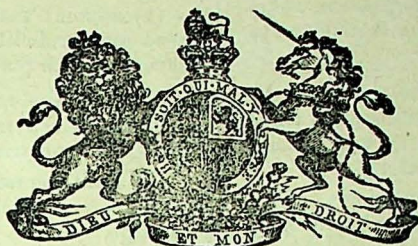


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Bombay Government Gazette.

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

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 29th January 1879, and was referred to a Select Committee :—

Bill No. 3 of 1879.

A Bill for the regulation and control of Hackney-carriages in certain Municipalities and Cantonments.

WHEREAS it is expedient to provide for the regulation and control of hackney-carriages in certain municipalities and cantonments; It is hereby enacted as follows :—

Preamble.

Short title.

Commencement.

but nothing herein

Saving.

Interpretation-clause.

1. This Act may be called "The Hackney-Carriage Act, 1879,"

and it shall come into force at once;

but nothing herein contained shall affect any power conferred by any law relating to municipalities.

2. In this Act—

"Hackney-carriage" means any wheeled vehicle drawn by animals and used for the conveyance of human beings, which is kept, or offered, or plies for hire, and

"Committee" means a Municipal Committee, or a body of Municipal Commissioners constituted under the provisions of any enactment for the time being in force.

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3. The Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Assam, Ajmer and Coorg may, by notification in the official Gazette, apply this Act to any municipality in the territories administered by them respectively.

When this Act has been so applied to any municipality, the Committee of such municipality may from time to time make rules for the regulation and control of hackney-carriages within the limits of such municipality, in the manner in which, under the law for the time being in force, it makes rules or bye-laws for the regulation and control of other matters within such limits.

Every rule made under this section shall, when confirmed by the Local Government and published for such time and in such manner as the Local Government may from time to time prescribe, have the force of law.

Provided that the Local Government may at any time rescind any such rule.

4. The Local Government of any of the said territories may, from time to time, with the previous sanction of the Governor General in Council, make rules for the regulation and control of hackney-carriages in any military cantonment situated in the territory administered by it, and

Power of Committees to make rules.

Sanction and publication of rules.

Power of Local Government to rescind rule.

Power to make rules for cantonments.

the Governor General in Council may, from time to time, make rules for the regulation and control of hackney-carriages in any place in India but not in British India, in which British troops are cantoned.

What rules under sections 3 and 4 may provide for.

5. The rules to be made under section three or section four may, among other matters,

(a) direct that no hackney-carriage, or no hackney-carriage of a particular description, shall be let to hire, or taken to ply, or offered, for hire, except under a license granted in that behalf;

(b) direct that no person shall act as driver of a hackney-carriage except under a license granted in that behalf;

(c) provide for the issue of the licenses referred to in clauses (a) and (b), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(d) regulate the description of animals, harness, and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness, and other things used therewith, shall be kept;

(e) provide for the inspection of the premises on which any such carriages, animals, harness, and other things are kept;

(f) fix the time for which such licenses shall continue in force and the events (if any) upon which within such time they shall be subject to revocation or suspension;

(g) determine the times at which, and the circumstances under which, any person keeping a hackney-carriage shall be bound to let such carriage to any person requiring the same, and any driver of a hackney-carriage, being with such car-

riage in a public place, shall be bound to go with any person desirous of hiring such carriage;

(h) appoint places as stands for hackney-carriages and prohibit such carriages waiting for hire except at such places;

(i) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney-carriage; and

(j) limit the number of persons, and the weight of property, which may be conveyed by any such carriage.

6. Any person breaking any rule made under this Act shall be punished with fine which may extend to fifty rupees.

7. The amount of any fees received, and the amount of any expenses incurred, by any Municipality, in giving effect to this Act shall respectively be credited and debited to the Municipal Fund, and in any cantonment where there is a Cantonment Fund, to such Fund.

8. If any dispute arises between the hirer of any hackney-carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this Act, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by a Magistrate or bench of Magistrates, and the decision of such Magistrate or bench shall be final.

When any such dispute is heard by a bench, any difference of opinion arising between the members of such bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

STATEMENT OF OBJECTS AND REASONS.

THE want of a law to regulate hackney-carriages in towns and cantonments in the interior of India has long been felt, and has lately been pressed upon the notice of the Government of India by the Lieutenant-Governor of the Panjáb and His Excellency the Commander-in-Chief.

2. The present Bill has been prepared to supply this want in the case of municipalities in those parts of India which have not local Legislatures, and in all cantonments, whether in British India or in Native States.

3. It gives power to the Municipal Committee, in the case of a municipality, and to the Local Government, in the case of a cantonment, to make rules (subject, in the former case, to the sanction of the Local Government, and in the latter, to that of the Governor General in Council) to ensure that carriages offered for hire, and the animals and harness used with them, shall be in proper condition; that car-fitters shall be employed as drivers; that the fares charged shall be reasonable, and that the carriages shall not be over-laden.

4. It further provides that breach of these rules shall be punishable with fine which may extend to fifty rupees, and that disputes between the hirer and owner of a carriage, as to the amount of a fare, shall be determinable by a Magistrate.

The 20th January 1879.

(Signed) T. H. THORNTON.

D. FITZPATRICK,
Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 6th February 1879.]

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th January, 1879, and was referred to a Select Committee:—

Bill No. 1 of 1879.

A Bill to amend the law relating to Coast-lights in the eastern part of the Bay of Bengal.

WHEREAS it is expedient to increase the Coast-light dues paid under the provisions of Act No. XIII of 1867 (*An Act to provide for the establishment and maintenance of Coast-lights in the eastern part of the Bay of Bengal*) and to render chargeable with such dues certain vessels which are not now so chargeable; It is hereby enacted as follows:—

Preamble.

Short title.

1. This Act may be called the "Burma Coast-lights Act, 1879;"

Local extent.

It extends to the territories respectively administered by the Governors of Fort St. George and Bombay in Council, the Lieutenant-Governor of Bengal and the Chief Commissioners of British Burma and the Andamans.

But nothing herein contained shall apply to any vessel belonging to, or in the service of, Her Majesty, or the Government of India, or to any vessel of war belonging to any Foreign Prince or State.

2. Act No. XIII of 1867 (*An Act to provide for the establishment and maintenance of Coast-lights in the eastern part of the Bay of Bengal*) and section 77 of the Indian Ports Act, 1875, are hereby repealed.

But any appointment made under the said Act No. XIII of 1867 shall be deemed to have been made under this Act.

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

"Customs-Collector" means a Customs-Collector appointed under the Sea Customs Act, 1878, and includes any person appointed by the Local Government by name or in virtue of his office

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to discharge the functions of a Customs-Collector under this Act at any port:

"Vessel" includes anything made for the conveyance by water of human beings or of property:

"Master," when used in relation to any vessel, means any person (except a Pilot or Harbour Master)

having for the time being the charge or control of such vessel:

"Voyage" means the whole distance between a vessel's place of departure and her final place of arrival; but the return of a vessel from any place shall, notwithstanding the terms of any charter party, be deemed a distinct voyage.

Coast-light Dues.

4. A toll, hereinafter called "Coast-light dues," shall be paid in respect of every vessel of the burden of fifty tons and upwards making any voyage mentioned in the schedule hereto annexed, at the rate of one anna six pie per ton of burden:

Provided that such vessel sails from or enters during the course of, or at the termination of, any such voyage a port in British India.

5. The said toll shall become due and payable—

(a) in the case of a vessel clearing out of a port in British India upon any such voyage, previous to the grant of any port clearance;

(b) in the case of a vessel entering a port in British India in the course, or at the termination, of any such voyage, immediately upon her entering such port:

Provided that the said toll shall not be levied more than once on any vessel in the course of the same voyage.

6. The Governor General in Council may from time to time, by notification in the *Gazette of India*, reduce or raise the rate of Coast-light dues, in respect of all vessels or any particular class of vessels:

Provided that such rate shall not in any case exceed the rate fixed by section four.

7. The Customs-Collector shall collect the Coast-light dues;

and shall grant to the person paying the same a proper voucher in writing under his hand, setting forth the name of his office, the port at which the Coast-light dues are paid, and the name, tonnage and other proper description of the vessel in respect of which such payment is made.

8. Within twenty-four hours after the arrival of a vessel within a port of any vessel chargeable with Coast-light dues, the Master of such vessel shall give notice of such arrival to the Customs-Collector.

9. In order to ascertain the tonnage of any vessel chargeable with Coast-light dues, the following rules shall be observed:—
Tonnage of vessel chargeable with Coast-light dues how ascertained.

(a.)—If such vessel be a British registered vessel, or a vessel registered under Act No. X of 1841, or Act No. XI of 1850, or under any other law for the time being in force for the registration of vessels in India, the Customs-Collector may require the owner or Master of such vessel, or any person having possession of her register, to produce such register for inspection. If any such owner, Master or other person neglects or refuses to produce such register, or otherwise to satisfy the Customs-Collector as to what is the true tonnage of the vessel in respect of which such Coast-light dues are payable, he shall be punished with fine which may extend to one hundred rupees, and the Customs-Collector may cause such vessel to be measured and the tonnage thereof to be ascertained; and in such case the owner or Master of such vessel shall also be liable to pay the expenses of such measurement.

(b.)—If such vessel be not a British registered vessel, or a vessel registered under Act No. X of 1841, or Act No. XI of 1850, or under any other law for the time being in force for the registration of vessels in India, and the owner or Master thereof fails to satisfy the Customs-Collector as to what is her true tonnage according to the mode of measurement prescribed by the law in force for the time being for regulating the measurement of British registered vessels, the Customs-Collector shall cause such vessel to be measured and the tonnage thereof, according to the mode aforesaid, to be ascertained; and in such case the owner or Master of such vessel shall be liable to pay the expenses of such measurement.

Explanation.—In this section "owner" includes any agent to whom the vessel referred to is consigned.

10. If the Master of any vessel refuses or neglects to pay to the Customs-Collector on demand by him the amount of any dues or expenses payable in respect of such vessel under this Act, the Customs-Collector may detain or arrest such vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of such dues or expenses is paid;

and in case any part of such dues or expenses, or of the cost of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest so made, the Customs-Collector may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale may satisfy such dues, expenses and costs, including the costs of sale remaining unpaid, and shall render the surplus (if any) to the Master of such vessel upon demand.

11. The officer of Government whose duty it is to grant a port-clearance for any vessel shall not grant such port-clearance until her Master, or some other person, has paid, or secured to the satisfaction of such officer, the amount of all dues, expenses and costs with which such vessel is chargeable under this Act, and of any fine to which any person is liable for anything done by him in contravention of this Act.

12. The Master of any vessel departing from or entering any port in British India upon, or in the course of, or at the termination of, any voyage, shall, upon the demand of the Customs-Collector, specify upon what voyage he is or has been bound.

13. If the Master of any vessel evades, or attempts to evade, the payment of any Coast-light dues, expenses or costs payable in respect of such vessel under this Act, he shall be punished with fine which may extend to two hundred rupees.

Determination of Disputes under Act.

14. If any dispute arises as to whether any vessel is chargeable with any Coast-light dues, expenses or costs under this Act, or as to the amount of such dues, expenses or costs, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate exercising powers under the Code of Criminal Procedure not less than those of a Magistrate of the second class, or in the towns of Calcutta, Madras and Bombay by a Presidency Magistrate; and the decision of such Magistrate shall be final.

Maulmain and Bassein Port-dues.

15. The port-due leviable under the Indian Ports Act, 1875, in either of the ports of Maulmain and Bassein, shall, to the extent of one anna six pie, be applicable in the first place to defray the expenses of maintaining the existing port-lights of British Burma.

Prosecutions under other Laws.

16. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act: provided that no person shall be punished twice for the same act or omission.

SCHEDULE.

(See section 4.)

1. A voyage to or from Chittagong or any place west of the longitude of Chittagong—
 - (a) from or to any port in British Burma; or
 - (b) from or to Port Blair, or any place east of the longitude of Mergui, by a route passing between the northern extremity of the Andaman Islands and the coast of British Burma.
2. A voyage to or from any port in British Burma—
 - from or to any other port in British Burma.

Except voyages to or from Maulmain from or to Tavoy or Mergui, or to or from Tavoy from or to Mergui.
3. A voyage to or from Rangoon and any port in British Burma west of the longitude of Rangoon—
 - from or to any place east of Mergui.
4. A voyage to or from any port in British Burma other than Tavoy and Mergui.
 - from or to Port Blair.

STATEMENT OF OBJECTS AND REASONS.

THE present coast-light dues of one anna per ton levied under section 3 of Act XIII of 1867 (*An Act to provide for the establishment and maintenance of Coast-lights in the eastern part of the Bay of Bengal*) have been found insufficient to pay a fair rate of interest on the capital expended on the lights which at present exist on the coast of

British Burma and provide for their maintenance. Moreover, the recent total destruction of the Krishna Shoal Light-house will immediately entail a large expenditure. It has therefore been determined to raise the present coast-light dues from one anna per ton to one anna six pie, and to subject to the dues vessels making certain voyages not mentioned in the Act but in the course of which they benefit by the lights. These voyages are—

- (a) voyages from ports in British Burma to Chittagong and places west of Chittagong;
- (b) voyages from Chittagong to ports in British Burma;
- (c) voyages by certain routes to or from Chittagong and places west of Chittagong (except Calcutta) from or to Port Blair and places east of Mergui;
- (d) voyages from places east of Mergui to Rangoon and from Rangoon and ports in British Burma west of Rangoon to places east of Mergui;
- (e) voyages to or from any port in British Burma other than Tavoy and Mergui from or to Port Blair.

2. The Bill repeals Act XIII of 1867 (which has already been amended) and re-enacts it in a simpler form, with the requisite alterations in respect of the coast-light dues and with some changes in wording and arrangement.

(Signed) WHITLEY STOKES.

The 14th January, 1879.

D. FITZPATRICK,

Secy. to the Government of India.