



Bombay Government Gazette.

Published by Authority.

THURSDAY, 4TH SEPTEMBER 1873.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the Conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

Bill No. 10 of 1873.

An Act to provide for the preservation of the survey, demarcation, and for the record of transfers of land in the City of Bombay, in the Collector's Office, and for the prevention of encroachments.

WHEREAS a survey, demarcation, and registration of lands in the City of Bombay, has been recently made by order and under the authority of Government; and it is expedient to provide for the preservation of the same; and whereas it is further expedient to prevent encroachments in the said City of Bombay, it is therefore enacted as follows:—

I. This Act shall be called the Bombay City Survey Act, and the provisions hereinafter contained, shall extend only to the City of Bombay, which, for the purposes of this Act, shall denote such places as are within the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay.

v.—77

II. The survey, demarcation, and registration of lands in the City of Bombay, made by order of Government during the years 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, shall be deemed to have been duly and lawfully made, and the survey marks erected during such Survey on any such lands shall be deemed to have been lawfully erected thereon; and any person who shall wilfully destroy, deface, injure, or remove any such survey mark, shall be liable, on conviction, to a penalty not exceeding Fifty Rupees.

III. It shall be lawful for the Collector of Bombay, or for his Agents in that behalf duly authorized by writing under the Collector or his authorized agents may enter upon lands.

After some further discussion it was decided that there was no necessity to refer the Bill to the Select Committee, but that it should be read a second time at the next meeting of Council.

Bill read a first time.

The Bill was then read a first time.

The Honourable Mr. Rogers moved for permission to withdraw the Mofussil Boilers Inspection Bill (No. 1 of 1873). The reason for the withdrawal was that this Bill should be incorporated in another Bill which it is intended shall supersede the present Bombay Boilers Act. In that Act a serious defect had been discovered, viz., that while the law provided for the inspection of steam boilers it did not provide for the inspection of the men who work them, so that a great means of protecting the lives of people was wanting. In the Bill which it was contemplated to introduce, in order to cure the defect just alluded to, the Bill now withdrawn would be incorporated, so that one Boilers Act would apply to Bombay and the Mofussil.

Bill withdrawn.

Leave was given and the Bill withdrawn accordingly.

The Honourable Mr. Rogers moved that a Select Committee be appointed to examine and report on the petitions relating to the Burial and Burning Grounds Bill (No. 7 of 1870). Since the Bill was before the Council last session a great many petitions had been sent to Government against it, and it was necessary that the complaints should be inquired into carefully. The Select Committee proposed were—

The Honourable Colonel KENNEDY,

The Honourable Sir JAMSETJEE JEJEEBHoy,

The Honourable Mr. MUNGULDASS NATHOOBHoy,

The Honourable Mr. NARAYEN VASUDEVJI,

and (in place of the original introducer of the Bill, the Honourable Mr. Tucker) the MOVER.

The Honourable Mr. Gibbs thought that the contemplated Mofussil Municipalities Bill would render this Burial and Burning Ground Bill unnecessary.

The Honourable Mr. Narayen thought that the Bill should be rejected altogether, because it was only likely to create dissatisfaction.

After a few remarks the motion was carried and the Select Committee were instructed to report within a fortnight.

His Excellency the President then adjourned the Council to 11th August 1873.

By order of His Excellency the Governor in Council,

JOHN NUGENT,

Acting Under Secretary to Government.

Poona, 23rd July 1873.

rates specified in Section 4 of this Act for the year next preceding the election to the amount of not less than fifty rupees," while the elections shall take place at such date as may be fixed by the Governor in Council. The Honourable the Advocate General, the fresh dates and days having as before mentioned, been duly notified on the *Government Gazette*, had pointed out that a third section should be added to the Bill in the following terms:—

"III.—This Act shall be deemed to have come into force on the 20th day of June 1873; and any election of members of the said Municipal Corporation that may take place according to the provisions of this Act between the said 20th day of June 1873 and the passing of this Act shall be valid, and shall have the same effect as if made according to the provisions of the Bombay Municipal Act of 1872."

He (the Honourable Mr. Ravenscroft) agreed that this section was desirable, and he, therefore, begged to add it to the two sections of which the Bill previously consisted. As a matter of form he asked His Excellency the President to suspend the standing orders, so as to permit of the Bill being passed at once.

The standing orders having been suspended, the Bill was read a second time and considered in detail. The 3rd Section as suggested by the Honourable the Advocate General was added to the Bill.

Bill read a third time and passed.

The Bill was then read a third time and passed.

The Honourable Mr. Gibbs moved that Bill No. 4 of 1873 (a Bill to legalise certain payments made from the proceeds of the fees levied under (Bombay) Act IX. of 1863) be read a first time. He said that the reason for the introduction of this Bill was briefly this—to formally legalise certain payments and advances which had from time to time been made from the Fund raised under the Cotton Frauds' Act for objects connected with the introduction of new sorts of seed and the general improvement of the cultivation of cotton, but regarding which doubts had arisen as to whether they came within the letter of the Act, viz. Bombay Act IX. of 1863. Section 13 of that Act stated that the funds were to be appropriated by His Excellency the Governor in Council solely to the carrying out of the objects of that Act. By a strict reading the object of the Act was solely to stop cotton frauds, although it had been intended when it was passed that the funds should be applied, when necessary, to the introduction of superior descriptions of cotton. Certain payments for this purpose had actually been made, but as doubts about the strict legality of this procedure had been expressed, the present Bill had been prepared. The honourable gentleman moved that the Bill be read a first time and referred to a Select Committee, consisting of—

The Honourable Mr. BYTHELL,
The Honourable Mr. RAVENSCROFT,
The Honourable Sir JAMSETJEE JEJEEBHoy,
The Honourable Mr. NARAYEN VASUDEVIJ, and
The MOVER,

their report to be submitted within two weeks.

His Excellency the President doubted the necessity of referring Bills to Select Committees when no special points were involved in them. This, he said, was contrary to the usage of Parliament at home, where Bills were submitted to Select Committees only when there was something special to be discussed.

The Honourable Mr. Gibbs remarked that it was advisable in the present case that the Bill should be referred to Committee, because there was a question whether certain payments which were made towards a collection of samples of cotton for Bombay Exhibition were justified under Act IX. of 1863 as it already stood. The Select Committee would also have to consider a certain statement which would be submitted to them.

The Honourable the Advocate General asked if there was any necessity at all for the Bill. Could His Excellency the Governor not dispose of the matter in his executive capacity?

The Honourable Mr. Ravenscroft said that the original resolution passed by Government on the subject stated that the disbursements did not seem to have been made in strict accordance with law, and therefore to set aside all doubt, it would be advisable to agree to the Bill.

His Excellency the President said that that would cause still further delay, and suggested that the report of the Select Committee should be returned within a fortnight in order to permit of the report being circulated and the Bill passed this session.

The Honourable Mr. Munguldass said that his apprehension was that according to the rules of the Council parties interested in a measure could not give evidence before the whole Council—evidence being only permissible before the Select Committee, and that if the Committee's time for reporting be shortened in the manner proposed the mouths of a number of people whose interests were affected might be shut.

His Excellency the President recalled the procedure which was adopted during the consideration of the Municipal Bill last session when almost up to the moment of its being passed a number of objections were received against it. He thought that looking to the apparent necessity of passing this session the Bill now before the Council, the Select Committee should proceed at once to take the best information; that the discussion by the Council should commence as soon as the Committee presented their report; and that the third reading of the Bill should stand over for a little in order to give time to persons to send in objections against it. If six weeks were now given to the Select Committee to report, the passing of the Bill might be postponed indefinitely, although, according to what he had been told by experienced gentlemen to whom he was bound to give every credence, there was the greatest necessity for the Bill being passed at once. The questions raised by the Bill had been discussed for many years, and it could scarcely be supposed that any more information on the subject could be collected now. The Bill would not enact anything oppressive to the wuttun-holders, and there was no disposition on the part of the Government to deprive them of anything which they possessed at present. All that was desired was that their rights should be put upon a legal footing.

The Honourable Mr. Gibbs concurred with the remarks made by His Excellency the President.

The Honourable Mr. Narayen Vasudevji hoped that at least a month might be allowed to the Select Committee. The provisions of the Bill would affect the vested interests of a large number of people in this Presidency, and besides this as the decision of the Collector in many cases would be final, he deprecated any hasty action.

After some further discussion,

His Excellency the President suggested that the Committee should report within three weeks, and that the Bill be taken into consideration on the 20th August; and that the report should be translated into Canarese, Marathi, and Guzerathi, and widely circulated.

Select Committee to report
on the Bill within 3 weeks.

This was agreed to.

The Honourable Mr. Ravenscroft, in moving the first reading of Bill No. 3 of 1873 (a Bill to alter and amend the Bombay Municipal Act of 1872) said that this very short measure was introduced to legalise the arrangements made for the first election, because it had been found impracticable, owing to the period at which the Bombay Municipal Act came into operation, to adhere strictly to the precise terms of the Act. In the exercise of the powers conferred upon the Government by the 306th Section of Act III. of 1872, which related that the Act should come into operation from a date hereafter to be notified by the Governor in Council, and that it should be lawful for His Excellency to declare the day before which the payment of the municipal rates should qualify a person to be appointed a member of the Corporation and to vote at the election of any such members, also that His Excellency should fix the time for electing, nominating, and appointing the members and officers of the Corporation, the necessary dates and days had been duly notified in the *Government Gazette*. And under Section 8 of Act III. of 1872 the next municipal election after the present one must be held in 1875 on some date before the 26th July of that year. But ratepayers have not usually paid their full amount of house, police, and lighting rates so early in the year as that month, and consequently this Bill had been introduced, declaring that the "Municipal Corporation shall be rate-payers, residents in the city of Bombay, who have attained the age of twenty-five years, and shall have severally paid, before some day to be declared by notice in the *Government Gazette* by the Governor in Council, the following municipal rates for the year next preceding the election," &c.; also that the thirty-two members to be elected by rate-payers will be eligible if they have "severally paid, before some day to be declared by notice in the *Government Gazette* by the Governor in Council, the municipal

—Section 33—lays down that the civil court cannot entertain “any suit questioning the decision of the Collector under this Act, or the orders of the Revenue Commissioner or Government thereon, except in so far as the rights of private parties *inter se* to recognition as the holder of any headship of a family or principal share are concerned.” The Collector, in the first instance, is to prepare the register, and it is to be hoped from the manner in which inquiries will be conducted by them in the presence of the villagers themselves that there will seldom be any reason for referring to civil courts at all. As it is a matter of no importance to Government who may be the head of a family, of course parties will be at liberty to dispute that point in court. By Section 10 the Collector is to determine the number of officiators required, and what persons are entitled to serve. Section 11 was introduced for the purpose of softening the blow, as it were, in some cases where it was found necessary to appropriate a large portion of the hereditary revenue of the wuttun to the remunerating of the officiators. The remainder of the sections to Section 23 are mostly subsidiary to those main points which I have mentioned. Section 24 establishes a different procedure in the case of the hereditary officers and that of the inferior village servants, whose offices, as I have said, are not properly hereditary, although custom has made them to be so considered. Section 25 lays down the manner in which records shall be kept of the lands and allowances belonging to hereditary officers, and when the Bill goes into Select Committee it will very likely be necessary to introduce another section by which registers, which have been already made, shall be legalised so far as they may be consistent with the rules which Government, under this Bill, have power to frame. Perhaps some persons may take exception to the powers granted to the Collector under Section 7 to summarily take possession of land held by officiators if, before the passing of this Act, that land is in the occupation of other than the person performing the service. Under the old law the alienation of any wuttun is most distinctly forbidden, and reasonably so, seeing that these wuttuns exist in lieu of services rendered. Therefore, if it is found to be the case that people have illegally alienated any portion of these official emoluments, and others have been so foolish as to take these emoluments as security for debts or so forth, the Collector ought to have the power granted under this section in order to take possession summarily of these lands or assess them to their full value. The case of mortgagees is provided for under Clause three of the section which I am now alluding to. I need only add that it is the intention of Government to give every publicity to this Bill, and ample time will be allowed in order that its provisions may be known throughout the length and breadth of the mofussil. Government have no wish to do anything in this Act which shall interfere with the hereditary rights of the wuttundars except in so far as these concern the interests of Government and the property set apart on behalf of their service. I beg to propose that this Bill be now read a first time,

The Bill was read a first time and referred to a Select Committee, composed of
 The Honourable Mr. MUNGULDASS NUTHOOBHoy,
 The Honourable Mr. NARAYEN VASUDEVJI,
 The Honourable GUNPUTRAO TATYA SAHIB PUTWURDHUN,
 The Honourable Mr. RAVENSCROFT, and
 The MOVER.

The Honourable Mr. Rogers having proposed that the Committee should be instructed to report within six weeks, His Excellency the President enquired if it was necessary to have six weeks for this purpose. In reply

The Honourable Mr. Munguldass Nuthoobhoy said that he thought the proposed time was necessary and observed that although the Council may gain official information from the Revenue Collectors, it ought also to know what the people who are or will be affected by the Bill have to say. Most of these people are comparatively ignorant he said, and he would suggest that Government should direct all the Mamlutdars to take steps to publish this measure in the language of the districts and also to inform the people to make their representations within a prescribed time.

The Honourable Mr. Rogers remarked that as this measure had been very long delayed already, he thought it was of considerable importance that it should be passed this session. If Mr. Munguldass' suggestions could be carried out so as not to interfere with this object, he would not object to them.

The Honourable the Advocate General called attention to the fact that according to the rules of the Council it would form a question whether the report of the Select Committee should not be translated into the vernaculars of the Presidency.

and after a good deal of correspondence Act XI. of 1843 was passed, sections seventeen and eighteen of the old regulations were cancelled and sections nineteen and twenty were allowed to remain on the statute-book. The Act of 1843 applies both to district hereditary officers and to village hereditary officers. It has, however, been found to be almost unworkable in practice. One great reason for this state of affairs with regard to the officers in my first class—viz., that of the patells and hereditary accountants—has been the custom which has sprung up of taking service in rotation. Section 4 of Act XI. of 1843 merely laid down in general terms that when the performance of the duties was claimed in rotation by different sharers they should nominate some one to serve, and in the event of their not so nominating, the Collector or other controlling officer should exercise the power of selection, but it provided no rules for fixing the order of rotation, and it has become the practice, not unnaturally, for the Collectors to determine the matter for themselves. I have looked over the correspondence which led to the passing of the Act, and have come to the conclusion that it was intended that service by rotation should not be allowed at all—in fact, it was so proposed in the draft Act which was sent down from the Supreme Council, although that proposal was subsequently modified and the words in Section 4 of Act XI. of 1843 adopted. The Supreme Government, in their desire that service in this manner should be prevented as far as possible, proposed that it should be competent to the Collector to refuse any nomination to service by rotation. That, however, as I have said, was not finally agreed to, and the Act was carried in such a form as to permit service by rotation in those places where that custom was found to exist. One of the chief objects of the present Bill is to remove all doubts upon that head. At present, if there is any dispute about service by rotation, the Collectors have to decide as well as they can, without being guided by any legal authority, and the result is that their decisions might be taken into the civil court and upset at any time. At present there is no authority who can initiate a settlement of any of these wuttuns. By the order of the Executive Government there has lately been prepared a register of all the wuttuns laying down the order of rotation in which services shall be performed, and thus endeavouring to settle the numerous complaints relating to wuttuns that continually occur. I have heard it said that there is an idea that the present Legislature, by this Bill, intends to interfere with the prescriptive rights of village officers. But that is very far from being the case. It is of the greatest importance to Government that its own concerns in the villages should be managed legally and properly, and it is the interest of Government to settle these wuttuns in such a manner as shall allow people to remain happy and contented, and not to be continually litigating, as the present state of the law allows them to do. It is not in any way meant to set aside the system of service by rotation where it actually exists. We find in practice that owing to there being no law on the subject Collectors in different parts of the country have taken various ways of settling matters, and we propose that the Executive Government shall have power to issue an authentic register of all village wuttuns, by which it shall be determined once and for all in which of them the practice of service by rotation shall be recognised, and what and in whom vested shall be the order of such rotation where it is admitted. Before concluding I may point out a few of the sections of the Bill which affect the main principles of the measure. It has always been the custom—at all events since Regulation XVI. of 1827 was passed—to set apart certain portions of the emoluments of those hereditary offices for the performance of duties by one or more persons who may be selected from the wuttun as officiators. That power is continued by Section 3. Section 4 contains provisions which will settle disputes with regard to emoluments claimed by the hereditary officers of the inferior class (such as mhars and dthers) from the villagers as a matter of private arrangement. It has been found in some places where our system of revenue surveying has rendered the registration of land so perfect that there is very little use for the services of some of these hereditary officers, that the villagers who have been in the habit of paying them with grain or some small perquisite now refuse to pay them anything at all; and it is suspected that the mhars, seeing no probability of recovering their rights, or what they imagined to be their rights, except by the expensive process of going to law, have resorted to the poisoning of cattle. This section will provide a simple means for remedying this state of affairs. By it a punchayet will be appointed, and the matters in dispute will thus be satisfactorily settled. In Section 7 the existing power that there is by law to set aside both lands and allowances for the purpose of remunerating officiators is continued. Section 9 gives the power which I have alluded to already—that is, that it shall be the duty of the Collector to determine who is the head of a family, or branch of a family holding any wuttun, or (where the wuttun is shared among various persons) the number and names of the principal sharers and the value of their shares in fractions of a rupee. A subsequent section

2. Letter from the Secretary to the Government of India returning, with the assent of His Excellency the Governor General signified thereon, the authentic copy of the Bombay Port Trust Bill.

The Council then proceeded with the Bills and Orders of the day.

The Honourable Mr. Rogers, in moving the first reading of Bill No. 2 of 1873 (a Bill to alter and amend the law relating to Hereditary Village Officers,) said—Sir,—I have the honour to move the first reading of this Bill. As may be seen from the Statement of Objects and Reasons, this Bill, in the first instance, was drafted by a

Mr. Rogers moves the first reading of the Hereditary Village Officers Bill.

committee, under the instructions of Government, for the purpose of making a settlement with regard to the status of all district and village hereditary officers. Owing, however, to a subsequent change in the law that part of the Bill relating to hereditary district officers became unnecessary, and only those sections have been retained which relate to the village officers. The committee consisted of two Revenue Commissioners and some of the most experienced Collectors in the presidency, and the experience of these gentlemen is our guarantee that everything which is really necessary under the circumstances has been provided for in this Bill. The importance of the measure as affecting the rural population of this presidency can hardly be exaggerated, as every village will probably be brought under its influence. There are two principal classes for whom this legislation is to be provided. One is the class of officers whose appointments are strictly hereditary in most parts of the country, and the other is that class of village servants whose offices, though they cannot, strictly speaking, be called hereditary, yet by custom have almost become regarded as such. In the former class we find the patell, or head man of the village, and the koolkurnie, or village accountant. I need hardly explain to the Council what the duties of these individuals are, but perhaps I may be allowed to do so briefly in order that the public may know what the main objects of the Bill are. The patell, as I have said, is the head man of a village, who under our system is chiefly entrusted with the duty of representing the villagers in all transactions between the villagers and the Government. The patells are divided into what are called revenue patells and police patells—the former of whom have the general charge of the village revenue, while the latter have charge of the police arrangements of the village. In some instances the offices of revenue and police patell are combined. The koolkurnies are the hereditary village accountants, and I need scarcely say that they as well as the patells are of great importance in our system of revenue administration. Throughout nearly the whole presidency the ryotwari system of revenue management prevails, and the responsibility of seeing that all the records relating to the realisation of Government revenue are properly kept is in the hands of these hereditary village accountants. The other class of village officers is a much more numerous one, and some of them render service only to the State, while some render service only to the villagers. It may be as well if I describe a few of these services. Those mentioned in Mr. Gooddine's Report on the Deccan Village Communities are as follows:—

Sootar.—The carpenter is at the head of the artisans, his services being most in requisition: he makes up and mends all wooden implements for agricultural purposes, the owners finding the material;

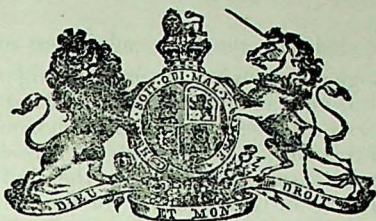
Lohar.—The smith makes and repairs the ironwork for all agricultural instruments, the owners finding the material;

Chambar.—The shoe-maker makes all leathern halters, whips, ropes, and bands for agricultural purposes, the owners finding the leather;

Nhawee.—The barber must shave all the farmers and artisans, —to the Mahars he merely lends a razor. He must attend the patell's wedding, at which he expects to receive a turban.

I need not give you the details of all the other village servants, but briefly they are the pureet, or washerman; the bhut, or village astrologer, who casts nativities, and keeps the farmers informed of the proper time for sowing and reaping; the gooroo, or officiating priest of the temple; the moolla, or Mussulman priest; the sonar, or goldsmith; the bheel, or village watchman; the kolie; the mang, the rope and basket maker; the mahar, or guardian of the village.

Such is a brief description of the classes for whom we now propose to provide legislation. This Bill will settle what has never been settled before by legislation on the subject. Under the old regulation No. XVI. of 1827 the settlement of village wuttuns was contained in the sections from seventeen to twenty. These sections were found to be unsuitable



Bombay Government Gazette.

Published by Authority.

MONDAY, 25TH AUGUST 1873.

 Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Extract from the Proceedings of the Governor of Bombay, in the Legislative Department, is published for general information :—

Abstract of the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCIL'S ACT, 1861."

The Council met at Poona on Wednesday, the 23rd July 1873, at noon.

PRESENT:

His Excellency the Honourable SIR PHILIP EDMOND WODEHOUSE, K.C.B., Governor of Bombay, *Presiding*.

His Excellency the Honourable SIR AUGUSTUS ALMERIC SPENCER, K.C.B.

The Honourable A. ROGERS.

The Honourable J. GIBBS.

The Honourable the ADVOCATE GENERAL.

The Honourable MUNGULDASS NUTHOOBHROY, C.S.I.

The Honourable COLONEL M. K. KENNEDY.

The Honourable SIR JAMSETJEE JEJEEBHROY, Bart., C.S.I.

The Honourable E. W. RAVENSCROFT.

The Honourable NARAYAN VASUDEVJEE.

The Honourable J. K. BYTHELL.

The Honourable GUNPUTRAO TATYA SAHIB PUTWARDHUN.

Affirmation of Office, &c.,
taken by Mr. Ravenscroft.

The Honourable Mr. Ravenscroft took the usual affirmation of Office and declaration of allegiance to Her Majesty.

The following papers were presented to the Council :—

1. Letter from the Secretary to the Government of India returning, with the assent of His Excellency the Governor General signified thereon, the authentic copy of the Bombay Municipal Bill of 1872.

Papers presented to the Council.

XIII. The owner and also the master of

Penalty for plying
without a certificated En-
gineer.

any steam vessels subject
to this Act, which shall
ply in any of the Ports,
Harbours, Rivers or
Waters of the Presidency of Bombay, without
having in charge of the engines thereof an
engineer possessing a certificate of service
or a certificate of competency, shall be liable
to a fine not exceeding five hundred Rupees.

XIV. It shall be competent to the

Power to exempt cer-
tain Steam Vessels.

Governor in Council
to exempt from the
operation of Sections
XII. and XIII. of this Act all Steam Tugs,
Steam Barges and Steam Launches.

XV. It shall be lawful for the Governor

Withdrawal of certi-
ficate.

in Council or authori-
ty as aforesaid in case
of the misconduct, neg-
ligence or incompetency of any engineer
possessing a certificate of competency or a
certificate of service, to cancel such certifi-
cate, or to suspend the same for such time
as to him or them shall seem fit.

XVI. Every engineer's certificate of

English certificates to
be available.

competency or service,
which may be granted
by any competent au-
thority in the United Kingdom, or by any
British Indian or British Colonial Govern-
ment, shall have in all respects the same
validity and effect, as if the same had been
granted under the provisions of this Act.

XVII. All certificates, whether of com-
petency or service,

Certificates to be made
in duplicate.

shall be made in du-
plicate, and one part

shall be delivered to the person entitled to
the certificate, and the other shall be kept
and recorded as the Governor in Council
shall direct. A note of all orders made for
cancelling, suspending, altering, or otherwise
affecting any certificate in pursuance of the
powers herein contained, shall be entered on
the record of certificates.

XVIII. Whenever any engineer proves to

Copy of certificate to
be delivered.

the satisfaction of the
Governor in Council,
or of such other autho-
rity as aforesaid, that he has, without fault
on his part, lost or been deprived of any
certificate already granted to him, a copy of
the certificates to which by the record so
kept as aforesaid he appears to be entitled,
shall be delivered to him, and shall have all
the effect of the original.

XIX. In citing this Act it shall be suffi-

Short Title.

cient to use the expres-
sion, "The Steam Ves-
sel Survey Amendment Act of 1873."

XX. This Act shall commence and

Commencement of Act.

take effect as to Sec-
tions XII. and XIII.
upon the 1st day of March 1874, and as to
the residue thereof on the 1st day of Decem-
ber 1873.

XXI. This Act shall be read together

Construction of Act.

with, and as part of,
the said Act II. of
1864.

SCHEDULE B.

(Referred to in Section X. of Act II. of 1864.)

For steamers	of less than 200 tons register		Rs.	15
Ditto	of 200 tons register and up to 350 tons register		"	20
Ditto	350 do. do. 700 do.		"	25
Ditto	700 do. do. 1,000 do.		"	30
Ditto	1,000 do. and upwards		"	35

By order of His Excellency the Governor in Council,

JOHN NUGENT,

Acting Under Secretary to Government.

Poona, 21st August 1873.

thing in the said Act II. of 1864 to the contrary notwithstanding.

IV. Whenever any boiler explosion shall occur on board of any steam vessel subject to this Act, it shall be lawful for the Governor of Bombay in Council, if he shall think fit, to direct that an investigation of the cause of such explosion be made by such person or persons as he shall think fit. The person or persons authorized by the Governor in Council to make such investigation may enter into and upon such steam vessel and cause to be removed any portion of such steam vessel, or of the machinery thereof, for the purpose of such investigation, and shall report the cause of such explosion.

V. For Section X. of Act II. of 1864, passed by the Governor of Bombay in Council, entitled an "Act to provide for the periodical survey of steam vessels plying in the Ports, Harbours, Rivers or Waters of the Presidency of Bombay," shall be substituted the words following:

"For every survey made under this Act the owner or master of the steam vessel surveyed shall pay to each of the Surveyors making the same a fee calculated on the tonnage of the vessel according to the rates in Schedule B hereto annexed."

VI. It shall be lawful for the Governor of Bombay, by an order to be published in the *Government Gazette*, to appoint any ports or places in the Presidency of Bombay to be ports of survey for the purposes of the said Act II. of 1864, and of this Act.

VII. It shall be lawful for the Governor of Bombay in Council, from time to time, by an order to be published in the *Government Gazette*, to direct that in any port or place of survey other than Bombay, in addition to the fees imposed by the said Act II. of 1864, there shall be paid for every survey of a steam vessel in such port or place by the owner or master of such steam vessel such further fee, for or towards the expense of the journey of a surveyor to such port or place, as in such order shall be set forth, and from time to time in like manner to alter, vary or revoke any such order; and every fee so to be payable shall be recoverable by the ways and means in the said Act provided for the recovery of the fees thereby imposed.

VIII. Examinations shall be instituted for persons who intend to become Engineers of Steamers, or who wish to procure certificates of competency as hereinafter mentioned.

IX. The Governor of Bombay in Council, or any Board or Officer duly authorized by him in that behalf shall, from time to time, nominate two or more competent persons for the purpose of examining the qualifications of applicants for examination, and may make rules for the conduct of such examination, and as to the qualifications to be required and the fees to be paid by all applicants for examination.

X. The Governor in Council, or such Board or Officer as aforesaid, shall deliver to every applicant who is reported by the examiners to have passed the examination satisfactorily, a certificate (hereinafter called a "certificate of competency") to the effect that he is competent to act as Engineer.

XI. Every person, who before the passing of this Act, has served for a period of not less than one year as first or only engineer in any steam vessel, or who has attained or shall attain the rank of First Class Assistant Engineer in the service of Her Majesty, shall be entitled to a certificate of service. Each of the certificates of service shall contain particulars of the name and of the length and nature of the previous service of the person to whom it is delivered, and the Governor in Council, or the other authority as aforesaid, shall deliver such certificates of service to the various persons so respectively entitled thereto, upon their proving themselves to have attained such rank, or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid, and on payment of such fees as the Governor in Council shall, by an order published in the *Government Gazette*, from time to time, direct.

XII. No clearance shall be granted for any steam vessel unless the master thereof shall satisfy the proper Officer of the Customs that such steam vessel has as its engineer an engineer possessing a certificate of competency or a certificate of service.

4. The Select Committee consider it expedient to insert in the Bill a provision empowering Government to exempt from the operation of Sections 12 and 13 of the Bill all Steam Tugs, Barges and Launches. By Section XIII. of Act I. of 1868 of the Lieutenant-Governor of Bengal in Council, a similar power is conferred upon the Lieutenant-Governor of Bengal in respect of Steamers which do not ply with passengers or goods and of Steam Tugs for hire.

5. The rates of fees in Schedule B. have been revised, as under Section 5 each Surveyor engaged in making a survey will be entitled to a separate fee.

6. Some minor alterations have been effected in Sections 4 and 7.

7. The Honourable Mr. Bythell was unable to be present at the meeting of the Select Committee and does not therefore sign this report.

(Signed)

A. ROGERS.

„

M. K. KENNEDY.

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NARAYAN VASUDEO.

21st August 1873.

Bill No. 9 of 1873.

A Bill to amend Bombay Act No. II. of 1864, providing for the Periodical Survey of Steam Vessels, and to provide for the Examination of Engineers of Steam Vessels.

WHEREAS it is expedient to amend Bombay Act No. II. of 1864, providing for the periodical survey of steam vessels, and to make provision for the management by competent Engineers of steam vessels plying in the Ports, Harbours, Rivers or Waters of the Presidency of Bombay; It is enacted as follows:—

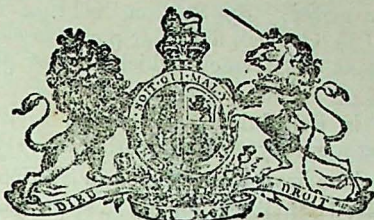
I. For Section I. of Act II. of 1864, passed by the Governor of Bombay in Council, entitled an “Act to provide for the periodical survey of steam vessels plying in the Ports, Harbours, Rivers or Waters of the Presidency of Bombay,” shall be substituted the following section:—

“Every steam vessel plying in the Harbour of Bombay or in any of the Ports or Harbours, or on any of the Rivers or Waters of the Presidency of Bombay, and every British steam vessel plying between any Port of the Presidency of Bombay and any other Port, shall be liable to be surveyed twice in every year in the manner hereinafter prescribed. No steam vessel holding a certificate granted by the British Board of Trade or by any British Indian or British Colonial Government shall be liable to be so surveyed as long as such certificate remains in force and valid, unless such steam vessels, or the machinery belonging to the same, shall, subsequently to the issue of such certificate, have sustained injury or damage, or been found unseaworthy or otherwise inefficient.”

II. It shall be the duty of any Surveyor appointed for the purposes of the said Act II. of 1864; on going on board of any steam vessel arriving in any Port or Harbour of the Presidency of Bombay, to enquire of the master thereof if any certificate has been granted by the British Board of Trade or by any British Indian or British Colonial Government for the same, and in such case to demand the production of the said certificate for his inspection. And it shall further be the duty of such Surveyor to enquire of the Master and other Officers and the Engineers of such steam vessel whether any injury or damage has been sustained by the said steam vessel or the machinery of the same, since the date of the issue of such certificate. And if any such Master, Officer, or Engineer shall refuse to answer any such question, or shall not truly answer the same, he shall be liable to a penalty not exceeding 500 Rupees.

III. Every such Surveyor shall, after satisfying himself that any steam vessel is entitled, under the provisions of Section I. of this Act, to be exempted from Survey, deliver to the master of such vessel a certificate to that effect under his hand, and upon the production of such certificate the proper Officer of Customs shall grant a Clearance, and the proper authority shall assign a Pilot to such steam vessel, any

THE



Bombay Government Gazette.

Published by Authority.

FRIDAY, 22ND AUGUST 1873.

 *Separate paging is given to this Part, in order that it may be filed as a separate compilation.*

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of His Excellency the Governor of Bombay, on the "Bill to amend Bombay Act No. II. of 1864, providing for the periodical Survey of Steam Vessels, and to provide for the Examination of Engineers of Steam Vessels," and the Bill as amended by the Committee are, in accordance with Rule 25 of the Rules for the Conduct of Business at Meetings of the Council, published for general information:—

Report of the Select Committee appointed to consider the "Bill to amend Bombay Act No. II. of 1864, providing for the Periodical Survey of Steam Vessels, and to provide for the Examination of Engineers of Steam Vessels."

The Committee appointed to report on Bill No. IX. of 1873 (a Bill to amend Bombay Act No. II. of 1864, providing for the Periodical Survey of Steam Vessels, and to provide for the examination of Engineers of Steam Vessels), beg to state that they approve of the principle of the Bill as amended.

2. They have not to recommend many alterations in the Bill as introduced. The most important modifications suggested by them are to be found in Sections 1, 2, and 16, and in the new Section inserted as No. 14.

3. Section I. of the Bill as introduced only exempts from liability to survey Steam Vessels holding a valid certificate granted by the British Board of Trade, but there would appear to be no sufficient reason why this exemption from liability to be surveyed should not be extended to steam vessels holding valid certificates granted by the Governments of Bengal or Madras or by any British Colonial Government. This exemption is accordingly proposed to be granted. In the same way it is proposed that certificates of competency or service granted by any British Colonial Government or by the Governments of Bengal or Madras shall be held to have the same validity and effect as similar certificates granted under the provisions of the Bill or by any competent authority in the United Kingdom.

XXIV. All costs and penalties imposed under the provisions of this Act within the City of Bombay may be recovered in the manner prescribed by Act XIII. of 1856 (for regulating the Police of the Towns of Calcutta, Madras and Bombay) and Act XLVIII. of 1860 (to amend Act XIII. of 1856) or any other Act for regulating the Police of the City of Bombay for the time being in force, and all offences against this Act committed in any District or place to which this Act shall have been declared applicable may be tried by any Magistrate with powers not inferior to those of a Magistrate of the First Class, and the provisions of Sections 63 to 70, both inclusive, of the Indian Penal Code, and of Section 307 of the Code of Criminal Procedure, shall apply to all cost and fines imposed under the authority of this Act in any District to which this Act shall have been declared applicable. All fines and costs to be levied under this Act shall be disposed of in such manner as Government from time to time shall direct.

XXV. No charge shall be brought against any person for the recovery of any fine under this Act, except within six months after the commission of the offence, nor shall such charge be brought except with the sanction or under the direction of the Commissioner appointed under this Act or of the Collector of the District in which the offence is laid.

XXVI. This Act shall only apply to Steam Boilers of which the Prime Movers are of more than ten-horse power nominal, and shall not apply to any Locomotive Engine used upon any Railway in the City of Bombay or in any District to which this Act is made applicable, nor to any Steam Vessel in the Port of Bombay or in any Port or River situate within any District to which this Act is made applicable.

XXVII. This Act may be cited as "The Boiler Inspection Act, 1873."

Short Title.

SCHEDULE A.

Maximum Rate of Fees leviable under Section VII.

- (1). For inspecting every Steam Boiler attached to a Prime Mover exceeding ten but not exceeding 15 horse power nominal...Rs. 10
- (2). For inspecting every Steam Boiler attached to a Prime Mover exceeding fifteen but not exceeding 20 horse power nominal. „ 15
- (3). For inspecting every Steam Boiler attached to a Prime Mover exceeding twenty but not exceeding 30 horse power nominal. „ 20
- (4). For inspecting every Steam Boiler attached to a Prime Mover exceeding thirty but not exceeding 50 horse power nominal. „ 25
- (5). For inspecting every Steam Boiler attached to a Prime Mover exceeding fifty horse power nominal..... „ 30

SCHEDULE B.

Form of Inspector's Certificate.

NAME OF OWNER.	Description of Boiler, and age.	Description of Prime Mover, and age.	Power.	When and where made.	When and where last repaired.	Time for which Boiler or Prime Mover is to be used and Certificate to be in force.	REMARKS.

I, the undersigned, certify that I have examined the abovenamed Boiler (or Prime Mover), and to the best of my judgment the Boiler (or Prime Mover), as shown in the above statement, is in good condition.

A. B., Inspector.

By order of His Excellency the Governor in Council,

JOHN NUGENT,

Acting Under Secretary to Government.

Poona, 19th August 1873.

hundred Rupees, and if the said owner shall continue to use the same Boiler or Prime Mover as aforesaid after such fine shall have been imposed, he shall be held to have committed a separate offence, and shall be punished with a further fine not exceeding five hundred Rupees.

XIV. Examinations shall be instituted for persons who intend to become Engineers for the management of Boilers and Prime Movers, or who wish to procure certificates of competency as hereinafter mentioned.

XV. The Governor of Bombay in Council, or any Commission appointed under Section VIII. of this Act duly authorized by him in that behalf, shall from time to time nominate two or more competent persons for the purpose of examining the qualifications of applicants for examination, and may make rules for the conduct of such examination and as to the qualifications to be required and the fees to be paid by all applicants for examination.

XVI. The Governor of Bombay in Council, or such Commission as aforesaid, shall deliver to every applicant who is reported by the examiners to have passed the examination a certificate of competency to the effect that he is competent to act as Engineer.

XVII. It shall be lawful for the Governor of Bombay in Council, or Commission as aforesaid, in case of the misconduct, negligence, or incompetency of any Engineer possessing a certificate of competency, to cancel such certificate, or to suspend the same for such time as to him or them shall seem fit.

XVIII. Every Engineer's certificate of competency which may be granted by any competent authority in the United Kingdom shall have in all respects the same validity and effect as if the same had been granted under the provisions of this Act.

XIX. All certificates of competency which may be granted under this Act shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded as

the Governor in Council shall direct. All orders made for cancelling, suspending, altering, or otherwise affecting any certificate, in pursuance of the powers herein contained, shall be entered on the record of certificates.

XX. Whenever any Engineer proves to the satisfaction of the Governor in Council, or of such Commission as aforesaid, that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificate to which by the record so kept as aforesaid he appears to be entitled, shall be delivered to him, and shall have all the effect of the original certificate.

XXI. No person who does not possess a certificate of competency granted under Section XVI., Section XVIII., or Section XX. of this Act shall be deemed a fit and proper person to manage or be in charge of a Steam Boiler or Prime Mover situate in the City of Bombay or in a District or place to which the provisions of this Act are made applicable; and if any owner of any Steam Boiler or Prime Mover as aforesaid knowingly places or permits to be placed in management or charge of such Steam Boiler or Prime Mover any person who does not possess a certificate of competency as aforesaid, such owner shall be liable to a fine not exceeding five hundred Rupees, and, in default of payment of fine, to imprisonment of either description for a term not exceeding three months.

XXII. No certificate under Section VII. or Section IX. of this Act shall be granted for any Steam Boiler or Prime Mover, unless the owner thereof shall have in his employ as Engineer thereof a person possessing a certificate of competency under Section XVI. or Section XVIII. or Section XX. of this Act.

XXIII. No proceeding shall be taken to enforce the penalties mentioned in Sections XIII. and XXI. of this Act, nor shall Section XXII. of this Act take effect before such day after this Act shall have come into operation, or shall have been declared applicable to any District or place as Government shall fix by notification in the *Bombay Government Gazette*.

an Inspector under the provisions of this Section shall afford to such Inspector all reasonable facilities for such examination, and all such information as may reasonably be required.

VII. An Inspector making an inspection under this Act of any such Boiler or Prime Mover as aforesaid, if he be satisfied that such Boiler or Prime Mover is in good condition, shall, on payment by the owner or person in charge thereof of fees not exceeding those prescribed in Schedule A. hereunto annexed, give to the owner a certificate signed by him to that effect, in the form in Schedule B. to this Act annexed, and such certificate shall state the period for which such Boiler or Prime Mover may be used, and shall cease to be in force on the expiration of such period.

VIII. Government shall from time to time appoint a Commission for hearing any appeal preferred by any owner as provided by this Act, or for conducting an inquiry on an application made by a Collector under Section IV. of this Act, and also, under such rules as may from time to time be framed by Government, for controlling the Inspectors appointed under this Act. And such Commission shall consist of such persons as the Government from time to time shall nominate, and every Commissioner shall be removable at the pleasure of Government.

IX. If an Inspector refuse to give a certificate to the owner of any Boiler or Prime Mover under Section VII. of this Act, he shall be bound to give to such owner, in writing, his reasons for such refusal, and any owner aggrieved by the decision of the Inspector may, within one month from the date of the said refusal, appeal to the Commission appointed under Section VIII. of this Act. The Commission shall, as soon as may be possible, inquire into and determine such appeal, and shall, if it think fit, grant a certificate. If the Commission is of opinion that any appeal is unfounded or frivolous, it shall have the power of awarding any sum not exceeding Rs. 50 as costs to be paid by the owner. The costs when recovered shall be disposed of as directed by Section XXIV. of this Act. The inquiry shall be held in public, and the decision of the Commission shall be final.

X. Any Commission appointed under this Act may revoke any certificate granted under this Act in any case in which the fees for inspection, periodical or otherwise, shall not be paid after having been duly demanded, or in any case in which there shall be reason to believe that such certificate has been fraudulently obtained or erroneously granted, or has been granted without sufficient inspection, or in case there shall be reason to believe that the Boiler or Prime Mover in respect whereof such certificate shall have been granted since the granting such certificate has sustained injury or is not in good condition. After such revocation the Boiler or Prime Mover in respect whereof a certificate has been revoked shall not again be used until a further inspection shall have been made as required by this Act, and until a certificate shall have been granted by the Inspector, with the countersignature of a majority of the said Commission.

XI. Government shall from time to time frame and publish in the *Bombay Government Gazette* rules in conformity with the provisions of this Act regulating the fees payable for certificates and the duties of any Commission and of Inspectors appointed under this Act.

XII. The owner of any such Boiler or Prime Mover as aforesaid who shall have obtained a certificate for the same, shall at all reasonable times, during the period for which the same may be in force, be bound to produce such certificate when called upon to do so by any Magistrate having jurisdiction within the City of Bombay if such Boiler or Prime Mover be situate in the said City, or if such Boiler or Prime Mover be situate in any District or place to which this Act is made applicable when called upon to do so by the Collector of the District or by any person authorized in writing by such Magistrate or Collector to demand its production. And any such owner refusing or neglecting to produce such certificate shall be liable on conviction to a penalty not exceeding one hundred Rupees.

XIII. The owner of any such Boiler or Prime Mover as aforesaid who shall use the same without a certificate duly obtained and in force in respect thereof under this Act, shall be punished with a fine not exceeding five

Bill No. 7 of 1873.

A Bill to provide for the periodical inspection and the management by competent Engineers of Steam Boilers, and Prime Movers attached thereto, in the City of Bombay and within certain Districts in the Presidency of Bombay.

WHEREAS it is expedient to provide for the inspection by competent Inspectors and for the management by competent Engineers of Steam Boilers, and Prime Movers attached thereto, situate in the City of Bombay and in certain Districts within the Presidency of Bombay, with a view to the security of persons and property; It is enacted as follows:—

I. Bombay Act No. VI. of 1869 ("The Repeal of Bombay Act VI. of 1869. Bombay Boiler Inspection Act, 1869") is hereby repealed.

II. The provisions of this Act shall apply to the City of Bombay and to such Districts, or places within the Presidency of Bombay as the Governor in Council shall from time to time declare them to be applicable by notification in the *Government Gazette*.

III. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless where a contrary intention shall appear from the context; that is to say—

The word "Boiler" shall include any cylinder or vessel for generating steam under pressure.

"Boiler."

The words "Prime Mover" shall include any steam engine, fly-wheel,

"Prime Mover."

first driving shaft, and pulley attached to any such engine.

The word "owner" shall include any agent or hirer using any Boiler or Prime Mover.

"Owner."

IV. The Government shall be empowered from time to time to appoint one or more Inspectors for the purposes of this Act, and from time to time to remove the same or any of them. It shall be the duty of the Inspectors to inspect all Boilers, and Prime Movers attached thereto, in the City of Bombay or in the Districts or places of the Presidency of Bombay assigned to them, in the manner hereinafter provided. Subject to such rules as may from time to time be framed by Government, the Inspectors

appointed under this Act shall be under the control of the Collector of Bombay or of the Collector of the District in which the Boilers and Prime Movers to be inspected by such Inspectors are situated, and it shall be lawful for the Collector of Bombay or for the Collector of any District as aforesaid, from time to time, as he shall think fit, to apply to Government and require the appointment of a Commission for the revocation of any certificate on all or any of the grounds mentioned in Section X. of this Act.

V. It shall not be lawful for the owner of any such Boiler or Prime Mover as aforesaid to use the same, unless a certificate shall have been duly granted in respect thereof in the manner hereinafter provided, and it shall not be lawful for such owner to continue to use such Boiler or Prime Mover after the period for which such certificate shall have been granted.

VI. The owner of any such Boiler or Prime Mover as aforesaid, in respect whereof a certificate shall not be in force in manner hereinafter described, shall, if such Boiler or Prime Mover be situate in the City of Bombay, before using the same, give notice to an Inspector appointed under this Act for the City of Bombay of his intention to use or continue to use the same, and the Inspector to whom such notice shall be given shall appoint a time between sun-rise and sun-set, and within four days after the receipt of such notice, for the inspection of such Boiler or Prime Mover, and at such time shall carefully examine such Boiler or Prime Mover and every part thereof, or if such Boiler or Prime Mover be situate in any District or place to which the provisions of this Act have been made applicable, the owner shall, before using the same, give notice to the Collector of the District in which the said Boiler or Prime Mover is situate of his intention to use or continue to use the same, and the Collector shall cause an inspection and examination as aforesaid to be made by an Inspector appointed under this Act within 15 days after the receipt of such notice. The owner or person in charge of any Boiler or Prime Mover examined by

from setting up steam machinery to assist or to supersede manual labour. Further, the Bill as introduced would necessitate the inspection of such implements as steam cranes, steam ploughs, traction engines, &c., at a material expense to their owners. This appears to the Committee to be unnecessary and undesirable. The Committee have, therefore, suggested, to obviate these difficulties, that all Steam Boilers attached to Prime Movers of not more than ten-horse power nominal should be exempted from the operation of the provisions of this Bill.

By Bombay Act VI. of 1869 it was left to Government to fix, by the Rules to be prepared under Section IX. of that Act, the fees to be paid for certificates granted after the inspection of Boilers or Prime Movers. The Select Committee, however, deem it advisable to prescribe by law the maximum rate of fees leviable, and have, in order to accomplish this object, prepared and annexed to the Bill a schedule of maximum fees leviable, on a graduated scale according to the nominal horse power of the Prime Mover to which the Boiler or Boilers inspected are attached. The highest fee leviable is Rs. 30 per Boiler. At present it would appear that this is the fee levied for the grant of any certificate irrespective of the size of the Boiler to which it relates.

In Section 2 and elsewhere through the Bill the words "or places" have been inserted after "Districts," as it may hereafter be found advisable to extend the operation of the provisions of the Bill only to a certain place or to certain places in a District instead of to the whole of the District in which such place or places are situated.

Section 6 has been considerably modified by the Select Committee. In the Bill as introduced the notice to be given by the owner of a Boiler situated in the Mofussil of his intention to use the Boiler was to be given to the Inspector of the District in which the Boiler was situated, and the Inspector was then bound, within four days after the receipt of such notice, to inspect the Boiler. The Committee, however, consider that this would be in some cases impracticable. The number of Inspectors will probably be very small. It is almost certain that a separate Inspector will not be appointed for each District, and it is not unlikely that it may be found necessary to appoint special Inspectors for special occasions.

It would also in some instances be an absolute impossibility for an Inspector to examine a Boiler within four days after the receipt of a notice calling upon him to inspect it. Under these circumstances the Committee propose that the notice shall be given by the owner of the Boiler to the Collector of the District in which the Boiler is situated, and that then the Collector shall cause the required examination to be made by an Inspector within 15 days.

In Section 24 the Committee recommend that all offences under the Bill should be triable only by Magistrates of the First Class, as many of the cases arising under the Bill might require for their proper decision greater magisterial experience and more legal knowledge than are usually found in Second Class Magistrates.

Two verbal alterations of slight importance have been made in Section 4.

The Honourable Messrs. Bythell and Narayan Vasudew are inclined to oppose those provisions of the Bill which relate to the examination, &c., of Engineers, and render it penal to employ an uncertificated person to manage or be in charge of a Steam Boiler or Prime Mover. These provisions might, they consider, in certain contingencies prove sources of much hardship and inconvenience to owners of steam factories, and would not, in their opinion, tend to prevent the occurrence of boiler explosions and other accidents. The other Members of the Committee, however, bearing in mind the facts brought to light during the investigations as to the causes of the recent Boiler explosions at Broach and Ahmedabad, think the retention of these provisions desirable, and are of opinion that, though they may not render accidents of a like nature impossible in future, they will at all events make their occurrence less likely.

This report is not signed by the Honourable Mr. Bythell, as he left Poona before it was agreed upon.

(Signed)	A. ROGERS.
"	M. K. KENNEDY.
"	NARAYAN VASUDEO.

19th August 1873.



Bombay Government Gazette.

Published by Authority.

THURSDAY, 21st AUGUST 1873.

 Separate pricing is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of His Excellency the Governor of Bombay, on the "Bill to provide for the periodical inspection and the management by competent Engineers of Steam Boilers, and Prime Movers attached thereto, in the City of Bombay and within certain Districts in the Presidency of Bombay," and the Bill as amended by the Committee are, in accordance with Rule 25 of the Rules for the Conduct of Business at Meetings of the Council, published for general information:—

Report of the Select Committee appointed to consider the "Bill to provide for the periodical inspection and the management by competent Engineers of Steam Boilers, and Prime Movers attached thereto, in the City of Bombay and within certain Districts in the Presidency of Bombay."

The Select Committee appointed to consider and report on Bill No. 7 of 1873 (a Bill to provide for the periodical inspection and the management by competent Engineers of Steam Boilers and Prime Movers attached thereto, in the City of Bombay and within certain Districts in the Presidency of Bombay) beg to state that they approve of the principle of the Bill as amended by them.

The select Committee are of opinion that it is not expedient to enforce the inspection of all Steam Boilers and Prime Movers, irrespective of their size, situated in the City of Bombay or in the other portions of the Presidency to which the provisions of the Bill may be extended. To do so would, the Committee think, be to impose a restriction on commercial and industrial enterprise. Some cases do already exist, and their number may hereafter be greatly increased, in which small steam engines are employed for agricultural or manufacturing purposes, *e. g.*, for steam pumps or in small ginning factories: these engines are of comparatively small value, are employed, at first at least, merely experimentally, and the profit derived from their use is not large. If they are to be inspected, and fees are to be charged for their examination, the cost to the owners of such inspection will probably consume so considerable a portion of the profits derived from their working as to induce the owners to discontinue their use, and would deter other small capitalists

or to fine, not exceeding 200 Rs., any part of which fine may be awarded by the Magistrate to the person aggrieved, but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court of the District.

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

IX. Any person entrusted with the management of the collection of Tolls under this Act, may in his discretion compound

for any period, not exceeding one year, with any person for a certain sum to be paid by such person for himself or for any vehicle or animal kept by him, in lieu of the rates of Tolls specified in the Schedule to this Act.

X. The Tolls levied under this Act shall be deemed public revenue, but the net proceeds thereof shall be applied wholly to the construction, repair, and maintenance of Roads and Bridges within the Presidency of Bombay.

SCHEDULE.

	Rs.	a.	p.
On every four-wheeled carriage on springs	1	8	0
On every two-wheeled carriage on springs	0	12	0
On every ekka	0	4	0
On every hackery on springs	0	2	0
On every cart and hackery not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	8	0
Ditto if not laden	0	8	0
On every cart and hackery drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	12	0
Ditto if not laden	0	6	0
On every cart and hackery drawn by 4 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	8	0
Ditto if not laden	0	4	0
On every cart and hackery drawn by 2 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
Ditto if not laden	0	2	0
Buffaloes, or bullocks, per head, if laden	0	1	0
Ditto ditto if not laden	0	0	6
On every elephant	1	8	0
On every camel, if laden	0	8	0
Ditto if not laden	0	4	0
On every horse, if laden or ridden	0	1	6
Ditto unladen or led	0	0	9
On every pony or mule, if laden or ridden	0	0	9
Ditto unladen or led	0	0	6
On every ass, if laden or ridden	0	0	6
Ditto unladen or led	0	0	3
On every sheep, or goat, or pig	0	0	1
On every palankeen, dooly, palna, or tonjon, with 8 bearers	1	0	0
Ditto ditto ditto with 6 bearers	0	12	0
Ditto ditto ditto with 4 bearers	0	8	0
Ditto ditto ditto with 2 bearers	0	2	0
• On every foot passenger	0	0	3

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

By order of His Excellency the Governor in Council,

JOHN NUGENT,

Poona, 14th August 1873.

Acting Under Secretary to Government.