlatdár under this Act, or who at the time of the passing of this Act is duly authorized to exercise the powers of a Mámlatdár under Bombay Act V. of 1864.

"Plaintiff,"  
"Defendant."

(2.) The words "Plaintiff" and "Defendant" shall include a pleader duly appointed to act on behalf of either, and the recognized Agent of a plaintiff or defendant as defined in Section 17 of the Code of Civil Procedure (Act VIII. of 1859).

Powers of  
Mámlatdárs'  
Courts.

4. Every Mámlatdár shall preside over a Court, which shall be called a Mámlatdár's Court, and which shall have power within such territorial limits as may from time to time be fixed by the Governor in Council to give immediate possession of lands, premises, trees, crops, or fisheries, or of any profits of the same, or to restore the use of water from wells, tanks, canals or water-courses to any person who shall have been dispossessed or deprived thereof otherwise than by due course of law, or who shall have become entitled to the possession or restoration thereof by reason of the determination of any tenancy, or other right of any other person in respect thereof.

The said Court shall also have power within the said limits when any person is disturbed or obstructed, or when an attempt has been made to disturb or obstruct any person, in the possession of any lands, premises, crops, trees, or fisheries, or in the use of water from any well, tank, canal or water-course, or of the use of roads or customary ways to fields, to issue an injunction to the person causing, or who has attempted to cause, such disturbance or obstruction, requiring him to refrain from causing or attempting to cause any such further disturbance or obstruction.

Suits must  
be filed  
within six  
months.

But no suit shall be entertained by a Mámlatdár's Court unless it be brought within six months from the date on which the cause of action arose.

The



The cause of action shall be deemed to have arisen on the date on which the dispossession, deprivation, determination of tenancy or other right occurred; or on which the disturbance or obstruction or the attempted disturbance or obstruction first commenced.

Cause of  
action.

*Illustration I.*

*A* lets *B* his field to cultivate for a specific period of one or more years. *B* refuses to resign possession after the expiration of that period. *A* can sue for possession in the Mámíatdár's Court at any time within six months from the date of the expiration of the said period.

*Illustration II.*

*B* is a yearly tenant of *A*, who gives him notice to vacate, and he is bound to do under Bombay Act I. of 1865, Section 43, Clause 2, at least six months before the commencement of the next cultivating season. At the commencement of the next cultivating season *B* refuses to vacate. *A* can sue *B* in the Mámíatdár's Court at any time within six months from the commencement of the next cultivating season.

*Illustration III.*

*A* allows *B* the use of water from his well, or from his water-course for a specific period, at the expiration of which *B* continues to take water from the well or water-course without *A*'s consent. *A* may sue *B* in the Mámíatdár's Court at any time within six months from the expiration of the said period to obtain an injunction to stop *B* from taking the water.

*Illustration IV.*

*A* and *B* hold lands adjacent to a well, or tank, or similar artificial water-course which has hitherto been exclusively used by *B*. *A* draws water therefrom. *B* may sue in the Mámíatdár's Court at any time within six months from the date on which *A* commences to take the water, for an injunction to prevent *A* from so doing.

5. All suits under this Act shall be commenced by a plaint, which shall be presented to the Mámíatdár in open court by the plaintiff, and which shall contain the following particulars:—

Suits to be  
commenced  
by a plaint.  
Particulars  
to be given  
in plaint.

(1). The name, religion, caste, profession, and place of abode of the plaintiff.

(2) The

- (2). The name, religion, caste, profession and place of abode of the defendant.
- (3.) The nature and situation of the property of which, or of the profits of which, possession or use is sought, or the nature of the injunction to be granted, as the case may be.
- (4.) The date on which the cause of action arose.
- (5). The circumstances out of which the cause of action arose.
- (6). A list of the plaintiff's documents, if any, or of his witnesses, and what evidence is required from each witness, and whether such witnesses are to be summoned to attend, or whether the plaintiff will produce them on the day and at the place to be appointed according to Section 11 of this Act.

Plaint to be subscribed and verified.

6. When the plaint is presented, the Mámíatdár shall require the plaintiff to subscribe and verify the plaint in his presence, in open Court, in the manner following, or to the like effect :—

“I, A. B., the plaintiff, do declare that what is stated in this plaint is true, to the best of my information and belief.”

Mámíatdár to endorse the verification. Procedure in case plaintiff cannot write.

7. The Mámíatdár shall endorse the plaint to the effect that it was duly subscribed and verified. In case the plaintiff cannot write, the verification may be written for him in open court, and the Mámíatdár shall, in such case, record that the verification was made in his presence, at the request of the plaintiff, who affixed his mark to his name in token of the authenticity of the verification.

Mámíatdár may allow plaint to be amended, if it do not contain the required particulars, &c.

8. If the plaint do not contain the several particulars hereinbefore required to be specified therein, or if it contain particulars other than those specified, whether relevant to the plaint or not, or if the statement of particulars be unnecessarily prolix, the Mámíatdár may order the plaint to be amended within three days from the date of such order.

9. If

9. If the plaintiff decline to subscribe or verify the plaint as hereinbefore required, or to amend the same as directed by the Mámíatdár, or if it appear upon the face of the plaint, or after questioning the plaintiff, that the cause of action arose more than six months before the plaint was presented, the Mámíatdár shall reject the plaint.

The Mámíatdár may reject plaint if plaintiff refuse to verify or subscribe the plaint, or if the claim appear to be barred.

10. If it appear to the Mámíatdár that the subject of the plaint is not within his jurisdiction, he shall return the plaint in order to its being presented in the proper court.

Plaint to be returned, if it appear to the Mámíatdár that he has no jurisdiction.

11. If a plaint is admissible, the Mámíatdár shall receive and file it. He shall then appoint a convenient day and place for the trial of the case. The plaintiff shall be required to appear with his documents and witnesses on the day and at the place appointed, of which ten days' notice in the form of Schedule A shall be issued at the plaintiff's expense to the defendant.

Procedure when plaint is admissible.

The date to be fixed for the trial shall not be earlier, except by consent of both parties, than 10 days, nor, except for unavoidable reasons, later than 15 days, from the day on which the notice is issued.

12. If either party require his witnesses to be summoned to appear on the day and at the place appointed, the Mámíatdár shall issue summonses for that purpose. The payment of the cost incurred in thus procuring the attendance of witnesses shall be regulated in accordance with the rules that may from time to time be made by the High Court in regard to the payment of witnesses.

Attendance of witnesses.

13. If the plaintiff fails to attend with his proofs, or omits to adopt measures to procure the attendance of his witnesses on the day and at the place appointed, the Mámíatdár shall reject the plaint with costs.

If the plaintiff makes default, his plaint to be rejected with costs.

If

If the defendant does not appear, the case to be heard *ex-parte*.

If the defendant fails to attend, and the Mámlatdár is satisfied from the evidence before him that the notice has been duly served on the defendant, and in sufficient time to enable the defendant to appear and answer on the day fixed in the notice, he shall proceed to hear the plaint *ex-parte* :

But a case may be re-heard on sufficient cause being shown.

Provided that if either party satisfy the Mámlatdár at any time within 15 days from the date of the plaint being thus rejected, or of such *ex-parte* decision, that he was prevented by some unavoidable circumstance from being present, or from procuring the attendance of his witnesses, it shall be lawful for the Mámlatdár to re-hear the case, a notice in the form of Schedule B being issued, at the applicant's expense, to the opposite party.

When proceedings may be adjourned.

14. If any witnesses who have been duly summoned fail to attend on the day and at the place appointed, the Mámlatdár may, if he consider there is sufficient reason after taking the evidence of those that are present, adjourn the hearing of the suit from time to time till the attendance of the witnesses can be enforced.

The provisions of Section 13 shall apply on any date to which the proceedings may be adjourned under this Section, as if such date were the day originally fixed for the hearing.

Points to be decided by the Mámlatdár at the hearing.

15. On the day appointed the Mámlatdár shall proceed to hear all the evidence that is then and there before him, and to try the following issues, viz. :—

(a). If the plaintiff avers that he has been unlawfully dispossessed of any property or deprived of any use :—

(1). Whether the plaintiff or any person on his behalf or through whom he claims was in possession or enjoyment of the property or use claimed up to any time within six months before the suit was filed.

(2). Whether

- (2). Whether the defendant is in possession at the time of the suit, and if so whether he obtained possession otherwise than by due course of law..

(b). If the plaintiff avers that he is entitled to possession of any property or restoration of any use by reason of the determination of any tenure or other right of the defendant in respect thereof:—

- (1). Whether the defendant is in possession of the property, or in the enjoyment of the use by a right derived from the plaintiff or from any person through whom he claims.
- (2). Whether such right has determined at any time within six months before the suit was filed.

(c). If the plaintiff avers that he is still in possession of the property, or in the enjoyment of the use, but that the defendant disturbs or obstructs, or has attempted to disturb or obstruct, him in his possession or use :

- (1). Whether the plaintiff or any person in his behalf is actually in possession or enjoyment of the property or use claimed.
- (2). Whether the defendant is disturbing or obstructing, or has attempted to disturb or obstruct, him in such possession or enjoyment.
- (3). Whether such disturbance or obstruction, or such attempted disturbance or obstruction first commenced within six months before the suit was filed.

If the Mámlatdár's finding upon these issues be in favour of the plaintiff, he shall make such order as the circumstances of the case shall appear to him to require, provided that the same be not in excess of the powers vested in him by Section 4 of this Act.

The Mám-  
latdár's  
award, if  
in favour of  
the plain-  
tiff.

If his

The Mámíatdár's award, if in defendant's favour.

If his finding be in favour of the defendant, he shall reject the plaint.

Costs to be awarded.

In either case the costs of the suit, including the costs of execution, shall follow the decree.

Mámíatdár's order to be endorsed on the plaint.

16. Every order of the Mámíatdár, whether for rejecting or returning a plaint, or whether for allowing or disallowing the claim, shall be endorsed by the Mámíatdár on the plaint, who shall also place on record his reasons for the same.

Mámíatdár's award how to be executed.

17. If the Mámíatdár's decision be for awarding possession or restoring a use, he shall issue an order to the Village Officers to give effect thereto.

If it be for granting an injunction, he shall cause the same to be prepared in the form of Schedule C, and shall deliver or tender the same then and there to the defendant, if he be present, and if he be not present, shall send it to the Village Officers to be served upon him.

When the Mámíatdár awards costs, such costs, together with the costs of execution, shall be recovered from the party in person, and in the event of non-payment, by the attachment and sale of his property.

Possession to be given or maintained without prejudice to the rights of the parties.

18. The party to whom the Mámíatdár shall give immediate possession, or restore a use, or in whose favour an injunction has been granted, shall continue in possession or use until ousted by a decree or order of a Civil Court :

Provided that nothing in this section shall prevent the party against whom the Mámíatdár's decision is passed from recovering by a suit in the Civil Court mesne profits for the time he may be kept out of possession of any property, or out of enjoyment of any use :

Provided

Provided further that in any subsequent suit or other proceeding in the ordinary Civil Courts between the same parties, or other persons claiming under them, the Mámlatdár's decision respecting the possession of any property, or the enjoyment of any use, shall not be held to be conclusive.

19. There shall be no appeal from any order passed by a Mámlatdár under this Act.

No appeal to be from Mámlatdár's orders.

20. If any plaint verified under this Act shall contain any statement which the plaintiff shall know or believe to be false, or shall not know or believe to be true, such plaintiff shall be subject to punishment according to the provision of any law for the time being in force for the punishment of persons intentionally giving or fabricating false evidence.

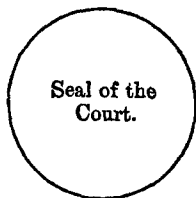
Punishment for false verification of plaint.

21. Any suit instituted by any person bound by any order made under this Act, or by any one claiming under such person, shall be dismissed, although limitation has not been set up as a defence, unless it has been instituted within three years from the date of the final order in the case.

Limitation of Suits

SCHEDULE A.

(Form of Notice to be issued to the Defendant under Section 11).



No. OF SUIT.

In the Court of the Mámlatdár of

*Plaintiff.*

*Defendant.*

To the Defendant—(*name, religion, caste, profession, and address*).

Whereas (*here enter the name, religion, caste, profession and address of the Plaintiff*) has instituted a suit in this Court against you (*here state the particulars of the plaint*), you are hereby summoned to appear in this Court at the village of \_\_\_\_\_ in person or by duly authorized agent, on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, to answer the above-named Plaintiff; and as the plaint will be finally disposed of on that day, you must adopt measures to produce your documents and procure the attendance of your witnesses at the hour and place above appointed; and you are hereby required to take notice that, in default of such appearance at the before-mentioned time and place, the suit will be heard and determined in the absence of yourself or your agent.

(Signed)

*Mámlatdár.*

*Note.*—If you require your witnesses to be summoned by the Court, you should make an application to that effect to the Court without delay, so as to allow of the service of the summonses a reasonable time before the within mentioned date.

SCHEDULE B.



1876.]

Courts Act, 1876.

SCHEDULE B.

(Form of Notice to be issued under Section 13.)



No. OF SUIT.

In the Court of the Mámlatdár of

*Plaintiff.*  
*Defendant.*

To Plaintiff (*or Defendant, as the case may be*) inhabitant of

Whereas, in the suit above specified, instituted in this Court by the said Plaintiff the Court ordered on the day of last that and the said Plaintiff (*or Defendant, as the case may be*) has, under date the day of , applied to this Court to re-hear the case, and the Court has granted his said application.

This is to give you notice that the said suit will be re-heard and determined on the day of at o'clock, at the village of , at which time and place you must take measures to produce your documents and procure the attendance of your witnesses, and you are hereby required to take notice that in default of your appearance personally or by agent at the above-mentioned time and place, the suit will be re-heard and determined in your absence.

Dated this day of 187 .  
(Signed) Mámlatdár.

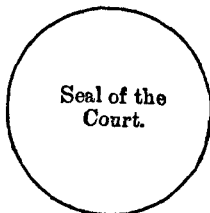
*Note*—If you require your witnesses to be summoned by the Court, you should make an application to that effect to the Court without delay, so as to allow of the service of the summonses a reasonable time before the within mentioned date.

SCHEDULE C.

*The Mámlatdárs' Courts Act, 1876. [BOMB. ACT III.*

**SCHEDULE C.**

*(Form of Injunction to be issued under Section 17.)*



**No. OF SUIT.**

**In the Court of the Mámlatdár of**

*Plaintiff.*  
*Defendant.*

**To Defendant.**

Whereas in the suit above specified the Court has this day found that you are disturbing or obstructing (*or that you did attempt on or about the* to disturb or obstruct) the said plaintiff in his possession of the under-mentioned property (*or enjoyment of the undermentioned use of water or use of roads, or otherwise, as the case may be*)

You are hereby prohibited from making any further attempt to disturb or obstruct the said plaintiff in his possession of the said property (*or enjoyment of the said use*) otherwise than in execution of the decree of a Civil Court.

Dated this                      day of                      187

(Signed)  
*Mámlatdár.*

## BOMBAY Act No. I. of 1877.

[Received the assent of the Governor of Bombay on the 2nd March 1877, and of the Governor General on the 5th May, and published by the Governor of Bombay on the 17th May 1877.]

An Act to prohibit the practice of Inoculation, and to make the Vaccination of Children in the City of Bombay compulsory.

WHEREAS it is expedient to prohibit the practice of inoculation, and to make the vaccination of children in the City of Bombay compulsory; It is enacted as follows :—

### *Preliminary.*

1. This Act may be cited as “The Bombay Vaccination Act, 1877.” Short title

It extends only to the City of Bombay. Local extent.

It shall come into force on such day as the Governor in Council directs by notification in the *Bombay Government Gazette*, and its operation may at any time be suspended by the Governor in Council by notification in the said *Gazette*. Commencement.

2. In this Act, unless there be something repugnant in the subject or context: InterpretationSection.

(1.) “Parent” includes the father and mother of a legitimate child and the mother of an illegitimate child;

(2.) “Guardian” means any person to whom the care, nurture, or custody of any child falls by law, <sup>and</sup>—

or

[Price three annas and six pies]

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*The Bombay Vaccination Act, 1877.* [BOMB. ACT I.]

or by natural right or recognized usage, or who has accepted or assumed the care, nurture, or custody of any child, or to whom the care or custody of any child has been entrusted by any authority lawfully authorized in that behalf ;

“Public Vaccinator” (3). “Public Vaccinator” means any vaccinator appointed under this Act, or any deputy duly authorized to act for such Public Vaccinator ;

“Medical Practitioner” (4). “Medical Practitioner” means any person duly qualified by a diploma, degree, or license to practise in medicine or surgery, or specially licensed by the Governor in Council to practise vaccination and grant certificates under the provisions of this Act ;

“Unprotected Child” (5). “Unprotected Child” means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under the provisions of this Act to be insusceptible to vaccination ;

“Animal lymph.” (6). “Animal lymph” means vaccine taken from the calf.

*Establishment.*

Vaccination Districts 3. For the purposes of this Act the Sanitary Commissioner for the Presidency of Bombay, or such other officer as Government directs, shall divide the City of Bombay into as many districts for the performance of vaccination as he shall from time to time deem fit. Each such district shall be called a “Vaccination District.”

Appointment of Public Vaccinators. The Sanitary Commissioner, or other officer aforesaid, shall appoint a Public Vaccinator for every Vaccination District, and shall appoint such places as he shall from time to time deem fit in each district to be stations for the performance of vaccination. Such stations shall be called “Public Vaccine Stations.” Every such Public Vaccinator shall be removable from

from

from office by the Sanitary Commissioner or other officer aforesaid.

The limits of the Vaccination Districts made, and the positions of the Public Vaccine Stations fixed under the provisions of this section, and the days and hours of the Public Vaccinator's attendance at each station, shall be published from time to time in such manner as shall be directed in rules to be framed under section thirty-one of this Act.

4. Every Public Vaccinator, unless specially permitted by the Sanitary Commissioner or other officer aforesaid to reside elsewhere, shall reside within the district for which he is appointed, and shall cause his name, with the addition of the words "Public Vaccinator for the District of \_\_\_\_\_", to be posted up in some conspicuous place on or near the outer door of his dwelling-house and of every public vaccine station in his district.

5. No person shall be appointed a Public Vaccinator, or act as a deputy for a Public Vaccinator, who shall not possess a certificate of qualification signed by the Sanitary Commissioner or other officer aforesaid.

6. A Superintendent of Vaccination shall be appointed by Government, who, subject to the orders of the Sanitary Commissioner or other officer aforesaid, shall have a general control over all the proceedings of Public Vaccinators, and shall perform such duties, in addition to those prescribed by this Act, as shall be required by Government.

The Superintendent shall have one or more Assistants as Government may from time to time direct.

*Vaccination.*

7. The parent or guardian of every child born in the City of Bombay shall, within six months after the birth of such child, and

the

*The Bombay Vaccination Act, 1877.* [BOMB. ACT 1.

and of un-protected children brought to reside in Bombay, the parent or guardian of every unprotected child under the age of fourteen years brought to reside, whether temporarily or permanently, in the City of Bombay, shall, within three months after such child's arrival in the city, or if the child be at the time of its arrival less than three months old, within six months after its birth, and

or living in Bombay at the date of this Act coming into force, the parent or guardian of every unprotected child living in the City of Bombay at the date of this Act coming into force, and whose age at such date exceeds six months, but does not exceed fourteen years, shall, within six months from the said date,

must procure their vaccination. take it, or cause it to be taken, to a Public Vaccinator to be vaccinated, or shall, within such period as aforesaid, cause it to be vaccinated by some medical practitioner ;

Public Vaccinator is bound to vaccinate all children brought to him and the Public Vaccinator to whom such child, or to whom any child under the age of fourteen years is brought for vaccination, is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate such child.

Inspection. 8. At an appointed hour upon the same day in the following week after vaccination shall have been performed by a Public Vaccinator or a medical practitioner, or on an earlier day, if the Public Vaccinator or medical practitioner so desires, the parent or guardian shall again take the child, or cause it to be taken, to the Public Vaccinator or to the medical practitioner by whom the operation was performed, that he may inspect it and ascertain the result of the operation ;

Re-vaccination. In the event of the vaccination being unsuccessful, such parent or guardian shall, if the Public Vaccinator or medical practitioner so direct, cause the child to be forthwith again vaccinated and subsequently inspected as on the previous occasion.

9. If any Public Vaccinator or medical practitioner shall be of opinion that any child is not in a fit state to be vaccinated, he shall forthwith deliver to the parent or guardian of such child a certificate under his hand according to the form of Schedule A, hereto annexed, or to the like effect, that the child is then in a state unfit for vaccination.

The said certificate shall remain in force for two months only, but shall be renewable for successive periods of two months until a Public Vaccinator or medical practitioner shall deem the child to be in a fit state for vaccination, when the child shall, with all reasonable despatch, be vaccinated and a certificate of successful vaccination given in the form of Schedule C, hereto annexed, according to the provisions of section eleven of this Act, if warranted by the result.

At or before the end of each successive period, the parent or guardian shall take, or cause the child to be taken, to some Public Vaccinator or medical practitioner, who shall then examine the child and give a fresh certificate according to the said form A, so long as he deems requisite under the circumstances of the case.

10. If any Public Vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or guardian of such child a certificate under his hand, according to the form of Schedule B, hereto annexed, or to the like effect, and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

11. Every Public Vaccinator or medical practitioner who shall have performed the operation of vaccination upon any child, and shall have ascertained that the same has been successful, shall deliver to the parent or guardian of such child a certificate

according

*The Bombay Vaccination Act, 1877. [BOMB. ACT I.*

according to the form of Schedule C, hereto annexed, or to the like effect, certifying that the said child has been successfully vaccinated.

Vaccination must ordinarily be performed with animal lymph, 12. Except as is hereinafter otherwise provided, the vaccination of a child under the provisions of this Act must, if the parent or guardian of the child so require, be performed with animal lymph,

but may, if the Governor in Council so directs, be performed with lymph taken from a human being. but it shall at any time be lawful for the Governor in Council, on its being shown to his satisfaction that animal lymph is not procurable, to direct by notification in the *Bombay Government Gazette* :—

(a) that during such period as he may deem fit to appoint the vaccination of children may, without the assent of the parents or guardians of such children, be performed with lymph taken from a human being,—and

(b) that the Public Vaccinator or medical practitioner to whom at any time during the said period a vaccinated child is brought under the provisions of section eight of this Act for inspection, may, if he see fit, take from such child lymph for the performance of other vaccinations.

No fee to be charged for vaccination at a public vaccine station or for certificates. 13. No fee or remuneration shall be charged by any Public Vaccinator to the parent or guardian of any child for any such certificate as aforesaid, nor for any vaccination done by him in pursuance of this Act at a public vaccine station :

Proviso. But it shall be lawful for a Public Vaccinator to accept a fee for vaccinating a child, by request of the parent or guardian, elsewhere than at a public vaccine station.

*Registration.*

Registrar of Births 14. On the registration of the birth of any child under the provisions of Section 256 of the Bombay Municipal



Municipal Act, 1872, or of any other law for the time being in force, the Registrar shall deliver to the person giving information of such birth a printed notice in the form of Schedule D, hereto annexed, or to the like effect, and such notice shall have attached thereto the several forms of certificates prescribed by this Act.

15. Every Public Vaccinator or medical practitioner who gives to any parent or guardian a certificate in any of the forms of Schedules A, B, and C, hereto annexed, shall, within twenty-one days after giving the same, transmit a duplicate thereof to the Registrar of Births of the district where the birth of the child on whose account such certificate was given has been registered, or if that be not known to him, or if the child was born out of the City of Bombay, or his birth has not been registered in the said city, to the Registrar of the district within which the child was vaccinated, or presented for vaccination.

16. The Registrar of Births shall keep a book in such form as may from time to time be prescribed by the Sanitary Commissioner or other officer under section twenty-nine of this Act, in which he shall enter minutes of the notices of vaccination given by him as herein required, and shall also register the duplicates of certificates transmitted to him as herein provided.

17. He shall also prepare and keep a duplicate of the Register of Births required to be kept by him under the provisions of the Bombay Municipal Act, 1872, or of any other law for the time being in force, with such additional columns as shall from time to time be prescribed by the Sanitary Commissioner or other officer under section twenty-nine of this Act, in which he shall record the date of every duplicate certificate in the form of Schedule B or Schedule C, hereto annexed, received by him concerning any child whose birth he has registered, and make an entry to the effect that the child has been vaccinated, or is insusceptible of vaccination, as the case may be.

18. He

and also a Register of Postponed Vaccinations.

18. He shall also keep a Register of Postponed Vaccinations in the form of Schedule E, hereto annexed, in which he shall record the name of every child, concerning whom he receives a duplicate certificate in the form of Schedule A, hereto annexed, together with the date of such duplicate certificate and of each such successive duplicate certificate, if he receives more than one, and shall show the number and year of the entry, if any, in the Register of Births in which such child's birth has been registered.

Transmission of returns to Superintendent.

19. Every Registrar shall transmit on the first of every month to the Superintendent of Vaccination a return, in such form as may from time to time be prescribed by the Sanitary Commissioner or other officer under section twenty-nine of this Act, of all cases in which duplicate certificates have not been duly received by him in pursuance of the provisions of this Act during the last preceding month.

*Prosecutions and Offences.*

Penalty for inoculating;

20. Whoever produces, or attempts to produce, in any person by inoculation with variolous matter or by wilful exposure to variolous matter or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person ;

and for entering the City of Bombay after inoculation.

and whoever having been inoculated with small-pox in a place to which this Act does not extend shall afterwards enter the City of Bombay before the expiration of forty days from the date of such inoculation, or without a certificate from a medical practitioner that such person is no longer likely to cause contagion ;

shall be punished with imprisonment of either description, within the meaning of the Indian Penal Code, for a term which may extend to three months, or to fine which may extend to two hundred rupees, or with both.

21. If the Superintendent of Vaccination shall give information in writing to a Magistrate of Police that he has reason to believe that any child within the City of Bombay, under the age of fourteen years, is an unprotected child, and that he has given notice to the parent or guardian of such child to procure its being vaccinated, and that the said notice has been disregarded, such Magistrate may summon such parent or guardian to appear with the child before him, and if the Magistrate shall find, after such examination as he shall deem necessary, that the child is an unprotected child, he may make an order directing such child to be vaccinated within a certain time.

Magistrate may make an order for the vaccination of any unprotected child under 14 years.

If at the expiration of such time the child shall not have been vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall, unless he can show some reasonable ground for his omission to carry the order into effect, be punished with fine, which may extend to fifty rupees :

Penalty for disobedience of such order.

Provided that if the Magistrate shall be of opinion that the person is improperly brought before him, and shall refuse to make an order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider a fair compensation for his expenses and loss of time in attending before the Magistrate.

Proviso for costs to person improperly summoned.

22. If any parent or guardian intentionally omits to produce a child whom he has been summoned to produce under the last preceding section, he shall be punished with simple imprisonment, within the meaning of the Indian Penal Code, for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both :

Penalty for not producing a child.

23. Whoever, in contravention of this Act, (a) neglects, without reasonable excuse, to take, or cause a child to be taken to be vaccinated, or after vaccination to be inspected, or

Penalty for neglect to take child to be vaccinated, &c.

(b) at

*The Bombay Vaccination Act, 1877.* [BOMB. ACT I.]

(b) at any time during the period for which any notification made under section twelve of this Act is in force, prevents any Public Vaccinator from taking lymph from any child whom he has vaccinated, or

(c) neglects to fill up and sign and give to the parent or guardian of any child any certificate which such parent or guardian is entitled to receive from him, or to transmit a duplicate of the same to the Registrar of Births,

shall be punished for each such offence with fine which may extend to fifty rupees.

Penalty for making or signing false certificate. 24. Whoever wilfully signs, or makes, or procures the signing or making of, a false certificate, or duplicate certificate, under this Act, shall be punished with imprisonment of either description, within the meaning of the Indian Penal Code, for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Penalty for accepting illegal fee or remuneration. 25. If any Public Vaccinator accepts, or obtains, or agrees to accept, or attempts to obtain from any person any fee, or remuneration, contrary to the provisions of section thirteen of this Act, he shall be deemed to have committed an offence punishable under Section 161 of the Indian Penal Code.

Cognizance of offences under this Act. 26. All offences under this Act shall be cognizable by a Magistrate of Police, subject to the provisions of any law for the time being in force for the trial of offences, but no complaint of any such offences shall be entertained unless the prosecution be instituted by order of, or under authority from, Government or the Superintendent of Vaccination.

Prosecution for neglect. 27. In any prosecution for neglect to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice from the Registrar, or any other officer, of the requirements of the law in this respect; but if the defendant produce any such certificate as herein

before

before described, or the duplicate of the Register of Births or the Register of Postponed Vaccinations kept by the Registrar as hereinbefore provided, in which such certificate shall be duly entered, the same shall be a sufficient defence for him except, in regard to the certificate according to the form of Schedule A, when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

28. The provisions of Sections sixty-four to seventy, both inclusive, of the Indian Penal Code shall apply to all fines imposed under this Act; and all such fines shall be recoverable in the manner prescribed by Act XIII. of 1856 (for regulating the Police of the Towns of Calcutta, Madras, and Bombay), and Act XLVIII. of 1860 (to amend Act XIII. of 1856), or any other Act for the time being in force regulating the Police of the City of Bombay. <sup>Recovery of Fines.</sup>

*Miscellaneous.*

29. The Sanitary Commissioner for the Presidency of Bombay, or such other officer as Government directs, shall frame and provide appropriate books and forms for the use of the Public Vaccinators, and also such forms as shall be required for the signature of medical practitioners under the provisions of this Act, and he shall also transmit to the Registrars such books and forms as are required by them under the provisions of this Act. <sup>Books and Forms.</sup>

30. It shall be the duty of the Executive Officer of Health for the City of Bombay, appointed under the provisions of the Bombay Municipal Act, 1872, or of the officer for the time being officiating in his appointment, to show in any annual General Abstract of Births and Deaths prepared by him the number of children successfully vaccinated, the number whose vaccination has been postponed, and the number certified to be insusceptible to successful vaccination during the year. <sup>Annual Return to be made of the number of children vaccinated, &c.</sup>

31. The

*The Bombay Vaccination Act, 1877* [BOMB. ACT L.

The Sanitary Commissioner to make rules.

31. The Sanitary Commissioner for the Presidency of Bombay, or such other officer as Government directs, may, with the sanction of the Governor in Council, from time to time make rules or issue orders consistent with this Act :

- (a) providing for the appointment of deputies of Public Vaccinators, when necessary ;
- (b) determining the qualifications to be required of Public Vaccinators, or their deputies, and regulating the grant of certificates of qualification under section five ;
- (c) for the guidance of Public Vaccinators and others in all other matters connected with the working of this Act.

All such rules or orders shall be published in the *Bombay Government Gazette*.

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SCHEDULE A.

(See Section 9.)

I, the undersigned, hereby certify that, in my opinion, \_\_\_\_\_, the child of \_\_\_\_\_, resident at \_\_\_\_\_ in Bombay, is not now in a fit and proper state to be vaccinated, and I do hereby postpone the vaccination for the period of two months from this date.—Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

(Signature of Medical Practitioner or Public Vaccinator.)

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SCHEDULE B.

(See Section 10.)

I, the undersigned, hereby certify that I have three times unsuccessfully vaccinated \_\_\_\_\_, the child of \_\_\_\_\_, residing at \_\_\_\_\_, in Bombay (or that the child has \_\_\_\_\_ already

1877.]      *The Bombay Vaccination Act, 1877.*

already had small-pox, *as the case may be,*) and I am of opinion that the said child is insusceptible of successful vaccination.  
—Dated this                      day of                      , 18 .

(Signature of Medical Practitioner or Public Vaccinator.)

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**SCHEDULE C.**

(*See Section 11.*)

I, the undersigned, hereby certify that                      , the child of age                      , resident at                      , in Bombay, has been successfully vaccinated by me.—Dated this                      day of                      , 18 .

(Signature of Medical Practitioner or Public Vaccinator.)

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**SCHEDULE D.**

(*See Section 14.*)

To

(*Here insert the name of the parent, guardian, or other person who gives information of the child's birth.*)

Take notice that the child of (*here enter the mother's name*) whose birth has this day been registered, must be vaccinated under the provisions of the Bombay Vaccination Act, 1877, within six months from the date of its birth, under a penalty of ten rupees.

The public vaccine station nearest to the house in which the child was born is at No.                      . The days and hours for vaccination at that station are as follows:—

(*Here insert the days and the hours when the Public Vaccinator is in attendance.*)

On your taking, or causing the child to be taken, to the Public Vaccinator at the said station within the said hours on

*The Bombay Vaccination Act, 1877.* [BOMB. ACT I., 1877.]

any of the said days, or at any other public vaccine station in the city on the days and within the hours prescribed for public vaccination at such station, it will be vaccinated free of charge.

You should be careful to have one of the annexed forms of certificates filled in by the Public Vaccinator, or if you employ a private medical practitioner to vaccinate the child, by such medical practitioner, and to keep the same in your possession. Any such certificate will be granted to you by a Public Vaccinator free of charge.

Dated the                      of                      18

Registrar of Births.

**SCHEDULE E.**

(See Section 18.)

**Register of Postponed Vaccinations for the District of  
in Bombay.**

Con- secutive Number	Name of Child.	Birth.		Date of Certi- ficate of Post- ponement.	Signature of Registrar
		Year.	No of Entry in Register		
1	Vinayak Pandurang .	1868	12	1868 May   10	H. O.



## BOMBAY Act No. II. of 1877.

[Received the assent of the Governor of Bombay on the 11th August 1877, and of the Governor General on the 5th September 1877, and published by the Governor of Bombay on the 18th September 1877.]

An Act to validate the appointment of certain Members and for the temporary continuance of the Municipal Corporation of the City of Bombay.

**W**HEREAS doubts have arisen whether the several persons elected and nominated since the passing of the Bombay Municipal Act of 1872 as Members of the Municipal Corporation of the City of Bombay and Town Council and as Chairmen thereof, respectively, were elected and nominated according to law ;

Preamble

*And whereas* under the provisions of the said Act, many of such persons, if they had been duly elected Members of the said Corporation in, or subsequently, to the year 1875, would, on the 26th day of July last, have ceased to be such Members, and fresh elections according to law ought to have been but were not held ;

*And whereas* it is desirable to render all such elections and nominations as aforesaid valid, and for the present to postpone such new elections, and to provide for the temporary continuance of the said Corporation and Town Council as they purported to be constituted on the 25th day of July last ; It is enacted as follows :—

1. The several persons elected and nominated, since the passing of the said Act, as Members of the said Corporation and Town Council and as Chairmen of the Municipal Act

Persons  
elected since  
the passing  
of the Mu-  
nicipal Act

[Price one anna.]  
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of 1872 as Members of Municipal Corporation and Town Council, and as Chairmen of the said Corporation and Town Council to be deemed to have been duly elected No election of new Members of the said Corporation to be held.

of the said Corporation and Town Council, respectively, shall be deemed to have been duly elected and nominated such Members and Chairmen, respectively, and such persons as on the 25th day of July last were considered to be the Members of the said Corporation and Town Council and the Chairmen thereof, respectively, or such of them as shall continue to be Members of the said Corporation. shall be such Members and Chairmen, respectively, until the 31st day of December next, or until such further date as may be notified by the Governor in Council in the *Government Gazette*.

2. No election or nomination of new Members of the said Corporation shall be held or made, and any elections which ought under the provisions of the said Act to have been held prior to the passing of this Act, and which have not been held, shall be deemed to have been duly postponed.

Vacancy occurring in the Town Council, or in the Office of Chairman of the Corporation, or of the Town Council, how to be filled up.

3. Every vacancy occurring in the Town Council, or in the office of Chairman of the said Corporation, or of the Town Council, shall be filled up in accordance with the provisions of the said Act from the then continuing Members of the said Corporation.

The Corporation and Town Council and the respective Chairmen thereof to be subject to all and the same powers, duties, &c, as are conferred by the said Act.

4. The said Corporation and Town Council and the respective Chairmen thereof as appointed by this Act, shall have and be subject to all and the same powers, duties, authorities, emoluments, and disqualifications (save any disqualification arising from non-payment of rates) as are conferred and imposed upon the said Corporation and Town Council and the Members and Chairmen thereof, respectively, by the said Act.

5. All

5. All acts done, sanctions given, and payments made by the Municipal Commissioner for the City of Bombay for the time being, and by the said Corporation and Town Council and the Chairmen thereof, respectively, for the time being since the passing of the said Act, shall be of the same force and validity as they would have been if the Members of the said Corporation and Town Council and the Chairmen thereof, respectively, for the time being had been elected and nominated according to law.

Acts done by Municipal Commissioner, Corporation, and Town Council and Chairmen thereof since the passing of the said Act to be of the same force and validity as they would have been if the Members had been elected according to law.