



Bombay Government Gazette.

Published by Authority.

TUESDAY, 23RD NOVEMBER 1875.

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 Law and Regulations.

Bill No. 6 of 1875.

To amend (Bombay) Act II. of 1868.

Whereas it is expedient to amend the
Bombay Ferries Act,
Preamble. 1868; It is enacted
as follows:—

I. This Act may be cited as "The
Short Title. Bombay Ferries Act
Amendment Act, 1875."

Section 4 shall come into force with
respect to every Pub-
Commencement. lic Ferry across a

creek or river, which at the date of the
promulgation of this Act shall be leased
to a Lessee, Farmer, or Contractor, on the
determination of the then current lease,
and not before, and with respect to every
other Public Ferry at once.

The rest of the Act shall come into force
at once.

II. The word "Ferry" in the Bombay
Definition of "Ferry." Ferries Act shall be
deemed to mean, and
to have always meant, a line of communi-

cation by water between any two or more
villages, towns, or landing places, situated
on the bank, or shore, of any river, canal,
lake, creek, harbour, arm of the sea or sea,
or on any island;

or the right of conveying passengers,
animals, carts, carriages and goods of every
description over any such line of commu-
nication;

according to the sense in which the word
is employed in different parts of the Act.

III. To Section
three of the said Act
the following clause
shall be added (name-
ly):—
Addition of an Ex-
emption Clause to Sec-
tion 3 of Bombay Act
II. of 1868.

"(d). Any person whom the Governor
in Council shall by notification in the
Bombay Government Gazette deem fit
specially to exempt from payment of
such tolls."

New Section substituted for Section 14 of (Bombay) Act II. of 1868.

IV. The following Section shall be substituted for Section fourteen of the said Act :—

“Any person, not being a duly appointed Ferry-man, or the Lessee, Contractor, or Farmer of the Ferry, or a servant of such Lessee, Farmer, or Contractor, who, except as is excepted in the last preceding Section, shall convey for hire any passenger, animal, cart, carriage or goods over any Public Ferry; and

“Any person who, except as is aforesaid, shall convey for hire any passenger, animal, cart, carriage or goods to or fro between any

two points both which are less than three miles distant by cart-road, or foot-path, from any town, village, or landing place served by any one Public Ferry, without the license of the Collector of the District in which the Ferry is situated, or of the Revenue Commissioner if the Ferry be situated in more districts than one, shall be liable to a penalty not exceeding five hundred Rupees.”

Addition after Section 14 of (Bombay) Act II. of 1868.

V. After Section fourteen of the said Act the following Section shall be inserted :—

“14 A. Any person who, except as is aforesaid, shall convey for hire any animal, cart, carriage or goods to or fro across any river or creek between

two points both which are less than— distant from a bridge at which, under the provisions of any law for the time being in force, a toll is leviable on animals, carts, or carriages; or

who shall convey for hire any passenger or any palanquin, and for conveying doolee, palna or tonj, passengers, &c., near such bridge, across any river or

creek between two such points as aforesaid, when under the provisions of any law for the time being in force a toll is leviable at the bridge on passengers, palanqueens, doolees, palnas, tonjons, or such other things;

shall be liable to a penalty not exceeding five hundred Rupees.

VI. In Section fifteen of the said Act the last nineteen words shall be omitted, and to the Section the following clause shall be added (namely) :—

“In every case in which an offender is sentenced to a fine under this Act, it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment of either description within the meaning of the Indian Penal Code, according to the following scale: that is to say, for any term not exceeding two months when the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case.

STATEMENT OF OBJECTS AND REASONS.

Doubts having arisen as to whether the Bombay Ferries Act (Bombay Act II. of 1868) empowers Government to declare such ferries as those between Bhiwandi and Bassein, Surat and Gogo, or Bombay, Alibág, Rewadanda and Binkot to be public ferries within the meaning of that Act, Government were advised by the Law Officers that it does not. As the discontinuance of the above and other similar ferries throughout the Presidency would give rise to much public inconvenience, this Bill is introduced to amend the Ferries Act so as to give Government the necessary powers.

The opportunity has been taken of improving that Act in one or two minor points in which experience has shown it to be defective, and of adding a provision to prevent the evasion of payment of tolls leviable at bridges which have been erected for the public convenience across navigable water.

22nd November 1875.

(Signed) J. GIBBS.

By order of His Excellency the Governor in Council,

W. LEE WARNER,
Acting Under-Secretary to Government.