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THE

Bombay Government Gazette.

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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 1878.

A Bill to facilitate the introduction of the Bombay District Municipal Act into Sind.

WHEREAS the Bombay District Municipal Act was, on the 26th day of July 1878, extended by the Government of Bombay, with the previous sanction of the Governor General in Council, in virtue of the power conferred by Section 5 of the Scheduled Districts Act, 1874, to the Province of Sind with effect from the 1st October 1878; and whereas difficulties have arisen in introducing the said Act into the said Province owing, amongst other reasons, to certain portions of the said Act having been repealed by the Repealing Act, 1876, previous to the date of the said extension; and whereas doubts are entertained as to whether the said Act did not legally apply to the said Province from the date of the publication of the assent of the Governor General thereto; and whereas it is expedient to remedy the said difficulties and to remove the said doubts; It is enacted as follows:—

Date on which Bombay Act VI. of 1873 is to be deemed to have come into force in Sind.

1. The Bombay District Municipal Act shall be deemed to have come into force in the Province of Sind on the first day of October 1878, and not at any previous time.

Certain expressions in Bombay Act VI. of 1873 defined.

2. Throughout the said Act the phrases "the date of this Act coming into force," "the date of the passing of this Act," and the like, shall, in Sind, be deemed to mean the said first day of October 1878.

"*Sind Official Gazette*" substituted for "*Bombay Government Gazette.*"

3. The words "*Sind Official Gazette*" shall, in Sind, be deemed to be and to have always been

substituted for the words "*Bombay Government Gazette*" wherever they occur in the said Act.

Repeal of Act XXVI. of 1850 and other Acts in Sind.

4. Act XXVI. of 1850, and Bombay Acts II. and IX. of 1862 and I. of 1871 shall be deemed to have been repealed, in Sind, on and from the said first day of October 1878, except as to any assessment made, act done, liability incurred, money due, or proceedings commenced thereunder:

Provided that such repeal shall not take or be deemed to have taken effect in any place to which the said Acts have been applicable until six months from the said first day of October 1878, or until such date within the said period of six months as such place shall be, or shall have been, included in a Municipal District constituted under the Bombay District Municipal Act.

Section 4, clauses 1-3 of Bombay Act VI. of 1873 to what extent applicable in Sind.

5. The provisions of clauses one to three of section 4 of the Bombay District Municipal Act shall not be and shall not be deemed at any time to have been applicable to Municipalities in Sind formed under Act XXVI. of 1850, which the Commissioner in Sind may deem or may have deemed fit to declare, by notification in the *Sind Official Gazette*, Municipal Districts under the said Bombay District Municipal Act.

Any such declaration shall be deemed sufficient authority for the constitution of the Municipality to which it relates into a Municipal District under the said Act.

Saving of pending proceedings, &c., in which Municipal Commissioners under Act XXVI. of 1850 are concerned.

6. Whenever any Municipality has been so declared to be a Municipal District under the said Act, no suit, prosecution, or other proceeding to which the Municipal Commissioners appointed under Act XXVI. of 1850 were a party, and which was pending at the date on which such Municipal District was constituted, shall abate, or be in any wise affected by the operation of the said Bombay District Municipal Act or of this Act, and all decrees and orders made, and all fines and penalties imposed and incurred previous to the said date, shall be respectively enforceable and leviable, and all administrative proceedings commenced previous to the said date may be proceeded with and completed as if the said Acts had not been passed.

And the Municipality constituted under the said Bombay District Municipal Act shall in all such matters as are aforesaid occupy the place of the Municipal Commissioners aforesaid.

STATEMENT OF OBJECTS AND REASONS.

The Governor in Council, by Notification published in the *Bombay Government Gazette* of the 1st August 1878, page 466, extended to Sind, with the previous sanction of the Governor General in Council, the Bombay District Municipal Act VI. of 1873, with effect from 1st of October 1878. But owing to sections 1, 4, clause 4, and 19, clause 2, of the said Bombay District Municipal Act having been repealed by the Repealing Act XII. of 1876 before the date of the said Notification, difficulties have been experienced by the authorities in Sind in bringing the Act into operation. This Bill has therefore been drafted for the purpose of removing these difficulties by re-enacting for the Province of Sind the substance of the provisions of the sections of the Bombay District Municipal Act, repealed by the above-mentioned Repealing Act of 1876.

Doubts having also been entertained as to whether the Bombay District Municipal Act was not applicable to the Province of Sind as well as to the rest of the Presidency of Bombay from the date on which the assent of the Governor General to that Act was published, the opportunity has been taken of removing this doubt. Other minor provisions have also been added to facilitate the operation of the Act in Sind.

6th December 1878.

(Signed) J. GIBBS.

By order of His Excellency the Honourable the Governor in Council.

JOHN NUGENT,
Under Secretary to Government.

Bombay, 6th December 1878.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

But Government has been led to the conclusion that it is necessary on financial grounds to take a power which will extend beyond this, and will admit of a rate being placed on all cultivable land that is irrigable from any canal, but is not paying any water-rate there-for.

The Government proposes that if, after a canal has been opened for two years, the water is not being used in sufficient quantity to cover the charges properly debitable to the revenue account of the work, a general rate not exceeding eight annas per acre may be charged on all cultivable land that is irrigable from the canal but not paying any water-rate there-for. The benefits of irrigation works, though doubtless generally felt throughout the districts in which they exist, are vastly greater to the agricultural community in the immediate vicinity of such works. In the former case the benefits are indirect, whereas in the latter case they are direct, and it is obvious that unless the people whose lands are under command will use the water, the country generally will derive little benefit from the works, which will thus remain unproductive. It, therefore, appears but fair and reasonable that where the principal advantage is obtained, there should the principal burden be placed.

9. Provision is made for obtaining labour in cases of great emergency to avert calamity or extensive public loss by placing a legal obligation on all villages and persons deriving benefit from, or who are in the vicinity of, the works, to supply labour, which shall be adequately paid for, under suitable penalties. It would scarcely be safe to construct irrigation works on a large scale without a provision of this kind.

10. The general provisions of the Bill are supplemented by a power given to the Government to make rules in detail for the guidance of the Canal Officers and the exercise of all special powers given under the law.

(Signed) C. J. MERRIMAN.

9th December 1878.

By order of His Excellency the Honourable the Governor in Council,

JOHN NUGENT,
Under Secretary to Government.

Bombay Castle, 9th December 1878.

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. 12 of 1878.

A Bill to consolidate the lands and other property vesting in the Trustees of the Port of Bombay and certain other lands and property on, or connected with, the foreshore of the Island of Bombay into one estate, and to vest the control and management of the same in one Public Trust; and for other purposes.

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A Bill to consolidate the lands and other property vesting in the Trustees of the Port of Bombay and certain other lands and property on, or connected with, the foreshore of the Island of Bombay into one estate, and to vest the control and management of the same in one Public Trust; and for other purposes.

Whereas it is expedient that the lands and other property vesting in the Trustees of the Port of Bombay should be consolidated with certain other lands and property on, or connected with, the foreshore of the Island of Bombay into one estate, and that such consolidated estate should, together with the rights and powers now exerciseable by the said Trustees, be vested, subject to the provisions hereinafter appearing, in a new Trust; It is enacted as follows :—

I.—PRELIMINARY.

Short title.

1. This Act may be called "The Bombay Port Trust Act, 1879."

Repeal of Bombay Act I. of 1873.

2. Bombay Act I. of 1873 (The Bombay Port Trust Act, 1873,) is hereby repealed:

Provided that all debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the Trustees appointed under the said Act, shall be deemed to have been incurred, entered into, or engaged to be done by, with or for the Board constituted by this Act;

and all rates and sums of money due to the said Trustees shall be deemed to be due to the said Board;

and all suits or other legal proceedings, civil or criminal, instituted, or which might, but for the passing of this Act, have been instituted by or against the said Trustees, may be continued or instituted by or against the said Board.

Interpretation Section.

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

(1) The word "rates" includes any toll, due, rent, rate, or charge, leviable under section 44;

"Rates."

(2) "Port" means the port of Bombay within such limits as may from time to time be defined by Government for the purposes of this Act by notification in the *Bombay Government Gazette*, and until a notification is so issued, within such limits as may have been defined by Government under section 73 of the Bombay Port Trust Act, 1873, for the purposes of that Act;

"Port."

(3). "Vessel" denotes any thing made for the conveyance by water of human beings or of property;

"Vessel."

(4). "Master," when used in relation to any vessel, means any person having for the time being the charge or control of such vessel;

"Master."

(5). "Owner," when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading, of such goods; and when used in relation to any vessel, includes any part owner, charterer, consignee, or mortgagee in possession thereof;

"Owner."

(6). "Land" includes the bed of the sea below high-water mark;

"Land."

(7). "Wharf" includes any part of the foreshore that may be used for loading or unloading goods, and any wall enclosing or adjoining the same;

"Wharf."

(8). "Dock" includes basins, locks, cuts, entrances, graving docks, graving blocks, inclined planes, patent slips, gridirons, quays, warehouses, and other works and things appertaining to any dock;

"Dock."

(9). "Pier" includes any stage, stairs, landing-place, hard, jetty, landing-stage, floating barge, or pontoon, and any bridges or other works connected therewith;

"Pier."

(10). The word "Goods" includes wares and merchandise of every description.

"Goods."

II.—Of the Board of Trustees.

Constitution of Board.

4. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board, to be called "the Trustees of the Port of Bombay;" and such Board, hereinafter referred to as "the Board," shall be a body corporate and have a perpetual succession and a common seal and shall sue and be sued by the name first aforesaid.

Act to be carried out by Trustees.

5. The Board shall consist of thirteen members, that is to say, of

Constitution of Board.

five Elective Trustees,
five Nominee Trustees,
two Native Trustees, and
a Chairman.

6. The Elective Trustees shall be elected by the members for the time being of the Bombay Chamber of Commerce in such manner as shall from time to time be determined at a meeting of the members of the said Chamber convened in accordance with the rules at the time in force in this behalf. The Secretary to the said Chamber shall make a return to the Government of the name of every person so elected by the Chamber, and his return shall be published in the *Bombay Government Gazette*.

Elective Trustees to be elected by the Bombay Chamber of Commerce;

In the event of default being made by the Chamber in electing any Trustee under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for Government by notification in the *Bombay Government Gazette* to nominate a person, and the person so nominated shall be deemed to be a Trustee as if he had been duly elected by the Chamber.

or in default of such election shall be nominated by Government.

7. The Nominee Trustees and the Chairman shall be appointed by Government by notification in the *Bombay Government Gazette*.

Nominee Trustees and the Chairman to be appointed by Government.

8. The Native Trustees shall be natives of India residing in the City of Bombay, and they shall be elected by the

Native Trustees to be elected by the other Trustees.

Elective and Nominee Trustees and the Chairman at a meeting of the Board, the Chairman having a second or casting vote when the votes are equal. The result of every such election shall be communicated by the Chairman to Government and be published in the *Bombay Government Gazette.*

Nominee and Elective Trustees to hold office for two years,

9. Nominee and Elective Trustees shall hold office, unless they become in the mean time disqualified, for a term of two years, commencing on the 1st April in one year and terminating on the 31st March in the next year but one. The term of office of the first Nominee and Elective Trustees shall commence on the 1st April 1879.

and to be appointed and elected in the month of March in every alternate year.

Elective Trustees shall be elected on some day not earlier than the first and not later than the fifteenth day of the month of March next preceding the 1st of April from which their term of office is to commence; and

Nominee Trustees shall be appointed on some day in the remainder of the said month of March.

Native Trustees to be elected in the month of April in every alternate year.

10. Native Trustees shall be elected within one month after the 1st April from which the term of office of the Nominee and Elective Trustees taking part in their election commences, and they shall hold office, unless they become in the mean time disqualified, until their successors are duly elected.

Chairman to be appointed during pleasure of Government.

11. The Chairman shall hold office during the pleasure of Government, provided that he does not in the mean time cease, through disqualification, to be a Trustee.

Trustees re-eligible.

12. Any person on ceasing to be a Trustee shall, unless disqualified under section 14, be re-eligible.

Casual vacancies.

13. Any casual vacancy in the office of a Trustee other than the Chairman occasioned by the death, resignation, or disqualification of such Trustee shall be filled up within one month by Government, if the office vacated was that of a Nominee Trustee, or by the Chamber of Commerce, if it was that of an Elective Trustee, or by the Nominee and Elective Trustees and the Chairman, if it was that of a Native Trustee, in the same manner and subject, so far as may be, to the same provisions as are applicable in the case of original appointments and elections of Trustees: Provided that the Trustee so chosen shall retain his office so long only as the vacating Trustee would have retained the same, if such vacancy had not occurred.

Acting Trustees.

If a Trustee departs from Bombay with an intention of being absent for a longer period than three months, or if a Trustee shall have been absent for such period, a person shall be elected or appointed as aforesaid to act for such Trustee during his absence or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Act to be a Trustee.

Trustee who becomes disqualified to cease to be a Trustee.

Disqualifications of Trustees.

Disqualifications for office of Trustee.

14. No person shall be qualified to be a Trustee during such time as he

(*a*) is an uncertificated bankrupt or insolvent, or

(*b*) holds any office or place of profit under the Board, or

(*c*) has, directly or indirectly, any share or interest in any work done by order of the Board, or in any contract, or employment with, by, or on behalf of, the Board;

and any Trustee who

Trustee who becomes disqualified to cease to be a Trustee.

(*d*) becomes disqualified for any of the aforesaid reasons, or

(*e*) is absent from the meetings of the Board for a period exceeding twelve consecutive months, or, without the permission of the Board, from six consecutive meetings of the Board, or

(*f*) is sentenced to imprisonment,

shall cease to be a Trustee, and his office shall thereupon become vacant:

Proviso.

Provided always that no Trustee shall vacate his office by reason only of his

(*g*) having a share in any Joint Stock Company which shall contract with or be employed by, or on behalf of, the Board, or

(*h*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted, or

(i) being interested in any loan of money to the Board.

Salaries of Trustees.

15. The Chairman shall receive such salary as Government shall from time to time determine.

Salary of Chairman to be fixed by Government.

Every Trustee other than the Chairman shall be entitled to a fee of thirty rupees for each meeting of the Board at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof: Provided that if more than one such meeting is held in any one week, no more than thirty rupees shall be paid to any Trustee for his attendance at all such meetings during that one week.

Trustees other than Chairman entitled to fees.

Proceedings of Board.

16. The following provisions shall be observed with respect to the proceedings of the Board (namely):—

Provisions concerning the Board's proceedings.

(1) During any vacancy in the Board the continuing Trustees may act as if no vacancy had occurred;

Vacancy not to affect Board's proceedings.

(2) The Board shall meet together and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions (namely):—

Board to meet together and arrange for transaction of business as they think fit, but

(a) that a meeting shall be held once at least in every fortnight;

there must be a meeting once a fortnight, or

(b) that the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting;

whenever necessary upon an emergency, and

(c) that no business shall be transacted at any meeting unless at least five Trustees are present from the beginning to the end of such meeting;

five Trustees shall form a quorum, and

(d) that every meeting shall be presided over by the Chairman, if he is present at the time appointed for holding the same, and if he is absent, by such one of the Trustees present as may be chosen by the meeting;

every meeting must be presided over by the Chairman, and

(e) that all questions shall be decided by a majority of votes of the Trustees present, the president having a second or casting vote in all cases of equality of votes;

all questions must be decided by a majority of votes, and

(f) that if a poll be demanded, the names of the Trustees voting and the nature of their votes shall be recorded by the president;

Votes must be recorded, if a poll is demanded, and

(g) that minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president of such meeting, and shall be open to inspection by any Trustee during office hours.

Minutes of proceedings must be kept.

(3) The Board may delegate any of their powers to committees consisting of such Trustees as they think fit; any committee so formed shall conform to any instructions that may from time to time be given to them by the Board, and the Board may at any time discontinue or alter the constitution of any committee so formed;

Board may delegate powers to Committees.

(4) A committee may elect a chairman of their meetings, and if no such chairman is elected, or, if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting;

Committees' meetings to be presided over by a chairman.

(5) Committees may meet and adjourn as they think proper, but the Chairman of the Board may whenever he thinks fit and shall, upon the written request of not less than two members of a committee, call a special meeting of such committee.

Committees when to meet.

(6) Questions at any meeting of a committee shall be decided by a majority of votes of the members present and in

Questions how to be decided at Committees' meetings.

case of an equal division of votes the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the committee are present from the beginning to the end thereof;

Acts of Board, &c., not to be invalidated by informalities.

(7) No acts of the Board, or of any committee, or of any person acting as Trustee shall be deemed to be invalid by reason only of some defect in the appointment of such Board, committee or Trustee, or on the ground that they or, any of them, were disqualified for the office of Trustee.

Mode of executing contracts.

17. The Chairman may, on behalf of the Board, enter into any contract or agreement, whereof the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; but every other contract and agreement, on behalf of the Board, shall be in writing, and shall be signed by the Chairman, and by two other Trustees, and shall be sealed with the common seal of the Board. No contract or agreement not executed as is in this section provided shall be binding on the Board.

The Board may compound for breach of contract.

18. The Board may compound or compromise for, or in respect of, any claim or demand arising out of any contract entered into by them under this Act, or in respect of any action or suit instituted by or against them, for such sum of money, or other compensation, as they shall deem sufficient.

The Chairman.

19. The Chairman shall:

Duties of Chairman.

(1) attend every meeting of the Board unless prevented by sickness or other reasonable cause;

(2) appoint, promote, dismiss, suspend, reduce, and grant leave, retiring pensions, gratuities, or compassionate allowances to all the officers and servants of the Board other than those named in Section 21; and generally dispose of all questions relating to the service of the said officers and servants, and their pay, privileges, and allowances;

(3) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; and

(4) furnish to the Government a copy of the minutes of any of the Board's proceedings, and any returns or other information which Government may from time to time call for.

Leave of absence may be granted to the Chairman.

20. Government may from time to time grant to the Chairman such leave of absence as they may deem fit, and any person whom Government appoint to act for the Chairman during any such absence on leave shall, while so acting, be deemed for all the purposes of this Act to be the Chairman.

Leave and acting allowances to be defrayed out of the General Fund.

The allowance, if any, which Government direct to be paid to the Chairman during his absence on leave, and the salary which Government direct to be paid to the person appointed to act for him shall be a charge on the General Fund of the Board.

III.—Of the Officers and Servants of the Board.

Chief Officers.

Chief Executive Officers to be appointed, &c., by Government, and

21. The Secretary, Engineer, Traffic Manager, and Chief Accountant to the Board, and also the Deputy Conservator and Master Attendant of the Port shall be appointed by Government on such remuneration as to Government shall seem fit.

to be removeable from office by Government, and

Government may, if it shall think fit, at any time, and on the recommendation of not less than nine Trustees present at a meeting of the Board specially convened to consider the propriety of such recommendation, shall remove any of the said officers from office.

to be granted leave by Government.

Government may also from time to time grant leave of absence to any of the said officers, and fix the allowances, if any, to be paid to them whilst on leave, and may appoint persons to act for the said officers during their absence, and determine the remuneration to be paid to the persons so appointed, *Inferior Officers and Servants.*

22. The Board shall from time to time prepare and sanction a schedule of the staff of officers (other than those mentioned in the last preceding section) and of servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees, and allowances which the Board sanctions for each such officer or servant.

Schedule of other officers and servants and of their pay and allowances to be prepared and sanctioned by the Board.

Until a schedule is prepared and sanctioned under this section, the schedule in force under Section 23 of the Bombay Port Trust Act, 1873, on the 31st day of March 1879, shall be deemed to be the schedule prepared and sanctioned by the Board under the foregoing provisions.

Board to frame regulations:

23. The Board shall from time to time frame regulations:

(1) for regulating leave);

(1) for regulating the grant of leave to the officers (other than the officers named in Section 21) and servants of the Board;

(2) for settling absentee allowances;

(2) for authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

(3) for fixing acting allowances;

(3) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;

(4) for regulating length of service;

(4) for regulating the period of service of all such officers and servants;

(5) for fixing pensions, &c.;

(5) for determining the conditions under which such officers and servants or any of them shall be entitled, on retirement, to pensions, gratuities, or compassionate allowances, and the amount of such pensions, gratuities, or compassionate allowances;

(6) for authorizing contributions to Provident Fund.

(6) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any Provident Fund, which may, with their approval, be established by the officers and servants appointed under this Act:

Proviso as to certain old officers and servants.

Provided that officers and servants who were appointed by Government previous to the passing of the Bombay Port Trust Act, 1873, and whose salaries were paid from the fund known as "the Bombay Port Fund," and who have continued in the service of the Trustees appointed under the Bombay Port Trust Act, 1873, and of the Trust constituted by this Act, shall be entitled to retiring pensions, gratuities, or compassionate allowances at the same rates and subject to the same condition as may from time to time be applicables to the servants of Government of similar standing and status.

Chairman bound to observe Board's orders and regulations under Sections 22 and 23.

24. The Chairman in exercising the functions conferred upon him by Section 19, Clause (2) shall not entertain any officer or servant not sanctioned in and by the schedule for the time being in force framed by the Board under section 22, nor pay or allow to be paid to any officer or servant any salary, allowance, fee, pension, gratuity, or compassionate allowance, nor pay or allow to be paid any contribution to any Provident Fund, not sanctioned in and by the said schedule or by the regulations framed by the Board under section 23, or in excess of the amount so sanctioned:

Proviso.

Provided always that artisans, porters and labourers, and muccadums of porters and labourers shall not be deemed to be officers or servants within the meaning of this section or of section 22 or 23 of this Act.

Continuance of Present Officers and Servants.

Officers and servants of the late Trustees to be continued under the Board.

25. All officers and servants holding any office on the 31st March 1879 under the Trustees appointed under the Bombay Port Trust Act, 1873, shall continue to hold the same office and to receive the same remuneration under the Board until an order to the contrary is passed by competent authority under this Act.

IV.—Of the Property and Liabilities of the Board.

General Powers as to Property.

Powers of Board as to property.

26. The Board shall, for the purposes of this Act, have power to acquire and hold immoveable and moveable property, whether within or without the limits of the Port or City of Bombay; and shall also have power to lease, sell or otherwise convey any moveable or immoveable property which may have become vested in or been acquired by them, which is no longer required for the purposes of this Act.

Procedure to be observed when the Board are unable to acquire, by agreement, any land or building.

27. When the Board are unable to acquire, by agreement, any land or building required for the purposes of this Act, Government may, in their discretion, declare that the land or building is required for a public purpose, and may order proceedings to be taken for obtaining possesssion of the same for Government, and for determining the compensation to be paid to the parties interested, according to any law in force for the acquisition of land for public purposes. Such land or building, when acquired, shall be conveyed to the Board on their paying the compensation awarded, and all costs connected with the acquisition thereof.

Transfer of Property to Board.

Transfer to the Board of the property of present Port Trust.

28. All such lands and other property as are held by or in trust for the Trustees of the Port of Bombay under or in pursuance or for the purposes of the Bombay Port Trust Act, 1873, shall, upon and after the first day of April 1879, vest in the Board, but subject to all charges and liabilities affecting the same.

The property vested by this section in the Board shall be deemed to include the estate, right, title, and interest of the Secretary of State for India in Council in the rock, stones, shingle, gravel, sand or soil within the Port, and also the right of levying rates on all goods landed at or shipped from any part of the foreshore between Malabar Point and Colaba Point.

Vesting benefit of agreements for sale of certain other properties in the Board.

29. Whereas by the several articles of agreement mentioned and described in Schedule A the holders of the several properties named in the said schedule have agreed to sell and the Secretary of State for India in Council has agreed to purchase the said properties for the sums respectively set forth in the said schedule ; and whereas it is expedient that the estate and interest of the Secretary of State for India in Council in the said properties should vest in the Board ; it is hereby enacted that upon and after the first day of April 1879 all the estate, right, title, and interest of the Secretary of State for India in Council in the said properties shall, subject to the provisions hereinafter contained, become vested in the Board, subject to all covenants, charges, contracts, and liabilities affecting the same.

Board to issue securities in payment of price of properties transferred to it under the last preceding section.

30. And whereas the purchase money by the said articles of agreement covenanted to be paid to the holders of the said properties in Port Trust securities bearing interest at the rate of   per centum per annum has not yet been paid ; it is hereby enacted that the Board shall within two months from the first day of April 1879 execute and deliver to the said holders securities in the form of Schedule B under their common seal for the sums respectively set forth in Schedule A.

Such securities to be for not less than Rs. 500 each,

Every such security shall be for an amount of not less than five hundred rupees, and shall covenant for the payment of interest on the principal sum at the rate of   per centum per annum, and such interest shall be payable half-yearly on, or after, the 1st April and the 1st October.

and to be transferable.

The said securities shall be transferable by endorsement.

Application of the Board's Property.

Board to provide land required for public purposes.

31. The Board shall be bound to provide from the land in its possession any land which the Government shall declare to be required for a public purpose, and the Government may order proceedings to be taken for obtaining possession of the same for Government and for determining the compensation to be paid to the Board according to any law in force for the acquisition of land for public purposes.

32. The proceeds of the sale of any portion of the property vested in or acquired by the Board under or by virtue of this Act, and all sums paid to the Board by way of compensation under the last preceding section, shall be applied as follows and not otherwise (namely):—

Sale-proceeds of Board's property how to be invested.

1st.—in liquidation of the principal sum of any debt contracted under section 39, if the same or any portion of the same is at the time payable;

2nd.—in liquidation of the principal of any debt at the time due to the Secretary of State for India in Council;

3rd.—in liquidation of the securities, or of any of them, issued under section 30.

Liabilities.

33. The capital debts due by the Board on account of the lands and other properties vested in it by this Act are as follows (namely):—

Capital debts of the Board.

(*a*) to the Secretary of State for India in Council, the amounts mentioned in Schedule C;

(*b*) to the holders of the securities to be issued by the Board under section 30, the amounts mentioned in Schedule A.

34. On the amounts mentioned in column three of Schedule C no interest shall be payable.

Interest in what cases to be paid by the Board.

On the amounts mentioned in column two of the said schedule interest shall be payable by the Board to the Secretary of State for India in Council annually on the 1st April at the rate of four per centum per annum until, and inclusive of, the twenty-fifth day of June 1883, and thereafter at the rate of four and one-half per centum per annum.

On the amounts advanced by or on behalf of the Secretary of State for India in Council to the Trustees appointed under the Bombay Port Trust Act, 1873, or applied by or on behalf of the said Secretary of State in Council, with the consent of the said Trustees, for the improvement of the Port of Bombay or otherwise under Sections 46 and 50 Clause (2) of the said Act, and on the amounts, if any, which may hereafter be advanced to the Board, under Section 42 of this Act, interest shall be payable by the Board to the said Secretary of State in Council annually on the 1st April at the rate of four andone-half per centum per annum.

On the amounts of the securities issued by the Board under section 30 interest at the covenanted rate of   per centum per annum shall be payable by the Board half-yearly on the 31st March and the 30th September to the Accountant General of Bombay or other officer for the time being performing the duties of the office of the said Accountant General, who shall pay the same on, or after, the 1st April and 1st October respectively to the holders of the said securities.

If any sum due by the Board under this section on account of interest, or any portion thereof, is not paid by them on the date on which the same is hereby declared to be payable, they shall continue liable for the payment thereof, and interest shall be paid by them upon the balance from time to time overdue at the rate of four and one-half per centum per annum, until the whole amount is paid.

35. In the event of default being made by the Board in any payment of interest due by it under paragraph two or three of the last preceding section, the same shall be paid by the Accountant General of Bombay or other officer aforesaid, who shall debit the amount so paid to the Provincial Revenues of the Presidency of Bombay; and in the event of default being made by the Board in any payment due by it under paragraph four of the said section, the Accountant General or other officer aforsaid shall nevertheless pay to the security-holders the interest due upon their securities, and shall debit the amounts so paid to the Provincial Revenues of the Presidency of Bombay.

Interest to be paid out of Provincial Revenues if default is made by the Board.

36. The Board shall pay annually on the 30th day of September to the Municipal Corporation of the City of Bombay the sum of   in lieu of the consolidated rate leviable by the said Corporation, to which the property hereby vested in the Board or some portion of the same would otherwise be liable to be assessed.

Lump payment to be made to the Municipality in lieu of consolidated rate.

37. In consideration of the said payment the Municipal Commissioner shall, on being satisfied that any road or thoroughfare has been duly levelled, paved, metal

Roads and thoroughfares constructed by the Board to be maintained by the Municipality in consideration of such payment.

led, flagged, channelled, and sewered by the Board, declare such road or thoroughfare to be a public road or thoroughfare, and the Municipality shall thenceforward maintain, keep in repair, light and cleanse such road or thoroughfare. The Municipality shall also, on requisition by the Board, maintain, keep in repair, light and cleanse the road of any wharf, dock or pier vested in the Board.

Such roads and thoroughfares not to be stopped up without the consent of the Board.

The Municipality shall maintain, keep in repair, light and cleanse the said roads and thoroughfares in the same manner and with the same liabilities in respect thereof as if the said roads and public thoroughfares were vested in the said Municipality; but it shall not be competent to the Municipal Commissioner or to the Municipality to discontinue or stop up any road or thoroughfare which at any time vested in, or which has been constructed by the Board, or the Trustees of the Port appointed under the Bombay Port Trust Act, 1873, and which has been declared to be a public road or thoroughfare under this section, or under section 9 of the said Act, without the previous consent in writing of the Board; and the land occupied by any road or thoroughfare so discontinued or stopped shall vest in the Board and not in the Municipality.

Disputes under the last section to be settled by Government.

38. Any dispute which arises between the Board and the Municipality in respect of any of the provisions of the last preceding section shall be determined by the Government, and their decision shall be final.

V.—Of the Borrowing Powers of the Board.

With consent of Government Board may raise a loan.

39. The Board may, with the previous consent of Government, from time to time raise money for the purpose of acquiring any immoveable property or any works, plant, vessels, or appliances which they may deem it expedient to acquire, or for the purpose of liquidating any capital debt at the time being due by the said Board.

Manner of raising such loans to be determined by Government.

Government shall, with the previous consent of the Governor General of India in Council, direct and appoint the manner in which such money shall be raised: Provided always that the Board shall not be required to borrow money at a rate exceeding $4\frac{1}{2}$ rupees per centum per annum.

Interest on debentures to be a charge on the rates prior to interest due to Secretary of State.

40. If such money shall be raised on debentures bearing interest, such interest shall be a charge on the rates prior to the charge for interest payable to the Secretary of State for India in Council, provided for by Section 34.

Form of Debenture.

41. All debentures which may be issued under this Act shall be in the form of Schedule D, and shall be transferable by endorsement; and the right to sue in respect of the monies secured by any such debentures shall be vested in the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

Governor in Council may advance money to the Board.

42. The Governor in Council, acting on behalf of the Secretary of State for India in Council may, with the previous consent of the Governor General of India in Council, from time to time advance money to the Board for the general purposes of this Act.

VI.—Of Revenue and Expenditure.

Division of Accounts.

Division of receipts and expenditure of the Board into separate accounts.

43. The following accounts shall be kept separately, and shall be dealt with as distinct sources of revenue and expenditure (namely):—

"The Pilotage Fund."

(1) an account of all sums received and disbursed by the Board in respect of the pilot service, which shall be respectively credited and debited to a fund to be called "The Pilotage Fund," and,

"The General Fund."

(2) an account of all other sums received and disbursed by the Board in pursuance of this Act, which shall be respectively credited and debited to a fund to be called "The General Fund."

Levy of Rates.

Scale of rates to be framed by the Board;

44. The Board shall frame a scale of tolls, dues, rents, rates, and charges, to be levied;

(*a*) for the landing, shipping, wharfage, cranage, storage, or demurrage of goods at,

(*b*) for permission for vessels or boats to approach, or be alongside, and

(*c*) for animals or vehicles carrying goods to or from, or entering upon or plying for hire at or on,

any wharf, dock, or pier in the possession of the Board.

and to be submitted to Government for sanction.

The scale so framed shall be submitted to Government for sanction, and when so sanctioned and published in the *Bombay Government Gazette* shall have the force of law, and subject to the like sanction and publication may from time to time be amended or added to by the Board.

Scale framed under Section 57, Bombay Act I., 1873, to continue in force until altered.

Until a scale of rates is framed, sanctioned, and published under this section, the scale in force when this Act comes into operation under Section 57 of the Bombay Port Trust Act, 1873, shall be deemed to have been duly framed, sanctioned and published under this section.

Rates may be remitted in special cases.

The Board may, in special cases, with the previous sanction of Government, remit the whole or any portion of the rates leviable under this section.

Toll on troops.

45. A toll at the rate of rupee per head shall be payable by Government to the Board on all troops, and all the families of troops, landing or embarking at Bombay.

Charges for landing, shipping, and transhipping goods.

46. Subject to the provisions of any law for the time being in force, the Board may land, ship, or tranship goods between vessels in the harbour and the wharves, piers or bunders in their possession, and may make such charges for so doing as they shall think fit.

Charges for towage.

47. The Board may procure and maintain such number of steam-vessels as they may deem fit to be employed in towing vessels into, out of, or in the harbour, and may make such charges for towage by the said steam-vessels as they shall think fit.

The General Fund.

Items to be credited to the General Fund.

48. The rates and charges from time to time levied under sections 44 to 47, together with all rents of lands and buildings, and all fines and penalties levied under this Act, other than fines and penalties levied from pilots or other persons employed in the pilot service, and all miscellaneous items of revenue recovered by the Board, except pilotage-fees, shall be credited to the General Fund.

General Fund on what purposes to be expended.

49. The monies credited to the General Fund shall be held by the Board in trust, and be applied by them in payment of the following charges (namely):—

(1) The salaries, fees, allowances, pensions, gratuities, compassionate allowance or other monies due to the Trustees and to the officers and servants appointed under this Act, except pilots and others engaged in the pilot service, and the contributions, if any, duly authorized to be made to any Provident Fund established by the said officers and servants;

(2) the cost of repairs and maintenance of the property vested in the Board, and all charges upon the same and all working expenses;

(3) the interest due on any money that may have been raised by the Board under Section 39;

(4) the cost, or such portion of the cost, of any new work, plant, vessel or appliance which the Board may determine to charge to revenue;

(5) the interest payable by the Board under Section 34.

Balance may be invested.

The Board may from time to time invest any balance remaining to the credit of the General Fund, after meeting all the above charges, in the public securities of the Government of India; and for the said purpose shall have power to buy and sell the said securities at such times and at such rates as they may deem expedient. The interest and profits accruing from any such investment shall be credited from time to time to the General Fund.

Surplus revenue, if any, how to be disposed of.

50. Except as is hereinafter provided, a sum equal to the surplus revenue, if any, to the credit of the General Fund on

the 31st March in each year, after all the payments mentioned in the last preceding section have been made, shall, on or before the 1st day of August next following, be applied in liquidation of the principal of any loan raised by the Board under section 39, or of the capital of any debt at the time due by the Board to the Secretary of State for India in Council, or of the money due to the holders of the securities issued by the Board under section 30:

Proviso as to creation of a Reserve Fund.

Provided that the Board may retain out of the amount of the said surplus revenue on the 31st day of March in each year a sum not exceeding one-half of the interest and profits of the previous year's investments, and not exceeding Rs. 10,000 for any one year, or Rs. 50,000 in the aggregate, for the purpose of forming a Reserve Fund to which any loss that may from time to time arise from the said investments may be debited.

Pilotage Fund.

Pilotage fees to be credited to Pilotage Fund.

51. All fees for pilotage and all fines and penalties levied under this Act from pilots or other persons employed in the pilot service shall be credited to the Pilotage Fund which shall be held by the Board in trust, and be applied, in such proportions as they shall from time to time direct, to the following purposes only (namely):—

Pilotage Fund on what purposes to be expended.

(1) the purchase and maintenance in repair of such vessels, and the supply of such materials, stores, or other things as the Board deem it necessary to maintain or supply for the efficiency of the pilot service;

(2) the payment of the salaries and allowances of pilots and other officers and servants employed in the pilot service;

(3) the payment of pensions or retiring gratuities or compassionate allowances to pilots and other officers and servants engaged in the pilot service, and of the contributions, if any, duly authorized to be made in their behalf to any Provident Fund.

Balance may be invested.

The Trustees may from time to time invest any balance remaining to the credit of the Pilotage Fund, after meeting all the above charges, in the public securities of the Government of India, and for the said purpose shall have power to buy and sell the said securities at such times and at such rates as they may deem expedient. The interest and profits accruing and the loss, if any, arising from such investments shall be respectively credited and debited to the Pilotage Fund.

Annual Estimates.

Chairman to submit an annual estimate of income and expenditure to the Board.

52. The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the 1st day of April then next ensuing in such detail and form as the Board shall from time to time direct.

Such estimate shall be completed and printed, and a copy thereof sent by post, or otherwise, to each Trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

Board to revise and sanction the estimate.

53. The Board shall consider the estimate so submitted to them, and shall sanction the same either unaltered, or subject to such alterations as they shall think fit.

Estimate to be submitted to Governor in Council.

54. The estimate, as sanctioned by the Board, shall be submitted to the Government, which may, if it thinks fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by Government, forthwith proceed to amend the same, and shall re-submit the estimate so amended to the Government.

Supplementary estimates may be made when necessary.

55. The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and sanctioned by the Board and submitted to the Government in the same manner as if it were an original annual estimate.

No expenditure above Rs. 5,000 to be incurred unless sanctioned in the estimate.

56. Save in cases of pressing emergency, no sum exceeding five thousand rupees shall be expended by, or on behalf of the Board,

unless such sum is included in some estimate at the time in force which has been finally approved by Government.

If any sum exceeding five thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to the Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

Estimate for 1879-80 prepared under Bombay Act I., 1873, to be accepted for purposes of this Act.

57. The estimate prepared by the Trustees appointed under the Bombay Port Trust Act, 1873, and approved by Government under Section 53 of that Act, for the year commencing on the 1st day of April 1879, shall be deemed to have been duly prepared, passed and approved under this Act.

Audit of Accounts.

Accounts to be audited and examined.

58. The accounts of the receipts and expenditure of the Board shall, twice in every year, be laid before Government, and shall be audited and examined by such auditors as shall, from time to time, be appointed by Government.

Auditors to have power to call for books, &c.

For the purposes of such audit and examination the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding, or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

Their remunerations to be fixed by Government.

The auditors shall be paid by the Board such remuneration as Government shall determine, the amount being debited to the General Fund; and within fourteen days after the audit and examination shall have been completed, the auditors shall forward their report upon the accounts to the Board, who shall cause the same to be published, together with an abstract of the accounts, in the *Bombay Government Gazette.*

Their report to be published.

Fulfilment of Board's Liabilities.

Board bound to provide for fulfilment of all their liabilities.

59. It shall be incumbent on the Board to make ample provision year by year, either by retrenchment of expenditure or by increase of rates for the due fulfilment of all their liabilities, and for the efficient administration of this Act; and in the event of any deficiency being at any time anticipated in the income of the Board, they shall forthwith take such measures as shall seem most expedient for preventing such deficiency.

In default the Governor in Council may require the Board to increase the rates;

60. If it shall at any time appear to the Governor in Council that sufficient provision is not being made by the Board to meet their liabilities, or if default shall at any time be made by the Board in any payment of interest which they are required to make under Section 34, the Governor in Council may require the Board, by an order in writing signed by a Secretary to Government, to increase, subject to his sanction and to the provisions of Section 44, to such extent and for such period as shall appear necessary, the rates or any of the rates for the time being in force under the said section.

and on the Board's failing to do so, may himself increase them.

If within fifteen days after receipt of such order the Board do not comply with the same, the Governor in Council may, by notification in the *Bombay Government Gazette*, increase the said rates or any of them, and such notification shall have the same force as if a new scale of rates to the same effect had been duly framed, sanctioned and published under section 44.

The Governor in Council may also appoint a receiver to recover any portion of the Board's income.

And for the purposes of realizing any interest which has not been paid by the Board when due, in accordance with Section 34, the Governor in Council may, by an order published in the *Bombay Government Gazette*, appoint some person to receive the rates, charges, and other income which the Board may be entitled to receive, or any portion thereof, and to apply the same in discharge of the amount due; and the person so appointed shall have for the recovery of the said rates, charges, or other income, all and singular the powers and authorities conferred by this Act on the Board for the said purpose.

VII.—Of the Powers and Functions of the Board.

Recovery of Rates.

Recovery of rates in arrears.

61. For the amount of all rates leviable under this Act in respect of any goods, the Board shall have a lien on such goods, and shall be entitled to seize and detain the same until such rates are fully paid. Rates in respect of goods to be landed shall become payable immediately on the landing of such goods. Rates in respect of goods to be removed from the premises of the Board, or to be shipped for export, shall be payable before such goods are removed or shipped. The lien for such rates shall have priority over all other liens and claims, except for general average, for the shipowner's lien for freight upon the said goods, (where such lien exists and has been preserved in the manner hereinafter provided), for primage and for money payable to Her Majesty or to the Secretary of State for India in Council.

Lien for freight preserved after landing goods if notice of lien be given.

62. If the master or owner of any vessel, or his agent, at or before the time of landing from such vessel any goods at any wharf, dock or pier in the possession of the Board, shall give to the Board notice, in writing, that such goods are to remain subject to a lien for freight or other charges payable to the ship-owner, to an amount to be mentioned in such notice, such goods shall continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof. Such goods shall be retained either in the warehouses and sheds of the Board, or, with the consent of the Chief Customs authority of the Presidency, in the public warehouses, at the risk and expense of the owners of the said goods until the lien is discharged as hereinafter mentioned.

Discharge of lien by payment or release.

63. Upon production to the proper officer of the Board of a document purporting to be a receipt for the amount claimed as due, or a release of freight from the person by or on whose behalf such notice shall have been given, it shall be lawful for the Board to permit such goods to be removed without regard to such lien, provided they shall have used reasonable care in respect to the authenticity of such document.

If rates are not paid, or the lien for freight is not discharged, goods may be sold after the expiration of two months.

64. If the rates payable to the Board in respect of any goods are not paid, or if the lien of the ship-owner for freight, when such notice as aforesaid has been given, is not discharged, the Board may, and in the latter event, if required. by or on behalf of the person claiming such lien for freight, shall, at the expiration of two months from the time when the goods were placed in their custody, or if the goods are of a perishable nature, at such earlier period (being not less than twenty-four hours after the landing of the goods), as they shall think fit, sell by public auction the said goods, or so much as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale.

Before making such sale, ten days' notice of the same shall be given by publication thereof in the *Bombay Government Gazette*, unless the goods are of so perishable a nature as, in the opinion of the officer aforesaid, to render their immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case admits of.

If the address of the owner of the goods has been stated on the manifest of the cargo or in any of the documents which have come into the hands of the Board, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address, or sent by post; but the title of a *boná fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice herinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

Application of proceeds of sale.

65. In every case of any such sale as aforesaid, the monies received from the sale shall be applied as follows :—

1stly—In payment, according to their respective priorities, of the liens and claims excepted in Section 61 from the priority of the lien of the Board for rates;

2ndly—In payment of the expenses of the sale;

3rdly—In payment of the rates and expenses due to the Board in respect thereof.

The surplus, if any, shall be paid to the owner of the goods or his agent on his applying for the same, provided such application be made within one year from the sale of the goods, or good reason be shown why such application was not so made to the satisfaction of the Board; and in case such application shall not be so made, nor reason shown, such surplus shall be applied by the Board to the purposes of this Act.

Power to distrain vessels for the non-payment of rates, &c.

66. If the master of any vessel in respect of which any rates, charges, or penalties shall be payable under this Act, or any bye-laws made in pursuance hereof, shall refuse or neglect to pay the same, or any part thereof, on demand, it shall be lawful for the Board to distrain or arrest, of their own authority, such vessel, and the tackle, apparel, or furniture belonging thereto, or any part thereof, and detain the same until the amount so due shall be paid; and, in case any part of the said rates or penalties or of the costs of the distress or arrest, or of the keeping of the same, shall remain unpaid for the space of fifteen days next after any such distress or arrest shall have been so made, the Board may cause the vessel, or other thing so distrained or arrested, to be sold, and with the proceeds of such sale may satisfy such tolls, dues, rates, penalties, or charges and costs of sale remaining unpaid, rendering the surplus (if any) to the master of such vessel on demand.

Port Clearance not to be granted till rates, &c., are paid.

67. If the Board shall give to the officer of Government, whose duty it is to grant the port clearance of any vessel, a notice stating that an amount therein specified is due in respect of rates, charges, or penalties chargeable under this Act, or any bye-laws, or orders made in pursuance hereof, against such vessel, or the owner or master of such vessel, in respect thereof, such officer shall not grant such port clearance until the amount so chargeable shall have been paid.

Works.

General nature of works to be executed under this Act.

68. The works to be undertaken by the Board under this Act may include—

(1) wharves, docks, and piers within the Port or on the foreshore of the Port with all necessary and convenient arches, drains, fences, roads, railways, and approaches;

(2) tramways, warehouses, sheds, engines, and other appliances for conveying, receiving, and storing goods landed, or to be shipped, or otherwise;

(3) light-houses, light-ships, beacons, pilot-boats, and other appliances necessary for the safe navigation of the Port and of the approaches thereto within a distance of three miles from the limits of the Port;

(4) laying down moorings, and the erection of cranes, scales, and all means and appliances necessary for berthing, loading and unloading vessels;

(5) reclaiming, excavating, enclosing, and raising any part of the foreshore of the Port vested in the Board, when such reclamation, excavation, enclosure, or raising may be necessary for any of the purposes of this Act;

(6) the construction and application of dredges and other machines for cleaning, deepening, and improving any portion of the Port or foreshore aforesaid;

(7) the construction of such works, without the limits of the Port, as shall be necessary for the protection of works executed by the Board within the Port, and all such other works and appliances as may, in the opinion of the Board, be necessary for carrying out the purposes of this Act:

But no new work of which the cost will exceed Rs. 2,000 to be commenced without a plan and estimate.

Provided always that no new work, the estimated cost of which exceeds two thousand rupees, shall be commenced by the Board, nor shall any contract be entered into by the Board in respect of any such new work, until a plan and estimate of such work shall have been submitted to the Board and considered and approved by them.

Regulation of use of Wharves, &c.

69. Nothing in this Act shall be deemed to affect:

Reservation of the rights of Government to use the wharves, &c., for collecting customs duties;

(*a*) the right of Government to collect customs duties, or of the Municipal Corporation of the City of Bombay to collect town duties, at any wharf, pier, or dock in the possession of the Board, or;

And of powers of Customs Officers.

(*b*) any power or authority vested in the Customs Authorities of the Presidency under any law for the time being in force for the administration of Sea Customs.

70. Whenever any wharf, pier, or dock, in the possession of the Board shall be appointed, under the provisions of any Act for the time being in force; for the administration of Sea Customs, a wharf or place for the landing and shipping of goods within the meaning of such Act,

Places to be set apart for use of Customs Officers on wharves, &c.,

and whenever any warehouse, or portion of a warehouse, in the possession of the Board shall be licensed under the provisions of any such Act as a warehouse for the reception of goods within the meaning of such Act,

the Board shall set apart, and maintain, such place on or adjoining such wharf, dock, or pier, or in such warehouse, or portion of a warehouse, for the use of the Officers of Customs as Government shall in that behalf approve or appoint;

but all rates payable in respect of any wharf, pier, or warehouse, or portion thereof so set apart, or for the storage of goods thereupon or therein, shall be paid to the Board or to such person or persons as they may appoint to receive the same, notwithstanding that the same has been so set apart.

but the right of the Board to levy rates not to be thereby affected.

71. The Board shall provide such number of public landing-places as shall, in the opinion of Government, be sufficient, from and upon which the public shall be permitted to embark and to land free of charge.

Board to provide landing-places.

Control of Pilots.

72. The Board shall have the exclusive right and privilege of maintaining pilots for the navigation of vessels at the Port, and all fees for pilotage shall be paid to the Board.

Trustees to be vested with the exclusive right and privilege of maintaining pilots.

The Board may also, from time to time, make such bye-laws and regulations as they shall think fit:

(*a*) for fixing and regulating the wages and allowances for pilotage to be received by pilots, and

(*b*) for regulating the behaviour and conduct of pilots;

and the Chairman shall enforce the observance of such bye-laws and regulations, by the imposition of pecuniary penalties not exceeding one hundred rupees for each offence, or by suspension, or deprivation of appointment, or otherwise as to him may appear expedient: Provided that such bye-laws shall first have been approved by Government, and published in the manner directed by section 76.

Bye-Laws.

73. The Board may, from time to time, make bye-laws:

Trustees empowered to make bye-laws.

(*a*) for the guidance of persons employed by them under this Act;

(*b*) for the safe and convenient use of the wharves, docks, piers, warehouses, tramways, and other works constructed or acquired by them under this Act;

(*c*) for the use of the public landing-places constructed by or belonging to them;

(*d*) for the reception and removal of goods brought within the premises of the Board;

(*e*) for keeping clean the harbour and basins and the works of the Board, and for preventing filth or rubbish being thrown therein or thereon;

(*f*) for settling the mode of the payment of the rates and charges leviable under this Act;

(*g*) for regulating, declaring, and defining the wharves, docks, and piers vested in the Board on which goods shall be landed from, and shipped on board vessels; and

(*h*) generally for carrying out the purposes of this Act.

The Board may also, from time to time, vary, alter, or revoke any such bye-laws so made by them.

74. No bye-law, or alteration or revocation of a bye-law, shall have effect until the same shall have been published for three weeks successively in the *Bombay Government Gazette*.

Publication of bye-laws.

75. The Board may in such bye-laws prescribe such penalties as they shall deem fit for the infringement of the same: Provided that no penalty for any one infringement of a bye-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

Penalties for infringement of bye-laws.

76. The Board shall cause the said bye-laws and the scales of rates and charges leviable by the Board, to be printed in the English, Maráthi and Guzeráthi languages, and to be hung up at the several wharves, docks, and piers, and other convenient places on the premises of the Board.

Bye-laws and scales of rates and charges to be exhibited.

77. Until bye-laws are framed by the Board under section 73, the bye-laws framed by the Trustees appointed under the Bombay Port Trust Act, 1873, under section 85 of that Act, and in force when this Act comes into operation, shall be deemed to have been framed under the said section 73 of this Act.

Bye-laws framed under Bombay Act I., 1873, to continue in force temporarily under this Act.

VIII.—Penalties.

78. Any person who being a Trustee, or an officer or servant of the Borad, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Board, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code:

For being interested in contracts with the Board.

Provided that nothing in this section shall apply to a person—

(a) having a share in any Joint Stock Company which shall contract with, or be employed by, or on behalf of the Board, or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted, or,

(c) interested in any loan of money to the Board.

79. Any person employed under this Act, not being a public servant within the meaning of section 21 of the Indian Penal Code, who shall accept or obtain, or agree to accept or attempt to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person; or for rendering, or attempting to render, any service or disservice to any person with the Board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant.

For obtaining illegal gratification.

80. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under section 58, shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

For refusing or neglecting to appear before an Auditor of Accounts, &c.

81. Any person who wilfully deposits, or permits his servants to deposit any dust, dirt, dung, ashes, refuse, or filth of any kind, or broken glass, earthen-ware, or rubbish, in or upon any wharf, dock, or pier in the possession of the Board, or in, or upon, any part of the foreshore of the City of Bombay, shall be punished with fine which may extend to ten rupees for each offence.

For depositing filth, &c., on the wharves or foreshore.

82. Any person, other than the Board or the Conservator of the Port, who shall, without first obtaining the written consent of Government to his so doing, make, set up, or fix, below high-water mark within the Port, any wharf, quay, pier, mooring, or other erection whatsoever, shall be punished with fine which may extend to one thousand rupees, and to a further fine which may extend to one hundred rupees for every day during which he shall permit such wharf, quay, pier, mooring, or other erection, to remain after notice to remove the same has been given to him.

For setting up any erection below high-water mark in the Port.

Any such wharf, quay, pier, mooring, or other erection, may be removed by the Board, and the person who made, set up, or fixed the same, shall also be liable to pay all expenses which may be incurred by the Board in the removal thereof.

83. If it be found when goods are imported at, or exported from, any wharf, dock or pier in the possession of the Board, that the weight or quantity of such goods, or the tonnage of any vessel carrying such goods, has been understated in any document presented to any officer of the Board for the purpose of

For understating quantity or weight of goods, &c.

enabling him to determine the rates or charges payable in respect of the said goods or vessel, the consignee, in the case of goods imported, and the consignor, in the case of goods exported, shall be liable to pay to the Board such sum not exceeding twice the proper rates or charges on the weight or quantity of goods or amount of tonnage so understated as may be determined by the Board.

For evading rates, &c.

84. Any person who removes, or attempts to remove, or abets within the meaning of the Indian Penal Code the removal of any goods, vessel, animal or vehicle with the intention of evading payment of the rates or charges lawfully due in respect thereof to the Board shall be punished with fine which may extend to fifty rupees.

Recovery of value of damage to any property of the Board.

85. If, through the negligence of any person having the guidance or command of any vessel, or of any of the mariners or persons employed on such vessel, damage shall be caused to any wharf, dock, pier, or other work in the possession of the Board, the amount of such damage shall, on the application of the Board, be recoverable, together with the cost of such recovery, by distress and sale, under a Magistrate's warrant, of a sufficient portion of the boats, masts, spars, ropes, cables, anchors, or stores belonging to such vessel: Provided that no such warrant shall issue until the master of such vessel has been duly summoned to appear, or, if he appears, until he has been heard, and provided also that no such warrant shall issue if the vessel was at the time under the orders of a duly authorized officer in the Pilot service of the Port or of the Master Attendant's Department.

Cognizance of offences against this Act.

86. All offences against this Act or against any bye-law made under section 73 shall be cognizable by a Presidency Magistrate.

All fines and damages recovered from any offender, or by any distress under section 85, shall be paid to the Board.

IX.—Miscellaneous.

Provision when day appointed by this Act for any purpose falls on a Sunday or public holiday.

87. Whenever any day by this Act appointed for any purpose shall happen to be a Sunday or a public holiday, the business appointed to be done on such day shall be done on the day next after such Sunday or public holiday.

Limitation of suits, &c.

88. No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding.

The Board shall not be responsible for any misfeasance, mal-feasance, or non-feasance of any officer or servant appointed under this Act;

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to the Board, which may be used by such vessel;

nor shall the Board, or any of the said officers or servants, be liable in damages for any act *bonâ fide* done, or ordered to be done by them in pursuance of this Act.

SCHEDULE A.

Properties transferred to the Board under Section 29.

	Names of former Holders.	General Description of Property.	Date and Description of Articles of Agreement.	Amount of Purchase-money.
1	The Sassoon Dock Company.	All the property at Colaba, belonging to the Sassoon Dock Company, known as the Sassoon Dock, together with the land on the west of the Colaba road appertaining thereto, and all rights, privileges, and powers enjoyed or claimed by the Sassoon Dock Company in connection therewith.		

SCHEDULE **A**—*continued.*

	Names of former Holders.	General Description of Property.	Date and Description of Articles of Agreement.	Amount of Purchase money.
2	The New Colaba Company.	A strip of land, varying from 25 to 50 feet or thereabouts in width, running along the whole foreshore of the estate of the New Colaba Company, situated at Colaba, commencing from the Colaba road at the point where the properties of the new Colaba Company and the Sassoon Dock Company adjoin, and thence continuing alongside the Bunder wall of the Victoria Basin and the Harbour Face up to the junction of the New Colaba Company's property with the Gun Carriage Reclamation; again commencing at the junction of the New Colaba Company's property and the property of the Apollo Press Company and running along the Harbour Face and alongside the Arthur Basin up to the Colaba road; together with the whole of the Arthur Bunder and the ground adjacent thereto, situate within Customs limits, together with all rights and privileges enjoyed or claimed by the New Colaba Company in respect of the strip of land, Bunder, and ground aforesaid, and of the Victoria and Arthur Basins.		
3	The Apollo Press Company.	All the land at Colaba the property of the Apollo Press Company, and known as the Jamsetjee Bunder and Reclamation, including all rights and privileges enjoyed or claimed by the Apollo Press Company in respect of the said land and of the Gun Carriage Basin, together with all rights and privileges enjoyed or claimed by the Apollo Press Company at or in respect of any of the Bunders belonging to the New Colaba Company.		
4	The Mazagon Land Company.	All the land at Mazagon, known as the Powder Works Bunder, the property of the Mazagon Land Company, lying between the Harbour and the western side of the road running from the Harbour Defences Office to Tank Bunder, together with all rights and privileges enjoyed or claimed by the Mazagon Land Company in respect of the said land.		

SCHEDULE A—*continued.*

	Names of former Holders.	General Description of Property.	Date and Description of Articles of Agreement.	Amount of Purchase money.
5	The Frere Land Company.	All the land north of Tank Bunder the property of the Frere Land Company, bounded towards the west by the Ghorupdavi road and towards the north and west by the Jackaria Bunder road, together with all rights and privileges enjoyed or claimed by the Frere Land Company in respect of the said land.		
6	Hajee Ismael Hajee Hubeeb.	All the land and fish-ponds bounded by the Harbour on the east and by the Jackaria Bunder road and the Sewree road on the west and north, by the property of the Frere Land Company on the south, and by the property of the Trustees of the Port on the north, known as Sewree Bunder, together with all rights and privileges enjoyed or claimed in respect of the said land by the respective holders thereof.		
7	Hajee Jackaria Noor Mahomed.			
8	Manockjee Adurjee ...			
9	Aitwar Lukdee ...			
10	Muncherjee Framjee Cama.			
11	Dadabhoy Hormusjee .			
12	Hajee Essa Hajee Fuzla			
13	Dorabjee Nusserwanjee			
14	Byramjee Cowasjee ...			
15	Esmail Mahomed Songaji.			

SCHEDULE B. (SEE SECTION 30.)

Form of Security.

THE TRUSTEES OF THE PORT OF BOMBAY.

No.

Under the provisions of section 30 of the Bombay Port Trust Act, 1879, we, the Trustees of the Port of Bombay, do hereby for ourselves and our successors promise and agree to pay to , or order, the sum of Rupees value received; such payment to be made on demand at the office of the Accountant General, Bombay, after the expiration of three months' notice of payment to be given by the Chairman of the said Trustees in the *Bombay Government Gazette.* We further promise and agree for ourselves and our successors to pay to the said , or order, interest on the said sum of Rupees from the 1st day of April 1879 until the expiration of three months after such notice of payment as aforesaid; such interest to be at the rate of per centum per annum and to be payable on demand at the office aforesaid half-yearly on the 1st day of April and the 1st day of October in every year until the expiration of three months from the date of such notice of payment as aforesaid, when the amount of interest then due hereunder will be payable with the principal on demand at the office aforesaid and (such notice being considered as equivalent to a tender of payment at the period appointed for the discharge hereof) all further interest shall cease.

Given under our common Seal this day of 187 .

(*Signature of the Chairman and two Trustees.*)

Seal. *of the Corporation.*

SCHEDULE C. (SEE SECTION 39.)

Statement of Capital Debts of the Board due to the Secretary of State for India in Council.

On account of what Property, &c.	Bearing Interest.	Not bearing Interest.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
Elphinstone Estate, purchase price ...	1,85,91,596 12 8	......	
Elphinstone Estate, expended in 11 months to 31st March 1871.	7,47,370 2 10	......	
Elphinstone Estate, expended in 12 months to 31st March 1872.	2,75,090 8 6	......	
Elphinstone Estate, Troop Siding, Carnac Bunder.	39,790 3 2	......	
			1,96,53,847 11 2
Moody Bay Reclamation (portion east of Frere Road), expended in year to 31st March 1871.	3,57,596 8 8	......	
Moody Bay Reclamation (portion east of Frere Road), expended in year to 31st March 1872.	2,01,345 6 4	......	
			5,58,941 15 0
Apollo Bay Reclamation, expended in year to 31st March 1872.	9,752 11 11	......	9,752 11 11
Wellington Reclamation, expended in year to 31st March 1872.	934 12 8	......	934 12 8
Apollo Pier, expended prior to 31st March 1870.	......	2,23,038 12 2	
Apollo Pier, expended in year to 31st March 1871.	1,38,173 7 8	......	
Apollo Pier, expended in year to 31st March 1872.	61,825 9 2	......	
			4,23,037 13 0
Tank Bunder, expended in year to 31st March 1871.	182 0 0	......	182 0 0
Customs Bonded Warehouse — Apollo Bonded Warehouse.	......	5,50,000 0 0	
Customs Bonded Warehouse — Custom-house Godowns .	......	25,165 0 0	
			5,75,165 0 0
Kussara Bunder	......	5,285 0 0	5,285 0 0
Saw Mill Property, Tank Bunder ...	......	41,189 14 4	41,189 14 4
Expended on the above properties between 31st March 1872 and the passing of Bombay Act I. of 1873.	1,45,053 5 4	......	1,45,053 5 4
Balance of Interest unpaid at 31st March 1871.	2,75,273 4 7	......	6,02,042 10 0
Balance of Interest unpaid at 31st March 1872.	1,50,233 3 2		
Balance of Interest unpaid for the period from 1st April 1872 until the date on which Bombay Act I. of 1873 come into operation.	1,76,536 2 3		
Total Rs. ...	2,11,70,754 2 11	8,44,678 10 6	2,20,15,432 13 5

SCHEDULE D. (SEE SECTION 41.)

Form of Debenture.

THE TRUSTEES OF THE PORT OF BOMBAY.

The 18 .

No.

By virtue of the Act No. of 1879 of the Council of the Governor of Bombay for making Laws and Regulations, entitled "The Bombay Port Trust Act, 1879," we, the Trustees of the Port of Bombay, in consideration of the sum of Rupees paid to us by *A. B.*, of , promise to pay to the said , or order, the said sum of Rupees after the date hereof, together with interest at the rate of per centum per annum, payable half-yearly on the day of and the day of

Given under our Corporate Seal this day of 187 .

(*Signatures of the Chairman and two Trustees.*)

Seal *of Corporation.*

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to place the whole of the foreshore of Bombay used, or likely to be used for the purposes of the shipping-trade of the Port under the Port Trust, and to amend the constitution of the Corporation of the Trustees of the Port so as to make it fairly representative of all the chief interests concerned in the proper administration of the Trust.

Government have already entered into negociations with the holders of the principal properties on the foreshore not vested in the present Trustees, and it is believed that all the properties which it is desirable to vest in the new Corporation, in order to effect the object of the Bill, may be purchased for a sum not exceeding 77 lacs of rupees. A general description of those properties will be found in Schedule A. of the Bill; a more precise description of each estate will be contained in the Articles of Agreement, under which the properties will, if they are eventually purchased, be conveyed by their present holders to the Secretary of State.

If the purpose and general scope of the Bill are found to be approved, the Governor in Council will, with the sanction of the Government of India, proceed to purchase these properties; and it is proposed upon the completion of such purchases to vest the benefits of them (under Section 29 of the Bill) in the new Board of Trustees, and to require the Board to pay the purchase-money by the issue of Port Trust securities in the form of Schedule B. of the Bill.

The new Corporation will thus commence its existence vested on the one hand with the whole of the foreshore, and all the wharves, piers, docks in the Port, and the sole right of levying rates for the use of the same; and on the other hand with a debt of about 77 lacs of rupees in addition to all the liabilities of the present Trustees.

One essential feature of the Bill is, that the new Board shall be compelled faithfully to discharge all the liabilities thus imposed upon them. The Governor in Council is willing to guarantee out of the Provincial Revenues of the Presidency the payment of all the interest from time to time due by the Board (Section 35), but in consideration of such guarantee it is proposed to give Government the power of increasing the rates, or, if necessity arises, of apponting a Receiver to collect the rates on its own behalf, if the Board should fail at any time themselves to make due provision for meeting their liabilities (Sections 59 and 60).

The necessity for the repeal of the present Port Trust Act (Bombay Act I. of 1873) has been availed of to introduce many amendments, both in the structure and the substance of the proposed new enactment; and in harmony with the alterations contemplated in the constitution of the Corporation, many restrictions imposed upon the present Trustees have been removed, so that the new Board may be, as far as can be safely allowed, independent of the control of Government.

(Signed) J. GIBBS,

9th December 1878.

By order of His Excellency the Honourable the Governor in Council,

JOHN NUGENT,
Under Secretary to Government.

Bombay Castle, 9th December 1878.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.