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PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th June 1867, and is hereby promulgated for general information :—

Act No. XXX. of 1867.

An Act to amend Act XIX. of 1861 (to provide for a Government Paper Currency.)

WHEREAS under Section 8 of Act XIX. of 1861
 Preamble. *(to provide for a Government Paper Currency),*
 the Promissory Notes of the Government of India issued under that Act are payable only at the Office, or Offices, or Agencies of Issue of the city or town from which they are severally issued, and at the Presidency town of the Presidency within which such city or town is situated: And whereas it is expedient to empower the Governor General of India in Council to declare that for the purposes of the said Act any such city or town, other than a Presidency town, shall be deemed to be situated within such Presidency as he shall from

time to time declare by Notification in the *Gazette of India*; It is hereby enacted as follows :—

1. It shall be lawful for the Governor General of India in Council from time to time to declare by Notification in the *Gazette of India* that any city or town (other than a Presidency town) from which Promissory Notes of the Government of India are or shall be issued under the said Act, shall, for the purposes of such Act, be deemed to be situated within such Presidency as shall be specified in that behalf in the said Notification; and thereupon such city or town shall, for the purposes of the same Act, be deemed to be situate within the Presidency so specified.

This Act to be read with Act XIX. of 1861.

2. This Act shall be read with and taken as part of the said Act No. XIX. of 1861.

WHITLEY STOKES,
 Asst. Secy. to the Govt. of India,
 Home Department (Legislative).

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 13th June 1867, and is hereby promulgated for general information:—

Act No. XXIX. of 1867.

An Act to explain and amend Act No. XXI. of 1867.

WHEREAS it is expedient to explain and amend
Preamble. Act No. XXI. of 1867 (*for the licensing of Professions and Trades*); It is hereby enacted as follows:—

1. Sections 10 and 11 of the said Act are hereby repealed, and in lieu thereof respectively shall be substituted the following (that is to say):—

“10. The Collector shall from time to time determine what persons are liable to take out licenses under this Act, and under which of the classes mentioned in Schedule A to this Act annexed every such person shall be assessed.

“11. As soon as may be after the first day of May 1867, and the same day in every subsequent year, the Collector shall prepare a list of the persons to be licensed under this Act in the district or place aforesaid, and may from time to time alter and add to the said list. Such list shall state—

(1.)—The profession or trade of each of the persons therein named.

(2.)—The class under which he is assessed, and

(3.)—The sum to be paid for his license.

Such list shall be filed in the office of the Collector, and the list, or such part or parts thereof as he shall think fit, shall be filed in such other places as the Collector shall direct, and shall be open to public inspection at all reasonable times without the payment of any fee.”

2. In lieu of the first sentence of Section 12 of the said Act, the following shall be substituted (that is to say): “Any person named in such list, and objecting to the class under which he is assessed, or denying his liability to be assessed under this Act shall be at liberty, if before the 15th day of June 1867 he shall have paid the sum in which he has been assessed under this Act, within thirty days of the said 15th day of June 1867, or if he pay such sum after the said 15th day of June 1867, then within thirty days from such payment, to apply by petition to the Collector in order to establish his right to have his name transferred to another class or removed from the list.” And Schedule C to the said Act annexed shall be read as if,

Amendment of Schedule C.

for the words “persons licensed,” the words “persons to be licensed” were substituted, and as if the following words were added thereto (that is to say), “[or that his name may be removed from the said list.]”

3. Section 15 of the said Act is hereby repealed, except as to offences committed and liabilities incurred before the passing of this Act, and in lieu thereof shall be substituted the following (that is to say):—

“15. If the Collector shall have caused a notice to be served on any person stating the class under which he has been assessed, and requiring him within seven days from the date of the service to take out a license and to pay for the same the sum (mentioning it) payable therefor under the provisions of this Act, and if the person so served shall not within the period specified in the said notice, have taken out a license and paid for the same as required by the said notice, he shall, on conviction before a Magistrate, be subject to a penalty not exceeding Rupees five hundred, and not less than the sum mentioned in such notice. Every such notice shall be deemed to be sufficiently served if left at the residence or usual place of business of the person to whom it is addressed.”

4. The first two sentences of Section 19 of the said Act are hereby repealed, and in lieu thereof the following shall be substituted (that is to say):

“On and after the 1st day of May 1867 every Trading Company or Association in British India, whose stock or funds is or are divided into shares and transferable, whether such Company or Association be incorporated or not, and whether its principal place of business be situate in British India or not, shall take out a license and pay for the same such annual sum as is mentioned in Schedule B to this Act annexed. Provided that if any such Company or Association satisfy the Collector that the payment to which it is liable under this section, exceeds two per cent. of its profits during the year ending on the thirtieth day of April preceding the year of assessment from its operations in British India, then the Collector shall grant a license to such Company or Association upon payment of the sum of two per cent. on such profits: Provided also that for any such license which shall be granted between the first day of November in each year and the thirtieth day of April next ensuing, there shall be paid only one-half of such annual sum, or of such sum of two per cent. on such profits.”

5. The provisions of the sections respectively substituted by this Act for Sections 10, 11, and 15 of the said Act apply to Trading Companies and Associations under Section 19 of the same Act, as amended by this Act. Provided that the maximum penalty to which a Trading Company or Association shall be subject on conviction under the Section substituted by this Act for Section 15 of the said Act, shall be Rupees two thousand.

6. This Act shall be read with and taken as part of the said Act No. XXI. of 1867, and shall have effect as from the eighth day of March 1867.

This Act to be read with Act XXI. of 1867.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor of Bombay in Council received the assent of the Right Honorable the Governor of Bombay on the 7th May 1867, and the assent of His Excellency the Governor General on the 8th June 1867, and is published for general information :—

BOMBAY.

Act No. IV. of 1867.

An Act to amend the Bombay Municipal Act (No. II.) of 1865.

WHEREAS it is expedient to amend the
Preamble. Bombay Municipal
Act (No. II.) of 1865;
It is enacted as follows :—

I. Section 47 of Act No. II. of 1865
(Bombay Municipal
Amended Section for Act) is hereby re-
House Rate. pealed, and in lieu
thereof shall be read the following: An

annual rate of five per centum, of their annual value, shall be levied upon houses, buildings, and lands in the City of Bombay, and shall be payable by the owners thereof in quarterly instalments in the following manner, that is to say, on the 1st July next one quarterly instalment in arrears shall then be due and leviable for the second quarter of 1867, and a further quarterly instalment shall be then due and leviable in advance for the third quarter of 1867, and on the 1st October next ensuing the fourth and last quarterly instalment for the year 1867 shall be then due and leviable, and on and after the 1st January next ensuing the annual rate of 5 per centum leviable upon houses, buildings, and lands in the City of Bombay under this Section, shall be payable by the owners thereof in advance in half-yearly instalments, that is to say, the first instalment for the year shall be due and leviable on the 1st January, and the second instalment on the 1st July of each year: Pro-

vided that no warrant
Proviso. for the recovery by
distrain of rates payable in advance shall be issued unless 15 days' notice shall have been previously given to the defaulter. Provided also that it shall be lawful for

the Governor in
Proviso. Council, on a Reso-
lution passed by the Justices at a Special General Meeting, to fix from time to time in lieu of the said annual rate of five per centum, any higher rate not exceeding ten per centum. Any rate so fixed shall be published in the *Government Gazette* before the commencement of the year in which such rate is to have effect.

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II. Section 227 of Act. II. of 1865
(Bombay Municipal
Section repealed. Act) is hereby re-
scinded.

III. To provide for the annual expense
Police Rate. of the Police of the
City of Bombay, and
for the prevention of mischief from fires,
an annual rate of not less than 2 per cent.
and not more than 3 per cent. upon their
annual value, shall be imposed by the Jus-
tices upon the occupiers of all houses,
buildings, and lands in the city, which shall
be assessed and levied in the manner here-
inafter provided. The Police Rate shall
be due and leviable at the same time and
in the same instalments as the House
Rate.

IV. The annual value of all houses,
buildings, and lands
Annual value of
houses, &c. liable to
Police Rate how to be
determined. liable to the Police
Rate, shall be the
annual value as as-
certained under Section 58 of Act II. of
1865 (Bombay Municipal Act).

V. Every occupier shall be liable to
the Police Rate for
Occupier liable to the
rate for time of occupa-
tion. the time of his occu-
pation, and when any
person shall cease to
be an occupier during the currency of any
half-year, the Municipal Commissioner
shall on application refund to him so much
of the rate for that half-year as may be
proportioned to the period during which
he shall cease to be an occupier, provided

however that no re-
Proviso. funds shall be given
for any broken period of a month.

VI. When any house, or building, or
any land is entirely
Owner when liable. unoccupied the owner
shall be liable to pay the Police Rate.

VII. When any house, building, or
land is sublet in apart-
* Owner to furnish list
of his tenants. ments, flats, or por-
tions of flats, the
owner thereof shall furnish the Municipal
Commissioner with a list of his tenants,
showing the amount of rent paid by each
tenant at least 15 days before the 1st
January and 1st July in each year, and
the Municipal Commissioner shall there-
upon proceed to recover the Police Rate
from such tenants in proportion to the

amount of rent paid by each tenant, but if the owner shall neglect to furnish the Municipal Commissioner with such list as aforesaid, the Municipal Commissioner shall proceed to recover the Police Rate from the owner instead of from the tenants of such house, building, or land sublet as aforesaid.

VIII. Whenever by reason of default of any tenant or by reason of any portion of the house, building, or land being without a tenant, the payment of Police Rate under the preceding Section shall fall short of the full amount of Police Rate leviable in respect of any house, building, or land sublet as aforesaid, the owner of such house, building, or land shall be liable to pay the amount of such deficiency on demand by the Municipal Commissioner.

IX. When any person rents any house, or building, or any land from the owner thereof, and sublets the same in apartments, flats, or portions, such person, for the purpose of the Police Rate, shall be held to be the occupier.

X. The following Sections of Act II. of 1865 (Bombay Municipal Act) relating to the mode of demand and recovery of Municipal Rates and Taxes, shall be applicable to the Police Rate, viz. Sections 61, 62, 68 to 80, 230, and 231.

XI. The Municipal Commissioner may proceed under this Act to recover all moneys due for Police Rate or Halalcore Cess assessed under Act II. of 1865 (Bombay Municipal Act) before this Act shall come into operation; provided that no moneys shall be recovered from any person who was not liable to assessment under the said Act.

XII. Whenever an owner has been compelled to pay any Municipal rate or tax ordinarily payable by the occupier of a house, building, or land, he shall have the right to recover from such occupier his proportion of the rates so paid, calculated on the rent actually paid by such occupier.

XIII. Section 52 of Act II. of 1865 (Bombay Municipal Act) is hereby repealed.

XIV. Whenever under Section 119 of Act II. of 1865 (Bombay Municipal Act) the Municipal Commissioner shall have caused any house, building, or land to be served by a Municipal Halalcore, the Halalcore cess shall be payable by, and levied from, the occupiers at the same time, and in the same manner as the Police Rate, and the Sections of this Act applicable to the Police Rate shall also be applicable to the Halalcore cess.

XV. Provided that the maximum Halalcore cess payable by any private person in respect of his own residence shall not exceed Rupees seven per mensem, in other cases the Halalcore cess shall not exceed three per cent. of the actual rent payable by each occupier. Provided always that in no case shall less than four annas per month be paid by any family for Halalcore cess payable under this Act.

XVI. The Commissioner shall have the same powers in deciding and recovering the Halalcore cess, as are conferred upon him by Act II. of 1865, for the recovery of any Municipal rate or tax.

XVII. All Halalcores employed by the Commissioner under Section 119 of Act II. of 1865 (Bombay Municipal Act) are hereby declared to be public servants, and the Commissioner may, as provided in the said Act, make by-laws for their control and supervision.

XVIII. In the case of messages or buildings let in flats or portions of flats it shall be lawful for the Municipal Commissioner to treat each flat as a separate property for the purpose of the House rate: provided that if any portion of a flat is occupied, the owner

XIX. The following Sections of Act II. of 1865 (Bombay Municipal Act) relating to the mode of demand and recovery of Municipal Rates and Taxes, shall be applicable to the Police Rate, viz. Sections 61, 62, 68 to 80, 230, and 231.

XX. The Municipal Commissioner may proceed under this Act to recover all moneys due for Police Rate or Halalcore Cess assessed under Act II. of 1865 (Bombay Municipal Act) before this Act shall come into operation; provided that no moneys shall be recovered from any person who was not liable to assessment under the said Act.

XXI. Whenever an owner has been compelled to pay any Municipal rate or tax ordinarily payable by the occupier of a house, building, or land, he shall have the right to recover from such occupier his proportion of the rates so paid, calculated on the rent actually paid by such occupier.

XXII. Section 52 of Act II. of 1865 (Bombay Municipal Act) is hereby repealed.

XXIII. Whenever under Section 119 of Act II. of 1865 (Bombay Municipal Act) the Municipal Commissioner shall have caused any house, building, or land to be served by a Municipal Halalcore, the Halalcore cess shall be payable by, and levied from, the occupiers at the same time, and in the same manner as the Police Rate, and the Sections of this Act applicable to the Police Rate shall also be applicable to the Halalcore cess.

shall be liable to pay House rate on the valuation of the whole flat.

XVIII. Whenever the occupier of any house, building, or land shall vacate the same, having paid any rates in advance for the current half-year, he shall on giving the Municipal Commissioner written notice within seven days after his so vacating be entitled to a refund of the rates due for the portion of the half-year remaining.

The Municipal Commissioner shall then proceed to recover rates for the remainder of the current half-year from the new occupier, if the house, building, or land be immediately let, or if otherwise, from the owner; provided however that no person shall be entitled to a refund for any broken period of a month, nor shall the Municipal Commissioner recover any rates from the new occupier, or from the owner for any such broken period.

XIX. All questions and disputes which may arise under Sections V., XII., and XVIII. of this Act shall be determined by the Court of Petty Sessions.

XX. Schedule F to Act II. of 1865 (Bombay Municipal Act) is hereby repealed, and in lieu thereof shall be read Schedule A to this Act; and wherever in the Bombay Municipal Act reference is made to Schedule F to that Act, it shall be held to have been made to Schedule A to this Act, and the new Schedule shall come into force on and after such date subsequent to the coming into operation of this Act as may be notified by Government.

XXI. The Municipal Commissioner shall be empowered to require the Heads of Public Offices, Joint Stock Companies and Trading Firms to furnish him with a list of their employées subject to the License Tax, and also to call upon any partner or agent of a firm to furnish a return showing the names and residences of all partners in the firm, whether resident in Bombay or elsewhere, and any partner or agent called upon to make such return shall be bound to make a true and faithful return, and Clause 2 Section 62 of

the Bombay Municipal Act shall apply to any person refusing or failing to furnish such return.

XXII. Section 146 of Act II. of 1865 is hereby repealed. Whenever the Health Officer shall certify to the Commissioner that any dwelling-house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants, and the inhabitants shall consist of more than one family, it shall be lawful for the Court of Petty Sessions at Bombay upon proof of such overcrowding as aforesaid to issue an order to the owner of such house requiring him, within six weeks from the date thereof, to abate such overcrowding, by ejecting such number of lodgers or tenants as shall be stated in the order, and in case the owner of such house refuses or neglects to comply with the terms of such notice, he shall be liable to a fine not exceeding 20 Rupees for every day after the expiry of the term mentioned in the order until he shall have complied with such order. And whenever such owner shall establish to the satisfaction of the said Court that it is owing to the tenant's refusal to leave that the terms of the order have not been carried out, it shall be lawful to the said Court to impose such fine on the recusant tenant and not on the owner: Provided always, that if the owner of any such dwelling-house shall have sublet the same to any contractor, the contractor shall, for the purposes of this Section, be held to be the owner.

XXIII. Whenever, by Act II. of 1865, or by this present Act, Service of Summonses and Notices. notices or summonses may be issued to any person, the said notices or summonses may be served by any person or persons authorised by the Commissioner in writing to serve notices and summonses.

XXIV. All notices required by Act II. of 1865, or by this present Act to be given to or left with the Commissioner shall be in writing.

XXV. Whenever the Commissioner, with the sanction of the Justices and of the Government, as provided in Act II. of 1865, shall have established any slaughter-houses or burial-grounds beyond the limits of the city of Bombay, for the use of the inhabitants of the said city, all by-laws for

the management of slaughter-houses and burial-grounds within the city of Bombay shall apply and have full force therein; and all offences against those by-laws, or against the provisions of Act II. of 1865, shall be cognizable by the Magistrates of the city of Bombay, as if such slaughter-houses or burial-grounds were within the city of Bombay: Provided the limits of such slaughter-houses or burial-grounds be duly notified in the *Government Gazette*, and plans thereof lodged with the several Magistrates of the city of Bombay.

XXVI. It shall be lawful for the Justices, with the sanction of the Governor in Council, to borrow money on the mortgage of any rents or income yielded by their real property, or any part thereof, for the purpose of executing any permanent improvement, and with the like sanction to fix such rates of interest and such periods for the repayment of the sums borrowed with interest as they shall think fit; and for the purpose of securing the repayment of the sums so borrowed with interest as aforesaid,

the Justices may mortgage and assign over to the person or persons by or on behalf of whom such sums or any part thereof may be advanced, the income or rents received or receivable from such real property, and may further supplement the same, when necessary, by payments from the Municipal Fund.

XXVII. Sections 254, 255, and 256 of Act II. of 1865, shall apply to all loans borrowed by the Justices under the preceding Section.

XXVIII. Section CCXL. of the Bombay Municipal Act of 1865 shall be read as if between the words "upon" and "the" in the first line of the said Section the following had been inserted:—

"The Justices of the Peace for the city of Bombay or any of them or"

XXIX. This Act shall be read as and taken to be part of Act II. of 1865.

SCHEDULE A.

LICENSE TAX ON PROFESSIONS, TRADES, AND CALLINGS.

CLASS I.

Yearly.

- | | |
|---|-----------|
| (A) Every Joint Stock Company, whether registered or not under any English or Indian Act or Acts, and every other Company, whether incorporated or not by Royal Charter, Act of Parliament, or Act of the Council of the Governor General, or of the Governor of any of the Presidencies, and carrying on any trade or business having gain for its object, the nominal subscribed capital of which is 50 lakhs of Rupees and upwards | 1,000 Rs. |
| (B) Every Company of any of the descriptions mentioned in Division (A) of this class, the nominal or subscribed capital of which is 20 lakhs and below 50 lakhs of Rupees | 750 Rs. |
| (C) Every Company of any of the descriptions mentioned in Division (A) of this class, the nominal or subscribed capital of which is 10 lakhs and below 20 lakhs of Rupees | 500 Rs. |
| (D) Every Company of any of the descriptions mentioned in Division (A) of this class, the nominal or subscribed capital of which is below 10 lakhs of Rupees | 250 Rs. |
| (E) Every Merchant, Banker, or Shroff carrying on business in Bombay in person or as Agent | 100 Rs. |

CLASS II.

Every person in the service of Her Majesty in Bombay not being a Regimental Military Officer, and every person in the service of the Municipality, or in the service of any Joint Stock or other public Company or Trading Firm, provided the salary of such person amounts to Rupees 1,000 per mensem or upwards } 50 Rs.

Every practising Barrister, Attorney, Proctor, Notary Public, Vukeel or Pleader of the High Court, Small Cause Court, or any of the Police Courts	Yearly.
Every practising Architect and Civil Engineer	
Every practising Physician and Surgeon	50 Rs.
Every Commission Agent and Broker employed in the wholesale purchase or sale of Bills of Exchange and Hoondees, or in the wholesale purchase or sale of Imports or Exports	
Every Contractor	
Every owner or farmer of a private or public Market	
Every owner of Screws for the pressure of Cotton, Hide, or other things.	
Every Auctioneer ..	
Every owner of a Printing Press, Hotel-keeper, Boardinghouse-keeper, Shop-keeper, Manufacturer or Trader, the annual value of whose shop or place of business as estimated under Section LVIII. of Act II. of 1865 (Bombay Municipal Act) amounts to Rupees 2,400 or upwards	

CLASS III.

Every person in the service of Her Majesty in Bombay not being a Regimental Military Officer, and every person in the service of the Municipality, or in the service of any Joint Stock or other public Company or Trading Firm, provided the salary of such person amounts to Rs. 500 and is less than Rupees 1,000 per mensem....	25 Rs.
Every Broker not included in Class II. employed in the sale of Government Securities or of Goods, Wares, or Merchandize, or of Shares, or in procuring Freight	
Every practising Licentiate of Medicine, Dentist, Apothecary, Veterinary Surgeon and Native Doctor	
Every keeper of a Billiard Room	
Every owner of a Printing Press, Hotel-keeper, Shop-keeper, Manufacturer, or Trader, the annual value of whose shop or place of business as estimated under Section LVIII. of Act II. of 1865 (Bombay Municipal Act) exceeds Rs. 900 and is less than Rupees 2,400	
Every Pawnbroker.....	

CLASS IV.

Every person in the service of Her Majesty in Bombay not being a Regimental Military Officer, and every person in the service of the Municipality, or in the service of any Joint Stock or other Public Company or Trading Firm, provided the salary of such person amounts to Rs. 250 per mensem but is less than Rupees 500 per mensem	12 Rs.
Every owner of a Printing Press, Hotel-keeper, Boarding-house-keeper, Shop-keeper, Manufacturer, or Trader, the annual value of whose shop or place of business as estimated under Section LVIII. of Act II. of 1865 (Bombay Municipal Act) exceeds Rs. 300 and is less than Rs. 900	
Every keeper of a permanent Stall at a daily public or private Market.	
Every Money-changer	

NOTE.—A person who carries on several kinds of business, and may come under more than one of the designations in this Schedule, shall be chargeable only under one of such designations, at the discretion of the Commissioner.

By order of the Right Honorable the Governor in Council,

N. DANIELL,

Acting Under Secretary to Government.

Poona, 22nd June 1867.