


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 IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of the Right Honourable the Governor of Bombay on the 8th February 1869, and the assent of His Excellency the Governor General on the 20th February 1869, and is published for general information :—

BOMBAY.

Act No. I. of 1869.

An Act to facilitate the proceedings of the Commission appointed by Government to investigate the circumstances and causes of a recent Fatal Accident at the Bhore Ghaut Incline, on the Great Indian Peninsula Railway, and to report on the measures to be adopted to secure the future safe working of the Line.

WHEREAS a Passenger Train coming
 Preamble. down the Bhore
 Ghaut Incline of the
 Great Indian Peninsula Railway, on the
 morning of the 26th January 1869, ran
 away, and, passing through the Reversing
 Station, went over the edge thereof, de-
 stroying several Breaks and Carriages at-
 tached to the said Train, and causing loss
 of life and grievous injury to many passen-
 gers and others travelling in the same; AND

IV.—6

WHEREAS Government have appointed a Commission for the purpose of thoroughly investigating the circumstances of the accident, and the causes which led to it, and of reporting on the measures which should be adopted to secure the future safe working of the line; AND WHEREAS it is expedient that the said Commission should have power to take evidence upon oath touching the matters to be inquired into under the said Commission, and for that purpose to make provision for the attendance of witnesses and for their examination before such Commission: It is enacted as follows :—

- I. The words “Commission” and
 Interpretation. “Commissioners” in
 this Act shall mean—

The Honourable L. H. Bayley, Advocate General, the President of the Commission;

A. F. Bellasis, Esq., Revenue and Police Commissioner, N. D.;

Lieutenant Colonel J. S. Trevor, Consulting Engineer for Railways;

Captain Henry, Superintendent P. and O. Company;

A. W. Forde, Esq., C.E.; and

Captain Hancock, R. E., the Secretary of the Commission,

who were duly nominated and appointed by Government to form the said Commission, by Government Resolution, dated Bombay Castle, 29th January 1869, and shall include the members for the time being of such Commission present at any proceeding of the same, and such other members (if any) of the said Commission as have been, or may be, appointed by Government to serve on such Commission.

II. The Commissioners may, by summons under the hand of Captain Hancock, R.E., the Secretary, or of the Secretary for the time being of the Commission, require the attendance before the Commissioners, at a time and place to be mentioned in such summons, of any person residing or being within the Presidency of Bombay, whose evidence is in their judgment material to any of the matters of the inquiry aforesaid, and may require him to bring and produce before them all such books, papers, letters, reports, plans, estimates, sections, drawings and writings, and copies of any of the above, as they think necessary for arriving at the truth of the said matters.

Every such person shall accordingly attend before the Commissioners, and shall produce such books, papers, letters, reports, plans, estimates, sections, drawings, and writings, and copies of any of the above, as are required of him, and are in his possession, custody, or power, or under his control, or which may in the opinion of the Commissioners be procured by him according to the tenor of the summons.

III. The Commissioners may administer an oath to every person examined before them, touching the matters to be inquired into under the Commission; but it shall not be necessary for them to take evidence upon oath, unless they think fit so to do.

IV. If any person upon whom any such summons is served by the delivery thereof to him, or by the leaving thereof

Witnesses refusing to attend, or answer, or giving false evidence.

at his usual place of abode, fails without reasonable cause (to be allowed by the Commissioners) to appear before them at the time and place mentioned in the summons;

Or refuses to be sworn, or does not make answer to such questions as are put to him touching the matters directed to be inquired into by the said Commission;

Or refuses or fails without reasonable cause (to be allowed by the Commissioners) to produce and show to the Commissioners any such book, paper, letter, report, plan, estimate, section, drawing, writing, or copy of any of the above, being in his possession, custody, or power, or under his control, or which in the opinion of the Commissioners might have been procured by him, as to the Commissioners appear necessary for arriving at the truth of the matters to be inquired into by them, or makes any statement which is false, and which he either knows or believes to be false or does not believe to be true:

The President for the time being of the said Commission shall have the power by warrant under his hand to direct that such person be apprehended and committed to and detained in close custody in a place and for a time specified in the warrant until he shall comply to the satisfaction of the Commissioners with such requisitions as have been made on him touching his examination. The warrant shall specify the person or persons by whom such apprehension, committal, or detention shall be made.

V. Every witness required to attend and give evidence under the provisions of this Act shall be entitled to a reasonable sum (to be allowed by the Commissioners) for his expenses for travelling to and from, and remaining at the place at which he is required to attend.

VI. In Sections 193 and 228 of the Indian Penal Code, the words "Judicial proceeding" shall be taken to include any proceeding under this Act, and in the latter Section the words "public servant" shall be taken to include a Commissioner under this Act.

VII. No person shall be excused from answering any question put to him by the said Commissioners or any of them upon the ground of any privilege.

VIII. The Commissioners shall hold the said inquiry at any City, Town, or Place within the Presidency of Bombay

Place of inquiry.

Witness not to be excused from answering.

Punishment for false evidence and contempts.

Expenses of witnesses.

as the President for the time being of the Commission shall from time to time appoint, and the said President of the Commission shall have power to adjourn any meeting of the said Commission to such place and time as he may think fit.

IX. The said inquiry shall be conducted
Inquiry to be public. in public.

X. Not less than three of the Commissioners for the time being shall form a quorum in the absence of the President.

3 Commissioners to form a quorum in the absence of President.

XI. The Commissioners in any proceeding under this Act shall be deemed to be persons acting judicially within the meaning of Act XVIII. of 1850 of the Governor General of India in Council intituled "An Act for the protection of Judicial Officers."

XII. This Act may be cited as "The Bhoze Ghaut Accident Commission Inquiry Act 1869."

Short Title.

By order of the Right Honourable the Governor in Council,

N. DANIELL,

Acting Under-Secretary to Government.

Bombay, 22nd February 1869.