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No. 1.

Bombay Government's
Acts

for the year.

1862.

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TITLES

ACTS PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL, IN THE YEAR 1862.

Act No. I.—An Act for bringing under the Regulations and Acts certain Lands ceded by His Highness the Guicowar for Railway Purposes.

Act No. II.—An Act for extending the Powers of Municipal Commissioners appointed under Act XXVI. of 1850.

Act No. III.—An Act to amend Act XI. of 1843.

✓ Act No. IV.—An Act for Regulating the Establishment of Markets and Fairs.

✓ Act No. V.—An Act for the Preservation of the Bhagdaree and Nurwadaree Tenures.

✓ Act No. VI.—An Act for the Amelioration of the Condition of Talookdars in the Ahmedabad Collectorate, and for their Relief from Debt.

Act No. VII.—An Act for the Levy of Port-dues in the Ports of the North Canara District.

Act No. VIII.—An Act to abate the Nuisance arising from the Smoke of Furnaces in the Town and Suburbs of Bombay.

Act No. IX.—An Act for further amending Act XXVI. of 1850.

Act No. X.—An Act to amend Section XLV., Clause 1 of Regulation XIII. of 1827.

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BOMBAY.

ACT No. I: OF 1862.

An Act for bringing under the Regulations and Acts certain Lands ceded by His Highness the Guicowar for Railway Purposes.

[Received the Assent of the Governor General on the 22nd day of March 1862, and published by the Governor of Bombay on the 4th day of April 1862.]

WHEREAS His Highness the Guicowar has ceded to the Government of India certain lands for the construction of a Railway through his Territories, and it is necessary that those lands should be annexed to the Presidency of Bombay, and made subject to the Laws and Regulations of that Presidency; It is enacted as follows:—

1. All such parts of Villages mentioned in the Schedule annexed to this Act as have been delivered over by His Highness the Guicowar to the Government of India for the construction of the Bombay, Baroda, and Central India Railway, shall, from and after the passing of this Act, form part of the Zillah of Surat, and be subject to the Regulations and Acts which are or shall be in force within the Territories subject to the Presidency of Bombay.

All such parts of Villages mentioned in the Schedule as have been delivered over by the Guicowar to the Government of India for the construction of the Bombay, Baroda, &c. Railway to form part of the Zillah of Surat, and to be subject to the Regulations and Acts in force in the Bombay Presidency.

SCHEDULE.

<i>Baroda Pergunnah.</i>	<i>Baroda Pergunnah—continued.</i>
1 Hulderwa.	7 Meeagaum.
2 Tosrod.	8 Kurjun.
3 Wullun.	9 Kundaree.
4 Dethan (Inamee).	10 Kairda.
5 Lakodra.	11 Surar (Inamee).
6 Wurwa.	12 Kassipoora.

Etola.

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Baroda Pergunnah—continued.

- 13 Etola.
- 14 Wursula.
- 15 Wurnama.
- 16 Dulleepoor.
- 17 Maritha.
- 18 Manaja.
- 19 Wursur (Inamee).
- 20 Mazulpoor (Inamee).
- 21 Nagurwarra.
- 22 Akota
- 23 Jetulpoor.
- 24 Gorwa.
- 25 Kurodia.
- 26 Oondera.
- 27 Bajwa.
- 28 Kurchia.
- 29 Runnolee.
- 30 Puddumla.
- 31 Nundesree.
- 32 Fazulpoor (up the River
Mahee).

Surat Attawsee Pergunnah.

- 33 Sukhpoor-oorf Rond, Pergunnah Gullet.
- 34 Pellotha, Pergunnah Wesranee.
- 35 Choowacha, ditto Wesranee.
- 36 Koosoomhā, ditto ditto.
- 37 Tursalee, ditto ditto.
- 38 Hatoorun, ditto ditto.
- 39 Wurrudla, ditto ditto.
- 40 Murolee Kusha.
- 41 Posra, Pergunnah Murolee.
- 42 Morwar, Pergunnah Telaree.
- 43 Chinum, ditto ditto.
- 44 Tuvree, ditto ditto.
- 45 Nowsaree Kusha.
- 46 Sāgura, Pergunnah Nowsaree (Inamee).
- 47 Kudolee, ditto ditto.
- 48 Danoda, Pergunnah Gundavee.
- 49 Billimora, ditto ditto.
- 50 Dēdra, ditto ditto.

BOMBAY.

ACT No. II. OF 1862

*An Act for extending the Powers of Municipal Commissioners,
appointed under Act XXVI. of 1850.*

*[Received the Assent of the Governor General on the 22nd day of March 1862,
and published by the Governor of Bombay on the 4th day of April 1862.]*

WHEREAS by Act XXVI. of 1850, it was enacted that the Taxes raised from
the inhabitants of any Town or Suburb under the said Act
Preamble. should be applied to the making, repairing; cleaning,
lighting, or watching any public Streets, Roads, Drains, or Tanks, or to
the prevention of Nuisances, or for improving the said Town or Suburb in any
other manner ;

And whereas it is expedient that, in addition to the above purposes, the Com-
missioners appointed for putting the said Act in force, should be authorised to
apply the said Taxes to the construction and support of Dispensaries, Hospitals,
and Schools, in the said Town or Suburb ;

And whereas it is also expedient that the Governor in Council should, in
certain cases, have power to enforce the right and just appropriation of the Taxes
raised under the said Act, for the benefit of the Community paying the same ;

And whereas it is also expedient that, in addition to the above purposes, the
said Commissioners should be authorised to apply a reasonable portion of the said
Taxes in the watering of public Streets and Roads in the said Town or Suburb :

I. It is hereby enacted, that the Taxes raised under Act XXVI. of 1850
Taxes raised under Act
26 of 1850, to be appli-
cable to the construction,
support, and mainte- are and shall be applicable to the construction, support, and
maintenance of any Hospital, Dispensary, or School, if such
application be adopted by a majority consisting of two-thirds
of

ACT No. II. OF 1862.

nance of Hospitals, Dispensaries, and Schools, with the consent of two-thirds of the Members of the whole body of the Municipal Commissioners.

of the Members of the whole body of the Municipal Commissioners of the Town or Suburb : Provided always, that it shall not be competent to the said Commissioners to expend annually the said Taxes to an extent exceeding in the whole 25 per cent. of the annual revenues of the Municipality for all or any of the three purposes last aforesaid, or to expend any portion thereof for such purposes, without the approval of the Governor in Council.

II. And it is further enacted, that whenever it shall have been ascertained by

The Governor in Council may issue an order to the Commissioners to execute such work.

the Governor in Council through the Commissioner of Police or Magistrate, and other person or persons appointed by the Governor in Council to inquire and report on the subject, that the Commissioners appointed under the said Act in any locality have neglected any work or duty falling within the scope of this Act, or of Act XXVI. of 1850, and indispensable, in the opinion of the Governor in Council, for the public health or safety, it shall be lawful for the Governor in Council to issue an order to the said Commissioners to execute such work, or perform the said duty ;

If such order be not obeyed within one week. and if that order shall not be obeyed within one week from the date of its issue, it shall further be lawful for the Governor in Council to order the Commissioner of Police, or the Magistrate, to execute the said work, or perform the said duty, and to recover the expense thereof from the Municipal Funds; and in failure of immediate payment of the said expenses by the Municipal Commissioners out of the said Municipal Funds, it shall be lawful for the Governor in Council to recover the amount thereof by Suit in the Civil Court or Courts having jurisdiction in the said Town or Suburb, and the costs of the said Suit from the said Municipal Commissioners or any one of them; and the said Municipal Commissioners may, out of the Municipal rates, reimburse themselves in any sum or sums which they or any one of them may be compelled to pay to the Governor in Council, for the expenses of the execution of such work, or performance of such duty, but not the costs of any such Suit as aforesaid; and the said Suit may be instituted in the name of Secretary of State for India in Council, and no Municipal Commissioner shall be exempt from responsibility in such Suit by reason of his having resigned his appointment after the order of the Governor in Council for execution of the work, or performance of the duty, was issued to the said Commissioners.

The Governor in Council may order the Commissioner of Police or Magistrate to execute the same.

Amount of expenses to be recovered by suit.

Amount of expenses to be recovered by suit.

the said Town or Suburb, and the costs of the said Suit from the said Municipal Commissioners or any one of them; and the said Municipal Commissioners may, out of the Municipal rates, reimburse themselves in any sum or sums which they or any one of them may be compelled to pay to the Governor in Council, for the expenses of the execution of such work, or performance of such duty, but not the costs of any such Suit as aforesaid; and the said Suit may be instituted in the name of Secretary of State for India in Council, and no Municipal Commissioner shall be exempt from responsibility in such Suit by reason of his having resigned his appointment after the order of the Governor in Council for execution of the work, or performance of the duty, was issued to the said Commissioners.

III.

ACT No. II. OF 1862.

III. It is hereby also enacted, that the said Commissioners may also apply a reasonable portion of the Municipal Taxes in watering the public Streets and Roads of any such Town or Suburb as aforesaid.

Taxes may be applied in watering the Public Streets and Roads.

IV. And it is hereby also enacted, that any portion of the Municipal Taxes heretofore *bond fide* employed in watering any public Street or Road in any such Town or Suburb as aforesaid, shall be considered to have been legally and properly so applied.

Taxes heretofore *bond fide* so employed to be considered as legally and properly applied.

BOMBAY.

ACT No. III. OF 1862.

An Act to amend Act XI. of 1843.

[*Received the Assent of the Governor General on the 22nd day of March 1862,
and published by the Governor of Bombay on the 4th day of April 1862.*]

WHEREAS it is desirable that the Government of Bombay should, in future, be empowered to depute authority to the Revenue and Police Commissioners to sanction the term for which a Holder of, or Sharer, in a Wuttun, nominated under Section 4 of Act XI. of 1843 shall hold office, and to approve of selections made by the Collector or Controlling Officer under the same Section :

Section 4 of Act XI. of 1843 amended.

It is hereby enacted, that the words "*or of a Revenue or of a Police Commissioner when authorised by Government*" shall be inserted after the words "with the sanction of the Governor in Council" in Section 4 of Act XI. of 1843; and that the words "*or of a Revenue or of a Police Commissioner when authorised by Government*" shall be added after the words "to the approval of the Governor in Council" at the end of the said Section; and that the words so inserted shall, from and after the passing of this Act, be taken as part of the said fourth Section of Act XI. of 1843.

BOMBAY.

ACT No. IV. OF 1862.

An Act for Regulating the Establishment of Markets and Fairs.

[Received the Assent of the Governor General on the 14th day of April 1862, and published by the Governor of Bombay on the 24th day of April 1862.]

WHEREAS the establishment of new Markets or Fairs in the neighbourhood of places where Markets or Fairs have been previously established leads to disputes between the owners of the lands on which such new and previously established Markets or Fairs are held, and such disputes not unfrequently occasion breaches of peace and serious inconvenience to the frequenters of such Markets or Fairs ; It is enacted as follows :—

Preamble.

I. After the passing of this Act, no person shall establish a new Market or Fair without permission, in writing, from the Magistrate of the District. If any person shall attempt to establish a new Market or Fair without such license, he shall, on conviction by the Magistrate, be subject to a fine not exceeding Two hundred Rupees, or, in default of payment, to simple imprisonment for any period not exceeding Two Calendar months.

No new Market or Fair to be established without permission of the Magistrate of the District.

II. When any person desires to establish a new Market or Fair, he shall make application, in writing, to the Magistrate of the District. The application shall specify the name of the place at which it is proposed to establish such new Market or Fair ; the days on which it is to be held ; the name of the place where the nearest existing Market or Fair is held, and the days on which it is held ; the distance, in English miles, between the two places ; and the reasons of the applicant for desiring to establish the new Market or Fair.

Application for permission.

III. On receipt of the application, the Magistrate shall issue a Proclamation stating the desire of the applicant to establish a Market or Fair at the place named by him and the days on which it is proposed to be held, and calling upon any person

Issue of Proclamation and Notice.

who

ACT No. IV. of 1862.

who may have any objection to the establishment of the Market or Fair to state his objection, in writing, within six weeks from the date of the Proclamation. The Proclamation shall be fixed in a conspicuous place in the Village or Town in or near to which it is proposed that the new Market or Fair shall be held, and a copy of the same shall be affixed at the Police Station within the jurisdiction of which the Village or Town is situate, and in the Court of the Magistrate. If it shall appear that any existing Market or Fair is held within a distance of four miles from the place where it is proposed that the new Market or Fair shall be established, the Magistrate shall cause a Notice, to the effect of the Proclamation, to be served upon the owner of the land where such existing Market or Fair is held. The Proclamation and Notice (if any) shall be issued and served at the expense of the applicant.

IV. If, within the time specified in the Proclamation and Notice (if any),
Magistrate's order. no objection is preferred to the establishment of the proposed Market or Fair, the Magistrate of the District shall pass an order permitting it to be established. If, within the time specified, any objection is preferred, the Magistrate of the District shall inquire into the objection, and pass such order as may appear proper under the circumstances of the case.

V. If, within six months from the passing of this Act, any objection shall be
Markets and Fairs established two years before the passing of this Act preferred to the Magistrate in respect of any Market or Fair which has been newly established within a period of two years before the passing of this Act, the Magistrate shall inquire into the objection, and if it shall appear that such new Market or Fair has been established within a distance of four miles from any previously existing Market or Fair, and that the establishment of the new Market or Fair has been the cause of disturbances or other inconvenience to the people of the neighbourhood, the Magistrate of the District may, if he think necessary, change the days upon which such new Market or Fair is held, or, at his discretion, order that it be discontinued.

VI. Every order passed by a Magistrate under this Act shall, within six
Appeal. weeks, be open to appeal to the Commissioner of Police, and the order of the Commissioner shall be final.

VII.

ACT No. IV. OF 1862.

VII. Every person who shall contravene, disobey, or oppose any order duly made under this Act, shall be liable to a fine not exceeding Two hundred Rupees, or, in default of payment, to imprisonment of either kind for any period not exceeding Two Calendar months.

Penalty for contravening, disobeying, or opposing order.

VIII. This Act shall not extend to the Islands of Bombay and Colaba.

Act not to apply to Islands of Bombay and Colaba.

IX. Nothing in this Act shall be held to apply to assemblages of people collected at, or concerned in, the inauguration of sacred edifices, or collected at, or concerned in, any other religious festivals or ceremonies not forming a part of a Fair or Market.

Or to religious assemblages.

X. Nothing in this Act shall be held to restrict the general powers of Government to control the orders of the Magistrate or Commissioner of Police in regard to Markets or Fairs.

Act not to restrict the general powers of Government to control the orders of the Commissioner of Police in regard to Markets or Fairs.

XI. The word "Magistrate" when used alone, without the addition of the words "of the District," includes every Officer authorised to exercise the full powers of the Magistrate.

Interpretation of the word "Magistrate" when used alone.

BOMBAY.

ACT No. V. OF 1862.

An Act for the Preservation of the Bhagdaree and Nurwadaree Tenures.

[Received the Assent of the Governor General on the 14th day of April 1862, and published by the Governor of Bombay on the 24th day of April 1862.]

WHEREAS it has been found that the permanence of the tenures known as the Bhagdaree and Nurwadaree tenures, which have existed from time immemorial in certain parts of the Presidency of Bombay, is endangered by the increasing practice of attachment and sale by civil process of the homesteads and building-sites (“Gubhan”) appertaining or appendant to the constituted Bhags, or the recognised sub-divisions of such Bhags or Shares in Bhagdaree or Nurwadaree Villages :

Preamble.

And whereas it is desirable to prevent the alienation, assignment, mortgaging, charging, or incumbering of any portion of any Bhag or Share in any Bhagdaree or Nurwadaree Village other than a recognised sub-division of such Bhag or Share, or the alienation, assignment, mortgaging, charging, or incumbering of any homestead, building-site (Gubhan), or premises appurtenant or appendant to any such Bhag or Share, or recognised sub-division separately or apart from such Bhag or Share or recognised sub-division ; It is therefore enacted as follows :—

I. No portion of a Bhag or Share in any Bhagdaree or Nurwadaree Village other than a recognised sub-division of such Bhag or Share shall, from and after the passing of this Act, be liable to seizure, sequestration, attachment, or sale by the process of any Civil Court, and no process of such Court shall be enforced so as to cause the dismemberment from any such Bhag or Share, or recognised sub-division thereof, of any homestead, building-site (Gubhan), or premises, appurtenant or appendant to such Bhag or Share or recognised sub-division thereof.

II.

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II. Whenever any process has issued out of any Civil Court for the seizure, sequestration, attachment, or sale of any portion of a Bhag or Share in any Bhagdaree or Nurwadaree Village other than a recognised sub-division of such Bhag or Share, or for the seizure, sequestration, attachment, or sale of any homestead, building-site (Gubhan), or premises, appurtenant or appendant to such Bhag or Share, or recognised sub-division thereof, it shall be lawful for the Collector or other Chief Revenue Officer of the District in which any such Bhagdaree or Nurwadaree Village is situated, although not a litigating party, to move in such Civil Court that such process shall be set aside or quashed, and that the provisions of this Act be put in force; and if such Court be of opinion, on the evidence adduced by the Collector or other Chief Revenue Officer of the District on such motion, that the case is one falling within this Act, it shall set aside or quash such process, and cause the provisions of this Act to be put in force; and it is hereby further enacted, that any order which the said Court may make on such motion, shall be appealable in the same manner as a decree of the Court in which it is made.

III. It shall not be lawful to alienate, assign, mortgage, or otherwise charge or incur any portion of any Bhag or Share in any Bhagdaree or Nurwadaree Village other than a recognised sub-division of such Bhag or Share, or to alienate, assign, mortgage, or otherwise charge or incur any homestead, building-site (Gubhan), or premises, appurtenant or appendant to any such Bhag or Share, or recognised sub-division, appurtenant or appendant thereto, apart or separately from any such Bhag or Share, or recognised sub-division thereof. Any alienation, assignment, mortgage, charge, or incumbrance, contrary to the provisions of this Section, shall be null and void; and it shall be lawful for the Collector or other Chief Revenue Officer of the District, whenever he shall, upon due inquiry, find that any person or persons is or are in possession of any portion of any Bhag or Share of any homestead, building-site (Gubhan), or premises appurtenant or appendant to such Bhag or Share in any Bhagdaree or Nurwadaree Village other than a recognised sub-division of such Bhag or Share in violation of any of the provisions of this Section, summarily to remove

ACT No. V. OF 1862.

remove him or them from such possession, and to restore the possession to the person or persons whom the Collector shall deem to be entitled thereto; and any suit brought to try the validity of any order or orders which the Collector may make in such matter, must be brought within Three Calendar months after the execution of such order or orders.

IV. And it is hereby further declared, that nothing in this Act contained shall be construed as prohibiting the issue and execution of any such process as aforesaid against any Bhag or Share, or recognised sub-division of any Bhag or Share in any such village as aforesaid, conjointly and in the gross with its homestead, building-site (Gubhan), and other proper appurtenances, if the issue and execution of such process be in other respects authorised by law.

Act not to prohibit the issue and execution of any process in other respects authorised by law.

V. And it is hereby further declared, that nothing in this Act contained shall be construed as prohibiting the alienation, assignment, mortgaging, charging, or incumbering any Bhag or Share, or recognised sub-division of any Bhag or Share, in any such village as aforesaid conjointly and in the gross with its homestead, building-site (Gubhan), and other proper appurtenances, if such alienation, assignment, mortgage, charge, or incumbrance, be in other respects warranted by law, the object and intention of this Act being to prevent the dismemberment of Bhags or Shares, or recognised sub-divisions thereof, in Bhagdaree or Nurwadaree Villages, and also to prevent the severance of homesteads, building-sites (Gubhan), or other premises, appurtenant or appendant to Bhags or Shares, or recognised sub-divisions of Bhags or Shares from the same or any of them.

Act not to prohibit the alienation, assignment, mortgaging, charging, or incumbering any Bhag or Share, as aforesaid, if in other respects warranted by law.

BOMBAY.

ACT No. VI. OF 1862.

An Act for the Amelioration of the Condition of Talookdars in the Ahmedabad Collectorate, and for their relief from Debt.

[Received the assent of the Governor General on the 1st day of September 1862, and published by the Governor of Bombay on the 14th day of October 1862.]

WHEREAS the lands held in the Zilla of Ahmedabad in the province of Guzerat under the title of Talookdaree Estates are now only held on leasehold tenure determinable at the pleasure of Government And whereas it has been brought to the notice of Government that many of the Talookdars are in embarrassed circumstances and have borrowed money on the security of their Landed Estates And whereas such of the said Landed Estates as are of the Talookdaree tenure aforesaid could not and cannot be lawfully charged encumbered or alienated And whereas it is expedient to enable the said Talookdars to effect a settlement of their debts and liabilities; It is hereby enacted as follows:—

I. Whenever it shall appear to the Governor in Council that any Talookdar in the Zilla aforesaid is subject either personally or in respect of his Landed Estates of any description of tenure to debts or liabilities equal to or exceeding five times the average rents profits and other annual income derived by the Talookdar from his Estates aforesaid during the previous five years after deducting thereout the land tax and other dues of Government it shall be lawful for the Governor in Council to make a declaration vesting the management of the said Estates in an Officer or Officers who shall then be appointed by the Governor in Council in that behalf and the said declaration shall be published in the *Bombay Government Gazette*.

II.

II. From and after the publication of such declaration as aforesaid all Suits or judicial proceedings for or in respect of debts or liabilities in the first Section above mentioned other than debts due or liabilities incurred to the Crown or Government pending before or under appeal from any of the Civil Courts in the said Presidency shall be and are hereby declared to be permanently stayed and no further prosecution thereof shall be permitted and all writs processes executions or attachments for or in respect of such debts and liabilities shall forthwith cease and be raised.

After such declaration all Suits in respect of the debts or liabilities in the first Section mentioned other than debts due to the Crown or Government to be permanently stayed.

III. From and after the publication of such declaration the said Officer or Officers shall have power without resorting to any Civil Court to remove from possession of the Landed Estates of the Talookdar of any description of tenure or any part thereof any mortgagee or other encumbrancer who may be in possession of the same without prejudice to such mortgagee or encumbrancer bringing his claim under Sections Eight and Nine before the Officer or Officers appointed for the management of the said Estates.

Officer or Officers may remove any mortgagee or encumbrancer from possession of the Landed Estates of the Talookdar.

IV. From and after the publication of such declaration as aforesaid the Talookdar the subject of such declaration shall not be liable to arrest nor shall his personal estate of any description whatsoever be liable to seizure attachment or sale under any process decree judgment or execution of the Civil Court of the Presidency of Bombay for or in respect of any debts or liabilities existing at the time of such declaration other than debts due or liabilities incurred to the Crown or Government.

After such declaration the Talookdar not to be liable to arrest in respect of such debts or liabilities other than debts due to the Crown or Government.

V. From and after the publication of such declaration as aforesaid the Landed Estates of such Talookdar of any description of tenure and the rents profits and income thereof shall during the period of the management thereof by the said Officer or Officers be wholly exempt from seizure attachment or sale under or by virtue of any process decree judgment or execution of any Civil Court of the Presidency of Bombay for or in respect of the

During such management the Estates to be exempt from Civil process in respect of the debts and liabilities aforesaid.

the debts and liabilities aforesaid other than debts due or liabilities incurred to the Crown or Government.

VI. It shall be lawful for the Governor in Council to make Rules for the purpose of carrying this Act into effect and from time to time to alter vary or amend such Rules as necessity may arise.

Governor in Council to make Rules for carrying this Act into effect.

VII. The said Officer or Officers shall during the continuance of his or their management of the said Estates receive the whole of the rents profits and income thereof and shall defray thereout land tax and other debts due or liabilities incurred or hereafter respectively to grow due or be incurred to the Crown or Government and pay to the Talookdar such annual sum only as shall appear to the Governor in Council requisite for the decent support of the Talookdar and his family and any balance remaining after such payment as aforesaid shall be applied in discharge of the expenses of such management as aforesaid and in liquidation or settlement of the debts and liabilities to which at the time of the publication of the said declaration the Talookdar is subject either personally or in respect of his Landed Estates of any description of tenure in accordance with the Rules alluded to in the last preceding Section.

The Officer or Officers to receive the rents profits and income of the said Estates.

And pay annual sum for support of the Talookdar and his family.

Expenses of management.

And in liquidation or settlement of debts and liabilities.

In accordance with the Rules alluded to in last Section.

VIII. The said Officer or Officers shall publish in the *Bombay Government Gazette* a Notice in English and Guzerathee calling upon all persons having claims against the said Talookdars or their said Landed Estates in respect of any of the debts or liabilities aforesaid to notify the same in writing to such Officer or Officers within three Calendar months from the time of such Notice in the *Gazette* and the said Officer or Officers shall before or contemporaneously with such publication in the *Gazette* cause copies of such Notice to be exhibited at the Mamlutdars' Cutcherries in the said Zilla and in such place or places as to such Officer or Officers shall seem fit and as may be directed by the said Rules.

Officer or Officers to publish Notice in *Gazette* calling upon persons having claims against the Talookdars to notify the same within 3 months.

And cause copies of such Notice to be exhibited at the Cutcherries and other places.

IX.

ACT No. VI. OF 1862.

IX. Any debt or liability of the Talookdar other than as aforesaid to which he is subject either personally or in respect of the said Landed Estates existing at the time of the said declaration by the Governor in Council not duly notified to the said Officer or Officers within the time and in the manner in the last preceding Sections specified shall and is hereby declared to be for ever barred. Provided always that upon proof being given to the satisfaction of such Officer or Officers of the inability of the Claimant to have complied with the provisions of this and the last preceding Sections it shall be lawful for the said Officer or Officers to entertain and admit such claim within the further period of nine Calendar months from the expiration of the above mentioned period of three months.

Any debt or liability not duly notified to be barred.

Upon proof given of inability of Claimant to have complied with these provisions.

Claim may be admitted within further period of 9 months.

X. The said Officer or Officers shall as early as possible prepare and submit to the Governor in Council a scheme for the settlement of the Talookdar's debts and liabilities and such scheme when approved by the Governor in Council shall be carried into effect. The amount of any debt or liability as fixed in such approved scheme shall not be liable to increase. Any debt or liability disallowed by such Officer or Officers shall if such disallowance be approved by Government, be and it is hereby declared to be for ever barred.

The Officer or Officers to prepare and submit a scheme for the settlement of the Talookdar's debts and liabilities for approval of the Governor in Council.

XI. It shall be lawful for the Governor in Council to empower the Officer or Officers aforesaid to raise a Fund to be applied to the settlement of the debts and liabilities of the Talookdar by assigning the whole or a portion of his Landed Estates of any description of tenure to be held and enjoyed for a period or periods not exceeding 20 years from the publication of the declaration aforesaid by any fit person or persons who may advance money on the security thereof or by the sale of such outlying portion or portions of the said Estates as may appear expedient but in case of such sale the consent of the Talookdar and of his next heir if the latter be of age shall first be obtained.

Governor in Council may empower the Officer or Officers to raise a Fund for the settlement of the debts and liabilities of the Talookdar.

XII. Any debt or liability except as hereinbefore excepted which may be incurred

Any debt or liability &c. incurred during such management not enforceable against the said Landed Estates.

incurred by the Talookdar either personally or in respect to his said Landed Estates or any part thereof during the period of such management as aforesaid shall not be enforceable in any manner whatever either during or subsequently to such period of management against his said Landed Estates or any part thereof And it shall not be competent for the Talookdar during the said period of management to charge encumber sell or alienate his said Landed Estates or any part thereof and such charge encumbrance sale or alienation shall be null and void.

his said Landed Estates

And Talookdar not competent during such period to charge sell or alienate his said Landed Estates.

XIII. It shall be lawful for every Officer or Officers appointed under this Act to demand and require the production of any writs decrees judgments records deeds documents exhibits pleadings books accounts letters petitions papers or writings filed in any of the Suits mentioned in the 2nd Section of this Act or relating to the debts or liabilities of any Talookdar whose Landed Estates are brought under such management as aforesaid in the custody or control of any Civil Court or in the custody or control of any Judges Judge Assistant Judge Officer or Person connected with such Court and upon notice being given in writing by such Officer or Officers to such Civil Court or to any Judges Judge Assistant Judge Officer or Person connected therewith such writs decrees judgments records deeds documents exhibits pleadings books accounts letters petitions papers or writings in the said Notice mentioned shall be immediately given up to the said Officer or Officers appointed under this Act in the manner directed by the said Notice any act usage or custom to the contrary in anywise notwithstanding.

Civil Courts to give up writs decrees papers &c. when required.

XIV. It shall be lawful for any Officer or Officers appointed under this Act to summon Witnesses and to take evidence upon oath or solemn affirmation and to administer oaths or solemn affirmations to persons whom he or they may admit to give evidence and any such Witness wilfully giving false evidence shall be subject to be proceeded against in like manner and to suffer if convicted the same punishment as if he or she had committed wilful and corrupt perjury and it shall also be lawful for the said Officer or Officers to compel the production of books accounts papers deeds or other documents and to inflict a fine not exceeding Rupees one hundred for disobedience to any Sunnud or order made under this Section.

Power to Officer &c. to take evidence.

XV.

XV. The Officer or Officers appointed for the management of the Landed Estates of any Talookdar under this Act shall have for the purpose of the realization and recovery of the rents profits and income of such Landed Estates the same powers as a Collector possesses under the Regulations or Acts now or hereafter in force for the realization and recovery of Land Revenue due to Government.

The Officer or Officers to have for the purpose of realizing the rents and profits of such Estates the powers of a Collector.

XVI. The management of the Landed Estates of any Talookdar by such Officer or Officers as aforesaid shall not extend beyond the period of twenty years to be calculated from the first publication of such declaration as aforesaid in the *Bombay Government Gazette* and at the expiration of such management whether before or at the end of such period of twenty years all debts and liabilities (except as hereinbefore excepted) existing at the time of such declaration and comprised in such approved scheme as aforesaid shall be deemed to be for all intents and purposes whatsoever fully discharged and satisfied and neither the Talookdar nor his heirs nor representatives nor his her or their Estates whether moveable or immoveable or any part thereof shall be subject in any manner whatsoever to such debts or liabilities (except as hereinbefore excepted) or any part thereof.

Management not to extend beyond twenty years and at expiration of management all claims &c. to be considered as settled.

XVII. It shall be lawful for the Governor in Council from time to time to appoint new Officers to carry this Act into effect and all such Officers shall have the same powers as the Officer or Officers first appointed.

Governor in Council may appoint new Officers.

Officers to have powers for enforcing payment of Fines given to Courts by Section 61 Act XXV. of 1861.

Civil Courts may entertain Suits relating to succession rights of coparcenary or rights of persons claiming maintenance out of Landed Estates brought under the operation of this Act.

XVIII. Officers appointed under this Act shall have the same powers for enforcing the payment of Fines imposed under this Act as are given to Courts by Section 61 Act XXV. of 1861.

XIX. Notwithstanding anything to the contrary in this Act it shall be lawful for the Civil Courts to entertain and dispose of Suits relating to the succession to or rights of coparcenary in or rights of persons claiming maintenance out of any Landed Estates or Estate brought

brought under the operation of this Act Provided always that neither the Crown Government or Officer or Officers not liable to Suit for acts done in good faith by such Officer or Officers. Crown nor Government nor any Officer or Officers appointed under this Act shall be liable to any Suit for or in respect of any act or acts done in good faith by such Officer or Officers.

XX. From and after the expiration of the period of management of the Estate of any Talookdar whether such period extend to or be less than twenty years the Talookdar shall be the absolute Proprietor of his said Landed Estates as regards succession to and possession management and transfer of the same subject to such Land Tax as the Governor in Council may be pleased to reserve and all usual remedies for the recovery thereof.

After expiration of period of management Talookdar to be absolute Proprietor of his Landed Estates as to succession possession management and transfer of the same subject to Land Tax.

XXI. The following words and expressions in this Act shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say)—

Interpretation Clause.

(1) The term "Civil Court" shall mean and include every Court of Civil Judicature in the Presidency of Bombay whether established by Royal Charter or not.

(2) Words importing the masculine gender shall include the feminine.

(3) Words importing the singular number shall include the plural number and words importing the plural number shall include the singular number.

Legislative Council of Bombay

AN ACT

FOR

**The Amelioration of the Condition of T
lookdars in the Ahmedabad Collectorat
and for their relief from Debt.**

*[Received the assent of the Governor General
the 1st day of September 1862, and publish
by the Governor of Bombay on the 14th day
of October 1862.]*

BOMBAY.

ACT No. VII. OF 1862.

*An Act for the Levy of Port-dues in the Ports of the North
Canara District.*

[Received the assent of the Governor General on the 6th day of October 1862, and
published by the Governor of Bombay on the 20th day of October 1862.]

WHEREAS it is necessary to fix the amount of Port-dues to be hereafter levied
and taken in accordance with the provisions of Act XXII.
Preamble. of 1855 in the Ports named in the Schedule to this Act,
being Ports in the North Canara District transferred to the Presidency of Bombay
from that of Madras; It is enacted as follows:—

I. That the Ports in the District of Canara above
Ports to be formed into one group. alluded to, shall, for the purposes of this Act, be formed
into one group, as set forth in the Schedule.

II. Port-dues, at a rate not exceeding the rate of two annas for every ton of
burden; shall be chargeable in respect of every Sea-
going vessel of the burden of ten tons and upwards
Port-dues on Sea-going vessels of ten tons and upwards entering Port. (except Fishing Boats) which shall enter any of the
said Ports.

III. When any vessel enters any of the said Ports, being driven in by stress
of weather or in consequence of having sustained any
damage, or for any other reason, but does not discharge
or take in any cargo or passenger therein (with the
exception of such unshipment and re-shipment as may be
Rate of Port-due on vessels compelled by stress of weather to enter Port. necessary for the purpose of repair), the Port-due chargeable in respect of such
vessel shall be at a rate equal to one-half the rate chargeable in respect of other
vessels.

ACT No. VII. OF 1862.

IV. Provided that when any vessel having left any of the said Ports is compelled to re-enter such Port, or to enter any other of the said Ports by stress of weather, or in consequence of having sustained any damage, no Port-due shall be chargeable in respect of such vessel.

No Port-due on vessels compelled by stress of weather to put back.

V. No vessel shall be required to pay at the same Port any Port-due chargeable under this Act oftener than once in the same Calendar month or oftener than once in thirty days. Provided always that any Coasting Steamer paying the Port-dues provided for in the 2nd Section of this Act at any one of the Ports in the North Canara group shall not be chargeable for the said dues at any other Port or Ports within the said group oftener than as in this Section aforesaid.

No vessel to pay Port-due at same Port oftener than once a month.
Provision as to Coasting Steamers.

VI. For the purposes of Section XLIV. of Act XXII. of 1855, the several Ports comprised in the group shall be regarded as one Port, and the sums received on account of Port-dues at the several Ports shall form a single fund, which shall be termed the North Canara Ports Fund.

Ports comprised in the group to be regarded as one Port, and the sums received at such Ports on account of Port-dues to form a single fund.

VII. All sums received on account of Port-dues at any of the Ports comprised in the group shall be available for the payment of all such expenses as are described in Section XLIV. of Act XXII. of 1855 incurred on account of any of the Ports in the said group.

Application of Port-dues

VIII. This Act shall commence and have effect from and after the first day of October 1862.

Commencement of Act.

IX. The Governor in Council of Bombay shall, on or before the first day of October 1862, declare, by Notification to be published in the *Bombay Government Gazette*, the rate at which Port-dues shall be levied in the said Ports subject to the provisions of, and within the limits prescribed by, this Act; and from and after the said date, no Port-due shall be levied at any of the said Ports, except under the authority of Act XXII. of 1855 and of this Act.

Rates of Port-dues to be published.
No other Port-due to be levied.

Act to be read as part of
Act XXII. of 1855.

X. This Act shall be read with and taken as a part
of Act XXII. of 1855.

SCHEDULE.

North Canara Group.

- | | |
|------------------------------------|----------------|
| 1 Sudasheoghur, including Beitkul. | 6 Compta. |
| 2 Chendia. | 7 Honore. |
| 3 Ankola. | 8 Shiraly. |
| 4 Gungawally. | 9 Bhutkal. |
| 5 Tuddry. | 10 Murdeshwar. |

Legislative Council of Bombay.

AN ACT

FOR

**The Levy of Port-dues in the Ports of the
North Canara District.**

*[Received the assent of the Governor General on
the 6th day of October 1862, and published
by the Governor of Bombay on the 20th day
of October 1862.]*

BOMBAY.

ACT No. VIII. OF 1862.

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

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

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

I. From and after the 1st day of January 1864 every Furnace employed or to be employed in the Town and Suburbs of Bombay in the working of Engines by Steam, and every Furnace employed or to be employed in any Government or Public Works or Buildings, or in any Mill, Factory, Tannery, Printing-house, Dye-house, Iron Foundry, Glass-house, Distillery, Brew-house, Sugar Refinery, Bake-house, Iron Works, Gas Works, Water Works, Chemical Works, or in the Works of any Press Company, Spinning Company, Weaving Company, Spinning and Weaving Company, Ice Company, or in any Works for the purpose of Manufacturing Ice, or in any Works in the possession or occupation or under the control or power of the Peninsular and Oriental Steam Navigation Company, or of the Bombay or any other Steam Navigation Company, or employed or to be employed in any other works or buildings used for the purposes of any trade or manufacture whatsoever within the Town and Suburbs of Bombay (although a Steam Engine be not used or employed therein), shall in all cases be constructed or altered so as to consume or burn the smoke arising from such furnace; and if any person shall, after the 1st day of January 1864, within the Town and Suburbs of Bombay, use any such furnace which shall not
be

be constructed so as to consume or burn its own smoke, or shall so negligently use any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt, or shall carry on any trade or business which shall occasion any noxious or offensive effluvia, or otherwise annoy the neighbourhood or inhabitants without using the best practicable means for preventing or counteracting such smoke or other annoyance, every person so offending, being the owner or occupier of the premises, or being an agent, foreman, or other person employed by such owner or occupier, shall, upon a summary conviction for such offence before any Magistrate, forfeit and pay a sum not more than 100 Rupees nor less than 40 Rupees, and upon a second conviction for such offence the sum of 200 Rupees, and for each subsequent conviction a sum double the amount of the penalty imposed for the last preceding conviction.

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

III. It shall, for the purposes of this Act, be competent for the Municipal Commissioners for the town of Bombay to appoint a person or persons who shall be thereby authorised to enter any premises to which the provisions of this Act shall apply, and inspect any Furnaces therein; and if the owner or occupier of the premises, or if the Agent, Foreman, or other person employed by such owner or occupier shall refuse to allow their premises to be inspected by the person so authorized, it shall be lawful for any Police Officer or Constable authorized by the order in writing of a Magistrate, with or without assistance, to enter into and upon any building or premises in the Town or Suburbs of Bombay, in which any furnace may be or in which any noxious trade or business may be carried on, and to examine into the construction of such furnace, and into the manner of carrying on such trade or business; and any person obstructing any such Police Officer or Constable in the execution of any such.

Interpretation of the words "consume or burn the smoke."

Constables may be empowered to enter premises and inspect furnaces.

ch order shall, upon a summary conviction for such offence before a Magistrate, forfeit and pay any sum not exceeding five hundred Rupees.

No proceedings to be taken except by authority of a Magistrate or Municipal Commissioners.

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

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

Not to apply to Locomotive Engines on Railroads.

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

Penalties recoverable under Act XIII. of 1856.

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

Legislative Council of Bombay

AN ACT

**Abate the Nuisance arising from the Smoke
of Furnaces in the Town and Suburbs
of Bombay.**

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

BOMBAY.

ACT No. IX. OF 1862.

An Act for further amending Act XXVI. of 1850.

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

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

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

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

Certain Officers to be *ex-officio* Commissioners of Municipalities.

z :—

The

The Executive Engineer of the District.

The Civil Surgion.

The Superintendent of Police.

The Assistant Superintendent of Police.

The Deputy Collector at the Sudder Station.

The City or Town Foujdar.

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

Act. to be read as part of
Act XXVI. of 1850.

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

Legislative Council of Bombay.

AN ACT

FOR

Further amending Act XXVI. of 1850.

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

BOMBAY.

ACT No. X. OF 1862.

An Act to amend Section 45, Clause 1, of Regulation XIII. of 1827.

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

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

Preamble.

Prisoners sentenced to hard labour, rigorous imprisonment, &c. may be secured with fetters, &c. at the discretion of the Sessions Judge or other Officer in charge, but only when necessary for maintenance of discipline and security against escape.

Same means of restraint may be applied to other Prisoners.

Provided that British-born subjects sentenced to hard labour, rigorous imprisonment, &c. shall not be secured with fetters, except in cases of urgent necessity.

I. Prisoners sentenced to hard labour, rigorous imprisonment, transportation, penal servitude, or death, shall, at the discretion of the Sessions Judge or other Officer in charge of the Jail, be secured with fetters, hand-cuffs, or stocks, it being understood that such means of restraint are to be imposed as a necessity only for the maintenance of discipline and security against the escape of Prisoners and not as a part of the punishment.

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

II. Provided always, that British-born subjects sentenced to hard labour, rigorous imprisonment, penal servitude, or death, shall not be secured with fetters, excepting when it may be urgently necessary so to secure them for the discipline of the Jail, or the prevention of violent or dangerous behaviour.

Legislative Council of Bombay

AN ACT

**Amend Section 45, Clause I, of Regulation
XIII, of 1827.**

*[Received the Assent of the Governor of Bombay
on the 11th day of September 1862, and of
the Governor General on the 17th day of
October 1862, and published by the Gover-
nor of Bombay on the 1st November 1862.]*