

Dhananjayrao Gadgil Library



GIPE-PUNE-125064

Z 231
A 863
125064

TITLES

OF

ACTS PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL, IN THE YEAR 1863.

- Act No. I.—An Act for the Registry of Vessels and Levy of Pilotage Fees on the River Indus.
- Act No. II.—An Act to facilitate the adjustment of unsettled Claims to exemption from the payment of Government Land Revenue, and to regulate the succession to, and transfer of lands wholly or partially exempt from the payment of such Revenue in those parts of the Bombay Presidency which are subject to the operation of Act XI. of 1852 of the Legislative Council of India.
- Act No. III.—An Act for bringing under the Regulations and Acts of the Presidency of Bombay the Territories of Sattara, certain Villages and lapsed States in the Collectorate of Sholapoor and in the Southern Maratha Country, certain lands ceded to the Government of Bombay for Railway purposes, and the District of North Canara, with the exception of Talooka Cundapoor, and for excluding the village of Moochundee, Pungunna Jutt, from the operation of the Regulations and Acts of the Presidency of Bombay.
- Act No. IV.—An Act to amend Act XV. of 1858 for the levy of Port-dues in the Port of Aden.
- Act No. V.—An Act to confer certain powers on the Bombay Gas Company, Limited; and to enable Government to confer similar powers on other Companies registered and incorporated for the purpose of manufacturing and supplying Gas.
- Act No. VI.—An Act for the Regulation of Public Conveyances in the Town, Suburbs and Harbour of Bombay.
- Act No. VII.—An Act for the Summary Settlement of Claims to exemption from the payment of Government Land Revenue, and for regulating the terms upon which such exemption shall be recognised in future, in those parts of the Bombay Presidency which are not subject to the operation of Act XI. of 1852 of the Council of India.

TITLES OF ACTS.

- Act No VIII.—An Act to enlarge the Jurisdiction of the Court of Small Causes of Kurrachee, and to facilitate the transaction of business therein.
- ✓ Act No. IX.—An Act for the Prevention of Adulteration of Cotton and the better suppression of Frauds in the Cotton Trade in the Presidency of Bombay
- ✓ Act No X —An Act for the Re-incorporation and Re-constitution of the Bank of Bombay.
- ✓ Act No. XI.—An Act for taking a Census of the Bombay Presidency.
- Act No. XII —An Act to remove any doubts which may arise as to the legality of acts done, and proceedings held, in the Collectorate of Sattara, between the 1st January and 14th April 1863, both days inclusive.
- ✓ Act No XIII —An Act to provide for the Management of the Vehar Water Works.
-

INDEX

TO THE

ACTS PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL,
FOR THE YEAR 1863.

	No of Act
A	
Act No. III of 1840 —Repeal of—	X
Act No. IV. of 1841.—Repeal of—	VI.
Act No. XV. of 1851.—Repeal of—	IX
Act No. XXI of 1854.— } Repeal of—So far as they relate to the Bank Act No. XXVII. of 1855— } Bombay—	X.
Act No. XV. of 1858.—Amendment of—	IV
—————Repeal of Section I. of—	IV.
ADEN.—Levy of Port-dues in the Port of—	IV.
B	
BANK OF BOMBAY.—Re-incorporation and Re-constitution of the—	X.
BOMBAY.—Regulation of Public Conveyances in the Town, Suburbs, and Harbour of—	VI.
—————Vehar Lake and Works vested in the Municipal Commissioners of—	XIII.
BOMBAY CODE.—Repeal of Regulation III. of 1829 of—	IX.
—————Repeal of Chapters IX. and X. of Regulation XVII. of 1827 of— and of Regulation VI. of 1833 of—	VII.
BOMBAY GAS COMPANY LIMITED.—Certain powers conferred on the—	V.
BOMBAY PRESIDENCY.—Prevention of Adulteration of Cotton and Suppres- sion of Cotton Frauds in the—	IX.
—————Census of the—	XI.

	No. of Act.
C	
CENSUS—of the Bombay Presidency	XI.
COMPANIES.—Government may confer certain powers on—registered and incorporated for the purpose of manufacturing and supplying Gas.....	V.
COMPANY, BOMBAY GAS—LIMITED,—Certain powers conferred on the Bombay Gas—(Limited).....	V.
CONVEYANCES—Regulation of Public—in the Towns, Suburbs, and Harbour of Bombay	VI.
COTTON—Prevention of adulteration of—and Suppression of Frauds in the Trade, in the Presidency of Bombay ..	IX.
COURT OF SMALL CAUSES.—The Jurisdiction of the—of Kurrachee enlarged.	VIII.
G	
GAS COMPANY (BOMBAY) LIMITED—Certain powers conferred on the—	V.
GUICOWAR—Certain lands ceded by His Highness the—for Railway purposes, brought under the Regulations and Acts of the Presidency of Bombay	III.
I	
INDUS.—Registry of Vessels and levy of Pilotage Fees on the River—..	I.
K	
KURRACHEE.—Jurisdiction of the Court of Small Causes of—enlarged ..	VIII.
L	
LAND REVENUE—Adjustment of unsettled claims to exemption from the payment of Government—in places subject to the operation of Act XI. of 1852.....	II.
—————Summary Settlement of claims to exemption from the payment of—in places not subject to the operation of Act XI of 1852	VII.
LANDS.—Regulation of the succession to and transfer of—wholly or partially exempt from the payment of land revenue in those parts of the Bombay Presidency subject to the operation of Act XI of 1852	II.
—————Certain—ceded to the Government of Bombay, for Railway purposes, brought under the Regulations and Acts of the Presidency of Bombay	III.

	No. of Act
M	
MOOCHUNDEE.—Village of—, Purgunnah Jutt, excluded from the operation of the Regulations and Acts of the Presidency of Bombay.	III.
MUNICIPAL COMMISSIONERS.—The Vehar Lake and Works vested in the — of Bombay.....	XIII.
N	
NORTH CANARA.—The district of—, with the exception of Talooka Cundapoor, brought under the Regulations and Acts of the Presidency of Bombay	III.
P	
PILOTAGE FEES.—Levy of— on the River Indus ..	I
PORT-DUES.—Levy of—in the Port of Aden ..	IV
PUBLIC CONVEYANCES.—Regulation of—in the Town, Suburbs, and Harbour of Bombay.....	VI.
R	
RAJAH OF SATTARA.—Process not to be sued forth against the Widow of the late—except with the consent of the Government	III.
REGISTRY.—of Vessels and Levy of Pilotage Fees on the River Indus ..	I
REGULATIONS.— <i>See Bombay Code.</i>	
S	
SATTARA.—Territories of—brought under the Regulations and Acts of the Presidency of Bombay	III.
SATTARA, COLLECTORATE OF.—Removal of doubts as to the legality of acts done, and proceedings held, in the—between the 1st of January and 14th April 1863, both days inclusive.....	XII.
SHOLAPOOR.—Certain villages and lapsed states in the Collectorate of—brought under the Regulations and Acts of the Presidency of Bombay	III

INDEX TO THE ACTS.

	No. of Act.
SOUTHERN MAHRATTA COUNTRY.—Certain villages and lapsed states in the—brought under the Regulations and Acts of the Presidency of Bombay	III.
SUCHÉEN.—Certain lands ceded by His Excellency the Nawab of— for Railway purposes, brought under the Regulations and Acts of the Presidency of Bombay	III.
V	
VEHAR WATER WORKS—Management of the—	XIII

BOMBAY.

ACT No. I. OF 1863. ✓

An Act for the Registry of Vessels and Levy of Pilotage Fees on the River Indus.

[Received the assent of the Governor of Bombay on the 27th day of December 1862, and of the Governor General on the 21st day of January 1863, and published by the Governor of Bombay on the 2nd day of February 1863.]

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

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

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

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

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

III. The owner of every Vessel plying as aforesaid shall apply to the Regis-

Owner to apply for Certificate of Registry. Registrar of Boats and obtain from him a Certificate of Registry as aforesaid; and in the case of any Certificate being lost or destroyed, a renewed Certificate may be obtained in the same manner, and on the payment of the Fees hereinafter mentioned.

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

Amount of Fees for Registration

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

Certificate of Registration to be produced on demand

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

Penalty for infringement of the provisions of this Act.

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

Fees and fines aforesaid how applied

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

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

IX. The person in charge of a vessel passing through any of the Channels at the mouths of the River Indus, shall pay to the Officer duly authorised by the Registrar of Boats, such fee as the

Fees for Vessels piloted

Governor in Council may, from time to time, direct by Notification in the *Government Gazette*; and in consideration of such payment, shall receive the services of a Pilot.

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

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

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

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

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

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

Commissioner in Sind to appoint persons and to suspend the same, and to make such Rules as may be necessary.

XVI. All persons who shall, previous to the commencement of this Act, have acted as Commissioner in Sind, or under his authority, are hereby indemnified, freed, and discharged from and against all actions, suits, prosecutions, and penalties whatsoever, for, or on account, or in respect of all, or any acts,

Indemnification of the Commissioner in Sind and persons acting under him as regards levying of Fees, &c.

matters, and things whatever done, ordered, directed, or authorised by any of them, in respect to the levying of Fees on account of the Registry of Vessels, and on account of the Pilotage of Vessels on the River Indus and its Tidal Channels aforesaid; provided that such acts, matters, and things shall have been done, ordered, directed, or authorised *bonâ fide*, and in accordance with, and under the authority of the Rules for the Registry of Vessels issued by the Commissioner in Sind, on the 20th day of December 1861, and notified in the *Government Gazette* on the 2nd day of January 1862, and in accordance with, and under the authority of the Rules for the Pilotage Establishment for the mouths of the Indus, issued by the Commissioner in Sind on the 27th day of November 1861, and notified in the *Government Gazette* on the 12th day of December 1861, or in accordance with or under the authority of any other Rules for the levy of Pilotage Fees heretofore issued by the Commissioner in Sind, with the sanction of the Governor in Council.

XVII. A Barge or Flat towed by a Steamer, and plying in no other manner, shall not for the purposes of this Act be considered a Vessel.

Construction

XVIII. In the construction of this Act, unless where a contrary intention appears from the context, words importing the singular number or masculine gender shall include several persons as well as one person and bodies corporate as well as individuals, and several matters and things as well as one matter and thing, and females as well as males.

Interpretation Clause.

Commencement of Act.

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

Government of Bombay.

LEGISLATIVE DEPARTMENT.

AN ACT

FOR

**The Registry of Vessels and Levy of Pilot
age Fees on the River Indus.**

*[Received the assent of the Governor of Bombay
on the 27th day of December 1862, and of
the Governor General on the 21st day of
January 1863, and published by the Govern-
ment of Bombay on the 2nd day of February
1863.]*

Price One Anna and a half.

BOMBAY.

ACT No. II. OF 1863. ✓

An Act to facilitate the adjustment of unsettled Claims to exemption from the payment of Government Land Revenue, and to, regulate the succession to, and transfer of lands wholly or partially exempt from the payment of such Revenue in those parts of the Bombay Presidency which are subject to the operation of Act XI. of 1852 of the Legislative Council of India.

(Received the assent of the Governor of Bombay on the 12th day of February 1863, and of the Governor General on the 14th day of March 1863, and published by the Governor of Bombay on the 9th day of April 1863.)

WHEREAS it has been deemed expedient to provide for the final adjustment summarily, of unsettled claims to exemption from the payment of Land Revenue, and to fix the conditions which shall secure, in certain cases, the recognition of titles to such exemption with respect to succession and transfer in those districts of the Bombay Presidency to which the operation of Act XI. of 1852 of the Legislative Council of India extends: It is hereby enacted as follows:—

Preamble.

SECTION I.

Clause 1st.—When the holders of lands in any of the said districts (except as is excepted in Clause 2nd of this Section), held either wholly or partially exempt from the payment of Government Land Revenue, whose title to exemption has not yet been formally adjudicated, shall have consented to submit to the terms and conditions hereinafter described, in preference to being obliged to prove their title to the exemption enjoyed by them, it shall be lawful for the Governor in Council to finally authorise and guarantee the continuance, in perpetuity, of the said land to the said holders, their heirs, and assigns, upon the said terms and subject to the said conditions.

When holders of lands (except as in Clause 2 of this Section is excepted) shall have consented to terms and conditions hereinafter described, the Governor in Council may authorise and guarantee the continuance in perpetuity of the land to the holders on the terms and conditions aforesaid.

Clause 2nd.—The excepted cases to which the authority of adjustment and guarantee vested in the Governor in Council by this provision shall not extend, are the cases of lands held as follows:—

Exceptions.

1st.—Lands held under Treaty.

2nd.—Lands granted or held as Jagheers or Surinjams, or on similar political tenure.

3rd.—Lands held for service.

4th.—Lands already formally adjudicated to be not, continuable hereditary.

SECTION II.

When the Governor in Council shall have finally authorised and guaranteed the continuance, in perpetuity, to the holders, their heirs and assigns, or lands wholly or partially exempt from the ordinary payment of annual Land Revenue, whose title to exemption has not already been formally adjudicated, and who have dispensed with an inquiry into such title, the said lands shall (subject to the enactments contained in Section III. of this Act) be the heritable and transferable property of the said holders, their heirs, and assigns, without restriction as to adoption, collateral succession, or transfer; and such lands shall thenceforth be continued, in perpetuity, subject to an annual payment to Government. Such payment shall consist of—

The said lands (subject to enactments contained in Section III) to be the heritable and transferable property of the said holders, and to be continued in perpetuity, subject to payment to Government of a fixed annual Nuzzurana, calculated at one anna for each rupee of the assessment, and to a quit-rent equal to one-fourth of the assessment.

1st.—A fixed annual payment as Nuzzurana, in commutation of all claims of Government in respect of succession and transfer, and shall be calculated at the rate of one anna for each rupee of assessment.

2nd.—Of a quit-rent equal to one-fourth of the assessment.

The said assessment shall be ascertainable under the following Rules:—

Rule I.—The assessment of lands other than those specified in Rule 2 shall, with respect to lands which have already been assessed by the Revenue Survey now in progress, be the assessment already imposed upon those

Rules for ascertaining the amount of such assessment.

lands by that Revenue Survey, and with respect to lands which have not yet been assessed by that Revenue Survey shall be such assessment as shall be agreed on by the Collector or settling officer and the owner or holder of the lands, which shall be final; and in failure of their agreement, it shall be the existing rental of the lands until the Revenue Survey, now in progress, shall have placed a new assessment thereon, after which the assessment so placed by the said Revenue Survey shall be understood to be the assessment. And it shall be lawful for the duly authorised officers of Government, employed in the said Revenue Survey, to enter upon all lands not heretofore assessed by such Revenue Survey, for the purpose of fixing and making an assessment thereon, provided no arrangement can be otherwise arrived at by the Collector and the owner or holder, as above provided, to ascertain the fair rental of the lands.

Rule 2.—The assessment of lands of such an exceptional character as not to be assessable under the Revenue Survey Rules shall be in the discretion of the Revenue officers of Government, which discretion shall be guided, so far as may be, by the rate at which similar land in the same district belonging to Government is let, due regard being had by the said Revenue officers to all equitable considerations affecting such lands. Shares of the Revenues of villages (such as Umuls,) shall be assessed for the purposes of this Act at the value thereof, calculated at the average shown by such accounts of actual realizations by the holders as are forthcoming for the ten years immediately preceding the promulgation of these Rules.

Rule 3.—Lands for which a Joodee, Salamee, or other quit-rent or land-tax, under whatever denomination, is already paid to Government, instead of being liable to only one-fourth of the assessment, shall, in addition to the annual amount of such Joodee, Salamee, quit-rent, or other tax aforesaid, be liable to a further annual quit-rent, equal to one-fourth of the sum by which the annual or average annual amount of such Joodee, Salamee, or other quit-rent, or tax aforesaid, may fall short of the assessment.

Rule 4.—Quit-rent, and annual Nuzzurana imposed under this Section (Section II.) and the Rules thereunto annexed, shall be fixed in perpetuity, and shall not be liable to increase or decrease on any new assessment, save so far as is above in Rule 1 of this Section (Section II.) provided to the contrary, in the case of lands which have not been already assessed by the Revenue Survey, now in progress.

Rule 5 —The whole of the exempt lands found in the possession of each holder shall be continued according to the provisions of this Section (Section

II.) and the Rules thereunto annexed, and subject to the enactments contained in Section III.

SECTION III.

Any adjustment made by the Governor in Council with the holder of land, held wholly or partially exempt from the payment of Land Revenue in accordance with Section II. of this Act, and the Rules annexed to the said Section shall, so far as the right of Government to levy the Nuzzurana and the annual quit-rent mentioned in the said Section is concerned, not only be binding upon such holder, his heirs, and assigns, but also on the rightful owner, his heirs, and assigns, whosoever such rightful owner may be. Provided always that the said rightful owner, his heirs, and assigns, shall not, by this Act or anything therein contained, be deprived of any rights or remedies, either at law or in equity, to which he or they would be entitled against the said holder, his heirs, or assigns, for the recovery of the said lands or any part thereof, if this Act had not been passed; and in the event of the rightful owner, his heirs, or assigns, recovering the said lands or any part thereof, from the said holder, his heirs, or assigns, any declaration, guarantee, or adjustment made by the Governor in Council under, or in accordance with Sections I. and II. of this Act and the Rules annexed to the said Section II., with respect to the said lands while the same were in the possession of the said holder, shall accrue to the benefit of the said rightful owner, his heirs, and assigns.

SECTION IV.

Lands held partially or wholly exempt from the payment of Land Revenue and already formally adjudicated, to be so continuable hereditarily in perpetuity, may at the option of the holder be henceforth recognised, so far as the rights of Government are concerned, as the heritable and also the transferable property, not only of the actual descendants of the person to whose descendants inheritance may have been limited by the terms of the said adjudication, but also of all his legal successors by inheritance, including heirs by collateral successions, and heirs by adoption, and their assigns; and thereafter the right of Government or its officers to question the title to pos-

session, or to exemption from the payment of Land Revenue, of any holder of the said land already so adjudicated to be heritable in perpetuity, on the ground that he does not belong to the family to which title is restricted by the adjudication, is hereby abrogated; and in any case of recognition as in this Section aforesaid lands already adjudicated to be heritable and to which such

All such lands recognised as aforesaid henceforth to be held subject to payment of an additional Nuzzurana, at the rate of one anna for each rupee of the assessment of the land

recognition applies, are henceforth to be held subject to the payment to Government of an annual Nuzzurana, calculated at the rate of one anna for each rupee of the assessment of the land, ascertainable as provided in the Rules of Section II. of this Act, which Nuzzurana is to be in addition to the partial

assessment (if any,) ordered by the terms of the formal adjudication under which the land has already been declared to be continuable. Provided, however, that the assent of the holder of all lands adjudicated as aforesaid to the acceptance of such recognition, and the payment of such Nuzzurana as in this Section as aforesaid shall be assumed, unless such holders shall within three (3) calendar months from the date on which this Act comes into operation decline to accept such recognition as aforesaid by a notice given in writing to the Collector of the District.

Proviso.

SECTION V.

Clause 1st.—When the amount of the annual Nuzzurana payable, for any holding in accordance with Section II. or Section IV. of this Act respectively, exceeds the sum of ten rupees, it shall be at the option of the holder of the land on account of which the said Nuzzurana is declared payable, if he be not merely a mortgagee, to elect within two calendar months after service of a notice explaining the purport and effect of the Rules contained in this Section (Section V.), which service shall be made in the same manner as is hereinafter provided for the service of the notice described in Section XI. of this Act, that in lieu of the land being made subject to the payment of such annual Nuzzurana, an occasional Nuzzurana shall be payable at each change of possession thereof, or of any part thereof, by inheritance or transfer, the amount of which Nuzzurana shall be—

Occasional Nuzzurana

(a) On every succession by inheritance, a Nuzzurana equal to one year's assessment of the wholly or partially exempt lands which are the subject of such succession.

(b) On every transfer of lands wholly or partially exempt from the payment of Land Revenue, a Nuzzurana equal to two years' assessment of the land transferred.

The assessment shall be, in each case, ascertainable under the Rules annexed to Section II. of this Act.

Provided that in the event of more than one succession or transfer occurring within twelve months, such occasional Nuzzurana, or succession, or transfer, shall not be leviable more than once.

Proviso

Provided also that it shall be at the option of the holder of the land to pay such occasional Nuzzurana in one sum or by annual instalments not exceeding one-fourth of the whole Nuzzurana per annum.

Proviso.

Clause 2nd.—When, at the election of the holder, lands wholly or partially exempt from the payment of Land Revenue shall have been made liable to occasional Nuzzurana, leviable under this Section (Section V.) instead of to an annual Nuzzurana of one anna in each rupee of the assessment as provided by Sections II and IV. of this Act, the occasional Nuzzurana shall be levied from each person obtaining possession of the land to which it is subject, whether by inheritance or transfer; and it shall be the duty of that person, within the period of one calendar month after obtaining possession as aforesaid, to give notice in writing thereof to the Collector or other chief Revenue Officer of the Collectorate or District in which the said lands are situate; and in default of such notice, the person so obtaining possession shall forfeit, in addition to the Nuzzurana leviable on the occasion, a sum equal to the amount thereof.

Occasional Nuzzurana from whom to be levied.

Person obtaining possession to give notice to the Collector, &c.

Clause 3rd.—It shall also be the duty of the holder of any land made subject under this Section to the payment of occasional Nuzzurana instead of to an annual Nuzzurana of one anna in each rupee of the assessment, who shall transfer the same or any part thereof, to give to the Collector or chief Revenue Officer of the Collectorate or District in which the land so transferred are situate, notice in writing, of such transfer, and of the nature and extent thereof, and of the person or persons to whom the

Holder of land paying occasional Nuzzurana to give notice to the Collector, &c of any transfer.

same is made, within one calendar month after such transfer has been made, and in default of such notice, the person or persons so transferring as aforesaid shall forfeit a sum equal to the amount of the Nuzzurana leviable on the occasion from the person to whom the transfer shall have been made

SECTION VI.

Clause 1st.—When lands are held wholly or partially exempt from the payment of Land Revenue, upon the title to which exemption there has not been any formal adjudication, the holders asserting a right to such exemption shall be at liberty, on the conditions hereinafter described, to claim a trial of, and adjudication upon their title, according to Act XI. of 1852, so far as the same is not altered, modified, or superseded by, or inconsistent with, the provisions of this Act.

Clause 2nd—In the event of the title to such exemption being upon such inquiry demanded as last aforesaid, duly established, the lands shall not be heritable in any other manner, or to any further extent than the same may, on such inquiry as last aforesaid, be adjudged to be heritable, nor shall any adoption be recognised in any Civil Court or Court of Law or Equity, or by any officer of Government, as creative of, or continuing a title to claim from Government any exemption from assessment or any other privilege on account of the said lands; and no Nuzzurana shall be received on account of Government from the holders of such lands. And whensoever the same lands or any part thereof, either by operation of law, or by devolution, assignment, gift, sale (whether such sale be judicial, public, or private), devise, transfer deed, or other instrument, or otherwise howsoever, pass to any person, not an heir by actual descent from the person to whose heirs the lands shall be declared heritable, or in default of such declaration, from the person who may establish his title to exemption as last aforesaid, then the said lands, or such part thereof as may have so passed to any person other than the said actual descendants, shall forthwith become and be liable to payment of annual Land Revenue at the full assessment.

Clause 3rd.—In the event, upon such inquiry as aforesaid, of there being a failure by the holders to establish title to exemption from payment of Land Revenue, the lands to

which he has failed to establish such title shall forthwith become and be liable to payment of annual revenue at the full assessment.

SECTION VII.

Clause 1st.—When the holders of land, held wholly or partially exempt from the payment of Land Revenue, demand a trial and adjudication, satisfactory security to be furnished. trial and adjudication of their title under the provisions of Section VI. of this Act, they shall be required to furnish satisfactory security for the payment of the assessment of the land, in case of their failure to prove the title to exemption asserted by them; and in default of their furnishing such satisfactory security, the full assessment of the land, which is to be the subject of inquiry, shall be levied, pending the adjudication.

Clause 2nd.—If the inquiry result in the establishment of the asserted title, the holder, or in the event of his decease, his heir who succeeds to possession of the said land, shall be entitled to a refund of any assessment levied under the provisions of this Section, pending such inquiry as aforesaid, and to interest thereon at the rate of 5 per cent per annum.

Clause 3rd.—If the result of the inquiry be that the holder fail to prove his title, the full amount of Land Revenue assessable on the lands from the date of the holder's demand for trial shall be levied from the said holder and his security, or either, any sums levied pending adjudication as aforesaid being taken in account of the same.

SECTION VIII.

Clause 1st.—Lands held wholly or partially exempt from the payment of Land Revenue on behalf of religious or charitable institutions, shall, if already formally adjudicated to be permanently so continuable, be so continued wholly or partially exempt from such payment of Land Revenue as aforesaid, according to the terms of the adjudication.

Clause 2nd.—Lands held on behalf of religious or charitable institutions, either wholly or partially exempt from the payment of Land Revenue shall,

if not already formally adjudicated to be permanently so continuable, be declared to be so wholly or partially exempt from such payment of Land Revenue as aforesaid; subject, however, to the payment of annual quit-rent equal to one-fourth of the assessment, which shall be ascertainable under the Rules annexed to Section II. of this Act

Clause 3rd.—It is, however, hereby declared, that lands held on behalf of religious or charitable institutions, wholly or partially exempt from the payment of Land Revenue, shall not be transferable from such institutions either by assignment, sale (whether such sale be judicial, public, or private) gift, devise, or otherwise howsoever, and no Nuzzurana shall be leviable on account of such lands.

Clause 4th.—If the holders, managers, or trustees of such lands shall refuse to accept the terms provided by Clause 2 of this Section, and shall demand a trial and adjudication of the title by which the land is held wholly or partially exempt from Land Revenue, they shall be entitled to the same, on the conditions described in Section VII., and subject to the liabilities provided in Section VI. of this Act.

SECTION IX.

It shall be lawful for the Governor in Council to appoint Officers to carry out the inquiries provided for in this Act in the Districts in which Act XI. of 1852 has the force of law, and to invest any Officer so appointed with the authority conferred by the above Act on Inam Commissioners and Assistant Inam Commissioners.

Governor in Council may invest certain officers with authority conferred by Act XI. of 1852, on Inam Commissioners and Assistant Inam Commissioners.

SECTION X.

Whensoever any person or persons, holding lands wholly or partially exempt from the payment of Land Revenue, upon the title to which exemption there has not been any formal adjudication, shall (whether such alleged title be founded on grant or prescription, or on any other ground whatsoever), demand an inquiry under Section VI. of this Act into such title; the burden of proof of such title shall, in every instance, lie and be cast exclusively upon the person or persons holding, or claiming to hold, such lands so wholly or partially exempt from the payment of Land Revenue,

as aforesaid, notwithstanding any existing usage, Law, Regulation, Act, or Statute in anywise to the contrary, and it shall not be lawful for any Civil Court or Court of Law or Equity to place the burden of proof upon Government, or upon the Officer or Officers representing Government, of a right to levy the ordinary Land Revenue upon the lands the subject of any such inquiry as aforesaid, and it shall in every instance be presumed, until the contrary is distinctly proved, that Government has the right to levy such ordinary Land Revenue upon the lands the subject of any such inquiry as aforesaid. It is, however, hereby further provided, that nothing in this Section contained shall disentitle Government, or its duly authorised officers, to produce and give evidence in rebuttal or disproof of the alleged title to exemption aforesaid, if it seem to Government, or its duly authorised officers, desirable or necessary to produce and give such evidence.

SECTION XI.

Clause 1st.—It shall be lawful for the Collector of each Collectorate or District, or for any other Officer of Government duly authorised in that behalf, whensoever such Collector or such other Officer shall have reason to believe that lands are held wholly or partially exempt from payment of Land Revenue, and that there has not been any formal adjudication upon the title to such exemption, to serve, or to cause to be served, a notice in writing, upon the holder of such lands, calling upon him to state whether or not he demands an inquiry under Section VI. of this Act into such alleged title to exemption as aforesaid, instead of accepting and abiding by the terms described in Section II. of the same.

Clause 2nd.—The notice shall be in the prevailing language of the Collectorate or District in which the lands are situate, and shall explain the nature of the alternatives offered on the part of Government

Clause 3rd.—It shall be served upon the person holding, or registered in the Government Land Registers, as holding the lands wholly or partially exempt from the Land Revenue as aforesaid, if he be resident within the limits of the Collectorate.

Clause 4th—If such persons as last aforesaid be not resident within the Collectorate, the notice shall be served upon any person acting for the aforesaid in respect of the lands.

Clause 5th.—When more persons than one hold jointly, lands wholly or partially exempt from Land Revenue, service of notice upon any one of them shall in every case be sufficient.

When more persons than one hold the lands jointly.

Clause 6th.—If the holder be known to reside in another Collectorate of the Bombay Presidency, and if there be no person acting for him in the Collectorate in which the lands are situate, the notice shall be sent to the Collector of such other Collectorate, and served or caused to be served by him.

When holder known to reside in another Collectorate.

Clause 7th.—If there be not any person acting for the holder, and if he cannot be found, the notice shall be served upon some one of the actual occupants of the land (if any) and a copy of such notice shall be posted in the office of the chief Native Revenue Officer of the District, and in the Chowry, or most public place in the village where the lands are situate.

When no person acts for holder, and holder cannot be found

Clause 8th.—In the event of any dispute arising as to the sufficiency of the service of any notice or notices under this Section, the matter so in dispute shall be inquired into by the Collector of the District or other Officer appointed for the purpose by the Governor in Council, and the decision of the Collector, or such other Officer as aforesaid, shall be final, and not open to appeal or question in any Civil Court or Court of Law or Equity, or elsewhere.

When sufficiency of service of notice disputed.

Clause 9th.—If, within two calendar months after the service of such notice in manner aforesaid, the person holding the lands wholly or partially exempt from Revenue as aforesaid, or his legally constituted agent, shall not give an answer in writing to such notice, stating clearly in such answer, that he demands an inquiry into the title to such exemption as aforesaid, he shall be deemed to have finally dispensed with such inquiry, and the lands, if held as aforesaid by an individual or individuals, shall be dealt with under Sections I. and II. of this Act, and the Rules annexed to said Section II., and if held on behalf of religious or charitable institutions, shall be dealt with under Clause 2 of Section VIII. of this Act. But if no holder or owner can be discovered, the land shall be fully assessed to the Public Revenue, and shall continue to be so assessed unless some person shall, within the Law of Limitations, appear and prove his title to it.

When holder makes no answer for two months, he shall be deemed to have dispensed with such inquiry.

If no holder or owner discovered, land to be fully assessed

Clause 10th—In the event of any dispute arising as to the sufficiency of any such answer as last aforesaid, or as to its meaning, or as to its having been given within the time required by this Act, the matter so in dispute shall be inquired into by the Collector or other Officer appointed for the purpose by the Governor in Council, and the decision of the Collector or such other Officer as aforesaid shall be final, and not open to appeal or question in any Civil Court or Court of Law or Equity, or elsewhere.

Clause 11th.—Whensoever an answer in writing is given by any holder or his agent demanding an inquiry under Section VI, or Clause 4 of Section VIII. of this Act, the Collector or other Officer to whom such answer has been given shall take the security required in such cases by Section VII. of this Act, or in default of the same being furnished, shall take such steps as shall be necessary for levying the full assessment of the land as required by the said Section, and shall refer the holder's claim to the Officer appointed by Government for the trial of such matters, who shall, with reasonable regard to the public convenience, and to the convenience of all persons interested or to be engaged in conducting such inquiry, fix a time at which it shall be proceeded with.

Clause 12th—Any claimant, demanding an inquiry into his title, shall be allowed the benefit of any evidence to be found in the records of the present or any former Government, in custody of such public Officer, as is authorised by the British Government to have charge or custody of the same, and such public Officer shall be bound to search for and to produce the same on application made to him.

Clause 13th—Any claimant, demanding an inquiry into his title, shall be allowed the benefit of any evidence to be found in the records of the present or any former Government, in custody of such public Officer, as is authorised by the British Government to have charge or custody of the same, and such public Officer shall be bound to search for and to produce the same on application made to him.

SECTION XII

All notices and orders issued, and all settlements made in the Districts subject to the operation of Act XI. of 1852, previous to the passing of this Act for the purpose of carrying out its objects, shall be as valid and as binding on Government, and on the holders and owners of, and all persons interested in, lands affected by such notices, orders, and settlements, as if this Act had been passed before the said notices and orders were issued, and the said settlements made, which

shall accordingly be regarded and taken to have been made under this Act, all the provisions of which, as to the future rights, privileges, and duties of the holders and owners of land to be brought under settlement by it, shall apply to the holders and owners of land already brought under settlement as aforesaid.

SECTION XIII

When any adjustment of a claim, or claims, to total or partial exemption from Land Revenue has been made by the Governor in Council, or any duly authorised Officer of Government, under the second, fifth, or eighth Sections of this Act, it shall not be competent for any Civil Court or Court of Law or Equity to question such adjustment, so far as the right of Government to levy from the holder or holders of the lands for the time being, the Nuzzuranas and the annual quit-rents mentioned in the said second, fifth, and eighth Sections, or any of them, is concerned. Any appeal from or against the proceedings, orders, or acts of the Officers of Government engaged in making any such adjustment, shall be made to the Governor in Council, or to such Officer or Officers as may be appointed by the Governor in Council to take cognizance of such appeals and shall not be recognizable by any other authority.

Adjustment not to be questioned in any Civil Court so far as right of Government to levy the Nuzzuranas and quit-rents is concerned.

Appeal from proceedings of Officers engaged in making such adjustment to be made to Governor in Council.

SECTION XIV.

Duly authorised Officers or servants of Government shall not be liable to be sued in any Civil Court or Court of Law or Equity, for any act, *bonâ fide* done, or ordered to be done, by them, in pursuance of the provisions of this Act.

Officers or servants of Government not to be sued for any act *bonâ fide* done in pursuance of this Act.

SECTION XV.

All quit-rents, Nuzzuranas, succession duties, transfer duties and forfeitures, payable under this Act, shall be levied in the manner in which ordinary Land Revenue is now recoverable, and the claim of Government to such quit-rents, and Nuzzuranas, and to all forfeitures provided by this Act, shall have precedence over any other debt, demand, or claim whatsoever, whether in respect of mortgage, judgment, decree, execution, or attachment or otherwise howsoever, against the lands, or the holder or holders thereof.

Quit-Rents, Nuzzuranas, &c how to be levied

SECTION XVI.

Interpretation Clause. (A) Unless there be something in the subject or context of this Act repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

Lands. (B) The word "Lands" shall, for the purposes of this Act, be understood to include villages, portions of villages, shares of the Revenues thereof, and landed estate of every description.

"Political Tenure." (C) "Political Tenure" is tenure created from or dependent upon, political considerations, the existence of which shall be determined by the Government.

"Lands held for Service." (D) The phrase "lands held for service," shall include lands specially granted, or held or continued, nominally for the performance of service, whether that service be actually performed or not, and lands granted, held, or continued, partly in consideration of past service, and partly for the performance of prospective service, but shall not include lands granted in consideration of past service only, and it is to be understood that Government shall be competent to determine any question that may arise giving effect to this Act, as to whether or not any lands are lands held for service.

Formal adjudication. (E) Formal adjudication shall be held to mean final adjudication under any Regulation of the Bombay Government, or under Act XI. of 1852, in cases to which the same were applicable, and in other cases final adjudication after inquiry, by the British Government or some authorised Officer thereof.

"Holder." (F) For the purposes of this Act the word "holder" shall be taken to signify the person who by himself, his tenants, sub-tenants, or agents, is in possession of the land held wholly or partially exempt from Land Revenue assessment, and shall include a mortgagee in possession as aforesaid.

"Transfer." (G) The word "transfer" shall for the purposes of this Act, be taken to mean the permanent alienation of land by assignment, gift, sale, deed or other instrument, or otherwise howsoever, and also mortgage of the same under which possession shall have passed or is to pass to the mortgagee.

Government of Bombay.

LEGISLATIVE DEPARTMENT.

AN ACT

TO

facilitate the adjustment of unsettled Claims to exemption from the payment of Government Land Revenue, and to regulate the succession to and transfer of lands wholly or partially exempt from the payment of such Revenue in those parts of the Bombay Presidency which are subject to the operation of Act X of 1852 of the Legislative Council of India.

received the assent of the Governor of Bombay on the 12th day of February 1863, and of the Governor General on the 14th day of May 1863, and published by the Governor of Bombay on the 9th day of April 1863.)

Price Four Annas.

BOMBAY.

ACT No. III. OF 1863.]

An Act for bringing, under the Regulations and Acts of the Presidency of Bombay the Territories of Sattara, certain Villages and lapsed States in the Collectorate of Sholapoor and in the Southern Maratha Country, certain lands ceded to the Government of Bombay for Railway purposes, and the District of North Canara, with the exception of the Talooka Cundapoor, and for excluding the Village of Moochundee, Purgunnah Jutt, from the operation of the Regulations and Acts of the Presidency of Bombay.

[Received the assent of the Governor of Bombay on the 4th day of January 1863, and of the Governor General on the 25th day of March 1863, and published by the Governor of Bombay on the 15th day of April 1863.]

WHEREAS it is expedient for the better administration of Justice in the Territory of Sattara that the Collectorate should be brought under the Regulations and Acts of the Presidency of Bombay; And whereas certain villages which now belong to Government in Sholapoor and the Southern Maratha Country have not yet been made subject to the operation of the general Regulations and Acts affecting the Bombay Presidency; And whereas lands in certain villages have been ceded by His Highness the Guicowar and His Excellency the Nawab of Sucheen to the Government of Bombay for Railway purposes, and it is expedient that such lands should be made subject to the Regulations and Acts of the said Presidency; And whereas the District of North Canara which formed a part of the Presidency of Fort Saint George has, with the exception of the Talooka of Cundapoor, been detached from that Presidency and annexed to the Presidency of Bombay, from the sixteenth day of April 1862, and now forms part of the latter, and it is expedient that the District so transferred

should be brought under the Regulations and Acts of the Presidency of Bombay; And whereas the village of Moochundee, Purgunnah Jutt, in the Territory of Sattara, was inadvertently included in Act VI. of 1842, by which certain villages in the Southern Maratha Country were brought under the operation of the Regulations and Acts of the Presidency of Bombay. It is hereby enacted as follows:—

I. The villages in the Collectorate of Sattara as described in Schedule A to this Act, shall, from and after the 1st day of January 1863, be subject to the Regulations and Acts which are or shall at any time hereafter be in force within the territories subject to the Presidency of Bombay

II. The villages in the Collectorate of Sholapoor and in the Southern Maratha Country described in Schedule B to this Act, shall, from and after the passing of this Act be subject to the Regulations and Acts which are or shall at any time hereafter be in force within the territories subject to the Presidency of Bombay

III. It is hereby enacted that in conformity with existing law in the Deccan, Khandeish, and Southern Maratha Country claims on the following subjects shall not be cognizable by the Civil Courts within the Territories and Villages made subject to the Regulations and Acts by the above Sections:—

Damages for abuse of power under the late Government.

1st. All claims for damages against persons in authority under the late Government for abuse of power during that period.

Claims against Government on account of Inams

2nd. All claims against Government on account of Inams.

Jagheers, Wurshasuns, Pensions, Nemnooks, and other advantages not hereditary.

3rd. All claims against Government on account of Jagheers, Wurshasuns, Pensions, Nemnooks, and other advantages not hereditary.

4th. All disputes regarding public Rent or Revenue payable to Government, and all complaints of exaction by Mamludars, or District or Village officers.

Claims regarding Village debts, boundaries, &c.

And regarding the use of wells and water-courses.

5th. All claims on account of Village debts, all Village boundary disputes, and disputes regarding the use of wells and water-courses.

IV. *Clause 1st.* It is also further enacted that the privileges and exemptions provided in Sections III., IV., and V., Regulation XXIX. A. D. 1827 and Section V. of Regulation VII A. D. 1830 and Regulations I. and XVI. A. D. 1831, as amended by Sections VI., Act XIII. of 1842, are equally applicable in the districts now brought under the Regulations and Acts to the persons of rank therein referred to, as they are in the Deccan, Khandeish, and Southern Maratha Country.

Clause 2nd. It is also further enacted that no writ or process shall be sued forth or prosecuted against the person, goods or property of Shreemunt Sugoona-bayee Aee Sahib Maharaj, the only surviving widow of the late Rajah of Sattara, except with the consent of the Governor in Council first obtained, such consent to be signified by the signature of one of the Secretaries to Government; and any writ or process sued forth or prosecuted against the person, goods, or property of Shreemunt Sugoona-bayee Aee Sahib Maharaj, and without such consent as aforesaid, shall be utterly null and void.

V. All such parts of villages and lands mentioned in Schedule C to this Act, as have been delivered over to the Government of Bombay for Railway purposes shall, from and after the passing of this Act, be subject to the Regulations and Acts which are or shall at any time hereafter be in force within the territories subject to the Presidency of Bombay.

VI. The District of North Canara, with the exception of the Talooka of Cundapoor, as transferred from the Presidency of Fort St. George, shall, from and after the sixteenth day of April 1862, be subject to the Regulations and Acts which are or shall at any time hereafter be in force within the Territories subject to the Presidency of Bombay.

VII. Nothing in this Act shall affect any acts done, or proceedings held, or any sentence passed, or order made in the District of North Canara previously to the passing of this Act.

Saving of acts, &c. done in such District before the passing of this Act

VIII. The village of Moochundee, Purgunnah Jutt, in the Territory of Sattara, included in Act VI. of 1842, by which certain villages in the Southern Maratha Country were brought under the Regulations and Acts of the Presidency of Bombay shall, from and after the passing of this Act, be excluded from the operation of the Regulations and Acts of the Presidency of Bombay, anything in the said Act VI. of 1842 to the contrary in any wise notwithstanding.

The village of Moochundee to be hereafter excluded from the operation of the Regulations and Acts of the Bombay Presidency.

SCHEDULE, A.

LIST of the PURGUNNAHS, TURFS, and other known DIVISIONS of the Collectorate of SATTARA to be brought under the Regulations and Acts.

Consecutive Numbers.	Names of the Division
✓ 1	Turf Sattara.
✓ 2	Turf Purlee.
✓ 3	Turf Wundun.
✓ 4	Turf Targaon, with the exception of the village Watar entered in the accounts as belonging to the Chief of Jumkhundee.
✓ 5	Turf Oomruj, with exception of the following two villages:—
	1 Kortee, entered in the accounts as belonging to the Punt Prithinidhee.
	2 Seerwude, entered in the accounts as belonging to the Chief of Jumkhundee.
✓ 6	Summut Nimb.
✓ 7	Turf Medhey.
✓ 8	Turf Kedumb.
✓ 9	Turf Baramoorey.
✓ 10	Turf Koodal.
✓ 11	Turf Ategaon.
✓ 12	Turf Bamnolee.
✓ 13	Turf Solsey.
✓ 14	Turf Tamb.
✓ 15	Kuryat Naneghoj.
✓ 16	Turf Tarlay.

Consecutive Numbers.	Names of the Division.																										
✓ 17	Kuryat Tulbeed.																										
✓ 18	Turf Havellee Kurad, with the exception of the following 12 Villages :—																										
	<table border="0"> <tr> <td data-bbox="196 503 217 536">✓ 1</td> <td data-bbox="217 503 486 536">Sydapoor.</td> <td data-bbox="486 503 902 817" rowspan="12" style="vertical-align: middle;">} Entered in the accounts as belonging to the Punt Prithindhee.</td> </tr> <tr> <td data-bbox="196 536 217 569">✓ 2</td> <td data-bbox="217 536 486 569">Kapeel.</td> </tr> <tr> <td data-bbox="196 569 217 602">✓ 3</td> <td data-bbox="217 569 486 602">Padlee.</td> </tr> <tr> <td data-bbox="196 602 217 636">✓ 4</td> <td data-bbox="217 602 486 636">Belowdey Wurghat.</td> </tr> <tr> <td data-bbox="196 636 217 669">✓ 5</td> <td data-bbox="217 636 486 669">Doosherey.</td> </tr> <tr> <td data-bbox="196 669 217 702">✓ 6</td> <td data-bbox="217 669 486 702">Gondee.</td> </tr> <tr> <td data-bbox="196 702 217 735">✓ 7</td> <td data-bbox="217 702 486 735">Ghonshee.</td> </tr> <tr> <td data-bbox="196 735 217 768">✓ 8</td> <td data-bbox="217 735 486 768">Kodolee.</td> </tr> <tr> <td data-bbox="196 768 217 801">✓ 9</td> <td data-bbox="217 768 486 801">Veerwudey.</td> </tr> <tr> <td data-bbox="196 801 217 834">✓ 10</td> <td data-bbox="217 801 486 834">Bichood.</td> </tr> <tr> <td data-bbox="196 834 217 867">✓ 11</td> <td data-bbox="217 834 486 867">Munoo.</td> </tr> <tr> <td data-bbox="196 867 217 900">✓ 12</td> <td data-bbox="217 867 486 900">Retray Khoord.</td> <td data-bbox="486 867 902 900">Ditto to Sangleekur Putwurdhun.</td> </tr> </table>	✓ 1	Sydapoor.	} Entered in the accounts as belonging to the Punt Prithindhee.	✓ 2	Kapeel.	✓ 3	Padlee.	✓ 4	Belowdey Wurghat.	✓ 5	Doosherey.	✓ 6	Gondee.	✓ 7	Ghonshee.	✓ 8	Kodolee.	✓ 9	Veerwudey.	✓ 10	Bichood.	✓ 11	Munoo.	✓ 12	Retray Khoord.	Ditto to Sangleekur Putwurdhun.
✓ 1	Sydapoor.	} Entered in the accounts as belonging to the Punt Prithindhee.																									
✓ 2	Kapeel.																										
✓ 3	Padlee.																										
✓ 4	Belowdey Wurghat.																										
✓ 5	Doosherey.																										
✓ 6	Gondee.																										
✓ 7	Ghonshee.																										
✓ 8	Kodolee.																										
✓ 9	Veerwudey.																										
✓ 10	Bichood.																										
✓ 11	Munoo.																										
✓ 12	Retray Khoord.		Ditto to Sangleekur Putwurdhun.																								
✓ 19	Turf Murlee.																										
✓ 20	Turf Patun.																										
✓ 21	Turf Helwak.																										
✓ 22	Kuryat Kaseegaon.																										
✓ 23	Turf Koley.																										
✓ 24	Fort Sadasewgud, Wussuntgud, and Munchindrugud.																										
✓ 25	Kuryat Ashta.																										
✓ 26	Turf Khuttao.																										
✓ 27	Turf Mallowdee.																										
✓ 28	Turf Duhigaon.																										
✓ 29	Turf Mhuswud.																										
✓ 30	Turf Lulgaon.																										
✓ 31	Forts of Muchimangud, Waroogud, and Wurdhungud.																										
✓ 32	Turf Dhurmpooree.																										
✓ 33	Kuryat Khanapoor.																										
✓ 34	Kuryat Mainee.																										
✓ 35	Kuryat Wangee.																										
✓ 36	Kuryat Viteh.																										
✓ 37	Kuryat Bhalownee.																										
✓ 38	Kuryat Nimsod.																										

Consecutive Numbers	Names of the Division.
✓ 39	Fort of Bhooshungud.
✓ 40	Purgunnah Kassegaoon, Talooka Punderpoor.
✓ 41	Purgunnah Brumhupooree, Talooka Punderpoor.
✓ 42	Purgunnah Sangola.
✓ 43	Purgunnah Gherdee.
✓ 44	Purgunnah Nazréy.
✓ 45	Purgunnah Aklooj.
✓ 46	Purgunnah Velapoor.
✓ 47	Purgunnah Bhalownee, with the exception of the following five villages, entered in the accounts as belonging to the Chief Akulkote.—
	1 Peeliv.
	2 Shendé Chinch.
	3 Shingornee.
	4 Dhanorey.
	5 Koosmadey.
✓ 48	Turf Havelee Wae.
✓ 49	Turf Jor Khorey.
✓ 50	Summut Koreygaon.
✓ 51	Summut Wagholee.
✓ 52	Purgunnah Molwad.

The parts of the following Purgunnahs, situated in the Collectorate of Sattara :—

- ✓ 53 Purgunnah Bejapoor.
- ✓ 54 Purgunnah Gotay.
- ✓ 55 Purgunnah Bullotee.
- ✓ 56 Purgunnah Sidhnath.
- ✓ 57 Purgunnah Mumdapoor.
- ✓ 58 Purgunnah Chumulgee.
- ✓ 59 Purgunnah Kolhar.
- ✓ 60 Purgunnah Honwad.
- ✓ 61 Purgunnah Bardole.
- ✓ 62 Purgunnah Shurala, with the exception of the village of Watergaon, entered in the accounts as belonging to Chief of Kooroondwad.

Consecutive Numbers.	Names of the Division.
✓ 63	Purgunnah Atpadee, with the exception of the village Vitlapoor, entered in the accounts as belonging to the Punt Prithinidhee.
✓ 64	Purgunnah Mungulwedhey.
✓ 65	Purgunnah Shirwul, with the exception of the following villages, entered in the accounts as belonging to the Punt Suchoo.—
✓	1 Shirwul.
✓	2 Bowdé.
✓	3 Kessordee.
✓	4 Pargaon.
✓	5 Tondlé.
✓	6 Sangvee.
✓	7 Bhadé.
✓	8 Rooee
✓	9 Yelké.
✓	10 Kowté.
✓	11 Bhadowde.

The parts of the following Turfs, situated in the Collectorate of Sattara :—

- ✓ 66 Turf Sawurdey.
- ✓ 67 Turf Chiploon.
- ✓ 68 Turf Walwa, situated within the Sattara Territory, with the exception of the village Koondul, entered in the accounts as belonging to the Punt Prithinidhee.
- ✓ 69 Turf Waroon.
- ✓ 70 Turf Phultun, excepting the villages of Dalwuddee and Wakree, entered in the accounts as belonging to the Chief of Pultun.
- ✓ 71 Turf Velwund Khorey.
- ✓ 72 Turf Rohidkhorey, with the exception of the village Hatnoshee, entered in the accounts as belonging to the Punt Suchoo.
- ✓ 73 Turf Neerthudee, with the exception of the village Meerjey, entered in the accounts as belonging to the Punt Suchoo.

The parts of the following Kuryats, situated within the Collectorate of Sattara :—

- ✓ 74 Kuryat Bajee.

Consecutive Numbers.	Names of the Division
* ✓ 75	Do. Wudgaon.
✓ 76	Do. Havelee Kolapoor.
✓ 77	Do. Kodolee.
✓ 78	Do. Satwa.
✓ 79	Kuryat Bhilowdee, with the exception of the following four villages :—
	✓ 1 Nagraley.
	✓ 2 Babwudey.
	✓ 3 Ghogaon, and
	✓ 4 Tooparee, entered in the accounts as belonging to the Chief of Sanglee.
✓ 80	Kuryat Sanglee.
✓ 81	Kuryat Doodgaon, with the exception of Bhud Kinbey, entered in the accounts as belonging to Sangleekur Putwurdhun.
✓ 82	Kuryat Ound, with the exception of the following eight villages :—
	✓ 1 Ramapoor.
	✓ 2 Viahapoor.
	✓ 3 Soukeerey.
	✓ 4 Pargaon.
	✓ 5 Seerugaon.
	✓ 6 Chikulwahal.
	✓ 7 Oound.
	✓ 8 Kurley.
	} Entered in the accounts as belonging to the Punt Prithinidhee.
	} Ditto as belonging to the Chief of Akulkote.
✓ 83	Kuryat Tasgaon.
✓ 84	Ditto Wissapoor, with the exception of the following four villages, entered in the accounts as belonging to the Chief of Sanglee :—
	✓ 1 Altay.
	✓ 2 Seergaon.
	✓ 3 Nimb.
	✓ 4 Andhullee.
✓ 85	Ditto Anjee.
✓ 86	Ditto Raibaug.
✓ 87	That part of Prant Panalla situated within the Collectorate of Sattara

SCHEDULE B.

LIST of VILLAGES in the COLLECTORATE of SHOLAPOOR to be brought under the Regulations and Acts.

1. All the Villages of Purgunnah Kurcumb, Talooka Marah, situated in the Collectorate of Sholapoor, and not brought under the Regulations by Regulation XXIX. of 1827, viz:—

- ✓ 1 Moujé Pehnour
- ✓ 2 „ Bhend.
- ✓ 3 „ Bhutoombrey.
- ✓ 4 „ Yeotee.
- ✓ 5 „ Akoombey
- ✓ 6 „ Bembla.
- ✓ 7 „ Tambweh, and
- ✓ 8 Kusba Kurcumb

✓ 2. All the villages of the Nuldroog Purgunnah, Talooka Sholapoor, situated in the Collectorate of Sholapoor, remaining to be brought under the Regulations, and not entered in Act VI. of 1842, viz:—

Moujé Tudwaleh.

✓ 3. All the villages of the Chand Kowta Purgunnah, Talooka Hyperga, situated in the Collectorate of Sholapoor, not brought under the Regulations by Act VI. of 1842, viz:—

Moujé Unkulgee.

✓ 4. The whole of Purgunnah Chimulgee, Talooka Mungolee, not brought under the Regulations, by Regulation XXIX. of 1827, viz:—

- ✓ 1 Kusba Chimulgee.
- ✓ 2 Moujé Almuttee.
- ✓ 3 „ Wundul.
- ✓ 4 „ Beeruldeenee.
- ✓ 5 „ Boodnee.
- ✓ 6 „ Hoonshall.
- ✓ 7 „ Nagwar.
- ✓ 8 „ Akulwaree.

- ✓ 9 Moujé Arsungee.
- ✓ 10 „ Benal
- ✓ 11 „ Ungudgeeree.
- ✓ 12 „ Hunguige.
- ✓ 13 „ Oonee Bhawee, and
- ✓ 14 „ Goodheenee.

✓ All the villages of the Needgoondee Purgunnah not brought under the Regulations by Regulation VII. of 1830, and Act VI. of 1842 :—

- 1 Areshunker.
- 2 Wudwudgee.

LIST of VILLAGES in the SOUTHERN MARATHA COUNTRY to be brought under the Regulations and Acts.

1. The following villages in Turf Moogul Khode :—

- ✓ Moujé Goondewadee.
- ✓ „ Dhuroor.
- ✓ „ Sudapoor.
- ✓ „ Koleejood.
- ✓ „ Yebuhuttee.
- ✓ „ Harogeree.
- ✓ „ Heedkul.
- ✓ „ Moogul Khode.
- ✓ „ Palhavee.
- ✓ „ Kuppulgoodee.
- ✓ „ Hulloor.
- ✓ „ Sivapoor.
- ✓ „ Khan Naikinhuttee.
- ✓ „ Moodulgee.
- ✓ „ Moonal.

2. The following villages in Prant Meerij :— ✓

- | | | |
|-----|----------------------------|-------------------|
| ✓ 1 | Moujé Sonee | } Kuryat Muné. |
| ✓ 2 | „ Bhoose. | |
| ✓ 3 | „ Bisoor. | } Kuryat Sunglee. |
| ✓ 4 | „ Koopwadé. | |
| ✓ 5 | „ Hurolee, Kuryat Dessing. | |

- ✓ 6 Moujé Yerundolee. } Kuryat Bedug.
- ✓ 7 „ Belowkee. } Kuryat Bedug.
- ✓ 8 „ Arwundé, Kuryat Sawurdé
- ✓ 9 „ Wudgaon, Kuryat Anjee.
- ✓ 10 „ Kulombée, Kuryat Hawélee.
- ✓ 11 „ Shedshal, Kuryat Seerhuttee
- ✓ 12 „ Pandegaon, Kuryat Kowté Mahankul. —
- ✓ 13 Kusba Tasgaon. } Kuryat Tasgaon.
- ✓ 14 Moujé Toorchee. } Kuryat Tasgaon.
- ✓ 15 „ Padlee. } Kuryat Tasgaon.
- ✓ 16 „ Bshellwaddy } Kuryat Tasgaon.
- ✓ 17 „ Wusgudé, Kuryat Kowté —
- ✓ 18 „ Nimnee.

3 The following villages in Prant Kagul :— ✓

- 1 Moujé Anklee, Kuryat Manjree.
- 2 „ Boorlee, Kuryat Diguuj

4. The following villages in Prant Rayabng :— ✓

- 1 Kusba Ainapoor, Kuryat Ainapoor.
- 2 Moujé Hutnolee, Kuryat Nandulé.

5. The following village in Prant Hookéree :— ✓

- 1 Moujé Mungawuttee, Kuryat Joogul.

6 The following villages in Prant Beejapoor :— ✓

- 1 Moujé Sheerhuttee. } Kuryat Kokutnoor.
- 2 „ Nagnoor. } Kuryat Kokutnoor.
- 3 „ Rutnapoor. } Kuryat Kokutnoor.
- 4 „ Sewdee. } Kuryat Kokutnoor.
- 5 „ Hullihal. } Kuryat Kokutnoor.

The following village in Purgunnah Kokutnoor :— ✓

- 1 Moujé Mhyswadgee.

7. Purgunnah Yadwar with the exception of the 3 following villages. — ✓

- 1 Ourwad
- 2 Kulleegodee.
- 3 Chippulkuttee.

Entered in the accounts as belonging to the Chief of Jumkhundee.

- (12) ✓ 8 Kuryat Kinnee. ✓
- (9) ✓ 9 The following village in Turf Kannoor :— ✓
1 Moujé Chick Tursee, Kuryat Kannoor.
- 8 ✓ 10 The following village in Purgunnah Shahpoor. — ✓
1 Ashte.
- (24) ✓ 11 The following villages in Kuryat Sawurdé :—
1 Kusba Sawurdé.
2 Moujé Londé.
3 „ Doilee.
- (1) ✓ 12. The following villages in Turf Phootgaum :—
1 Kusba Saoluj.
2 Moujé Dongursanee.
3 „ Kurowlee.
- (13) ✓ 13. The following village in Turf Tasgaum :—
1 Moujé Poonudee.
- (15) ✓ 14 The following village in Kuryat Doodgaum. —
1 Moujé Bargaom.
- (14) ✓ 15 The following village in Kuryat Digrāj :— ✓
1. Moujé Bargaom.
- (1) ✓ 16. The following village in Prant Kurad :— ✓
1 Moujé Yelawee.
- (17) ✓ 17: The following village in Kuryat Oochgaom :— ✓
1 Moujé Belgoondee.
- (17) ✓ 18. The following village in Kuryat Kagtee :— ✓
1 Moujé Kungralee Khoord.

19. The following village in Turf Samburay :—

1 Moujé Niljee.

20. The following village in Purgunnah Azumnugur :—

1 Khasbag.

21. The following isolated villages :—

1 Kusba Shedbal.

2 " Joogul.

3 Moujé Kagwad.

4 " Oogur Boodrook.

5 " Moorgoondee.

6 " Tavsee.

7 " Nandgaom.

22. The following villages in Purgunnah Luxumeshwar :—

1 Moujé Kullus.

2 " Soorngee.

3 " Konheegeree.

4 " Wudwee

5 " Beejoor

6 " Kunkapoor

7 " Kondeekope.

8 " Konereecope.

23. The following villages in Purgunnah Moolgoond :—

✓ 1 Moujé Moolgoond.

2 " Sherool.

✓ 3 " Kaboolayet Kuttee

✓ 4 " Hurthee.

✓ 5 " Chinchlee.

✓ 6 " Kulloor.

✓ 7 " Chuklubbee.

✓ 8 " Heerenurtee.

9 " Yergoopee.

✓ 10 " Narayenpoo.

✓ 11 " Nagurhullee.

✓ 12 " Muntoor

4 b

- ✓ 13 Moujé Keresoor.
- ✓ 14 " Hebsoor.
- ✓ 15 " Kurlwad.
- ✓ 16 " Kooruttee.
- ✓ 17 " Chick Nurtee.

⑤ ✓ 24. The following village in Kuryat Ingulhullee: ✓
Moujé Ingulhullee.

⑥ ✓ 25. The following villages in Purgunnah Nurgoond: ✓

- ✓ 1 Moujé Nurgoond.
- ✓ 2 " Byrunhuttee.
- ✓ 3 " Dundapeor.
- ✓ 4 " Kurwinkope.
- ✓ 5 " Jugapoor.
- ✓ 6 " Moujepet.
- 7 " Urbaun.
- 8 " Somapoor.
- ✓ 9 " Boorkuttee.
- ✓ 10 " Seedapoor.
- ✓ 11 " Chick Nurgoond.
- ✓ 12 " Kunkeekope.
- ✓ 13 " Halgope.

⑦ ✓ 26. The following villages in Purgunnah Nowlgoond: ✓

- 1 Moujé Kooregovunkope
- 2 " Hoonreekuttee.

27. The following villages in Kuryat Seerolé: ✓

- 1. Moujé Seerolé.
- 2 " Wudwuttee.
- 3 " Ingulgoondée.
- 4 " Kullus.
- 5 " Lingudhal.
- 6 " Boodeehal.

⑧ ✓ 28. The following villages in Tuf Konnoor: ✓

- ✓ 1 Moujé Konnoor.
- ✓ 2 " Aileekuttee.

- 3 Moujé Lukmapoor.
- 4 " Goonukope.
- 5 " Chick Molungee.
- 6 " Heera Tudsee.
- 7 " Wasseena.
- 8 " Idgull.
- 9 " Madhagee
- 10 " Bennoor.
- 11 " Ujgoondee.
- 12 " Bennoor.
- 13 " Tulukwad.
- 14 " Hoteehollee.
- 15 " Lingudhal.

29. The following villages in Puigunnah Badamee :— ✓

- 1 Moujé Megoor.
- 2 " Karamoodee.

30. The following village in Mahal Hoskerree :—

- 1 Khurkope.

31. The isolated villages of Behuttee and Sungdal.

SCHEDULE C.

PARTS OF VILLAGES and LANDS ceded to the GOVERNMENT of BOMBAY for Railway purposes.

Collectorate of Surat.

So much land in the villages of Kunsar, Oodhna, Vercha, Oon, and Sucheem, as was ceded by the Nawab of Sucheem. ✓

Collectorate of Kava

So much land in the village of Khumbhalia as was ceded by His Highness the Guicowar. ✓

Government of Bombay.

LEGISLATIVE DEPARTMENT.

AN ACT

FOR

Bringing under the Regulations and Acts of the Presidency of Bombay the Territories of Sattara, certain Villages and lapsed States in the Collectorate of Sholapoor and in the Southern Maratha Country, certain lands ceded to the Government of Bombay for Railway purposes, and the District of North Canara, with the exception of the Talooka Cundapoor, and for excluding the Village of Modchundee, Purgunnah Jutt, from the operation of the Regulations and Acts of the Presidency of Bombay.

[Received the assent of the Governor of Bombay on the 4th day of January 1863, and of the Governor General on the 25th day of March 1863, and published by the Governor of Bombay on the 15th day of April 1863.]

Price Four Annas.

PRINTED AT THE EDUCATION SOCIETY'S PRESS.

BOMBAY.

ACT No. IV. of 1863

*An Act to amend Act XV. of 1858 for the levy of Port-dues
in the Port of Aden.*

[Received the assent of the Governor of Bombay on the 11th day of March
1863, and of the Governor General on the 13th day of April 1863, and
published by the Governor of Bombay on the 7th day of May 1863]

WHEREAS the proceeds of the Port-dues levied in the Port of Aden have
Preamble. been found insufficient to defray the ordinary
expenses of the harbour, and it is expedient that
the said dues be increased, it is enacted as follows:—

Repeal of Section I. of Act
XV of 1858

I. Section I. of Act XV. of 1858, of the
Legislative Council of India, is repealed from and
after the 30th day of June A. D 1863.

II. From and after the 1st day of July 1863 it shall be lawful to charge
and levy in respect of every sea-going vessel of the
burden of ten tons and upwards which shall enter
the Port of Aden, port-dues at such a rate not
exceeding three annas for every ton of burden, as the Governor in Council
may order

Section II of the Act to be
read as part of Act XV. of 1858.

III. Section II. of this Act shall be read and
taken as a part of Act XV. of 1858.

Government of Bombay.

LEGISLATIVE DEPARTMENT.

AN ACT

TO

Amend Act XV. of 1858 for the levy of
Port-dues in the Port of Aden.

[Received the assent of the Governor of Bombay
on the 11th day of March 1862, and of the
Governor General on the 13th day of April
1863, and published by the Governor of Bombay
on the 7th day of May 1863]

Price Half an Anna.

BOMBAY.

ACT No. V. OF 1863

An Act to confer certain Powers on the Bombay Gas Company, Limited ; and to enable Government to confer similar powers on other Companies registered and incorporated for the purpose of manufacturing and supplying Gas.

[Received the assent of the Governor of Bombay on the 21st day of March 1863, and of the Governor General on the 21st day of April 1863, and published by the Governor of Bombay on the 12th day of May 1863.]

WHEREAS a Joint Stock Company has been lately formed for the purpose of introducing Gas Works into the Presidency of Bombay, which Company has been completely registered in England under the "Joint Stock Companies Acts 1856 and 1857" with limited liability, and has duly obtained a certificate of Incorporation under the name of "THE BOMBAY GAS COMPANY, LIMITED." And whereas the said Company is about to erect Gas Works in the Suburbs of Bombay, and is engaged in the preparation of apparatus and materials for the manufacture and supply of Gas, and also in the business of Gas fitters in the Presidency of Bombay : And whereas it is expedient that powers and facilities should be given to the said Company to enable them to carry out their undertaking of lighting with Gas the Town and Suburbs of Bombay ; which powers and facilities may hereafter be extended to the operations of the said Company in other Towns and Places within or subject to the Presidency of Bombay, and to other Companies which are or may hereafter be registered and incorporated for the purpose of manufacturing and supplying Gas ; It is enacted as follows :—

I In the town and suburbs of Bombay and in any other town or place to which the provisions of this Act may hereafter be extended, by an order or orders or permission of the Governor in Council, the Bombay Gas Company, Limited

Power to break up streets, &c. under superintendence and to open drains

Limited, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits, pipes, conduits, service pipes, and other works, and from time to time repair, alter or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the gas; and, for the purposes aforesaid, may remove and use all earth and materials in and under such streets and bridges; and the Company may in and on such streets and bridges erect any pillars, lamps, and other works, and do all other acts which the said Company shall from time to time deem necessary for supplying gas to the inhabitants of the said town and suburbs of Bombay, or other town or place as aforesaid, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

II. Provided always, that nothing herein shall authorise or empower the said Company to lay down or place any pipe or other works into, through, or against any building or in any land not dedicated to public use, without the consent of the owners and occupiers thereof, except that the said Company may at any time enter upon and lay or place any new pipe in the place of any existing pipe in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down.

III Before the said Company proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the Municipal Commissioners for the town of Bombay, or other persons under whose control or management the same may be, or to their Clerk, Surveyor, or other officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work: except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the works, or the necessity for the same shall have risen.

IV. No such street, bridge, sewer, drain, or tunnel, shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved

Streets or drains not to be broken up except under superintendence of persons having control of the same.

ed of by such persons, or their officers, or in case of any difference respecting such plan, then according to such plan as shall be determined by a Magistrate; and a Magistrate may, on the application of the persons having the control or management of any such sewer, or drain, or their officer, require the said Company to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of

If persons having the control, &c. fail to superintend, Company may proceed with the work.

any works, which interfere with any such sewer or drain. Provided always that if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain or tunnel, after having had such notice of the said Company's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said Company may perform the work specified in such notice without the superintendence of such persons or their officer.

V. When the said Company open, or break up the road, or pavement of any street, or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground, and re-instate and make good the road or pavement, or the sewer, drain, or tunnel, so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times, whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light, sufficient for the warning of passengers, to be set up and maintained against or near such road or pavement where the same shall be open or broken up, every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up, in good repair for three months after replacing and making good the same.

VI. If the said Company open, or break up any street, or bridge, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of, or determined as aforesaid, or without making such temporary or other works as aforesaid when so required, except in the cases in which the said Company are hereby authorised to perform such works without any superintendence or notice; or if the said Company make any delay in completing any such work, or in filling in the ground, or re-instating and making good the road or pavement,

Penalty for delay in re-instating streets.

or

or the sewer, drain, or tunnel, so opened or broken up, or in carrying away the rubbish occasioned thereby; or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same shall have been made good, they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such default is made, a sum not exceeding Fifty Rupees for every such offence, and they shall forfeit an additional sum not exceeding Fifty Rupees for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

VII. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such delay or omission shall take place, may cause the work so delayed, or omitted, to be executed, and the expense of executing the same shall be repaid to such persons by the said Company; and the amount of such expense shall in case of any dispute about the same be ascertained and recovered in Bombay and in any other town or place subject to the jurisdiction of any of Her Majesty's High Courts of Judicature, in the manner in which expenses are ascertained and recovered under Act XIV. of 1856, and in any town or place not within the jurisdiction of any of Her Majesty's High Courts of Judicature, in the same manner as damages are recoverable under this Act.

In cases of delay other parties may re-instate and recover the expenses

Expense how to be ascertained and recovered.

VIII. The Clerk, Engineer, or other officer duly appointed for the purpose by the said Company, may at all reasonable times enter any buildings, or place lighted with gas supplied by the said Company, in order to inspect the meters, fittings and works for regulating the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied; and if any person hinder such officer as aforesaid from entering and making such inspection as aforesaid, at any reasonable time, he shall for every such offence, forfeit to the said Company a sum not exceeding Fifty Rupees

Power to enter buildings for ascertaining quantity of gas consumed.

IX. If any person supplied with gas, or any person to whom any meter or fitting shall have been let for hire by the said Company, neglect to pay the rent due for the same to the said Company, the said Company may stop the

Recovery of rents due for gas.

the

the gas from entering the premises of such person by cutting off the service pipes or by such means as the said Company shall think fit, and the said Company may recover the rent due from such person, together with the expense of cutting off the gas, by proceeding, before a Magistrate, or by action or plaint in any Court of competent jurisdiction.

X. In all cases in which the said Company are authorised to cut off and take away the supply of gas from any house or building or premises under the provisions of this Act, the said Company, their agents, or workmen, after giving twenty-four hours previous notice to the occupier, may enter into any such house, building or premises, between the hours of nine in the forenoon and four in the afternoon, and recover and carry away any pipe, meter, fittings, or other works, the property of the said Company.

XI. Any pipe, meter, fitting, or other work let for hire by the said Company, shall not be subject to distress for rent or revenue, or any rate or tax due upon the premises where the same may be used, nor be taken in execution under any process of any Court whatsoever, or in or under any proceeding in bankruptcy, or insolvency, against the person in whose possession or power the same may be.

XII. Every person who shall lay, or cause to be laid, any pipe to communicate with, or who shall derive gas directly or indirectly from any pipe belonging to the said Company, without their consent, or who shall fraudulently injure or tamper with any such pipe, meter, fitting, or other work as aforesaid, or who in case the gas supplied by the said Company is not ascertained by meter, shall use any burner other than such as has been provided or approved of by the said Company, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or shall otherwise improperly use or burn the gas or shall supply any other person with any part of the gas supplied to him by the said Company, shall in addition to the amount firstly due to the Company, for gas supplied, forfeit to the said Company the sum of Fifty Rupees for every such offence, and also the sum of Twenty Rupees for every day every such offence shall have been continued or repeated, and the said Company may take off the gas from the house and premises of the person so offending, notwithstanding

notwithstanding any contract which may have been previously entered into, and shall not be liable to any action or suit for so doing.

XIII. Every person who shall wilfully remove, destroy, or damage, any pipe, pillar, post, plug, lamp, or other work of the said Company for supplying gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the gas supplied by the said Company, shall for each such offence forfeit to the said Company any sum not exceeding Fifty Rupees in addition to the amount of the damage done.

Penalty for wilfully damaging pipe

XIV. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the said Company or under their control, shall pay to the Company such sum of money by way of satisfaction, not exceeding the amount of the damage done, as any Magistrate shall think reasonable.

Satisfaction for accidentally damaging pipes.

XV. * If the said Company shall at any time cause, or suffer to be brought or to flow, into any stream, reservoir, aqueduct, pond, or place for water, or into any drain communicating therewith, any washing or other substance produced in making or supplying gas, or shall wilfully do any act connected with the making or supplying of gas, whereby the water in any such stream, reservoir, aqueduct, pond, or place for water, shall be fouled, the said Company shall forfeit for every such offence a sum not exceeding One Thousand Rupees, and they shall forfeit an additional sum not exceeding Five hundred Rupees for each day during which such washing or other substance shall be brought or shall flow, or the act by which such water shall be fouled, shall continue after the expiration of twenty-four hours from the time when notice of the offence shall have been served on the said Company by the person into whose water such washing or other substance shall be brought or shall flow, or whose water shall be fouled thereby.

Penalty for causing water to be corrupted.

Daily penalty during the continuance of the offence.

XVI. Whenever any gas shall escape from any pipe laid down or set up by or belonging to the said Company, they shall immediately after receiving notice thereof in writing prevent such gas from escaping, and in case the said Company shall not within twenty-four hours next after service of such notice,

Daily penalty during escape of gas after notice.

notice, effectually prevent the gas from escaping, and wholly remove the cause of complaint, they shall for every such offence forfeit the sum of Fifty Rupees for each day during which the gas shall be suffered to escape after the expiration of twenty-four hours from the service of such notice,

XVII. Whenever any water shall be fouled by the gas of the said Company, they shall forfeit to the person whose water shall be so fouled, for every such offence a sum not exceeding Five Hundred Rupees, and a further sum not exceeding One Hundred Rupees for each day during which the offence shall continue after the expiration of twenty-four hours from the service of notice of such offence.

Penalty if water be fouled by gas

XVIII. For the purpose of ascertaining whether such water be fouled by the gas of the said Company, the person to whom the water supposed to be fouled shall belong may dig up the ground and examine the pipes, conduits and works of the said Company; provided that such person before proceeding so to dig and examine shall give twenty-four hours notice in writing to the said Company of the time at which such digging and examination is intended to take place, and shall give the like notice to the persons having the control or management, of the road, pavement, or place, where such digging is to take place, and they shall be subject to the like obligation of re-instating the said road and pavement, and the same penalties for delay, or any nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the said Company for the purpose of laying their pipes; and provided further that the officers, or other persons, acting on behalf of the Company, may be present at such digging and examination as aforesaid.

Power to examine gas pipes to ascertain cause of water being fouled.

XIX. If upon any such examination, it appear that such water has been fouled by any gas belonging to the said Company, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the said Company; but if upon such examination it appear that the water has not been fouled by the gas of the said Company, the person causing such examination to be made shall pay all such expenses, and shall also make good to the said Company any injury which may be occasioned to their works by such examination.

Expenses to abide result of examination

XX.

XX. The amount of the expenses of every such examination and repair and of any injury done to the said Company shall in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the manner prescribed for the ascertainment and recovery of expenses in Section VII. of this Act.

How expenses to be ascertained

XXI. Nothing in this Act contained shall prevent the said Company from being liable to an indictment for nuisance, or to any other legal proceedings, to which they may be liable, in consequence of making or supplying gas.

Liability to indictment for nuisance.

XXII. Copies of the Memorandum and Articles of Association of the said Company and of every other instrument registered under the said "Joint Stock Companies Acts 1856 and 1857" as constituting the regulations of the said Company, and a copy of every special resolution of a General Meeting whereby any change shall have been or at any time shall be made in the regulations of the said Company, shall be kept at the Office of the said Company in Bombay, and shall there be open to the inspection

Copies of the Memorandum and Articles of Association and of all regulations, &c. to be kept for inspection at the Office of the Company in Bombay, and in the Secretariate, and the Office of the Registrar of Joint Stock Companies, or the person having the custody of the records of the High Court at Bombay.

of all persons during the usual hours of business of the said Office, and copies of such Memorandum and Articles of Association and of every other such instrument, and of every special resolution as aforesaid shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such special resolution hereafter to be made in the Bombay Secretariate and also in the Office of the Registrar of Joint Stock Companies, or if there be no such Officer, in the Office of the person having the custody of the records of the High Court of Judicature at Bombay, and shall there be filed; and an examined copy of any such filed copy as aforesaid certified by and under the hand of the Registrar of Joint Stock Companies, or of the person having the custody of the records of the said High Court, shall be good and sufficient evidence of such Memorandum, or Articles of Association, instrument, or special resolution, in all actions, suits and proceedings whatsoever, whether Civil or Criminal, to be had in any Court of Justice, whether established by Royal Charter or not, or before any Magistrate or Revenue or other Officer, and whether acting judicially, or in any proceeding preliminary to a judicial inquiry throughout the territories within or subject to the Presidency of Bombay.

XXIII. All services of mesne, or other process, and all notices whatsoever, which by law or by the practice of any Court wherein the said Company shall sue or be sued, are required to be made, served, or given for any purpose whatsoever to the said Company, shall and may be made, served, and given in addition to all ways and means by which the same may otherwise be legally made, served, and given by leaving the same addressed to the Managing Agent of the said Company at the Office in Bombay of the said Company.

XXIV. Any penalties and forfeitures imposed by this Act, and any damages and expenses the recovery of which is not hereinbefore specially provided for, may respectively be recovered to the amount of Fifty Rupees by summary proceeding before a Magistrate.

XXV. All penalties, forfeitures, damages, and expenses adjudged due, under this Act, if the amount be not otherwise paid, may be levied by distress, and sale of the goods and chattels of the party liable to pay the same, and the surplus arising from such goods and chattels after satisfying such amount, and the expenses of the distress and sale shall be returned on demand to the party whose goods shall have been distrained, or instead of proceeding by distress and sale, or in case of failure to realise by distress the whole or any part of any penalties, forfeitures, damages, or expenses imposed or incurred under the provisions of this Act, the person claiming such penalty, forfeiture, damage or expenses may sue the person liable to pay the same in any Court of competent jurisdiction.

XXVI. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

XXVII. It shall be lawful for the Governor in Council, by an order to be published in the *Bombay Government Gazette*, to extend the provisions of this Act to any other town or place within or subject to the Presidency of Bombay, and also to any other Joint Stock Company.

The Governor in Council may extend this Act to other Towns or places in the Presidency of Bombay.

Company which may hereafter be formed for the purpose of manufacturing and supplying Gas and which may have been completely registered according to Law.

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

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include also the singular number. Words importing the masculine gender shall include females.

The word "person" shall include a corporation whether aggregate or sole.

The word "street" shall include any public passage or place, and any road, square, court, alley, highway, lane, gully, or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public or railway bridge or causeway, and over the approaches thereto.

The word "Magistrate" shall include any Magistrate of Police and any Joint Magistrate or other person lawfully exercising the power of Magistrate acting at or for the place or district where the matter requiring the cognizance of any such Magistraté arises.

The expression "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 be hereafter reclaimed from the Sea or Harbour.

Government of Bombay.

LEGISLATIVE DEPARTMENT.

AN ACT

TO

Confer certain Powers on the Bombay Gas Company, Limited; and to enable Government to confer similar powers on other Companies registered and incorporated for the purpose of manufacturing and supplying Gas.

[Received the assent of the Governor of Bombay on the 21st day of March 1863, and of the Governor General on the 21stth day of April 1863, and published by the Governor of Bombay on the 12th day of May 1863]

Price Three Annas.

BOMBAY.

ACT No. VI. OF 1863.

An Act for the Regulation of Public Conveyances in the Town, Suburbs, and Harbour of Bombay.

[Received the assent of the Governor of Bombay on the 8th day of April 1863, and of the Governor General on the 23rd day of May 1863, and published by the Governor of Bombay on the 11th day of June 1863.]

WHEREAS it is expedient that arrangements be made for the better regulation and control of public conveyances plying for hire for the conveyance of persons or goods within the Town, Suburbs, and Harbour of Bombay, and for the conduct of the Licensees, Drivers, or other attendants of such public conveyances; It is hereby enacted as follows:—

I Every Carriage with two or more wheels which shall be used for the purpose of plying for hire within the jurisdiction of the Commissioner of Police of Bombay, of whatever form or construction, or by whatever number of horses or other animals the same shall be drawn, and every Palkee which shall be let for hire, shall be deemed and taken to be a public land conveyance; and every Boat or other Vessel carrying passengers for hire within the said jurisdiction, whatever be the means by which the same may be propelled, shall be deemed and taken to be a public water conveyance within the meaning of this Act.

II. No person shall keep or let for hire any public conveyance within the said jurisdiction, without having a License in force for the same granted in the case of a land conveyance by the Commissioner of Police, and in the case of a water conveyance by the Master Attendant, nor if such conveyance be ordinarily let for

hire for periods of less than one whole day, unless there be painted or branded on such parts of the said conveyance, as the Commissioner of Police or Master Attendant may respectively direct, a number corresponding with that of the License granted for such conveyance, together in the case of a land conveyance licensed to carry passengers with the number of passengers it is licensed to carry, as follows:—"Licensed to carry () passengers only;" nor unless a board or plate inscribed with such list of rates of fares, and affixed in such manner as the Commissioner of Police or Master Attendant may respectively direct, be attached to such conveyance; and any person keeping or letting for hire any public conveyance without such License as aforesaid, or without such number or inscription being legibly painted or branded thereon, or without such list of rates of fare being attached thereto, shall be liable, on conviction before a Magistrate of Police, to a penalty not exceeding Rupees One Hundred, or to simple imprisonment for a period not exceeding three months.

III. No attendant of any public land conveyance shall ply for hire or demand or receive any fare for the conveyance of any passenger unless he shall have received a License from the Commissioner of Police, and a metal badge bearing the number of such License, which badge he shall be bound to wear on a conspicuous part of his dress at all times when he may be so plying for hire or pursuing his occupation as such attendant, and if any attendant who shall not have received a License and badge shall demand or receive any money from any passenger, or if any licensed attendant shall fail to wear the badge aforesaid as in this Section directed, or if he shall permit any other person to wear his badge, he shall for each such offence be punishable on conviction before a Police Magistrate, with a fine not exceeding Rupees Twenty, in default of payment of such fine shall be liable to simple imprisonment for a period not exceeding one month. Provided that every person other than the licensed attendant who wears the badge is presumed to wear it with the licensed attendant's permission.

No attendant of a public land conveyance to ply without a license and badge.

Attendant to wear and not to lend his badge.

PROVISO.

IV.

IV. Every License shall contain and specify the full name and address of the Licensee, the number and class of conveyance for which the License has been issued, the number of horses or other animals by which the conveyance shall be drawn, or the number of persons composing the crew, the number of passengers such conveyance is licensed to carry, and whether it be licensed to ply for hire on fixed stands only or to take up passengers on any and what roads, or places, and between any and what points, the date on which such License was granted, and that on which it will by efflux of time lapse and expire.

V. As often as any Licensee shall change his residence he shall give notice thereof in writing signed by himself to the Commissioner of Police, or the Master Attendant, as the case may be, and in failure to give that notice for one week after his change of residence he shall be liable to a penalty of Rupees Twenty.

VI. Licenses issued under Section II. of this Act shall usually be granted on the 1st January in each year, but the Commissioner of Police or Master Attendant may, at any other time, grant Licenses, and shall always at the time of granting every License, and at all other times when necessary, cause to be painted or branded upon a conspicuous part of every such public conveyance, such number and inscription as are required by Section II. Provided that the said Commissioner of Police or Master Attendant may, in his discretion, refuse to grant any such License for any conveyance which he may consider to be insufficiently found or otherwise unfit for the conveyance of the public, or to any applicant whom he may consider from youth, bad character, or for other reason unfit to be entrusted with the same.

VII. For every such License there shall be levied a fee in accordance with the class of License granted, as shown in the following scale :—

What fees to be levied.

Omnibuses and other vehicles on four wheels to be drawn by two or more horses, and licensed to carry more than 6 persons, including the driver, Rs. 2.

Omnibuses

Omnibuses, Shigrams, and other vehicles on four wheels, licensed to carry not more than 6 persons, including the driver, whether drawn by one or more horses, 1 Rupee.

Buggies, Cabs, or similar vehicles, on two wheels, licensed to carry three persons only, including the driver, 8 Annas.

Bullock Carts on two or more wheels, drawn by two bullocks and licensed to carry five persons, including the driver, 4 Annas.

Bullock Carts on two wheels, drawn by two bullocks and licensed to carry three persons, including the driver, 4 Annas.

Palkee, 4 Annas per year.

Bunder-boats and Ferry-boats, 1 Rupee.

Dhingies, 8 Annas.

Tonies or Canoes, 2 Annas.

Labour Carts to carry goods only, 4 Annas.

The balance of such fees, after all necessary contingent expenses shall have been defrayed, shall, from time to time, be paid into the Bank of Bombay by the Commissioner of Police to the credit of the Municipal Commissioners of Bombay, and by the Master Attendant to the credit of the Port Fund, standing in the name of the Commissioner of Customs.

Provided that nothing in Section II. shall be held to prevent Cargo boats licensed under Act VI. of 1863 from carrying so many passengers for hire as the Chief Officer of Customs may in the License permit.

Proviso.

VIII. The Commissioner of Police and Master Attendant shall, on or as soon as possible after the first day of January in each year, renew the Licenses and numbers of the said public conveyances on payment of the regulated fee by the Licensee.

Provided that nothing herein contained shall prevent the Commissioner of Police or Master Attendant from altering or changing the number of any such conveyance, or from refusing absolutely to renew the License of any conveyance which he may consider to be insufficiently found, or otherwise unfit for its intended purpose,

Proviso.

or

or the owner of which he may consider unfit to be entrusted with such renewed License.

IX. In the event of any such licensed public conveyance being at any time insufficiently found or appointed, or of any driver or attendant of any such public conveyance appearing unfit to be trusted with the charge of the same, or of such conveyance being used for passengers when licensed only for labor, the Commissioner of Police or Master Attendant may, in his discretion, suspend or revoke the License, and order the number of such conveyance to be erased; and the owner of any conveyance, the License of which shall have been suspended, or the number of which shall have been ordered to be erased as aforesaid, who shall again permit the same to ply for hire before he shall have obtained a restoration or renewal of such License from the Commissioner of Police or Master Attendant, and affixed a corresponding number and inscription to such conveyance, shall, on conviction before a Magistrate of Police, be liable to the penalty prescribed by Section II. of this Act, for keeping or letting for hire an unlicensed public conveyance.

X. All Licenses which shall have been suspended or revoked by the Commissioner of Police or Master Attendant under the authority of the preceding Section, shall be delivered up to the said Commissioner of Police or Master Attendant by the Licensee within twenty-four hours after the suspension or revocation thereof, under penalty, on conviction before a Magistrate of Police, of a fine of Rupees Twenty, failing payment of which the Licensee shall be liable to simple imprisonment for a period not exceeding two months.

XI. Duplicate Licenses may be granted by the Commissioner of Police or Master Attendant on proof of the Licensee granted for any public conveyance having been lost or mislaid, or of the particulars written in such License having been accidentally obliterated or defaced; and the said Commissioner of Police or Master Attendant may also renew or restore the numbers or inscriptions on public conveyances

Power of Commissioner of Police and Master Attendant to suspend or revoke Licenses.

Suspended or revoked Licenses to be returned to Commissioner of Police or Master Attendant.

Supplementary Licenses may be issued.

conveyances which shall have become obliterated; a Fee equal to one-half the Fee leviable under Section VII. being previously paid for each License of number renewed or restored under this Section, or under Section VIII. of this Act.

XII. Licenses issued under this Act may be transferred by or on account of the Licensee to any other person, with Licenses not transferable without sanction of Commissioner of Police or Master Attendant endorsed thereon. the sanction of the Commissioner of Police or Master Attendant respectively, such sanction being duly endorsed on the reverse of such License: and all responsibilities of the original Licensee after such sanction endorsed as aforesaid shall attach to the transferee; Provided that any transfer without such sanction endorsed shall forthwith render the License null and void.

XIII. The Commissioner of Police and Master Attendant shall keep Registers containing the full particulars of each Registers to be kept. public conveyance as entered in the License thereof, and any person using or authorising the use of a License, number, or inscription, other than for the particular conveyance for which it has been issued, as apparent from the Register, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Rupees One Hundred, or in default of payment of such fine to simple imprisonment for a period not exceeding three months.

XIV. The Commissioner of Police may, subject to the approval of the Governor in Council, make and publish subsidiary rules not inconsistent with the provisions of this Act for promoting the objects of the same and for the better regulation of public land conveyances, and the said Commissioner of Police shall, from time to time, fix the rates for the fare or hire of such public land conveyances, specifying whether the hire or fare be for the whole conveyance or for one or more passengers, and shall from time to time appoint stands or places, at which stands and places alone such public conveyances may stand to ply for hire; and the rate so settled, and stands or places so appointed shall, when sanctioned by the Governor of Bombay in Council, be published in the *Bombay Government Gazette*, and shall thereafter, or until such rates and places

places shall be again altered by the authorities as aforesaid, be held and taken to be legally fixed and appointed; the Master Attendant having the same power subject to the same restrictions over public water conveyances as the Commissioner of Police has by this Section over public land conveyances.

XV. Any Licensee, driver, or other attendant of any public conveyance, who shall suffer or permit more passengers to be carried by the same than it is licensed to carry, or shall, in any other way, infringe or violate any of the conditions of his License, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Fifty Rupees, or in default of payment of such fine to simple imprisonment for a period not exceeding two months.

XVI. If any Licensee, driver, or other attendant of any public conveyance shall permit or suffer the number or inscription thereof to be in any manner or by any means concealed from public view, or if any such Licensee, driver, or other attendant as aforesaid, shall, in any way, attempt to prevent or obstruct any person taking or noting the number of such public conveyance, he shall, on conviction before a Magistrate of Police, forfeit for every such offence Rupees Twenty, or in default of payment of such fine be liable to simple imprisonment for a period not exceeding two months.

XVII. If the Licensee, driver, or other attendant of any public conveyance, the whole of which has been hired or taken by one or more persons, shall permit or suffer any person to ride or be carried in, upon, or about such public conveyance, without the express consent of the person or persons hiring the same, such Licensee, driver, or other attendant shall, for every such offence, on conviction before a Magistrate of Police, forfeit a sum not exceeding Rupees Twenty, or in default of payment of such forfeit be liable to imprisonment as prescribed in the last preceding Section.

XVIII. Every Licensee, driver, or other attendant in charge of any public conveyance shall have with him, when plying for hire, a clean and legible list in English and such Vernacular

Not to carry passengers in excess of number licensed to carry.

Penalty for concealing number or preventing any person taking note thereof.

Persons not to be permitted to ride in public conveyance without the consent of the hirers.

Drivers, &c., always to have with them a list of fares, &c.

Vernacular Language or Languages as the Commissioner of Police or Master Attendant may order, bearing the name in full of the Licensee, and showing the rates and fares fixed and appointed to be taken for the fare or hire of his conveyance, with an abstract of the laws relating to public conveyances, and shall, on demand, produce the same for the information of any hiree of, or passenger by, such public conveyance, under penalty, on conviction before a Magistrate of Police, of a fine not exceeding Rupees Twenty, and in default of payment of such fine he shall be liable to simple imprisonment for a period not exceeding two months.

XIX. The above lists, as also lists of the rates and fares fixed and appointed for public conveyances, and of the stands or places at which the same ply for hire, with an abstract of the law relating to such conveyances and to the Licensees and attendants thereof, shall be prepared in the offices of the Commissioner of Police and Master Attendant, and shall be issued to all applicants on payment of a fee of Four Annas for each copy.

XX. If any driver or other attendant of any public conveyance shall refuse or neglect to give way, if he conveniently can, to any private conveyance, or shall obstruct or hinder the driver or other attendant of any other public conveyance, in taking up or setting down any person into or from any such other public conveyance, every such driver or other attendant so offending shall, on conviction before a Magistrate of Police, forfeit a sum not exceeding Rupees Twenty, or in default of payment of such forfeit be liable to simple imprisonment for a period not exceeding two months.

XXI. Every driver and other attendant of any public conveyance who shall at any time during such employment be intoxicated, or who shall refuse to obey the reasonable orders of the person or persons hiring or using his conveyance, or shall, when plying for hire, keep the inside of his conveyance dirty, shall, on conviction before a Magistrate of Police, be liable to

to a fine not exceeding Rupees Twenty, and in default of payment thereof shall be liable to imprisonment as prescribed in the last preceding Section.

XXII. If the driver or other attendant of any public conveyance plying for hire not being a labour cart shall demand prepayment of his fare, or shall refuse to convey any person desirous of hiring his conveyance, or shall refuse or delay to proceed with reasonable expedition, or shall exact or demand for the hire thereof more than the regulated sum, or shall stand to ply for hire at any place or places other than the stands or places appointed for that purpose, he shall, for every such offence, on conviction before a Magistrate of Police, forfeit a sum not exceeding Rupees Twenty, and in default of payment of the same shall be liable to simple imprisonment for a period not exceeding two months.

XXIII. The driver or other attendant of any public conveyance who shall by negligence or misconduct cause any hurt or damage, may be arrested by any person who shall see such offence committed, and be by him made over to a Constable or Police Officer for arraignment before a Magistrate of Police, and in addition to such punishment as may thereupon be inflicted under the law in that case made and provided, the offender shall pay such reasonable compensation to the complainant as such Magistrate shall see fit to award, and in default of payment thereof shall be liable to simple imprisonment for a period not exceeding six months.

XXIV. In case of any dispute the hirer of a public conveyance may require the driver or other attendant thereof, and the driver or attendant may require the hirer thereof, to proceed forthwith to the nearest Police Court, where the dispute shall be determined by the Magistrate then sitting. Should such Police Court be closed, either party may require the other to proceed to the nearest European Police Officer, who shall, if necessary, arrange for the hearing of the complaint at the next sitting of the Court; but if the dispute or complaint

complaint take place at a Landing Pier or a Railway Station, and the hirer be about forthwith to leave the island of Bombay, it shall be competent to the said European Police Officer, after hearing both parties, to determine what sum may be due by the hirer, and to demand and receive the same, together with, in the case of any sum due for compensation under Section XXIX. of this Act, an additional sum of Rupees Ten, on payment of which such Police Officer, having taken the name and address of the hirer and permitted him to depart, shall thereupon make a report of the dispute or complaint, and deliver the money received by him, to a Magistrate of Police, who, if the claim or complaint of the driver or attendant shall not have been excessive or unjust, may award and pay to the said driver or attendant the amount thereof, not being in excess of the total amount received and delivered by the Police Officer; but if any offence shall appear to have been committed against the hirer by the driver or attendant, the owner and driver or attendant shall have no claim to hire or compensation, and the Police Magistrate shall likewise inquire into such offence, and on proof of the same shall adjudge punishment or otherwise proceed according to law, and in either case the Magistrate of Police having given notice to such hirer, shall on demand return to him the sum paid by such hirer to the Police Officer, or such surplus as may remain thereof.

XXV. Every Licensee of any public conveyance under this Act shall be bound whenever required by a Police Officer to do so, to cause the same to ply for hire, and every driver or attendant shall, when so required, continue to exercise his calling in the customary manner, and for any refusal or failure to comply with such requisition without reasonable cause proved, such Licensee, driver, or attendant, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Rupees Fifty.

XXVI. When any information or complaint shall be made before any Magistrate of Police against the driver or other attendant of any public conveyance, for any offence committed by him, in the exercise of his vocation, against any of the provisions of this Act, such

Licensee may be summoned to produce Driver, &c., and in the event of his failing to appear, the Magistrate may decide *ex parte*.

such Magistrate of Police may forthwith and from time to time summon the Licensee of such public conveyance to appear and produce such driver or other attendant to answer such information or complaint; and if any such Licensee shall neglect or refuse personally to appear or to produce such driver or other attendant according to such summons, without a reasonable excuse, to be allowed by the Magistrate of Police before whom he ought to appear according to such summons, he shall be liable to fine not exceeding Rupees Fifty, and it shall be lawful for such Magistrate to hear and determine the said information or complaint in the absence of the said Licensee, driver, or other such attendant as aforesaid, and upon satisfactory proof of such offence, to give judgment against such person for the penalty incurred by reason of such offence.

XXVII. Pecuniary fines, penalties, or awards, levied, imposed, or made under this Act, for which no commutation by imprisonment is herein provided, may be levied by distraint and sale of the offender's movable property, under warrant of the Police Magistrate who has inflicted the punishment, and if any driver or other attendant shall fail to pay any fine, penalty, or award, for which commutation by imprisonment shall not have been awarded, the same may be levied by distraint and sale of the movable property of the Licensee of the public conveyance of which the offender was an attendant. And in cases wherein imprisonment shall have been adjudged in commutation, the offender shall at any time be released upon paying such proportion of the fine as shall equal the proportion of his whole term of imprisonment still unexpired.

XXVIII. If any person shall refuse or omit to pay to the driver or other attendant of any public conveyance, the lawful fare due to him for the hire or fare of such public conveyance, it shall be lawful for any Magistrate of Police, upon complaint of the same being preferred, and upon proof of the facts made upon oath or solemn affirmation before him, to award reasonable satisfaction to the party so complaining for his fare, and also a reasonable compensation for his loss of time in attending to make and establish his complaint, and in default of payment, to sentence the defaulter to simple imprisonment for a period not exceeding one month.

XXIX.

XXIX. If any person using a public conveyance under this Act shall wilfully or negligently injure the same, he shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Twenty Rupees, and shall also pay to the owner of the public conveyance compensation for the injury, the amount of the compensation to be fixed by the Magistrate and to be recovered as a fine.

XXX. If the driver or other attendant of any public conveyance not having previously offered his conveyance for hire to the person desirous of hiring it shall, in civil and explicit terms, declare to such person that his conveyance is actually hired, and shall afterwards, notwithstanding his reply, be proceeded against for his refusal to carry such person in his said conveyance, and shall upon the hearing of the complaint produce sufficient evidence to prove that such conveyance was at the time actually and *bonâ fide* hired, and it shall not appear that he used any uncivil language, or that he had offered his conveyance for hire to, or improperly conducted himself towards, the party by whom he shall be so proceeded against, or if the person who has proceeded against him shall not appear to prosecute his complaint, the Magistrate before whom such driver or other attendant shall be brought, may order such person to make the driver or other attendant such compensation for his loss of time in attending to make his defence to such complaint as the Magistrate may deem reasonable, and in default of payment may sentence him to simple imprisonment for a period not exceeding one month.

XXXI. All property left in any public conveyance licensed under this Act shall be forthwith deposited by the driver or attendant, as the case may be, in the office of the Commissioner of Police. Such property shall be returned to the person who shall prove to the Commissioner of Police that the same belonged to him, on payment of all expenses reasonably incurred, and of such reasonable sum to the driver or attendant as the Commissioner of Police may award, and any driver or other

other attendant of any public conveyance licensed under this Act, who shall neglect so to deposit all property left in a public conveyance, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding Rupees Fifty, and in default of payment of the same to simple imprisonment for one month, or to both.

XXXII. Any Police Officer or Constable may arrest without a warrant any person committing in his view any offence against this Act, and may seize and detain in any place of safety until judgment shall be given in the case, any conveyance which, for the better fulfilment of the true intent and meaning of this Act, it

Police Constable may arrest without warrant, any person offending in his view, and may seize and detain public conveyance when necessary to do so.

may be necessary so to seize and detain.

XXXIII. Act IV. of 1841, intituled, "an Act for regulating Public Conveyances in the Islands of Bombay and Colaba, and in the Harbour of Bombay," shall be, and is hereby

Repeals Act IV. of 1841.

repealed, from and after the 30th day of June 1863

XXXIV. The provisions of this Act may be extended to any Town or place in the Presidency of Bombay, by an order to that effect of the Governor in Council published in the *Government Gazette*, not less than 30 days before such extension. And it shall be lawful in any

This Act may be extended to any Town in the Presidency of Bombay by order of the Governor in Council

such case for the Governor in Council to alter the scale, and dispose of the balance, of fees as may seem necessary, and to appoint any person to perform the duties by this Act assigned to the Commissioner of Police and Master Attendant, and to empower all or any Magistrates having jurisdiction at the place, to exercise the powers by this Act conferred on the Magistrates of Police, and any such order may be in like manner revoked or altered.

XXXV. No conviction under this Act by any Magistrate of Police or Magistrate contemplated in the above Section, shall be open to appeal or reversal by any other Court.

Decisions under this Act final.

XXXVI. Attendants on Public Conveyances licensed under this Act, include Drivers, Conductors, Hamals, Tindals, Syrangs, and Boatmen. Words expressed in the singular number shall be held to include the plural.

Construction.

XXXVII. 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.

Extent of the Act.

XXXIII. This Act shall commence and take effect from and after the 1st day of July 1863.

Commencement of Act.

Government of Bombay.

LEGISLATIVE DEPARTMENT.

AN ACT

FOR THE

Regulation of Public Conveyances
the Town, Suburbs, and Harbour
Bombay.

*[Received the assent of the Governor of Bombay
on the 8th day of April 1863, and of the
Governor General on the 23rd day of May
1863, and published by the Governor
Bombay on the 11th day of June 1863.]*

Price Four Annas.

BOMBAY.

ACT No. VII. OF 1863.

An Act for the Summary Settlement of Claims to exemption from the payment of Government Land Revenue, and for regulating the terms upon which such exemption shall be recognized in future, in those part of the Bombay Presidency which are not subject to the operation of Act XI. of 1852 of the Council of India.

[Received the assent of the Governor of Bombay on the 15th day of April 1863, and of the Governor General on the 8th day of June 1863, and published by the Governor of Bombay on the 2nd day of July 1863.]

WHEREAS in Districts which are not subject to the operation of Act XI. of 1852, it is expedient to provide, with certain exceptions, for the summary settlement of all claims to hold land, wholly or partially exempt from payment of Land Revenue, and for regulating the terms on which such exemption shall be recognized in future, so as to preclude all doubt in regard to the relative rights of Government and the holders of such lands, and further to make provision for the exceptions aforesaid ; It is hereby enacted :—

Preamble.

SECTION I.

Repeal of portions of Regulations of the Bombay Code

The following Regulations of the Bombay Code are repealed :—

Chapters IX. and X. of Regulation XVII. of 1827, and Regulation VI. of 1833.

SECTION II.

Clause 1st.—When the holders of lands in any of the said Districts, (except as is excepted in Clause 2 of this Section), held either wholly or partially exempt from the payment of Government Land Revenue, shall consent to the terms and conditions hereinafter described, in preference, to being obliged to prove their title to the exemption enjoyed by them, it shall be lawful for the Governor in Council to finally authorize and guarantee by Sunnud the continuance, in perpetuity, of the said land to the said holders, their heirs, and assigns, upon the said terms, and subject to the said conditions.

When holders of lands (except as in Clause 2 of this Section is excepted), shall consent to terms and conditions hereinafter described, the Governor in Council may authorize and guarantee the continuance, in perpetuity, of the land to the holders on the terms and conditions aforesaid

Clause 2nd.—The excepted cases to which the authority of adjustment and guarantee vested in the Governor in Council by this provision shall not extend, are as follows:—

Exceptions

1st.—Lands held under Treaty

2nd.—Lands granted or held as Surinjam, or on a similar political tenure.

3rd.—Lands held for service.

4th.—Lands already formally adjudicated to be not continuable hereditarily.

Clause 3rd.—1st.—Lands held under Treaty shall continue to be held according to the terms of such Treaty.

Future tenure of Lands mentioned in Clause 2nd

2nd.—Lands granted or held as Surinjam, or on similar political tenure, shall be resumable or continuable in such manner, and on such terms, as Government, on political considerations, may, from time to time, see fit to determine.

3rd.—Lands held for service shall be resumable or continuable under such general rules as Government may think proper, from time to time, to lay down.

4th.—Lands already formally adjudicated to be not continuable hereditarily, shall continue to be held according to the decision passed in each case.

Clause

Clause 4th—No suit or action between Government and the holders of lands held under Treaty, or of lands granted or held as Surinjam, or on similar political tenure, or of any lands held for service, in regard to the tenure of such lands, shall be entertained in any Court of Civil Judicature.

Questions between Government and holders of lands held under Treaty, &c., not to be entertained in any Court of Civil Judicature

SECTION III.

This Act shall not apply to lands which, in villages held on Talookdaree, Bhagdaree, Nurwadaree, Khottee, or other similar tenure, may have been partially or wholly alienated by the present or former holders of the said villages, or by any one of them; and in the event of the management of such villages being at any time resumed by Government, all land so alienated shall revert to Government unaffected by the acts of the holders or any of them, so far as the public revenue is concerned, but without prejudice in other respects to the rights of individuals.

To what lands Act not to apply.

SECTION IV.

Clause 1st.—When it has been customary to levy any special or extra cess, fine, or tax, however designated, from the holders, occupants, or cultivators of land, which, though nominally, wholly or partially exempt from the payment of land revenue, has, by the exaction of such cess, fine, or tax, been indirectly taxed to the State, it shall be competent to any Collector, Superintendent of Revenue Survey, or Settlement Officer, under the general control of the Revenue Commissioner and the Governor in Council, to impose on such land, in lieu of the aforesaid cess, fine, or tax, any sum which may be deemed a fair equivalent, as an annual assessment to be paid under all circumstances; provided that this commuted assessment shall in no case exceed the ordinary assessment to which the land would have been subject, if not held on a tenure conferring exemption from the payment of land revenue.

Commuted annual assessment may be imposed in respect of land indirectly taxed to the State

Clause 2nd.—Whenever, under the preceding Clause, any such cess, fine, or tax, hitherto payable by the occupant, cultivator, or other person not being the owner, shall be made leviable from the owner, it shall be lawful for such

Owner may recover the same from occupier, cultivator, &c.

owner

owner to recover from such occupant, cultivator, or other person, so long as the said occupation, cultivation or other tenure of the land shall endure, the amount of the commuted assessment fixed in lieu of such cess, fine, or tax.

SECTION V.

When any land ordinarily or under certain circumstances, wholly or partially exempt from assessment is subject occasionally or under particular circumstances to the payment of assessment, or cess, or tax, however designated, as when the land pays assessment only when it is cultivated, or when it is irrigated, or when cultivated with particular crops, or under any other circumstances whatever, it shall be competent to any Collector, Superintendent of Revenue Survey, or Settlement Officer, under the general control of the Revenue Commissioner and the Governor in Council, to commute the aforesaid liability to assessment under particular circumstances into an annual assessment to be paid under all circumstances. provided that this commuted assessment shall in no case exceed the ordinary and annual assessment to which the land would be subject if not held on a tenure conferring exemption from assessment.

SECTION VI.

When the Governor in Council shall, under Clause 1 of Section II. finally authorize and guarantee the continuance, in perpetuity, to the holders; their heirs, and assigns, of land wholly or partially exempt from the ordinary payment of annual land revenue, the said lands shall (subject to the enactments contained in Section VII. of this Act) be the heritable and transferable property of the said holders, their heirs, and assigns, without restriction as to adoption, collateral succession, or transfer; and such lands shall thenceforth be continued, in perpetuity, subject to a fixed annual payment to Government calculated at the rate of two annas for each rupee of the assessment, which assessment shall be ascertainable under the following rules:—

The said lands (subject to enactments contained in Section VII) to be the heritable and transferable property of the said holders, and to be continued in perpetuity, subject to a fixed annual payment to Government, calculated at two annas for each rupee of the assessment.

Rule

Rule 1.—The assessment of lands, other than those specified in Rule 2, shall, with respect to lands which have already been assessed by the Revenue Survey, now in progress, be the assessment already imposed upon those lands by that Revenue Survey, and with respect to lands which have not yet been assessed by that Revenue Survey, shall be such assessment as shall be agreed on by the Collector or settling Officer and the owner or holder of the lands, which shall be final: and in failure of their agreement it shall be the existing rental of the lands until the Revenue Survey, now in progress, shall have placed a new assessment thereon, after which the assessment so placed by the said Revenue Survey shall be understood to be the assessment. And it shall be lawful for the duly authorized Officers of Government employed in the said Revenue Survey, to enter upon all lands not heretofore assessed by such Revenue Survey, for the purpose of fixing and making such assessment thereof.

Rule 2.—The assessment of lands of such an exceptional character as not to be assessable under the Revenue Survey Rules, shall be in the discretion of the Revenue Officers of Government, which discretion shall be guided so far as may be, by the rate at which similar land in the same District belonging to Government is let, due regard being had by the said Revenue Officers to all equitable considerations affecting such lands. Shares of the Revenues of villages (such as Umuls) shall be assessed for the purposes of this Act at the value thereof, calculated at the average shown by such account of actual realizations by the holders as are forthcoming for the ten years immediately preceding the promulgation of these Rules.

Rule 3.—Lands for which a Joodee, Salamee, or other quit-rent or land tax under whatever denomination, is already paid to Government, or may be payable to Government under the Sections last preceding, instead of being liable to only one-eighth of the assessment, shall, in addition to the annual amount of such Joodee, Salamee, quit-rent, or other tax aforesaid, be liable to a further annual quit-rent equal to one-eighth of the sum by which the annual or average annual amount of such Joodee, Salamee, or other quit-rent, or tax aforesaid may fall short of the assessment.

Rule 4.—Quit-rent imposed under this Section (Section VI.) shall be fixed in perpetuity, and shall not be liable to increase or decrease on any new assess-

ment, save in so far as is above in Rule I. of this Section (Section VI.) provided to the contrary, in the case of lands which have not been already assessed by the Revenue Survey now in progress.

Rule 5.—The whole of the exempt lands found in the possession of each holder, even if in excess of the original alienation, shall be continued according to the provisions of this Section (Section VI.) and the Rules thereunto annexed, and subject to the enactments contained in Section VII.

SECTION VII.

Any settlement made by the Governor in Council with the holder of land held wholly or partially exempt from the payment of land Revenue in accordance with Section VI. of this Act, and the Rules annexed to the said Section, shall, so far as the right of Government to levy the annual quit-rent mentioned in the said Section is concerned, not only be binding upon such holder, his heirs, and assigns, but also on the rightful owner, his heirs, and assigns, whosoever such rightful owner may be: provided always that the said rightful owner, his heirs, and assigns, shall not by this Act, or anything therein contained, be deprived of any rights or remedies, either at law or in equity, to which he or they would be entitled against the said holder, his heirs, or assigns, for the recovery of the said lands or any part thereof, if this Act had not been passed; and in the event of the rightful owner, his heirs, or assigns, recovering the said lands, or any part thereof, from the said holder, his heirs, or assigns, any declaration, guarantee, or settlement made by the Governor in Council under or in accordance with Sections II. and VI. of this Act, and the Rules annexed to the said Section VI., with respect to the said lands, while the same were in the possession of the said holder, shall accrue to the benefit of the said rightful owner, his heirs, and assigns.

SECTION VIII.

Whenever a holder of alienated lands on being called upon, under the rules to be hereinafter enacted, to declare if he consents to the quit-rent described in Section VI. shall plead that his title has already been formally adjudicated, then on proof of such adjudication, and provided the case

On proof of previous formal adjudication, holder to be exempt from said quit-rent, and from any further inquiry into title

do not fall under Case 4 of Clause 2, Section II, the said holder shall be exempt both from liability to the said quit-rent, and from any further inquiry into title,

Proviso. provided however, that, if the said holder, for the purpose of enlarging the scope of the former adjudication, or for other reason, shall apply to have his holding brought under the Settlement, described in the second and following Sections of this Act, he shall be permitted to do so; and the lands shall thenceforth be held with all the privileges conferred by the said Settlement and subject to all its conditions as if no previous adjudication had been made.

SECTION IX.

Clause 1st.—In order to ascertain whether a holder of lands, wholly or partially exempt from payment of Land Revenue desires to accept the Settlement described in Sections VI. and VII. of this Act, it shall be lawful for the Collector of each Collectorate or District, or for any other Officer duly authorized by him to serve or to

Collector or other Officer may serve a notice on holder of lands calling on him to state whether he is willing to accept Settlement aforesaid or demands formal inquiry into his title

cause to be served, a notice, in writing, upon the holder of such lands, calling upon him to state whether he is willing to accept and abide by the Settlement aforesaid, or whether he demands formal inquiry into his title.

Clause 2nd.—The notice shall be in the prevailing language of the Collectorate or District in which the lands are situate, and shall explain the nature of the alternatives offered on the part of Government.

Language and form of notice

Clause 3rd.—It shall be served upon the person holding, or registered in the Government Land Register, as holding the lands wholly or partially exempt from the Land Revenue as aforesaid, if he be resident within the limits of the Collectorate.

On whom to be served

Clause 4th.—If such persons as last aforesaid be not resident within the Collectorate, the notice shall be served upon any person acting for the aforesaid in respect of the lands.

When persons not resident within the Collectorate

Clause

Clause 5th.—When more persons than one hold jointly lands wholly or partially exempt from Land Revenue, service of notice upon any one of them shall in every case be sufficient.

When more persons than one hold the lands jointly.

Clause 6th.—If the holder be known to reside in another Collectorate of the Bombay Presidency, and if there be no person acting for him in the Collectorate in which the lands are situate, the notice shall be sent to the Collector of such other Collectorate and served or caused to be served by him.

When holder is known to reside in another Collectorate,

Clause 7th.—If there be not any person acting for the holder, and if he cannot be found, the notice shall be served upon some one of the actual occupants of the land (if any), and a copy of such notice shall be posted in the Office of the Collector and of the chief Revenue Officer of the Talooka or other subdivision of the Collectorate, and in the Chowry, or most public place in the village where the lands are situate.

When no person acts for holder and holder cannot be found.

Clause 8th.—If, within six calendar months after the service of such notice in manner aforesaid, the person holding the lands wholly or partially exempt from Revenue as aforesaid, or his legally-constituted agent, shall not give an answer in writing to such notice, stating clearly in such answer that he declines the Settlement, and demands an inquiry into the title to such exemption as aforesaid, he shall be deemed to have finally dispensed with such inquiry, and the lands shall be dealt with under Sections II. and VI. of this Act, and the Rules annexed to said Section VI. If no holder or owner can be discovered, the land shall be fully assessed to the public Revenue, and shall continue to be so assessed unless some person shall, within the period allowed by the Law of Limitations, appear and prove his title to it.

When holder makes no answer for six months, he shall be deemed to have dispensed with such inquiry.

If no holder or owner discovered, land to be fully assessed.

Clause 9th.—In the event of any dispute arising as to the sufficiency of the service of any notice or notices under this Section, or of any such reply as last aforesaid, or as to its meaning, or as to its having been given within the time required by this Act, the matter so in dispute shall

When sufficiency of service of notice or of reply thereto is disputed.

shall be inquired into by the Officer appointed under Section XII., and the decision of such Officer as aforesaid shall be final, and not open to appeal or question in any Civil Court or Court of Law or Equity, or elsewhere. Except that in any case in which the notice has been served by the Officer making an inquiry under this Section, an appeal against his decision as to the sufficiency of such notice shall lie within thirty days to the Revenue Commissioner of the Division, whose decision shall be final.

SECTION X.

Clause 1st.—In the event of the holder upon whom notice has been served as last aforesaid claiming inquiry, such inquiry shall be conducted under the rules and according to the principles hereinafter enacted.

Inquiry, when claimed, to be conducted under rules and according to principles hereinafter enacted.

Clause 2nd.—The establishment of a title to exemption shall not preclude the levy of full assessment on all land ascertained to be held in excess of that to which a title is established, and such excess shall forthwith be fully assessed.

Land held in excess of that to which a title is established, to be fully assessed.

Clause 3rd.—In the event, upon such inquiry as aforesaid of there being a failure by the holder to establish a title to exemption from payment of Land Revenue, the lands to which he has failed to establish such title shall forthwith become and be liable to payment of annual Revenue at the full assessment.

Exemption not established.

SECTION XI.

Clause 1st.—When the holders of lands, held wholly or partially exempt from the payment of Land Revenue, demand a trial and adjudication of their title under the provisions of Section X. of this Act, they shall be required to deposit forthwith in the Collector's Treasury, or the Treasury of the Talooka in which the lands are situated, a sum equal to one-eighth part of the annual assessment of the land, ascertainable according to Rules 1 and 2 of Section VI. of this Act, and thereafter to continue to pay annually an eighth of the said assessment as it becomes due from the date of such demand for trial until the date of such adjudication, and to furnish satisfactory security for

the payment of the remaining seven-eighths thereof, in case of their failure to prove the title to exemption asserted by them; and in default of their making such deposits and furnishing such satisfactory security, the full assessment of the land, which is to be the subject of inquiry, shall be levied, pending the adjudication.

Clause 2nd.—If the inquiry result in the establishment of the asserted title, the holder, or in the event of his decease, his heir who succeeds to possession of the said land shall be entitled to a refund of all deposits made and assessment levied under the provisions of this Section, pending such inquiry as aforesaid, and to interest thereon at the rate of 5 per cent. per annum.

Clause 3rd.—If the result of the inquiry be that the holder fail to prove his title, the full amount of Land Revenue assessable on the lands from the date of the holder's demand for trial shall be levied from the said holder and his security, or from either of them, any sums deposited or levied pending adjudication as aforesaid being taken in account of the same.

SECTION XII.

When an inquiry is claimed under the provisions of Section X. of this Act, such inquiry shall be held before the Collector or Sub-Collector, or when specially authorized by Government on that behalf, by any Assistant or Deputy Collector.

SECTION XIII.

When any claimant shall demand an inquiry as aforesaid, he shall within two months of notifying his intention to that effect, furnish the deposit and security required in such cases by Section XI. of this Act, and forward to the Office of the Collector of the District, a written statement, setting forth in detail the grounds on which the claim to exemption is founded, accompanied by copies of the original documents, if any, which he wishes to produce in support of the claim, and a list of such other evidence, whether written or oral, as he may desire

desire to have exhibited; and no further evidence beyond such documents and witnesses as may be specifically named in the said statement or its accompaniments, shall be admitted in support of such claim without reason assigned to the satisfaction of the trying authority.

Clause 2nd.—If any claimant shall fail, within the time specified, to comply with the requirements of Clause 1 of this Section, except from unavoidable causes, to be proved to the satisfaction of the Collector of the District, his claim shall be finally disallowed, and his land shall be fully

On failure to comply with requirements of Clause 1 of this Section, claim to be finally disallowed

assessed forthwith.

Clause 3rd—On receipt of the said statement and accompaniments, the Collector shall file the papers for trial before himself

Collector to file papers for trial, or forward them for trial.

or forward them for trial to any Officer duly authorized under the Section last preceding to hold such inquiry; and the trying Officer shall, with reasonable regard to the public convenience and that of all persons interested, fix a time at which the trial shall be proceeded with. Due notice of the date fixed shall be given to the claimant, who shall be invited to appear in person or by duly constituted agent, with all original documents, on the day appointed for hearing.

Time of trial to be fixed and notice thereof to be given to claimant

SECTION XIV.

Whensoever any claimant demands inquiry as aforesaid, the burden of proof of title shall, in every instance, lie and be cast exclusively upon the claimant, and it shall not be lawful for any Civil Court, or Court of Law or Equity to place the burden of proof upon Government, or upon the Officer or Officers representing Government, of a right to levy the ordinary Land Revenue upon the lands the subject of any such inquiry as aforesaid; and it shall in every instance be presumed, until the contrary is distinctly proved, that Government has the right to levy such ordinary Land Revenue upon the lands the subject of any such inquiry as aforesaid. It is, however, hereby further provided, that nothing in this Section contained shall disentitle Government, or its duly authorized Officers, to produce and give evidence in rebuttal or disproof of the alleged

Burden of proof of title when claimant demands inquiry.

alleged title to exemption aforesaid, if it seem to Government, or its duly authorized Officers, desirable or necessary to produce and give such evidence.

SECTION XV.

Any claimant demanding an inquiry into his title shall be allowed the benefit of any evidence to be found in the records of the present or any former Government, in custody of such public Officer, as is authorized by the British Government to have charge of the same, and such public Officer shall be bound to search for, and to produce the same on application made to him.

Claimant to be allowed benefit of any evidence to be found in Government records in custody of such public Officer

SECTION XVI.

The trying authority shall not be bound to admit any Sunnud as evidence in support of a claim to exemption, which shall not bear an endorsement as having been registered by a Collector before the expiration of one year from the date on which Section XLII. of Regulation XVII. of the Bombay Code of 1827 came into force, i. e., the 1st September of that year.

Trying authority not bound to admit any Sunnud in evidence not endorsed as having been registered before the expiration of one year from 1st September 1827.

SECTION XVII.

Clause 1st.—For the conduct of the inquiry, the Rules of the Code of Civil Procedure in regard to the service of summons on, and the attendance and examination of witnesses, whether called by the claimant or on the part of Government, shall be followed, except in so far as may otherwise be specified in this Act; and the Office of the Collector or other trying authority shall, for the purpose of this inquiry, be constituted a Court of Civil Judicature as contemplated by the said Code.

Rules of Code of Civil Procedure to be followed in regard to service of summons on, and attendance and examination of, witnesses

Office of Collector to be a Court of Civil Judicature.

SECTION XVIII.

The Collector or other trying authority shall keep a record of his proceedings in the language generally spoken in the Zillah. He shall also record in English his decision, with a full statement of the grounds on which it is

Record of proceedings to be kept in language generally spoken in the Zillah.

is passed ; and a translation of such decision and statement shall, at the close of the inquiry, be given to the claimant or party attending on his behalf.

Translation of decision to be given to claimant

Clause 2nd.—Except in regard to the translation last aforesaid, and to the statement with accompaniments described in Section XIII., Clause 1, the provisions of the Stamp Act shall be held applicable to all petitions or other papers presented by or on behalf of the claimant, and the cost of all Stamps so required shall be borne wholly by the said claimant.

Provisions of Stamp Act how applicable.

SECTION XIX.

Clause 1st.—If the decision of the Collector or trying authority be in favour of the continuance of the exemption or any portion thereof, such exemption shall be admitted in terms of the decision, which shall be final.

If decision be in favour of continuance of exemption, exemption to be final

Clause 2nd.—If the decision be against the right of the claimant to the total or partial exemption claimed, the claimant shall be at liberty to appeal to the Zillah Court within ninety days from the date of that decision ; provided that the annual value of the exemption decided against be Rupees 50 or upwards, and that proceedings under Section X, Clause 3, shall not in any case be stayed pending the result of such appeal.

If decision be adverse, claimant may appeal to Zillah Court within 90 days, provided annual value be Rs 50 or upwards

Clause 3rd.—If the result of the appeal be in favour of the claim, the amount which may have been levied under Section X., Clause 3, shall be refunded.

If appeal succeed, amount levied to be refunded.

Clause 4th.—If any evidence oral or documentary, not produced before the Collector or trying authority be admitted in appeal without the claimant showing sufficient cause why such evidence was not previously produced, and proving that such cause was assigned to the Collector, or adducing good reason for its not having been so assigned, the said claimant shall forfeit, even if the appeal be successful, all sums which may have been levied from him under Section X.

When new evidence is produced by claimant on appeal, he shall forfeit all sums already levied from him under Clauses last aforesaid, unless sufficient cause shown why not produced before.

Stamp Act applicable to all proceedings under appeal .

Clause 5th.—The provisions of the Stamp Act shall be applicable to all proceedings under appeal.

Clause 6th.—The decision of the Collector, or trying authority shall not be liable to be set aside on appeal, on account of want of form or on any other technical ground.

Decision of Collector not liable to be set aside for want of form or on any other technical ground

SECTION XX.

Clause 1st.—When exemption is claimed under a Sunnud or other writing granted by the present or any former Government, or by any of their Officers possessing authority to grant the same, exemption shall be admitted in terms of the grant, unless evidence be forthcoming to show that the terms of such grant did not take effect or were subsequently modified, cancelled, or revoked by competent authority.

When exemption is, claimed under a Sunnud, &c exemption to be admitted in terms of the grant

Clause 2nd.—The public Officers specified in the annexed Schedule are recognized to have possessed authority under former Governments to grant or revoke Sunnuds or other writings exempting land either wholly or partially from the payment of Land Revenue.

Who recognized as possessed of authority under former Governments to grant or revoke Sunnuds, &c

SECTION XXI.

Claims to exemption from payment of Land Revenue, in virtue of prescription, shall be admitted under the following circumstances.—

Claims to exemption in virtue of prescription

Clause 1st.—When land situated in districts ceded by or conquered from the Peishwa after 1803 is proved to have been held by any person, his heirs, or others, deriving right from him, wholly or partially exempt from payment of Land Revenue, under a tenure recognized by the custom of the country, for 60 years in succession next preceding the date of this Act; or when land situated in any other district is proved to have been held in like manner for thirty years as aforesaid.

Clause 2nd.—Provided, however, that whenever exemption has been enjoyed under a Sunnud or other writing, no title by prescription shall be admitted

admitted unless the full period required under the last preceding Clause shall have lapsed subsequent to the expiry of the title under the Sunnud or writing aforesaid.

Clause 3rd.—And that in no case shall a title to prescription be admitted in respect to Government lands alienated since the British Government obtained possession of the country, and without its permission.

Clause 4th.—And further, that the exemption during the periods of sixty and thirty years respectively, as detailed in Clause 1 of this Section, be proved to have been enjoyed in strict conformity with the conditions of the recognized tenure under which it is claimed.

SECTION XXII.

A prescriptive title admitted under the preceding Section shall continue to be recognized only in conformity with the conditions of the tenure under which the exemption has been hitherto enjoyed.

Prescriptive title to be recognized only in conformity with conditions of the tenure under which exemption has been hitherto enjoyed.

SECTION XXIII.

A prescriptive title under Section XXI. shall not be admitted in respect to any land held for service, or on a tenure implying an obligation of service, whether such service be performed or not.

Prescriptive title when not to be admitted

SECTION XXIV

Clause 1st.—A Sunnud or other writing under Section XX., of prescriptive enjoyment under a recognized tenure as described in Section XXI. shall not be considered a sufficient title, in so far as the exemption has been wholly or partially annulled by an order issued by the present or any former Government, or by any public Officer possessed under a former Government, of full and sufficient authority to grant deeds exempting lands from the payment of public Revenue, or so far as the land has been assessed under an order not subsequently recalled, issued by any of the said public Officers, and such assessment has been realized.

* A Sunnud, &c., or prescriptive enjoyment not sufficient title if exemption annulled by an order issued by present or former Government, &c

Clause

Clause 2nd.—Nor shall such a deed or writing, or such enjoyment under a recognized tenure be considered as a sufficient title, if the land has been subsequently assessed for the period of twelve (12) years like other land of the same description, enjoying no exemption, and the assessment has been realized, but without prejudice to any suit filed in support of the title to exemption, before the completion of the said period.

Deed or enjoyment under a recognized tenure not sufficient title if land has been subsequently assessed for 12 years, and assessment has been realized.

and the assessment has been realized, but without prejudice to any suit filed in support of the title to exemption, before the completion of the said period.

Clause 3rd.—And where the assessment so levied for twelve (12) years has not been to the extent of that imposed on land of the same description enjoying no exemption, such assessment shall affect the title only to the extent of the assessment so made and realized.

Where assessment so levied for 12 years has not been to extent of that imposed on land of same description not exempted, assessment to affect title only to extent of assessment made and realized

not been to the extent of that imposed on land of the same description enjoying no exemption, such assessment shall affect the title only to the extent of the assessment so made and realized.

SECTION XXV.

Adoptions unrecognized by the present or former Government, or by one of their public Officers possessed of competent authority, shall not be admitted in any cases in which a claim to exemption is founded on a grant limiting succession to lineal descent.

Adoptions when not to be admitted

SECTION XXVI.

The provisions of Sections XX. to XXV. shall be of general application in all cases in which inquiry may have to be made, and shall not be confined to cases in which inquiry may have been demanded under Section X. of this Act

This Section to be of general application.

SECTION XXVII.

Proceedings in any original suit or appeal which may at the date of the passing of this Act be pending in any Court under the provisions of Chapter X. of Regulation XVII. of 1827 shall be stayed, and the claimants to exemption from the payment of Land Revenue in such cases shall be offered the settlement described in Sections II. and VI. of this Act, provided that the claim in each case is one to which such settlement is otherwise applicable. If the claimant accept the settlement under this Act, his suit or appeal shall

Proceedings pending at date of passing of this Act.

shall be held to have been adjusted by compromise. If the claimant shall demand an inquiry, or if the claim be not one to which such settlement is otherwise applicable, the case shall be transferred to the Collector, in order that it may be dealt with in accordance with the provisions of this Act.

SECTION XXVIII.

When any settlement of a claim or claims to total or partial exemption from Land Revenue has been made by the Governor in Council, or any duly authorized Officer of Government under this Act, it shall not be competent for any Civil Court, or Court of Law or Equity, to question such settlement, so far as regards the right of Government to levy from the holder or holders of the lands for the time being the annual quit-rents mentioned in the second and sixth Sections of the said Act. Any

Settlement so far as regards the right of Government to levy the annual quit-rents, not to be questioned in any Civil Court.

Appeal from proceedings of officers engaged in making such settlement to be made to the Governor in Council, or to such officers as may be appointed.

appeal from, or against, the proceedings, orders, or acts of the officers of Government engaged in making any such settlement shall be made to the Governor in Council, or to such Officer or Officers as may be appointed by the Governor in Council to take cognizance of such appeals, and shall not be cognizable by any other authority.

SECTION XXIX.

Duly authorized Officers or servants of Government shall not be liable to be sued in any Civil Court, or Court of Law or Equity, for any act *bonâ fide* done, or ordered to be done by them in pursuance of the provisions of this Act.

Officers or servants of Government not to be sued for any act *bonâ fide* done in pursuance of this Act.

SECTION XXX.

All quit-rents, payable under this Act, shall be levied in the manner in which ordinary Land Revenue is recoverable, and the claim of Government to such quit-rents shall have precedence over any other debt, demand, or claim whatsoever, whether in respect of mortgage, judgment, decree, execution, or attachment, or otherwise howsoever, against the lands or the holder or holders thereof.

Quit-rents how to be levied.

SECTION XXXI.

Whenever it shall be necessary either to measure or to assess any lands, in order to give effect to any of the provisions of this Act, it shall be lawful for the Collector or Officer duly authorized by him to enter upon the same at any time and from time to time, for the purpose of making an assessment or assessments thereof.

Power to enter lands to measure or assess the same

SECTION XXXII.

- (A) Unless there be something in the subject or context of this Act repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.
- Interpretation Clause.
Number.
Gender.
- (B) The word "Lands" shall, for the purposes of this Act, be understood to include villages, portions of villages, shares of the Revenues thereof, and landed estate of every description.
- "Lands."
- (C) "Political Tenure" is tenure created from, or dependent upon, political considerations, the existence of which shall be determined by the Government.
- "Political Tenure."
- (D) The phrase "lands held for service," shall include lands specially granted, or held or continued nominally for the performance of service, whether that service be actually performed or not, and lands granted, held, or continued, partly in consideration of past service and partly for the performance of prospective service, but shall not include lands granted in consideration of past service only; and it is to be understood that Government shall be competent to determine any question that may arise in giving effect to this Act as to whether or not any lands are lands held for service.
- "Lands held for Service."
- (E) Formal adjudication shall be held to mean final adjudication under any regulation of the Bombay Government, or final decision by the British Government, or some authorized Officer thereof.
- Formal adjudication

(F)

(F) For the purposes of this Act the word “holder” shall be taken to signify the person who, by himself, his tenants, sub-tenants, or agents, is in possession of the land held wholly or partially exempt from Land Revenue assessment, and shall include a mortgagee in possession as aforesaid. The Committee, Manager or Trustee of any temple, who may be in possession of such lands, shall be considered the holder thereof.

(G) The word “transfer” shall, for the purposes of this Act, be taken to mean the permanent alienation of land by assignment, gift, sale, deed, or other instrument, or otherwise howsoever, and also mortgage of the same under which possession shall have passed or is to pass to the mortgagee

SCHEDULE,

(See Section XX, Clause 2nd.)

List of Officers who under former Governments had power to confer grants exempting lands wholly or partially from the payment of public revenue.

UNDER THE EMPERORS OF DELHI.

Soobhadars of provinces.

IN THE TERRITORIES THAT WERE SUBJECT TO THE PAISHWA.

The Paishwa

All Officers holding the Mootalikee Seal.

All Sirsoobhadars in their districts.

All superior local functionaries acting directly under the Paishwa, without the intervention of any superior authority, if the deeds bear date prior to 1803.

The Guikowar considered as a Sirsoobhadar in the Paishwa's territories to the North of the Myhee, during the period that he held them in farm.

IN THE TERRITORIES THAT WERE SUBJECT TO THE GUIKOWAR.

The Guikowar.

All Officers holding the Mootalikee Seal.

IN THE TERRITORIES THAT WERE SUBJECT TO SCINDIA.

Scindia.

His Officers holding the Mootalikee Seal.

IN THE TERRITORIES THAT WERE SUBJECT TO HOLKAR.

Holkar.

His Officers holding the Mootalikee Seal.

IN THE TERRITORIES THAT WERE SUBJECT TO THE NIZAM.

The Nizam.

IN THE DISTRICTS THAT WERE SUBJECT TO THEM.

The Nuwaub of Surat.

The Nuwaub of Broach.

Government of Bombay.

LEGISLATIVE DEPARTMENT.

AN ACT

FOR THE

Summary Settlement of Claims to exemption from the payment of Government Land Revenue, and for regulating the terms upon which such exemption shall be recognized in future in those parts of the Bombay Presidency which are not subject to the operation of Act XI. of 1852 of the Council of India.

[Received the assent of the Governor of Bombay on the 15th day of April 1863, and of the Governor General on the 8th day of June 1863, and published by the Governor of Bombay on the 2nd day of July 1863.]

Price Five and a half Annas.

BOMBAY.

ACT, No. VIII. OF 1863.

An Act to enlarge the Jurisdiction of the Court of Small Causes of Kurrachee, and to facilitate the transaction of business therein.

[Received the assent of the Governor of Bombay on the 15th day of April 1863, and of the Governor General on the 9th day of June 1863, and published by the Governor of Bombay on the 2nd day of July 1863.]

WHEREAS a Court of Small Causes has been constituted at Kurrachee, in the Province of Sind, under the provisions of Act XLII. of 1860, And whereas it is expedient to enlarge the jurisdiction thereof, and to facilitate the transaction of business therein ; It is enacted as follows :—

I. After the passing of this Act, the Court of Small Causes of Kurrachee, in the Province of Sind, in addition to the jurisdiction which it now exercises under Act XLII. of 1860, shall have cognizance of all suits of the nature specified in Section III. of the said Act, if at the time of the institution of any such suit, the defendant shall be carrying on any business or work for gain by his manager, agent, or servant within the local limits of the jurisdiction of the said Court, and if the cause of action shall have arisen out of or accrued in respect of dealings or transactions with such defendant through such manager, agent, or servant, or his predecessor or predecessors in such management, agency or service ; provided that service of any summons to a defendant made on his manager, agent, or servant, shall not be deemed good service, unless such service shall have

Jurisdiction of the Court when defendant carries on business by his manager, agent, or servant within local limits.

Service of summons on such manager, agent, or servant not good service unless such service has been specially ordered by the Court.

have been specially ordered by the said Court on the application of the plaintiff.

II. It shall be competent to the said Court to receive as evidence and to act upon any affidavits or written statements made on solemn affirmation which may be adduced by any party to any suit instituted in the said Court in support of or resistance to any interlocutory motion or application before it.

III. The affidavits or written statements aforesaid may be sworn or affirmed before such Officer or person as the said Court may from time to time appoint for that purpose, and the Officer or person so appointed is hereby empowered to administer all such oaths and affirmations.

IV. There may be appointed by the Court subject to the approval of Government, one or more Deputies to the Clerk of the said Court as occasion may require, and such Deputy Clerks may perform all or any of the duties of the Clerk of the Court as the Court may direct.

Act to be read as part of Act XLII. of 1860.

V. This Act shall be taken and read as a part of Act XLII. of 1860.

VI. It shall be lawful for the Governor in Council of Bombay, by notification published in the *Bombay Government Gazette*, to extend all or any of the provisions of this Act to any Court of Small Causes now constituted, or which may hereafter be constituted under Act XLII. of 1860.

Government of Bombay.

LEGISLATIVE DEPARTMENT

AN ACT

TO

Enlarge the Jurisdiction of the Court of
Small Causes of Kurrachee, and to facilitate the transaction of business therein.

[Received the assent of the Governor of Bombay on the 15th day of April 1863, and of the Governor General on the 9th day of July 1863, and published by the Governor of Bombay on the 2nd day of July 1863.]

Price One Anna.

BOMBAY.

ACT No. IX. of 1863.

A. C.

An Act for the Prevention of Adulteration of Cotton and the better Suppression of Frauds in the Cotton Trade in the Presidency of Bombay.

[Received the assent of the Governor of Bombay on the 15th day of April 1863, and of the Governor General on the 9th day of June 1863, and published by the Governor of Bombay on the 2nd day of July 1863.]

WHEREAS it is expedient to consolidate and amend the Law for the suppression of fraudulent practices in the Cotton Trade within the Territories subject to the Government of the Presidency of Bombay; It is enacted as follows:—

I. Regulation III. of 1829 of the Bombay Code, and Act XV. of Laws repealed 1851 are hereby repealed.

II. Whoever adulterates or deteriorates cotton by mixing therewith any seed, dirt, stones, or other foreign matter, or who fraudulently or dishonestly mixes cleaned and uncleaned cotton commonly called cuppas, or cotton of different varieties in one bale, or who fraudulently or dishonestly by exposing cotton to dew or by any other means deceptively increases or attempts to increase the weight of the same, shall be punishable on conviction with imprisonment of either description for a term not exceeding twelve months, and shall also be liable to fine; all cotton so adulterated, or deteriorated, or fraudulently mixed, or deceptively increased in weight, and which has formed the subject of such a conviction, shall be confiscated.

III. Whoever fraudulently or dishonestly sells, or offers for sale, any cotton adulterated, deteriorated or deceptively increased in weight, as in the 2nd Section of this Act described, shall be punishable on conviction with imprisonment of either description for a term not exceeding twelve months, or with fine, or with both. All such cotton so sold or so offered for sale, and which has formed the subject of such a conviction, shall be confiscated

IV. From and after the day on which this Act shall be declared by notice in the *Government Gazette* to be in operation, no press used or capable of use for the purpose of compressing cotton shall be so used without a license obtained in the manner and subject to the conditions hereinafter described, and any person who shall without such license, so use, or attempt to use such press, shall be punishable on conviction with fine not exceeding Rupees One Thousand

V. Licenses for the working of cotton presses may be granted by the Collector of the District within which such presses are to be worked, or such other Officer as the Governor in Council may empower in that behalf, to any person or persons who the Collector or such Officer may be satisfied is in possession of the press for the license of which he applies, and such licenses shall expire and shall be renewable in every case upon the 1st January of the year next ensuing, and subject to such rules as the Governor in Council may from time to time prescribe; the Collector or other Officer aforesaid may for reasons which he shall state in writing under his signature, to the person applying for such license or renewal, refuse to grant or to renew the license of any press, and whoever after such refusal shall work, or permit to be worked, any such press, shall be liable to the penalty in the last Section prescribed.

Licenses to whom to be granted. Licensees to be regarded as owners.

VI. For all purposes of this Act, the licensee shall be held to be the owner of the press for which he has obtained a license.

VII.

VII. Every license issued under this Act shall specify the number of presses for which the same is granted, the locality in which they are situated, and the power employed for working them, according to a written statement which shall accompany the application for such license, and for every press so licensed, or the license of which shall be so renewed, a fee shall be levied at the rate set forth in the Schedule to this Act annexed; and upon the removal to another locality of a press included in any license, or upon change of the power employed for working the same, it shall be necessary for the licensee to obtain a new license subject to the conditions aforesaid, failing which he shall be liable to the penalty prescribed in Section IV.

VIII. Any person offering for compression cotton adulterated, or deteriorated, or mixed as described in Section II., shall on conviction be liable to a fine not exceeding Rupees One Thousand, and all such cotton shall be confiscated.

IX. It shall be incumbent on every applicant for a license under this Act to lodge with the Collector or other Officer empowered to issue such license, a cloth, parchment, or paper, impressed or marked either with some distinctive mark, not less than one foot square, or with his name, or that of his firm or company, in letters not less than one inch and a half long, which name for any press in the Town of Bombay shall be in the English language, and such name or mark shall be called a press-mark, and upon the grant of such license the licensee shall be bound to mark or cause to be marked every bale compressed by any press in his possession, or included in such license with a press-mark, which press-mark shall be affixed to the wrapper or cloth underlying the fastenings or bands of such bale, and for every case of failure so to mark any such bale compressed as aforesaid, such licensee shall be liable on conviction to a fine not exceeding Rupees One Hundred, and his license, if it be so adjudged by the Magistrate, shall be suspended or shall become null and void as to all presses for compressing cotton included therein.

X.

X. If any person shall counterfeit or imitate any press-mark, for the use of which license under this Act shall have been granted, or shall pack any bale of cotton in any cloth or wrapper bearing a press-mark which he shall not have been licensed to employ, he shall be liable on conviction to imprisonment of either description for a term which may extend to two years, or to fine, or to both.

Penalty for counterfeiting any press-mark or using it without authority.

XI. *Clause 1.*—The Governor in Council may appoint such and so many Officers, to be styled Inspectors of Cotton, as shall appear expedient, and it shall be the duty of such Officers to suppress the use of unlicensed presses for compressing cotton, and to examine cotton offered for compression or exposed or intended for sale, and in the execution of such duty such Officers shall at all times have access to every building and enclosure within which any gin or press for cleaning or compressing cotton at work or prepared for work is situated, and if the licensee of any press for compressing cotton, or his servant or agent, shall be convicted of having offered any obstruction to such Inspector in the execution of his duty, his license may be adjudged by a Magistrate to be suspended for a fixed time, or to have become null and void.

Clause 2.—The Inspectors shall in their official capacities be subject in the Island of Bombay to the orders of the Commissioner of Customs, and in all parts of the Presidency, except the Island of Bombay, to the orders of the Collector of the District in which they hold their appointments, or in which they are at the time employed, and shall at all times be liable to dismissal by order of the Governor in Council for neglect or misconduct in the discharge of their official duties.

XII. It shall be lawful for such Cotton Inspectors to seize and detain all cotton with respect to which any offence under this Act shall appear to have been committed, and to give such cotton into the custody of any Police Officer, and such Police Officer shall be bound to assist such Inspector of Cotton in seizing and detaining such cotton and in bringing the offender to justice.

Inspectors may seize adulterated Cotton and give the offenders into custody of the Police

Provided

Provided that no person offending against this Act shall be proceeded against except by summons on information laid by the Inspector or by some other person.

Proviso.

Provided also that without the warrant of a Magistrate it shall not be competent to any Inspector to open any bale finally pressed for foreign export.

Proviso.

XIII. There shall be levied upon every bale of cotton exported from any port or place in the Presidency of Bombay to any port or place other than in British India, a fee not exceeding 4 annas, and all fees so levied shall be paid to the credit of a fund, to be termed the Cotton Improvement Fund, to be appropriated by the Governor in Council of Bombay solely towards carrying out the objects of this Act.

A fee of Annas 4 a bale may be levied on exported Cotton.

XIV. All offences against this Act may be tried, and all confiscations and fines under the provisions thereof may within the town of Bombay be adjudicated by any Magistrate of Police, and elsewhere by any Magistrate with powers not inferior to those of a Subordinate Magistrate of the First Class, and all fines may be levied by distraint and sale of the offender's goods by warrant under the hand of such Magistrate, and shall otherwise be subject to the rules in relation to fines and the commutation and levy thereof prescribed by the Penal Code and the Code of Criminal Procedure: Provided that, in the infliction of the penalties provided by this Act, no Magistrate shall exceed the limits of his ordinary Criminal jurisdiction, and that all fines and fees recovered, and the proceeds of all cotton confiscated under this Act, shall be carried to the credit of the Cotton Improvement Fund.

Adjudication of offences, confiscations, and fines.

Disposal of fines, &c.

XV. Nothing in this Act shall affect the civil rights of any parties defrauded by any offender against this Act, but they may sue for the same as if this Act had not been passed.

Civil remedies not barred

XVI. The word "bale" when used in this Act shall be held to include "dokra" and all other packages of cotton. The word "gin" shall be held to include "churkas" and all other machines used for the purpose of cleaning cotton. The word "press" shall be held to include every kind of machinery used for the purpose of compressing cotton. The words "Foreign Export" shall be held to mean export out of British India.

SCHEDULE.

	Fees leviable.
For every press worked by steam or other power	Rs. 5 0 0
For every press worked by animal or manual labour, and not by steam.....	„ 2 0 0
For every press worked by manual labour alone	„ 1 0 0

Government of Bombay.

LEGISLATIVE DEPARTMENT.

AN ACT

FOR THE

Prevention of Adulteration of Cotton and
the better Suppression of Frauds in the
Cotton Trade in the Presidency of
Bombay.

*[Received the assent of the Governor of Bombay
on the 15th day of April 1863, and of the
Governor General on the 9th day of June
1863, and published by the Governor of
Bombay on the 2nd day of July 1863.]*

Price Two Annas.

BOMBAY.

ACT No. X. of 1863.

A.C.

An Act for the Re-Incorporation and Re-Constitution of the Bank of Bombay.

[Received the assent of the Governor of Bombay on the 24th day of March 1863, and of the Governor General on the 4th day of July 1863, and published by the Governor of Bombay on the 1st day of August 1863.]

WHEREAS the provisions of Act No. III. of 1840, whereby the Bank of Bombay was incorporated and constituted, having been found to be in many respects inconvenient and imperfect or unnecessarily restrictive, it is expedient to repeal the said Act, and also Act No. XXI. of 1854, intituled "An Act to amend the law relating to the several Banks of Bengal, Madras, and Bombay," and Act No. XXVII. of 1855, intituled "An Act to enable the Banks of Bengal, Madras, and Bombay to transact certain business in respect of Government Securities and Shares in the said Banks;" but as to such two last-mentioned Acts, so far only as the same are concerned with the said Bank of Bombay, and to substitute for the provisions in the same Acts respectively contained, so far as the same relate to the said Bank, the provisions in this Act contained. And whereas it is also expedient to confer upon, or confirm, or continue to the Bank of Bombay, as continued or re-incorporated and re-constituted by this Act, such and the same powers and authorities as under or by virtue of Act No. XXIV. of 1861, intituled "An act to enable the Banks of Bengal, Madras, and Bombay to enter into arrangements with the Government for managing the issue, payment, and exchange of Government Currency Notes, and certain business

business hitherto transacted by the Government Treasuries," are now possessed or exercisable by the Bank of Bombay, as incorporated and constituted under or by virtue of the said Act III. of 1840, of entering into the arrangements and agreements, and of transacting the business in this behalf in the said Act XXIV. of 1861 mentioned: It is enacted as follows:—

I. Upon and from the first day of May in the year of our Lord 1863, The former Acts repealed the said Act No. III. of 1840, Act No. XXI. of 1854, and Act No. XXVII. of 1855, but as to the said two last-mentioned Acts so far only as they relate to the Bank of Bombay, shall respectively cease and determine, and the same are hereby from the said day repealed.

II. The persons who at the time of the determination in manner aforesaid of the said three last-mentioned Acts shall, by The Bank of Bombay re-incorporated virtue of, and in accordance with, the provisions of the said Act III. of 1840, be the proprietors of the capital stock of the Bank of Bombay, or who shall at any time thereafter, by virtue and in pursuance of the provisions of this Act become proprietors of any such stock then created or to be thereafter created as hereby provided, and their successors respectively, proprietors for the time being of the same stock respectively, shall, notwithstanding the determination of the said Act, continue to be and be a corporation, body, corporate or politic, with perpetual succession under the name of the Bank of Bombay, and shall possess and enjoy all the rights, powers, and immunities incident by Law to a corporation aggregate, subject nevertheless to the provisions of this Act.

III. All the property, movable and immovable, and all the things in Property vested in the Bank as re-incorporated: action, claims, and demands whatsoever, which immediately before the determination as aforesaid of the said Acts shall be vested in or might be made or asserted by the said Bank of Bombay as incorporated and constituted under the same Acts, shall, immediately upon the determination as aforesaid of the same Acts, become vested in and devolve on, and may be made and asserted by the Bank of Bombay as re-incorporated and re-constituted by this Act, and the said Bank of Bombay so re-incorporated and re-constituted as aforesaid, shall be liable and subject to all

all debts, demands, claims, and liabilities, outstanding or which might be made or asserted against the said Bank at the time of such determination as aforesaid, and no suit or proceeding at Law or in Equity then pending shall cease, or abate, or become defective by reason or in consequence of such determination as aforesaid, and of such re-incorporation and re-constitution of the said Bank by virtue of this Act.

IV. The said Bank of Bombay, so as aforesaid re-incorporated and re-constituted, shall, upon the determination as aforesaid of the said Acts, be authorized and empowered To have a Corporate Seal, &c. to transact all or any of the business which the said Bank is hereby authorized or empowered to transact, and shall and may sue and be sued by its said corporate name, and shall and may use such corporate seal as shall have been theretofore in use, or as the Directors of the said Bank shall have appointed in this behalf, or shall from time to time thereafter appoint, and shall be competent to acquire and hold either absolutely or conditionally, and either in perpetuity or for a term of years, any description of property whatsoever, and shall have power to convey and transfer the same.

V. And whereas it was enacted by the said Act III. of 1840 that the capital stock of the Bank of Bombay, by the same Act incorporated, should in amount not be less than fifty lakhs of rupees, nor unless increased as thereunder provided, more than fifty-six lakhs of rupees, and whereas the capital stock of the said Bank now amounts to rupees fifty-two lakhs and twenty-five thousand, the whole amount of which has been paid up: it is hereby enacted, that it shall be lawful for the proprietors, at a special general meeting, summoned for that purpose, and they are hereby empowered, at such time or times after the determination as aforesaid of the said Acts, and from time to time thereafter, to increase the capital stock of the said Bank, so as aforesaid re-incorporated and re-constituted by a certain amount, but so nevertheless as that the whole capital stock of the same Bank shall not at any time exceed the sum of rupees two crores and ten lakhs, and the Directors shall thereupon cause to be issued such and so many new shares upon such conditions and in such manner as to them may seem expedient for raising the amount of capital which at such general meeting may have been authorized to be raised.

VI. The capital stock of the Bank of Bombay, so as aforesaid incorporated and constituted under the said Act III. of 1840, shall on the determination as aforesaid of the said Act, continue to be and be the capital stock of the Bank of Bombay so as aforesaid re-incorporated and re-constituted under this Act, and shall continue to be divided into shares of rupees one thousand each; and such shares shall continue to bear the same numbers as theretofore; and the shares which at the time aforesaid shall be registered in the name of the Governor in Council of Bombay shall be the property of the said Governor in Council for the time being, and the shares which at the time aforesaid shall be registered in the name of the individual proprietors, shall continue to be the property of such proprietors, but shall be deemed to be shares in the capital stock of the said Bank so as aforesaid incorporated and constituted under this Act; and in case the capital stock of the said Bank shall at any time thereafter be increased by virtue and in pursuance of the provisions of this Act, the new or additional capital stock so created shall in like manner be divided into shares of rupees one thousand each, and such shares shall be numbered in continuation of the numbers of the then existing shares, and no separate interest or share in or of the said capital stock of less amount than rupees one thousand shall be created or held by any proprietor, nor shall any proprietor or other person be entitled to claim a share of such new or additional capital stock of less amount than rupees one thousand.

VII. The said Bank so re-incorporated and re-constituted by this Act, or the Directors thereof, shall cause to be kept in one or more books at their principal office in Bombay, a register of proprietors of shares in the capital stock of the said Bank, and there shall be entered therein the following particulars:—

1. The names, addresses, and occupations (if any) of the said proprietors, and the shares held by each of them, distinguishing each share by its number.
2. The amount paid on the shares of each proprietor.
3. The date at which the name of any person was entered in the register as a proprietor of shares or a share.

4. The date at which any person ceased to be a proprietor of any share, and as soon as conveniently may be after the determination as aforesaid of the said Acts, the Directors shall register in manner aforesaid the persons who at the time of such determination shall be the proprietors of the capital stock of the said Bank, as incorporated and constituted under the said Acts so as aforesaid determined.

VIII. A certificate, signed by three of the Directors of the said Bank, as re-incorporated and re-constituted under this Act, shall, after the determination as aforesaid of the said Acts, and on request being made in this behalf by the proprietors or any of them of shares or a share in the capital stock of the said Bank then created or thereafter to be created, be given to such proprietors or proprietor, and such certificate shall specify the number of the share in respect of which the same shall be granted, and any person being the proprietor of more than one of such shares may, at his option, require such certificate as aforesaid in respect of each of such shares, or one certificate for all the shares of which such person is proprietor, and according to such requisition, such certificate, signed as aforesaid, shall be delivered to such proprietor. Such certificate, signed as aforesaid, and specifying any share or shares held by any proprietor, shall be *prima facie* evidence of the title of the proprietor to the share or shares therein specified, provided always that such certificates shall not be granted to persons who shall be proprietors of shares or a share in the said Bank at the time of the determination as aforesaid of the said Acts, or their successors, unless they shall deliver up to be cancelled the certificates or certificate of such shares or share theretofore granted, or shall satisfy the Directors of the loss or destruction of such certificates or certificate.

IX. No notice of any trust, express, implied, or constructive, shall be entered on the register, or be receivable by the said Bank, nor shall the Bank in any case recognize or be affected with notice express or otherwise of any trust, charge, lien, estate, or interest whatsoever, reversionary or otherwise, of, upon, in, or in respect of any of the said shares in the said Bank, other than the legal estates or interests therein of the person or persons in whose name or names the said shares or share shall be registered. Provided always that nothing in this Section contained

tained shall be construed to restrict the operation which any judgment, decree, order, writ, or other process of any Court of Justice would, in the absence of this Section, have had.

X. The shares in the capital stock of the said Bank, so as aforesaid
 re-incorporated and re-constituted under this Act,
 shall be of the nature of personal estate, and shall
 not be of the nature of real estate, and the same shall be transferable by a deed
 in the form set forth in Schedule A hereto annexed, and which deed shall be
 executed both by the transferrer and transferee, and may be either a separate
 deed or a deed indorsed on the share certificate; provided always that no such
 separate or indorsed deed of transfer shall be effectual to transfer the share or
 shares thereby intended to be transferred until such separate or indorsed deed
 of transfer shall have been registered at the Bank of Bombay in manner afore-
 said, and such registration shall have been duly noted on such separate or
 indorsed deed of transfer, or duly certified in writing under the hand of an
 officer appointed for that purpose by the Directors of the said Bank; but the
 transferrer shall be deemed to remain the proprietor of such shares or share
 until such registrations and notification or certificate as last mentioned shall
 have been made or given.

XI. The executors or administrators of a deceased proprietor shall be the
 only persons recognized by the said Bank as having
 any title to his shares or share, and any person
 becoming entitled to shares or a share in the capital
 stock of the said Bank, in consequence of the death, bankruptcy, or insolvency
 of any proprietor, or in consequence of the marriage of any female proprietor,
 or in any way other than by indorsement or transfer, may be registered as a
 shareholder upon the production of such evidence of title as may be required
 by the Directors.

XII. The Directors of the said Bank so re-incorporated and re-constituted
 as aforesaid, by giving notice in the *Bombay Government Gazette*, may, from time to time, close the
 register of Proprietors for any period or periods not
 exceeding in the whole 21 days in any one year, and during such period and
 periods

periods it shall not be compulsory upon the Directors to register any transfer of any share.

XIII. The said Bank of Bombay as re-incorporated and re-constituted under this Act shall consist and be composed of the registered proprietors for the time being of the said shares of the capital stock of the said Bank, and of no other person or persons whatsoever.

XIV. The business of the said Bank shall, until the appointment in manner hereinafter provided of new Directors, be managed by the persons who at the time of the determination in manner aforesaid of the said Acts shall by virtue and in pursuance of the same Acts, or any of them, be the Directors of the said Bank as thereby incorporated and constituted, and such persons shall be the first Directors of the said Bank so as aforesaid re-incorporated and re-constituted by this Act; and after the appointment in manner hereinafter respectively provided of new Directors, the business of the said Bank shall be managed by nine Directors, of whom three shall from time to time be appointed and removable by the Governor in Council of Bombay, and the remaining six shall in manner hereinafter provided and from time to time be elected by a general meeting of the proprietors of the said Bank, and shall be removable by vote of the majority of a general meeting of the said proprietors. Provided that any three or more of the Directors shall form a quorum for the transaction of the business at any meeting of the Directors, and such three or more Directors shall have power and authorities of the entire number of the Directors.

XV. The election of such Directors as are to be elected as aforesaid by the proprietors shall be made at a general meeting of the proprietors, to be held on the second Monday in December, or any adjournment thereof; and such election shall be made by the proprietors of shares in the capital stock of the said Bank, who shall be present at such meeting or adjourned meeting, and shall vote at such election, or who shall vote at such election by proxy.

XVI. Two of the six elective Directors for the time being shall in rotation go out

out of office on the second Monday in the month of December in every year, on which day in every year a general meeting of the proprietors shall be held for the election of two Directors in their stead; and the six persons who at the time of the passing of this Act shall be Directors shall retire by rotation in such manner as they would have retired if this Act had not been passed, provided always that any Directors going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon. *

XVII. The appointment of any Directors to be elected by the proprietors as aforesaid shall be deemed to have taken place on the result of such election being declared by the President of the meeting at which such election shall take place, and they and the said other Directors, from time to time to be appointed by Government, shall thenceforth be Directors of the said Bank, and have the powers and authorities of Directors, provided always that if at any such meeting or adjourned meeting of proprietors held for election of Directors no such election shall be had, the persons who previously to such meeting or adjourned meeting were Directors shall continue to be and act as Directors till such election shall be duly had; and such meeting or adjourned meeting shall be adjourned to any day at a distance of not more than one month for the election of Directors as aforesaid.

XVIII. In case of death, resignation, or absence from Bombay for more than three months, or disqualification under Section XXI., or removal as aforesaid of any Directors or Director to be elected by the proprietors as hereinbefore provided, the surviving or continuing Directors or Director, or the Directors or Director other than the Director or Directors so being absent or being disqualified, or having been removed, shall, in manner hereinafter provided in the cases of extraordinary general meeting, call a general meeting of the proprietors, to be held within fifteen days of the day of the notice for that purpose, of electing in manner aforesaid a successor or successors to such Directors or Director so dying, resigning, being absent, becoming disqualified, or being removed, and such successors shall, in regard to the rotation abovementioned, be deemed to be in place of the Director in whose stead he shall have been so appointed.

XIX.

XIX. No person shall be capable of serving as a Director by election of the proprietors who shall not be proprietor in his own right of twelve unincumbered shares of 12,000 Rupees of the capital stock of the Bank of Bombay, or who shall be Director of any other Bank having a place of business within the town or island of Bombay; and in case of more than one member of any mercantile firm or company (being other than a joint stock company) being elected Directors, or where any Director shall become a member of such firm or company, there being already a member of the same firm a Director, only one of such members shall act as a Director.

XX. At all general meetings of the proprietors every election and other matter in question shall be decided by a majority of votes; and no person shall be allowed to vote at any such meeting, in respect of any shares or share of the said capital stock, until six calendar months after the time when he shall have become a registered proprietor of such shares or share, unless such share or shares shall be acquired or shall have come by bequest, marriage, or succession to an intestate's estate, or by any deed of settlement after the death of any person who shall have been entitled for life to the dividends of such shares. If more persons than one are jointly entitled to a share or shares, the person whose name stands first in the register of shareholders as one of the holders of such share or shares and no other, shall be entitled to vote in respect of the same.

XXI. At all such general meetings the proprietors, having a right to vote at such meetings, shall vote according to the following scale:—

The Proprietor of		
4 shares of 1,000 Rs.	shall be entitled to..	1 vote
20	” ” ” ”	.. 2 ”
40	” ” ” ”	.. 3 ”
60	” ” ” ”	.. 4 ”
80	” ” ” ”	.. 5 ”
120	” ” ” ”	.. 6 ”
160	” ” ” ”	.. 7 ”

And no proprietor shall be entitled to more than seven votes.

XXII. It shall be lawful for the Governor in Council of Bombay, by writing signed by one of the Secretaries to Government, to appoint any person as a proxy to attend any general meeting of the proprietors; and such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such meeting, except upon the election or removal of such Directors as are elected by the said proprietors.

XXIII. Any proprietor or proprietors entitled to vote in person at any general meeting may, by writing under his, her, or their hand, or the hand of his, her, or their attorney, duly authorized, or if the appointor is a corporation, under their common seal, appoint any other registered proprietor, as his, her, or their general or special proxy on his, her, or their behalf, to attend, take part, and vote at any general meeting or meetings, according to the terms and instructions contained in the instrument of appointment; and such proxy shall have the same number of votes and all such powers as are given by such instrument, being such as the person or persons so appointing him would have possessed if personally present, provided the instrument of appointment shall be deposited at the chief place of business in Bombay of the said Bank not less than forty-eight hours before the same can be acted on. Any vote or act otherwise valid of any person appointed to act as such proxy shall not be afterwards objected to or questioned merely on the ground of the revocation, whether by operation of law or otherwise, of the authority of such person to act as such proxy, unless notice in writing of such revocation shall have been served at the last mentioned place at least forty-eight hours before the time when such vote or act shall have been given or done, unless at such last mentioned time such objection or question shall have been raised.

XXIV. At the first meeting of the directors in every year, they shall choose a president from among themselves; and if the office of the president shall become vacant, they shall at their next meeting choose a successor for the remainder of the current year; and during any vacancy, or in the absence of the president, the senior director

director present shall be vice-president for the time being, and shall preside at general meetings of the proprietors and at meetings of the directors; and in all cases of an equal division of votes at meetings, either of proprietors or directors, the president or vice-president shall have a casting vote in addition to any votes or vote he may be entitled to give in his own right or as a proxy.

XXV. If at any meeting of proprietors such president, vice-president or
 Chairman at Meetings. any director shall not any of them be present at the time of holding the same, the proprietors present shall choose some one of their number to preside at such meeting, and the person so as aforesaid presiding at such meeting shall, in case of an equality of votes, have a casting vote. The person presiding over any such meeting may with its consent adjourn the same from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the time from which the adjournment took place.

XXVI. At any general meeting, unless a poll is demanded by at least
 Mode of Voting at General Meetings. five proprietors, a declaration by the president for the time being that any resolution, regulation, or other matter has been arrived at, made, or concluded, and an entry to that effect in the minutes of proceedings of the said Bank, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against such resolution, regulation, or other matter; and if a poll shall be demanded in manner aforesaid, the same shall be taken in such manner as such president shall direct, and the result of such poll shall be deemed to be the resolution of the said proprietors in general meeting.

XXVII. The persons for the time being holding the offices of Secretary
 and Treasurer, or of Secretary alone, or of Deputy
 The Secretary, &c. empowered to draw Bills, &c. Secretary of the Bank of Bombay as re-incorporated and re-constituted under this Act, are hereby respectively authorized and empowered for and on behalf of the said Bank, to indorse and execute transfers of Government and other securities standing in the name of the said Bank, to draw, accept, and indorse bills of exchange, promissory notes, bank post bills, and letters of credit connected with the current

rent

rent and ordinary business of the Bank, and to sign all other documents connected with such business, except documents under seal, other than such documents under seal, as may be required to be executed for the purpose of transferring Government or other securities standing in the name of the said Bank.

XXVIII. The seal of the Bank shall not be affixed to any deed or instrument except in the presence of three Directors, whose signatures shall be duly attested by neutral parties, and any document to which the seal of the Bank shall be so affixed, and shall be so executed and attested as aforesaid, shall bind the said Bank and operate as the act and deed of the Bank.

XXIX. No person being or acting as Secretary and Treasurer, Deputy Secretary, Head Accountant or Head Shroff of the Bank of Bombay, or as Inspector, Agent, Manager, Accountant, Shroff, in any other office at any Branch Bank or Agency, shall engage in any other banking or commercial business, either on his own account or as agent for any other person or persons, or act as a broker for the sale or purchase of Government securities; and every person appointed to hold or act in any one or more of the said offices, and all such other officers from whom the Directors may from time to time think fit to require it, shall give security to the Directors for the faithful discharge of his duty to the satisfaction of the Board of Directors, and in such amount and in such manner as they shall think proper. Provided always that the security to be given as aforesaid by the person holding or acting in the offices of Secretary or Treasurer, or both, shall not be in a less amount than Rs. 50,000.

XXX. The Directors, by letter of attorney or other deed or writing, may delegate to Directors, Local Committees, Inspectors, Managers, Agents, and other officers respectively, any of the powers of the Directors for the due conduct, management, and regulation of any of the business or affairs of the company, and for any of such purposes may authorize the Secretary and Treasurer, or the Secretary alone, to depute or delegate any of the powers hereby conferred on him by Section XXVII. to any person or persons for carrying on any branch business or agency of the Bank of Bombay.

XXXI.

XXXI. The Directors of the said Bank for the time being shall be at liberty, and they are hereby authorized and empowered to execute and exercise all such powers and authorities of the said Bank as re-incorporated and re-constituted by this Act, as are not by any of the provisions hereof declared to be exercisable only by the proprietors in general meeting, subject nevertheless to the provisions of this Act, and of such bye-laws, regulations and orders, as may from time to time be made under Section 45 of this Act. And in particular, the said Directors are authorized and empowered to exercise and execute the powers and authorities following :—(A) To provide suitable offices and buildings for the use of the said Bank, and to do all acts necessary or proper for that purpose. (B) To sell or exchange all or any of the movable or personal, or immovable or real property or estate of the said Bank, and to apply the moneys produced by any such sale as capital of the Bank. (C) To continue the persons who at the time of the determination as aforesaid of the said Acts shall hold the respective offices of Secretary and Treasurer, Secretary, Deputy Secretary, Accountant, or Shroff, or shall be acting as agents, or be otherwise in the employment of the said Bank as incorporated and constituted by the said Acts in such respective offices, or as such agents, or in such employment, or at such time, or at any other time, and from time to time to appoint persons to fill or hold such offices or any of them, or to act as such agents or in such employment of, for, or on behalf of the said Bank as re-incorporated and re-constituted by this Act, and to appoint such other officers, clerks, or servants as the Directors may consider necessary for the conduct and carrying on of the business of the said Bank, and from time to time to remove any such officers, clerks or servants as aforesaid, and to fix and appoint the salaries, remuneration, or wages of such officers, clerks, or servants. (D) To institute, conduct, defend, and compromise or abandon as they may think expedient any legal proceedings relating to the property or affairs of the said Bank, and to submit to arbitration any matter in difference between the said Bank and any other persons or person. (E) To compound for or abandon any debt, claim, or demand due to or maintainable by the said Bank, and to give time for payment or satisfaction thereof. And subject

as hereinbefore mentioned to exercise the entire management, superintendence, and control of and over the business and affairs of the Bank, and in such manner as shall appear to them, the said Directors, most advantageous to the said Bank, and for the purposes of the exercise and execution by them, of any of the powers and authorities hereby vested in them or made exercisable by them, the said Directors may (if necessary) cause the common seal of the said Bank to be affixed to any deed or other instrument, and any deed or instrument having affixed to it the said common seal, and bearing the signature of three Directors of the said Bank for the time being, shall be deemed to be a deed or instrument duly executed by the said Bank.

XXXII. The said Bank of Bombay as re-incorporated and re-constituted under this Act may, and is hereby authorized and empowered to carry on and transact the business hereinafter specified, but shall not engage in or carry on or transact any other adventure, trade, or business than such particular kinds of business, that is to say.—

1st. The advancing and lending money on Government securities, or on the security of shares in any of the incorporated Indian Railway, or other public companies in India.

2nd. The discounting, buying, and selling of bills of exchange, and other negotiable securities payable in India; provided that the Directors of the Bank of Bombay shall have power to open drawing accounts with the Banks of Bengal and Madras, and to make from time to time, with or without collateral security, such temporary advances to either of these corporations as to the said Directors shall appear to be expedient.

3rd. The making of investments of the moneys of the said Bank in Government securities, and from time to time altering, converting, and transposing such investments for others of a like nature.

4th. The making, issuing, and circulating of bank post bills and letters of credit made payable in India to order or otherwise than to the bearer on demand.

5th. The buying and selling of gold or silver bullion.

6th.

6th. The receiving of deposits, keeping cash accounts, and granting cash credits.

7th. The granting loans and making advances upon any goods, wares, merchandize, or other property or securities of the description abovementioned which, or the documents of title to which, shall be deposited with or assigned to the said Bank as security for such loans and advances, and the selling and realization of the proceeds of sale of any such goods, wares, merchandize, or other property or securities which, or the documents of title to which, have been so deposited or assigned, or which shall be held by the said Bank, and over which the said Bank shall be entitled to any lien or charge in respect of any such loan or advance, or any debt or claim of the said Bank, and which said goods, wares, merchandize, property, security, or documents of title, so as aforesaid deposited with, assigned to, or held by the said Bank, shall not in due time in accordance with the terms and conditions (if any) of such deposit or assignment have been redeemed.

8th. The acting as agents either for commission or profit or otherwise in the transaction of the following kinds of business —The taking charge of any Government or other securities or shares in any Railway, Bank, or Joint Stock Company. The receiving of the interest or dividends on any such securities or shares. The investment of any money deposited in the said Bank of Bombay in any of the said securities or shares. To sell or transfer any such securities or shares deposited with the said Bank, or to receive any principal money that may be payable thereon. To invest the principal and interest and dividends so received, or the proceeds of such sale as last aforesaid in any such securities or shares, or according to the instruction of their constituents to hold or pay such principal, interest, dividends or proceeds, or at the risk of such constituents to remit the same by public or private bills either payable in India, or in Great Britain or Ireland, and to do all acts necessary or proper for the purpose of effecting such remittances, provided that if any such remittance be made in a bill of the said Bank, such bill shall be payable in India; and provided also that notwithstanding any thing hereinbefore contained, it shall be lawful for the said Bank, if authorized so to do by the Governor in Council of Bombay, to draw bills of exchange and grant letters of credit payable out of
India

India for the use of their constituents in the Agency Department for the remittance of funds realized by them acting as agents in the manner aforesaid, and to buy bills of exchange payable out of India for the purpose of meeting such bills or letters of credit.

XXXIII. The said Bank of Bombay as re-incorporated and re-constituted under this Act, shall and may have and exercise the same powers and authorities as under and by virtue of Act XXIV. of 1861 were conferred upon or made exercisable by the Bank of Bombay as incorporated and constituted under Act III. of 1840, of entering into and carrying out the arrangement and agreements in the said Act XXIV. of 1861, in this behalf mentioned, and of the transacting in addition to the modes of business in which the said Bank might at the time of passing such last-mentioned Act be by law engaged and in manner in this behalf in Section II. of the same Act mentioned, all or any of the business in this behalf in the same Section mentioned.

XXIV. The Directors of the said Bank, as re-incorporated and re-constituted under this Act, shall make no loan or advance of money or securities for money to any person or persons on the security of any shares or share or certificate of shares or a share in the capital stock of the Bank of Bombay; nor shall they make any loan or advance on the mortgage, or in any other manner on the security of any lands, houses, or other immovable property, or on the title deeds relating thereto.

XXXV. The Directors of the said Bank shall cause the books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, or at such other times as may from time to time be determined by the Directors, and a statement of such balance, showing generally how the same is arrived at, signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor in Council of Bombay, and the Governor in Council of Bombay shall at all times be entitled to require of the said Directors any information touching the affairs of the said Bank

Bank, and the production of any documents of the said Bank, and the said Directors shall comply with every such requisition.

XXXVI. An account of the profits and losses of the said Bank shall be taken half-yearly on the 1st day of January and the 1st day of July in every year, or at such other times as may from time to time be determined by the Directors, and a dividend thereof shall be made so soon thereafter as conveniently may be, and the amount of such dividend shall be determined and declared by the Directors of the said Bank on the ground of the actual profits made by the said Bank during the six calendar months preceding the day up to which such half-yearly account shall be taken; provided that the said Directors shall have power from time to time and whenever they see fit, to set apart from such profits such sum or sums as they may consider necessary or expedient in this behalf, and add or appropriate the same to the reserve fund, which may from time to time have been set apart to answer contingent or extraordinary purposes or liabilities.

XXXVII. Unless some other time shall be prescribed by the proprietors of the capital stock of the said Bank, on the first Monday of the month of August in every year, a general meeting of the said proprietors shall be held, at such place and time as may be determined by the Directors, due notice of such place and time being published by advertisement in the official *Bombay Gazette*, at which meeting the Directors of the said Bank shall submit to the said proprietors a statement of the property and liabilities of the said Bank, and of its income and expenditure during the preceding year, ending on the preceding thirtieth of June, or such other day as shall be determined on by the Directors, and such ordinary general meeting shall be competent to pass resolutions and regulations, and frame rules and directions relative to the affairs, management, and conduct of the said Bank, which shall be binding on the Directors and officers of the Bank, and on the proprietors thereof, until rescinded or modified respectively by any subsequent general meeting.

XXXVIII. At the first general meeting in every year one or more auditor or auditors shall be appointed for the current year by a majority of the votes at the meeting, and

in case of any casual vacancy occurring in such office, the vacancy shall be filled forthwith by a special general meeting to be summoned for the purpose. No Director or other officer shall be eligible as an auditor. An auditor shall be re-eligible on his quitting office.

XXXIX. The above mentioned general meetings shall be called ordinary meetings, all other general meetings shall be called extraordinary or special general meetings.

Ordinary and Extraordinary
General Meetings

XL. Any three of the Directors or any ten Proprietors of the said Bank may at any time convene a special general meeting of the Proprietors upon giving 15 days' previous notice of such meeting, and of the purpose or purposes for which the same shall be convened, as well to the Secretary and Treasurer of the said Bank for the time being, as also by public advertisement in the *Bombay Government Gazette*—Provided that at such special general meeting convened by the Proprietors or Directors no other business shall be entered on except what relates to the purpose or purposes mentioned in the notice convening such meeting.

Convening of Special General Meeting

Proviso.

XLI. It shall be lawful for the Directors of the said Bank of Bombay, and they are hereby authorized and empowered, with the sanction of the Governor in Council of Bombay, to form such business relations with, and to establish branch banks or agencies at, such other places than Bombay, as they may deem expedient for the interests of the said Bank, and the Directors of the said Bank shall have full power, as they may think fit, to suspend or discontinue such relations, branch banks, and agencies, and to make such regulations for, and impose such restrictions and conditions upon, the conduct and transaction of business by such branches or agencies as they may think fit, such regulations not being inconsistent with the provisions of this Act, or the regulations and bye-laws for the time being in force and binding upon the said Bank. And for the carrying on, conduct, and management of the business and affairs of the said Bank, so far as the same shall fall to the part of the said branch banks or agencies hereby authorized to be established in accordance with such last-mentioned regulations, restrictions, and conditions, the said Directors may from time to time,

by

Power to establish Branches.

by letter of attorney, or other deed or writing, appoint, and from time to time remove such persons as may seem to them proper in that behalf to form a local board or committee of management, or to act as inspectors, managers, or agents of or at such branch banks or agencies, and may also from time to time appoint and again remove or dismiss such persons as may seem to them proper in that behalf to act as clerks or servants of or at such branch banks or agencies, and may fix the amount of the remuneration, salary, or wages to be paid to the members of such local board or committee, or to such inspectors, managers, agents, clerks, and servants, and the said Directors shall be at liberty, and they are hereby authorized and empowered by the instrument of appointment, or any other letter of attorney, deed, or other writing, to delegate, or cause to be delegated to the said boards or committees, or any number of the members thereof, or the said inspectors, managers, or agents, any of the powers and authorities by this Act vested in or made exercisable by them, the said Directors, or any of the powers and authorities by Section XXVIII. of this Act, vested in or made exercisable by the Secretary and Treasurer, or Secretary alone, or Deputy Secretary of the said Bank, such powers and authorities nevertheless not being inconsistent with and being subject to the provisions of this Act, and the resolutions, regulations, and bye-laws for the time being in force and binding on the said Bank.

XLII. It shall be lawful for the Directors of the said Bank from time to time to enter into negotiations for and to purchase and take over the capital, assets, and business of any other Bank within Her Majesty's Indian Territories, of which the capital is divided into shares, and to grant and allot to the shareholders or proprietors in such Bank in full of their respective right, title and interest in such capital, assets, and business, a sufficient number of shares in the capital stock of the said Bank of Bombay (which number shall be determined by the Directors), and for that purpose increase the capital stock of the said Bank by the issue of such number of shares as may be so determined on. The shareholders or proprietors of the purchased Bank to whom such new shares shall be allotted, shall be proprietors of the Bank of Bombay, and be in all respects in the same position as if they had respectively subscribed and paid
for

for the shares so allotted to them; provided always that the business so purchased shall after the purchase be carried on by the said Bank of Bombay with and subject to the several restrictions contained in this Act.

XLIII. If any of the said proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the dividends on the share or shares of such proprietors until payment of such debt, and to apply such dividends towards payment, and after demand or default of payment, and notice in that behalf given either to such proprietors or his or her constituted agent, or by public advertisement in the official *Gazette*, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such proprietors until payment of such debt, and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale, and to sell and dispose of such share or shares, or so many of such shares as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest, at the rate of six per cent. per annum, paying over the surplus, if any, to such proprietors or his or her lawful representative, and the name of the purchaser or purchasers of such share or shares shall be registered as proprietor or proprietors thereof.

XLIV. The provisions contained in Part III. of Act XIX. of 1857, intituled "An Act for the incorporation and regulation of Joint Stock Companies and other Associations, either with or without limited liability of the members thereof," so far as the same apply to the winding up and dissolution of limited companies, shall be held and deemed to be applicable to the Bank of Bombay as re-incorporated and re-constituted by this Act, so far as the circumstances of the case will admit of their being so applied, as if the same provisions had been incorporated with this Act. Provided always, that the words "the Company" or "a Company" as used in the same provisions, shall be construed to mean "the said Bank of Bombay as re-incorporated and re-constituted by this Act," that the said Bank, if wound up, shall be wound up by the High Court of Judicature at Bombay, and that the words "the Court," as used in the said provisions, shall be construed to mean the said High Court at Bombay, that regard

regard being had to the fact that the said Bank is not a registered corporation, the words "registered offices," as used in the said provisions, shall be construed to mean "the principal place of business at Bombay of the said Bank," and that such of the said provisions as require notices, report, or return, to be sent to the Registrar of Joint Stock Companies, shall not be deemed applicable to the said Bank of Bombay, but that for the purposes of Section 94 of the said Act XIX. (and which Section is comprised in the 3rd paragraph thereof), the said Bank of Bombay shall be deemed to have been registered at Bombay, and that for the purposes of Sub-Section II. of Section 95 of the said Act XIX. (also comprised in the 3rd part) the period of one month therein mentioned, on the expiration of which the said Bank of Bombay shall be deemed to be dissolved, shall commence on the date of publication by the liquidators in manner therein mentioned or such resolution as is therein referred to, that the words "Company in General Meeting," or "General Meeting of Shareholders," as used in the said provisions, shall be construed to mean any extraordinary or ordinary general meeting of the proprietors of the said Bank of Bombay respectively, summoned and held in manner hereinbefore provided, or by the liquidators in manner mentioned in Sub-Section X. of the said Section 95, and provided lastly, that the words "Articles of Association," or "Regulation of the Company," as used in the said provisions, shall be construed to mean the provisions of this Act or any resolutions, regulations, or bye-laws for the time being in force and binding on the said Bank of Bombay.

XLV. It shall be lawful for the Directors for the time being of the said Bank to make and pass bye-laws, regulations, and orders for the good government, and in reference to the mode of conducting the business of the Bank, and such bye-laws, regulations and orders, from time to time to modify, rescind, and vary; and it shall further be lawful for the proprietors of the said Bank at any general meeting, whether ordinary or special, to pass resolutions and frame, and from time to time rescind and vary bye-laws, regulations, and orders for the direction of the affairs of the Bank and for the remuneration of the Directors; and the same shall be binding on the Directors and officers and on the proprietors of the Bank, until rescinded or varied at any subsequent general

Power of Directors to make, alter and rescind Bye-laws, &c.

ral meeting; provided always that no bye-law, regulation, or order, or alteration or rescission of any bye-law, regulation, or order, whether passed by the Directors or by the proprietors at a general meeting, shall be of any validity, except in so far as the same shall be consistent with the provisions of this Act, and shall be approved by the Governor of Bombay in Council; such approval to be signified in writing under the hand of one of the Secretaries to the Government of Bombay. Provided always that no such bye-laws, regulations or orders made by the proprietors at any general meeting shall invalidate any prior act of the Directors, which would have been valid if no such bye-law, regulation, or order had been made.

Proviso.

SCHEDULE A above referred to.

I, A. B., of (in consideration of the sum of
 paid to me by C. D.) of do
 hereby transfer to the said C. D. share (or shares numbered re-
 spectively) in the Bank of Bombay, standing in my name in
 the books of the said Bank, to hold unto the said C. D., his executors, adminis-
 trators, and assigns, subject to the several conditions on which I hold the same
 at the time of the execution hereof, and I the said C. D., do hereby agree to
 take the said share (or shares), subject to the same conditions, as witness our
 hands the day of 186 .

Government of Bombay.

LEGISLATIVE DEPARTMENT.

AN ACT

FOR THE

Re-incorporation and Re-constitution
the Bank of Bombay.

*[Received the assent of the Governor of Bombay
on the 24th day of March 1863, and of the
Governor General on the 4th day of July
1863, and published by the Governor of
Bombay on the 1st day of August 1863.]*

Price Six Annas.

BOMBAY.

ACT No. XI of 1863.

An Act for taking a Census of the Bombay Presidency.

[Received the assent of the Governor of Bombay on the 8th day of April 1863, and of the Governor General of India on the 28th day of August 1863, and published by the Governor of Bombay on the 5th day of October 1863.]

WHEREAS it is expedient that arrangements should be made for facilitating the enumeration of the inhabitants of the Presidency Town of Bombay, and of the Districts, Towns, and places subordinate thereto; It is hereby enacted as follows:—

I. The Governor in Council of the Presidency of Bombay may, from time to time, as he may deem necessary, authorize and direct an enumeration to be made of the inhabitants of the Town and Suburbs of Bombay, or of any of the Districts, Towns, or places within the limits of the said Presidency, or subordinate thereto, and may appoint any date or dates upon, or within which such enumeration shall be made, and may appoint any Officer or Officers to superintend the same. Provided always that one clear month previous to such enumeration being commenced, Notice of the intention to make the same with the date or dates upon, or within which it is intended to be made, the name or names of the Officer or Officers appointed to superintend the same, and all other necessary particulars, shall be published in the *Bombay Government Gazette*, and in such Newspapers published in the English Language and in the Language of the Town or District as to the Governor in Council shall seem fit, and that the said Notice shall be proclaimed by beat of drum or Battakee in every Town, Village and Quarter in which the said enumeration is to be made.

Appointment of Officers to superintend enumeration, and publication of such appointments

II.

II. Any Officer or Officers appointed to superintend any such enumeration shall, in accordance with the instructions of the Governor in Council, appoint such Enumerators and make such arrangements generally as may to him or them appear necessary for the purposes of such enumeration.

III. Each Enumerator or other Subordinate Officer appointed under this Act shall, agreeably to his instructions, leave at each house or place of residence within his respective District, four days at least before the time appointed for the collection of the completed Returns or Census, a blank Schedule of Return, of such form, and containing such particulars, as Government may approve, to be duly filled up and signed by the owner, tenant, or principal occupant of the said house or place of residence.

IV. Every Census, Schedule, or Return issued under the authority of this Act, shall bear the name or names of the Officer or Officers authorized by Government to direct or superintend the enumeration of the population of the District, Town, or place in which such Schedule or Return shall be issued.

V. Any person wilfully neglecting or refusing correctly to fill up and affix his signature to any such Schedule or Return so left at his house or place of residence, or who shall neglect or refuse to return the same to the Enumerator or other Officer when called upon so to do, or to furnish the necessary information to an Enumerator to fill up the same for him, if he or she may not know how to write, shall be liable to a penalty not exceeding Rs. 200, and may also be detained in custody until he shall have correctly filled up and signed the said Schedule or Return.

VI. Any Enumerator or other Subordinate Officer employed in the collection of such Schedules or Returns, if he shall find any of the same defective, or in any respect improperly filled in, shall return the same to the occupant

occupant of the house or residence to which they relate, together with a written or printed notice requiring that the same be duly filled in or amended within a specified period not less than 24, nor more than 48 hours, and if such occupant shall then fail so to fill in, or amend any such Schedule or Return, he shall, on conviction, be liable to a fine not exceeding Rs. 200, and may also be detained in custody until he shall correctly fill in or amend the said Schedule or Return.

VII. The mode of procedure against any person or persons for any offence under this Act, and for enforcing the payment of any penalty inflicted under its provisions, shall, within the Town and Island of Bombay, be in accordance with the mode prescribed in Act XIII. of 1856 and Act XLVIII. of 1860, and in the Districts in which the Code of Criminal Procedure shall be in operation, by complaint before any Magistrate, and in such Districts the rules prescribed by the said Code, and by the Indian Penal Code, as to the levy and commutation of fines, shall be applicable to fines inflicted under this Act, and the detention of any person under the provisions of Sections V. and VI. shall take place only upon the order of a Magistrate empowered to inflict the fines prescribed by this Act.

Government of Bombay.

LEGISLATIVE DEPARTMENT.

AN ACT

FOR

Taking a Census of the Bombay Presidency.

[Received the assent of the Governor of Bombay on the 8th day of April 1863, and of the Governor General on the 28th day of August 1863, and published by the Governor of Bombay on the 5th day of October 1863.]

Price One Anna.

BOMBAY.

ACT No. XII. of 1863.

An Act to remove any doubts which may arise as to the legality of acts done, and proceedings held, in the Collectorate of Sattara, between the 1st January and 14th April 1863, both days inclusive.

[Received the assent of the Governor of Bombay on the 15th day of August 1863, and of the Governor General of India on the 19th day of September 1863, and published by the Governor of Bombay on the 16th day of October 1863.]

WHEREAS it is provided in Section I. Act III. of 1863, that from and after the 1st day of January 1863, the villages in the Collectorate of Sattara shall be subject to the Regulations and Acts in force within the territories subject to the Presidency of Bombay, and whereas the said Act did not receive the assent of the Governor General until the 25th day of March 1863, and was not published by the Governor of Bombay until the 15th day of April in the same year; and whereas doubts may arise as to the legality of proceedings held between the said 1st day of January and 14th day of April, both inclusive; It is hereby enacted that—

1. All proceedings held, sentences passed, orders and decrees made, by any and all persons having authority in the Collectorate of Sattara between the 1st day of January 1863 and the 14th day of April in the same year, both inclusive, which would have been legal, but for the operation of Section I. Act III. of 1863, are, and shall, be deemed to be as legal as if that enactment had not

not been passed; and it shall not be competent for any Court in any suit or other proceeding, Civil or Criminal, now pending or hereafter to be instituted, to question the legality of such proceedings, sentences, orders and decrees on the ground aforesaid, but the said proceedings, and all sentences passed, orders and decrees made, and all other acts done, shall be held to be as legal and valid as if the Regulations and Acts in force in the territories subject to the Presidency of Bombay had not come into operation in the Collectorate of Sattara before the 15th day of April in the present year.

Government of Bombay.

LEGISLATIVE DEPARTMENT.

AN ACT

TO

Remove any doubts which may arise as to the legality of acts done, and proceedings held, in the Collectorate of Sattara, between the 1st January and 14th April 1863, both days inclusive.

[Received the assent of the Governor of Bombay on the 15th day of August 1863, and of the Governor General of India on the 19th day of September 1863, and published by the Governor of Bombay on the 16th day of October 1863.]

Price One Anna.

BOMBAY.

ACT No. XIII. of 1863. ✓

An Act to provide for the Management of the Vehar Water Works.

[Received the assent of the Governor of Bombay on the 16th day of May 1863, and of the Governor General of India on the 2nd day of October 1863, and published by the Governor of Bombay on the 3rd day of November 1863.]

WHEREAS by Section XXX. of Act XXV. of 1858 it is enacted that the Municipal Commissioners for the Town of Bombay shall pay to the Governor in Council certain annual sums in discharge of the original cost, with interest, of the works called the Vehar Water Works, and of the cost of maintaining the same, and whereas it is desirable, in consideration of the large outlay incurred in the construction of the said Works, and in purchasing up the rights of the tenants or occupants of the site of the said Lake or Works, that one moiety of the same in excess of Twenty-five lacs of Rupees should be defrayed by the Governor in Council, and whereas it is expedient that the management of the said Vehar Water Works be transferred to the said Commissioners, and that the said Commissioners be invested with powers for making such management effectual, and for raising certain funds for the purposes aforesaid, in addition to the funds which by law they may now raise, and that in the exercise of such powers and the disposal of such funds they be subject to certain rules and limitations ; It is hereby enacted—

Short Title. I. This Act shall be called "The Vehar Water Works Act."

II.

II. From and after the 1st day of July 1863 the Vihar Lake in the Island of Salsette and all the land adjacent thereto up to the level of the embankment on the southern side thereof, and included within the limits delineated in a plan deposited in the office of the Secretary to Government of Bombay, and authenticated by the signatures of the Governor and Members of Council, and marked A, and all the land and other immovable property which is necessary for the purpose of conveying the water of the said Lake by pipes into the Town of Bombay, and there distributing the same, and which, being the property of Government, has ordinarily been applied to, or employed for, the purposes aforesaid, shall be vested for a term of 99 years in the Municipal Commissioners for the Town and Island of Bombay, in trust for the purposes of this Act and subject to the conditions hereinafter provided; and it shall be lawful for the Governor in Council at the end of the period of 99 years aforesaid and thenceforward from time to time to order that the said property shall vest in the said Commissioners on the conditions and for the purposes aforesaid for such further period not exceeding 99 years from the day of any such order, as shall seem expedient; Provided that on the expiration of the said first term of 99 years, or of any further period for which the Governor in Council may have ordered that the said property shall vest in the said Commissioners, all rights and every power conveyed to the said Commissioners under this Act shall forthwith cease and determine, and the said property shall revert to and become vested in the Governor in Council as the same were vested in the said Governor in Council before this Act was passed.

III. It shall be lawful whenever the same may be necessary in order to repair, renew, extend, improve or examine the Water Works aforesaid for the Commissioners and their servants at all reasonable times to enter upon and pass through any land or other property adjacent to the same or in the neighbourhood thereof, in whomsoever such property may be vested, and to convey into and through the said land or other property such materials, tools, and instruments as may be necessary for the purposes aforesaid: and any person obstructing such entrance or passage, or conveyance, shall, on conviction before any Magistrate, be liable to a fine not exceeding Rupees Fifty,

Fifty, commutable, if not paid, to one month's simple imprisonment, provided that all damage done to land or other property by the said Commissioners or their servants in the exercise of the powers by this Act conferred, shall be made good by the Commissioners to the owners of the same.

IV. All materials, tools, instruments, and other movable property, purchased ^{Movable property vested in} or otherwise acquired, prior to the said 1st day of ^{Municipal Commissioners.} July 1863, by or for the Governor in Council for the purposes of the Water Works aforesaid, and on that day vested in the Governor in Council or in any person in trust for him, shall then forthwith become vested in the Commissioners aforesaid in trust for the purposes of this Act.

V. From and after the day aforesaid the said Water Works and the ^{Management and main- tenance by the Municipal Commissioners.} business thereof shall be exclusively managed and conducted by the said Commissioners, who shall be bound to keep the said Water Works and the property pertaining thereto in good repair and effective for the proper purposes of the same, and the said Commissioners shall make such extensions, improvements, and alterations in the said Water Works and property as may be necessary, and for such purposes may expend such sums as may be necessary out of the Municipal Fund, subject however to such prohibitions and limitations as the Governor in Council, upon the representation of the Bench of Justices, may in any case think fit to prescribe.

VI. Whereas by the provisions of Sections XXX. and XXXI. of ^{Part repayment to Govern- ment by Commissioners of cost of Water Works.} Act XXV. of 1858 certain sums are now and may become payable by the Municipal Commissioners of the Town and Island of Bombay to the Governor in Council, and will continue to be payable until the whole of the expense incurred in the construction of the Vehar Lake and Water Works, with interest at four per centum per annum, shall have been repaid; except such portion thereof as shall be defrayed by Government out of the Public revenue, and that the said Commissioners shall also pay to the Governor in Council such further sum in each year as shall be equal to the cost of the maintenance of the said works during the preceding year, and whereas a sum in excess of 25 lacs of rupees has been expended in the construction of the said Vehar Lake and Water Works, and in purchasing up the interests of the tenants or occupants of the site of the said Lake and Works, and it has been agreed that one-half of all sums so expended

expended in excess of 25 lacs of rupees shall be defrayed out of the public revenue, it is hereby enacted that the said Municipal Commissioners shall pay annually on or before the 1st July to the Governor in Council a sum not less than the total amounts payable under the provisions of the Sections of the Act aforesaid, which sums shall be appropriated to the liquidation of the amount payable with interest by the Municipal Commissioners until the whole amount be defrayed, and the said amount shall be the total of the said 25 lacs of rupees and of a moiety of the excess above 25 lacs of rupees expended on the construction of the said Vehar Lake and Water Works, the amount of which moiety shall be determined on a scrutiny of the accounts by the Deputy Auditor and Accountant General of Bombay; whose decision shall be subject to the approval and confirmation of the Governor in Council of Bombay, and when so confirmed shall be final, and from and after the day upon which this Act shall come into operation, the liability of the said Commissioners to pay to the Governor in Council in each year the amount of the cost of the maintenance of the said Vehar Lake and Water Works shall cease and determine, but if the said Commissioners shall in any year fail to pay on or before the 1st July to the Governor in Council such sums as are in this Section prescribed, it shall be lawful for the Governor in Council to give two months' notice to the said Commissioners, requiring payment of all arrears accrued due on account of the sums so payable, and on failure of the Commissioners to make such payment, the said Vehar Water Works and all the movable and immovable property appertaining thereto and vested in the said Commissioners, shall cease so to vest, and shall forthwith become vested in the Governor in Council in trust for the purposes for which it was previously vested in the said Commissioners: Provided that all sums received by the Governor in Council on account of water supplied from the said Works, shall after deduction of all sums expended in the management and maintenance of the same be credited to the said Commissioners as having been paid on their account and received by the Governor in Council, in liquidation of the amount payable by the said Commissioners and in this Section.

VII. From and after the day upon which this Act shall come into operation, it shall be lawful for the Municipal Commissioners with the consent of the Bench of Justices and the approval of the Governor in Council to impose

Water-rates may be levied by the Municipal Commissioners.

impose such annual or other periodical rates for the supply of water from the said Vihar Water Works, and such periods for the payment of the same, upon houses, wharves, and other structures, and upon all works and places whatsoever so supplied with water, and thereafter with such consent and approval so to alter the said rates and periods as may be necessary or expedient, and such rates shall be recoverable by the said Municipal Commissioners in like manner as rates payable under the provisions of Act XXV. of 1858.

VIII. It shall be lawful for the said Commissioners, with the consent of the Bench of Justices and subject to such rules as the Governor in Council may, from time to time, prescribe, to supply water to any person from the said Water Works, in such quantities and on such terms and conditions as shall seem fit, and to contract for the supply of such water for any purpose whatever to any person without measurement at a reasonable fixed rate, and all moneys due to the said Commissioners on account of any water so supplied shall be recoverable in like manner as the rates in the last preceding Section mentioned

IX. All public wells, tanks, reservoirs and the like vested, or which may hereafter be vested in the Municipal Commissioners, and from which the public may or shall ordinarily have drawn water without payment, shall be continued and maintained by the said Commissioners, so long as the Bench of Justices or the Governor in Council shall require, and the public shall have free access thereto and may draw water therefrom without hindrance or payment of any fee whatever.

X Every person liable to the payment of any rate or price to the Municipal Commissioners for any water supplied to him from the said Vihar Water Works upon certain conditions as to the use of the same, who shall fraudulently dispose of such water to persons or for purposes in violation of the said conditions, shall be liable on conviction before any Magistrate of Police to a fine not exceeding Rs. 500, and in default of payment of such fine shall be punished with simple imprisonment for a period not exceeding two months.

ACT No XIII of 1863

XI The Municipal Commissioners shall at all reasonable times permit all persons appointed by the Governor in Council on that behalf to enter upon and inspect, and take account of all the property by this Act vested, or which in virtue of the same may become vested in the said Commissioners and the persons so appointed as aforesaid shall be entitled to enter upon and pass through any property adjacent to, or in the neighbourhood of, the said Vehar Lake and Water Works, or any part thereof subject to the same conditions as the Municipal Commissioners and if from the report of any person appointed as aforesaid it shall appear that the said Lake or Water Works or any portion of the same are not in a sound and effective condition it shall be lawful for the Governor in Council by notice, under the signature of a Secretary to Government, to call upon the said Commissioners to repair, improve, and make effective the said Works or Lake or portion thereof within such a period as may seem reasonable and the said Commissioners shall be bound within such period to comply with such requisition failing which the Governor in Council may immediately on the expiration of such period order the said Lake or Works or portion thereof to be repaired, improved and made effective in such manner and by such means as shall seem fit, and the Municipal Commissioners shall in any such case be bound forthwith to pay to the Governor in Council the cost of the work so performed in addition to any other sums by them payable

XII The Municipal Commissioners shall keep accounts of all receipts and disbursements on behalf or by reason, of the said Vehar Water Works, apart and distinct from any other accounts and shall annually present to Government and cause to be published in the *Government Gazette*, a statement of such accounts and the said accounts shall at all reasonable times be open to examination and audit by any person appointed on that behalf by Government and if upon the report of the person so appointed it shall appear that the said accounts are falsely erroneously or negligently kept, it shall be lawful for the Governor in Council to order the same to be corrected and to be kept in future with due diligence according to such plan as Government may prescribe as truly representing the affairs of the said Water Works and the Municipal Commissioners shall be bound to conform to such order :

XIII. If from any such annual report of the Commissioners or any report of an examiner appointed by the Governor in Council as aforesaid, it shall appear that after paying to Government the sums due under this Act, and after providing for the repairs and maintenance of the Lake and Water Works and the payment of necessary salaries, any surplus remains in the hands of the said Commissioners or their agents, of moneys received on account of the said Works, it shall be lawful for the said Commissioners with the consent of the Bench of Justices to expend the same in such extensions and improvements of the said Works and of the apparatus connected therewith, as the Governor in Council may approve, and if such improvements or extensions shall appear to be necessary, it shall be lawful for the Governor in Council, with the concurrence of the Bench of Justices, to require that the same may be made; and if it shall appear that the surplus, after providing for such payments to Government and for such expenses of repairs and maintenance as aforesaid, has in any year exceeded the sum of Fifty thousand Rupees, the said Commissioners may forthwith prepare a new scale of rates and prices, so calculated as to reduce the annual receipts on account of the said Water Works, either by the whole amount by which the same exceed the necessary disbursements on account thereof, or by such sum as shall remain after providing for the extensions and improvements which may properly be made out of the said surplus or profits, and shall submit the same for the approval of the Governor in Council, and in failure thereof the Governor in Council, with the concurrence of the Bench of Justices, may order such new scale to be made, or may prescribe a new scale calculated as aforesaid, which new scale the said Commissioners shall forthwith adopt, and shall thereafter recover such demands only for supplies of water as are in accordance therewith.

XIV. If the Municipal Commissioners shall refuse or fail duly and diligently to maintain and manage the Veihar Lake and Water Works, or to keep accounts of the same, or to perform any duty which, under this Act they are bound to perform, it shall be lawful for the Governor in Council, after such notice as shall seem fit, to appoint any person or

If Commissioners fail to perform their duties under this Act, they may be temporarily superseded.

persons for the performance of all or any of such duties, until the next ensuing election of Municipal Commissioners, and to assign to such persons such salary as shall seem reasonable, to be paid out of the Municipal Fund, and the person so appointed shall have and exercise, in the performance of the duties assigned to them by the Governor in Council the like powers and privileges as the Municipal Commissioners; and the Municipal Commissioners shall, from the date of such appointment, cease to perform the duties assigned to the persons so appointed, and shall transfer to the said persons all documents, accounts, and property necessary for the proper performance of such duties, provided that from and after the next ensuing election of Municipal Commissioners the duties and powers of the person so provisionally appointed by the Governor in Council as aforesaid shall cease, and shall forthwith devolve on and vest in the Municipal Commissioners, and that such person shall be bound to transfer to the Municipal Commissioners all documents, accounts, and property held by them or under their control, on account of the said Vehar Water Works.

XV From and after the day upon which this Act comes into operation, it shall not be lawful for any person to erect any building, shed, or other structure, for the purposes of dwelling or manufacture, trade or agriculture, within the limits of the watershed of the Vehar Lake, as defined in a plan marked B, and deposited in the office of the Secretary to Government of Bombay, and authenticated by the signatures of the Governor and Members of Council, or to extend or alter any such structure heretofore existing within the said limits, or to apply the same to purposes different from those to which it has heretofore been usually applied; and it shall not be lawful within the said limits, for any person to carry on any operation of manufacture, trade, or agriculture, in any manner whereby any injury may arise to the said Lake, or the waters of the same may be fouled or rendered less wholesome; and any person so offending shall, at the prosecution of the said Municipal Commissioners, be subject, on conviction before any Magistrate, to imprisonment, of either description for any period not exceeding one month, or to a fine of Rupees One Hundred, or to both; and it shall further be lawful for the Magistrate of the

the District, in case of any such conviction as aforesaid, to order the immediate removal of such building or structure and the discontinuance of such operation or use of the land as aforesaid, and in case of disobedience to remove such structure and to prevent such operation or use, and for any opposition to such removal or other disobedience of such order as aforesaid, the offender shall be liable, in each instance, to the penalty in this Section above provided.

Government of Bombay.

LEGISLATIVE DEPARTMENT.

AN ACT

TO

**PROVIDE FOR THE Management of the Vellore
Water Works.**

*[Received the assent of the Governor of Bombay
on the 16th day of May 1863, and of the
Governor General of India on the 2nd day
of October 1863, and published by the
Governor of Bombay on the 3rd day of
November 1863.]*

Price Two and a half Annas.

PRINTED AT THE BOMBAY EDUCATION SOCIETY'S PRESS