

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 19TH SEPTEMBER 1872.

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 His Excellency the Governor of Bombay for making Laws and Regulations:—

Bill No. 5 of 1872.

THE BOMBAY PORT TRUST ACT, 1872.

CONTENTS.

Section.	Section.
Preamble.	21. Acting Trustee may be appointed during absence of Trustee.
1. Commencement of Act.	22. Leave of absence may be granted to Chairman.
2. Interpretation-clause.	23. Establishment of Trustees to be sanctioned by the Governor in Council.
3. Power to nominate Trustees.	24. Appointment of Establishment.
4. Trustees to be a Corporation.	25. Trustees to grant leave of absence.
5. Term of Office under the Act.	26. Allowances during absence on leave.
6. Salaries and Fees of Chairman and Trustees.	27. Penalty on Officers being interested in Contracts.
7. Appointment of Successors.	28. Penalty for accepting illegal gratification.
8. Property vested in the Trustees.	29. General nature of Works under this Act.
9. The Duties of the Trustees.	30. Powers of Trustees as to property.
10. Meetings of the Trustees.	31. Procedure to be observed when the Trustees are unable to acquire, by agreement, any Land or Building.
11. Who shall preside at Meetings.	32. Trustees to provide Land required for public purposes.
12. Minutes of Proceedings of Trustees to be kept, and to be open for inspection.	33. No Wharf, Quay, &c., to be made without consent of Governor in Council.
13. Poll how to be taken.	34. Power to Contract.
14. Copy of Minutes to be preserved in Government Secretariat, and any Returns called for by Government to be furnished.	35. Works to be sanctioned by the Governor in Council.
15. Trustees may appoint Committees.	36. Trustees may compound for breach of Contract.
16. Emergent Meetings may be called.	37. Mode of executing Contracts.
17. Chairman may exercise certain powers of Trustees.	38. Trustees not authorised to demise, &c., without sanction of the Governor in Council.
18. Proceedings not to be invalidated by a vacancy or informality of appointment.	
19. Disqualification of Trustees.	
20. Power to remove Chairman or Trustee.	

Section.

39. Money to be raised for Works.
40. Mode of raising such Money.
41. Interest on Debentures to be a charge on Revenue prior to interest due to Secretary of State.
42. Application of Capital raised.
43. Payment of Debentures, &c., by issue of fresh Debentures.
44. Form of Debenture.
45. Property of Trustees how to be applied.
46. Revenue of Trustees how to be applied.
47. Surplus Revenue of Trustees how to be applied.
48. Amount of Debt.
49. Payment of Interest.
50. Estimate of Income and Expenditure to be submitted annually to the Trustees.
51. Revision and passing the Estimates.
52. Estimates to be approved by Governor in Council.
53. Power to make supplemental Estimates.
54. Expenditure to be made in pursuance of Estimate.
55. Accounts to be audited and examined.
56. Tolls to be levied.
57. Appointment of existing Officers for levy of Fees, &c., to hold good.
58. Power to increase Tolls, &c.
59. On failure of Trustees Governor in Council may impose Tolls, &c.
60. Recovery of Tolls in arrears.
61. Lien for Freight preserved after landing Goods if notice of Lien be given.
62. Discharge of lien by payment or release.
63. If Tolls not paid, or the Lien for Freight not discharged, Goods may be sold at the expiration of two months.
64. Application of proceeds of Sale.
65. Power to distrain Vessels for the non-payment of Tolls.
66. Port Clearances not to be granted till Tolls paid.
67. Compensation for damage to the property of Trustees.
68. Wharves, &c., to be appointed under Customs Act.
69. Dues for Wharves in possession of Customs Officers.
70. Sanitary Provisions.
71. Limits of the Port of Bombay how to be defined.
72. Regulations as to Buoys and Moorings.
73. Power to increase Port Dues.
74. Power to make Trustees Conservators of the Port.
75. Port Dues may be made payable to Trustees.
76. Trustees to exercise power of Conservators.
77. Trustees to receive Port Dues.
78. Trustees to be vested with the exclusive right and privilege of appointing Pilots.
79. Responsibilities of the Trustees as Conservators of the Port.
80. Power to procure and charge for Steam Tugs.
81. Trustees empowered to make Port Rules.
 1. Entering or leaving Port.
 2. Berths of Vessels.
 3. Striking yards, &c.
 4. Removal of anchors, &c.
 5. Taking in or discharging ballast
 6. Keeping free passage.
 7. Regulating the anchoring.
 8. Mooring and warping.
 9. Use of mooring buoys.
 10. Rates for use of mooring buoys.
 11. Cargo boats.
 12. Fires and lights.
 13. Signal lights.
82. Power to make improvements.
83. Jurisdiction of offences committed within the Port of Bombay.

Section.

84. Trustees empowered to make Bye-laws.
85. Approval of Bye-laws.
86. Governor in Council may revoke and annul Bye-laws.
87. Penalty for breach of Bye-laws.
88. Bye-laws and Tables of Tolls to be exhibited.
89. Notice of action.
90. Government may order a local survey.
91. Government may restore or complete works.
92. Mode of realizing interest due to the Secretary of State.
93. Government may take possession and revoke powers of Trustees
94. Sanction of Government how to be evidenced.
95. Short Title.

WHEREAS it is expedient to consolidate and amend the law relating to the harbour and foreshore of the Port of Bombay, and to make further provision for the regulation, conservancy, and improvement of the said Port—

I. This Act shall commence and come into operation on the day of

From and after the coming into operation of this Act, the Acts specified in Schedule A, hereunto annexed, shall be, and the same are hereby repealed, save as to any acts done, or rights or liabilities acquired or incurred, under or by any of the said Acts before the coming into operation of this Act.

II. In the construction of this Act, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction :—

The words "The Trustees" shall mean the Trustees of the Port of Bombay hereinafter incorporated.

The word "Trustee" shall mean a member of the said Corporation.

The word "Vessel" shall include any ship, barque, boat, raft, or craft, or any other structure whatever, designed or used for the transport upon water of passengers or goods, whether navigated by steam or otherwise.

The word "Master," when used in relation to any vessel, shall mean any person, whether the owner, master, or other person lawfully or *de facto* having or taking the command, charge, or management of the vessel for the time being.

The word "Land" shall include the bed of the sea below high-water mark.

Land.

The word "Port" shall mean the port of Bombay as at present, or at any time

Port.

hereafter, defined by the local Government under the provisions of this or any other Act.

The word "Wharf" shall include any part of the foreshore of the harbour of

Wharf.

Bombay that may be used for loading or unloading goods, and any wall enclosing or adjoining the same.

The word "Docks" shall mean the present or future docks, basins, locks, cuts,

Docks.

entrances, graving docks, graving blocks, inclined planes, patent slips, gridirons, quays, piers, warehouses, and other works belonging to, or under the management of, the Trustees.

The word "Pier" shall mean any pier, stage, stairs, landing-

Pier.

place, or jetty belonging to, or under the management of, the Trustees, and shall include any landing-stage, floating barge, or pontoon, and any bridges or other works connected therewith.

The word "Goods" shall include wares and merchandise of every description.

Goods.

The word "Owner," when used in relation to goods, shall include any consign-

Owner.

or, consignee, shipper or agent for the sale or custody, loading or unloading, of such goods, as well as the owner thereof; and when used in relation to any vessel, shall include any part owner, charterer, consignee, or mortgagee in possession thereof.

III. It shall be lawful for the local Government at any time after the commencement of this

Power to nominate Trustees.

Act, by order published in the *Bombay Government Gazette*, to nominate and appoint not less than nine, nor more than twelve, persons to be Trustees of the Port of Bombay, of whom at the least one-third shall be persons connected with the trade of Bombay and not holding any official situation under Government, and by the same, or any other order, published in like manner, to nominate one other person to be Chairman of the Trustees.

IV. The Trustees for the Port of Bombay to be appointed as hereinbefore provided,

Trustees to be a Corporation.

and their successors, shall be, and they are hereby created a Corporation under the name and style of the "Trustees of the Port of Bombay," and they shall have a common seal, and shall have power to hold land, and by such name shall sue and be sued.

V. Every person who shall be appointed a Chairman, or Trustee, shall, subject to the provisions hereinafter contained, continue to hold the office to which he shall be appointed for the term of two years, but may, at the expiration of such term, be re-appointed.

VI. It shall be lawful for the local Government, by order, in writing, from time to time, to determine

Salaries and Fees of Chairman and Trustees.

whether any and what salary and allowances shall be paid to the Chairman of the Trustees, and whether any and what fees shall be paid to the Trustees for attendance at meetings for transaction of the business of the Trust; and in the order directing the salaries and fees to be paid as aforesaid, the local Government may declare any conditions and restrictions upon and under which such salaries, allowances, and fees, respectively, shall be payable.

VII. The local Government, within one month after any person appointed to be a Chairman, or Trustee, under this Act shall have died, or ceased to be such Chairman or Trustee, shall, by an order published in the *Bombay Government Gazette*, appoint some other person to be a Chairman or Trustee, as the case may be, in the place or stead of the person so dying, or ceasing to be a Chairman or Trustee.

VIII. Immediately on the passing of this Act, the lands and property hereafter mentioned shall absolutely vest in the Trustees:—

(1.) The lands and property described in a deed of conveyance, dated 27th June 1872, and in the map or plan delineated thereon, or attached thereto, and which deed of conveyance was granted by the liquidators of the Elphinstone Land and Press Company, Limited, to the said Secretary of State, and is mentioned in Schedule B to this Act annexed, subject, nevertheless, to the covenants, conditions, and agreements, respectively, contained or expressed in the said deed of conveyance, so far as the same are to be observed and

performed by the said Secretary of State, and subject also to such portions of the aforesaid lands and property as have been agreed to be leased by the said Secretary of State, and to the covenants, conditions, and agreements contained in such agreements to lease, so far as the same are to be observed and performed by the said Secretary of State. And subject also to the liabilities affecting or intended to affect the said Secretary of State under all or any of the deeds or instruments mentioned in the said Schedule B to this Act annexed.

(2.) All the right, title, estate, and interest of the said Secretary of State in the several bunders, lands, and buildings specified in Schedule C to this Act annexed.

(3.) All the right, estate, and interest of the said Secretary of State in the several light-ships, buoys, light-houses, and other erections and things specified in Schedule D to this Act annexed.

(4.) All the rents, tolls, and dues from time to time payable to the Secretary of State or to the local Government for the properties on the harbour foreshore south of Sewree Fort, up to the Frere Land Company's Reclamation; also all the rents, tolls, and dues payable to the said Secretary of State by the said Frere Land Company, by Messrs. W. Nicol and Company at Tank Bunder, by the Mazagon Land Company, by the Peninsula and Oriental Steam Navigation Company, by the Viegas Patent Slip Company, by Mirza Ally Mahumed Khan, by the Colaba Land Company, by the Apollo Press Company, and by Messrs. Sassoon, specified in Schedule E to this Act annexed.

(5.) Any sum that may be at the credit of the Port Funds in the accounts between the Government and the present Harbour Board when such accounts shall have been adjusted. But if there shall be a debit such shall not be charged to the Trustees.

IX. The administration of the powers The duties of the and trusts created and Trustees. declared by this Act shall, subject to the powers and authorities hereinafter conferred on the local Government, be vested in the Trustees.

X. The Trustees shall meet for the transaction of business once at least in Meetings of Trustees. every fortnight. Such meeting shall be held upon such day, and at such hour and place as the Trustees shall, from time to time, determine. At every meeting of the Trustees, the Chairman and five members shall constitute a quorum.

XI. The salaried Chairman of the Trustees shall attend all meetings of Trustees held under this Act, unless prevented by sickness or other reasonable cause, and the said Chairman shall preside at every such meeting. In the absence of the Chairman, the Trustees present at any meeting may choose one of their members to preside. The President of any meeting at which a quorum of the Trustees shall be present may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place.

XII. Minutes of the proceedings of all meetings of the Trustees under this Act shall be drawn up, and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each meeting, and the said minutes shall, at all reasonable times, be open, at the office of the Trustees, to the inspection of any Trustee, without charge.

XIII. If a poll be taken at any meeting of the Trustees, the votes of the Trustees present shall be taken by the President, and the resolution supported by the greater number of votes given at such poll shall be deemed to be the resolution of the Trustees at such meeting. The President shall have a second or casting vote in all cases of equality of votes.

XIV. A copy of the minutes of every meeting of the Trustees shall, as soon as conveniently may be, be transmitted to such Secretary of the local Government as shall from time to time be appointed to receive the same, and shall be preserved in the records of the office of such Secretary; and any other returns, or information, that the Local Government may, from time to time, call for, shall be forthwith supplied by the Trustees.

XV. The Trustees may, from time to time, by resolution passed at a meeting, appoint committees of their number for carrying into effect any part of the provisions of this Act, with such powers, and under such instructions, directions, or limitations as by such resolution shall be defined, and on any such committee three members shall

be a quorum, and the Trustees shall have power at any time to alter or discontinue any such committee.

XVI. The Chairman may, whenever he thinks fit, and Emergent meetings shall, upon request may be called. made in writing by three members of the Trust, or two members of any committee, call an emergent meeting of the said Trustees, or committee, as the case may be.

XVII. All the powers, authorities, and duties in and by Chairman may exercise certain powers of Trustees. this Act conferred or imposed upon the Trustees, may be exercised and performed by the salaried Chairman, save the powers, authorities, and duties by this Act, or by any rule, by-law, or order made under the provisions of this Act, conferred or imposed on, or restricted to, the Trustees at a meeting.

XVIII. No act or proceedings of the Trustees shall be invalidated or illegal in consequence only of there being a vacancy in the number of the Trustees at the time of doing or executing such act or proceeding. And all proceedings of the Trustees, or of any person acting as a Trustee in the *bonâ fide* belief that he was duly appointed, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of the Trustee or person acting as aforesaid, be as valid as if every such person had been duly appointed to be a Trustee.

XIX. Every person who at any time after his appointment as a Trustee shall be absent from six consecutive meetings of the Trustees, without having the permission in that behalf of the Trustees, or who, having such permission, shall be absent from the meetings for a period exceeding a year, and every person who, at any time after his appointment as a Trustee, shall accept, or agree to accept, any office or place of profit under this Act (except as hereinbefore provided in Section VI.), or who shall, save with the sanction in writing of the local Government, participate, or agree to participate, in the profits of any work done by order of the Trustees, or be concerned, or participate in the profits of any contract entered into with the Trustees, shall thenceforth cease to be a Trustee, and his office shall thereupon become vacant: Provided always that no Trustee shall vacate his office by reason only of his being

a shareholder in any duly registered Joint Stock Company with which the Trustees may enter into any contract, or by reason of his being interested in any loan of money to the Trustees.

XX. It shall be lawful for the local Government, by an order under the hand of one of the Secretaries to Government, to direct that any Chairman or Trustee named in such order shall cease to be Chairman or Trustee, and thereupon the person so named shall cease to be Chairman or Trustee, as in such order may be directed.

XXI. When any Trustee shall depart from Bombay with an intention of being absent for a longer period than three consecutive months, or when any such member shall have been so absent for a period exceeding three consecutive months, it shall be lawful for the local Government to appoint some other person to act in the place and room of such absent Trustee until he shall return to Bombay, or until he shall cease to be a member.

XXII. It shall be lawful for the local Government to grant such leave of absence to any salaried Chairman of the Trustees, and to make such arrangements for carrying on the duties of his office during his absence on leave as shall seem proper. Any person appointed under this section to act for such Chairman, shall, while so acting, have all the powers, and be liable to all the restrictions and limitations which the Chairman would, under this Act, have and be liable to. In any case in which leave of absence to any Chairman shall be granted as aforesaid, the local Government may order to be allowed to such Chairman such portion of his salary, during absence on leave, as shall seem proper, and such allowance shall be paid accordingly, unless and until the local Government shall otherwise direct: Provided that no greater expenditure shall be incurred on the whole, by reason of any allowance paid up on the absence on leave of the Chairman, than would have been incurred had no such leave been granted.

XXIII. The Trustees shall, from time to time, prepare and submit to the local Government a schedule setting forth the number of officers and servants necessary and proper for carrying out the purposes

Establishment of Trustees to be sanctioned by the Governor in Council.

of this Act, and of the salaries, fees, and allowances which it is proposed to assign to such officers and servants, and the local Government may sanction such schedule, or modify and sanction the same; and every such schedule so sanctioned shall remain in force until some other such schedule shall have been so prepared and sanctioned, and it shall not be lawful for the Trustees to employ any officer or servant for any office or employment not sanctioned in and by the schedule for the time being in force, nor to pay or allow to any officers or servants any salaries, allowances, or fees greater than or beyond those sanctioned in such schedule: Provided always that artisans, porters, and labourers, and the muccadums of porters and labourers, shall not be deemed to be officers or servants within the meaning of this section.

XXIV. Of the officers and servants required to fill the offices and posts mentioned in the schedule for the time being in force, under the provision of the next preceding section, the local Government shall appoint the Engineer, Secretary, Traffic Manager, and Accountant, and the Deputy Conservator and Master Attendant of the Port, and, subject to the provisions of the said schedule, shall fix their remuneration. All other officers and servants shall be appointed by the salaried Chairman of the Trustees, who, subject in like manner to the provisions of the said schedule, shall fix their remuneration. The Engineer, Secretary, Traffic Manager, and Accountant, shall be removable from office by the local Government; and any other officer and servant shall be removable by the Trustees at a meeting, for misconduct, or neglect of, or incapacity to perform, his duty; or, in the case of the Engineer, Secretary, Traffic Manager, or Accountant, at the recommendation of not less than three-fourths of the Trustees present at a meeting called specially to consider such matter.

XXV. It shall be lawful for the Trustees at a meeting to grant such leave of absence to any officer appointed under this Act as shall to them seem proper, or to delegate such power to the Chairman, and in the case of any officer so appointed, to make fit arrangements for the duties of his office during his absence on leave: Provided that, in any case in which leave of absence shall be granted to the Engineer, Secretary, Traffic Manager, or Accountant,

the sanction of the local Government shall be requisite, and the local Government shall make fit arrangements for the performance of the duties of such officers during their absence on leave. Any person appointed under this section to act for any officer, shall, while so acting, have all the powers, and be liable to all the restrictions, limitations, and provisions which such officer for whom he may be appointed to act would under this Act have to be liable to.

XXVI. The Trustees at a meeting may, with the sanction of the local Government, in the manner hereinafter provided, make bye-laws authorising or restricting the payment to officers of allowances during absence on leave granted under the last preceding section: Provided that, in the case of officers appointed by the local Government under this Act, the local Government shall fix the allowance to be paid during such absence on leave as shall seem proper; and provided that no greater expenditure from the Port Fund shall be, in any case, incurred in the whole, by reason of any such allowance, than would have been incurred had no leave been granted.

XXVII. No officer or servant of the Trustees shall be in anywise concerned or interested in any contract or work made with, or executed for, the Trustees, or in the purchase or ownership of any of the land or buildings made over, or hereafter to be made over to or acquired by the Trustees: and if any such officer or servant be so concerned or interested, he shall be incapable of afterwards holding or continuing in any office or employment under the Trustees, and shall forfeit and pay the sum of Rupees five hundred, which may be recovered by suit by any person, with full costs of suit: Provided that nothing in this section shall apply to any person by reason only of his being a shareholder in any duly registered Joint Stock Company which may enter into any contract with the Trustees, or execute any work for the Trustees.

XXVIII. If any person employed under this Act, not being a public servant within the meaning of Section XXI. of the Indian Penal Code, 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, favor or disfavor to any person; or for rendering, or attempting to render, any service or disservice to any person, with the Trustees, or with any public servant, or with the Government as such,— he shall be liable to the same punishment as is in that behalf provided for by the Indian Penal Code in the case of public servants.

XXIX. The works to be constructed General nature of and carried out by works under this Act. the Trustees under the provisions of this Act may include—

- (1.) Wharves, quays, docks, stages, jetties, and piers within the Port, or on the foreshore of the Port of Bombay, with all necessary and convenient arches, drains, landing-places, stairs, fences, roads, railways, and approaches.
- (2.) Tramways, warehouses, sheds, engines, and other appliances for conveying, receiving, and storing goods and merchandise landed, or to be shipped, or otherwise.
- (3.) Laying down moorings for carrying out the purposes of this Act, and the erection of cranes, scales, and all other necessary means and appliances for loading and unloading vessels.
- (4.) Reclaiming, excavating, enclosing, and raising any part of the foreshore of the Port of Bombay which may be necessary for the execution of the works authorized by this Act, or otherwise for the purposes of this Act.
- (5.) The construction and application of dredges and other machines for cleaning, deepening, and improving any portion of the Port or foreshore of Bombay.
- (6.) The construction of such works, without the limits of the Port, as shall be necessary for the protection of works executed under this Act, and all such other works and appliances as may, in the opinion of the Trustees, at a meeting, be necessary for carrying out the purposes of this Act.

XXX. The Trustees shall, for the Powers of Trustees as purposes of this Act, to property. have power to acquire

and hold immoveable and moveable property, whether within or without the limits of the Port or City of Bombay, by conveyance, gift, lease, assignment, or sale, from the Governor in Council, on behalf of the Secretary of State in Council, or any corporate Body, or any registered Joint Stock Company or private person; and they shall also have power at a meeting

to lease or sell any moveable or immoveable property which may have become vested in or been acquired by them, but which is no longer required for the purposes of this Act: Provided always, that no such sale, or other alienation, or lease, of any immoveable property for any estate, or interest exceeding the term of 10 years, shall be valid, unless the sanction of the local Government to such sale, alienation, or lease shall be first had.

XXXI. When the Trustees are unable to acquire, by agreement, any land or building required for the purposes of this Act, the local Government, in their discretion, may declare that the land or building is required for a public purpose, and may order proceedings to be taken for obtaining possession 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 Trustees on their paying the compensation awarded, and all costs connected therewith.

XXXII. The Trustees shall be bound Trustees to provide land required for public purposes. to provide from the land in their possession any land which the Government shall declare to be required for a public purpose, on payment, by the Government to the Trustees, of the cost of such land to the Trust, or on the cancelling by the Government, on behalf of the Secretary of State in Council, of a portion of the debt due by the Trustees, equivalent to the value of such land: Provided that the Trustees shall not be bound to provide any land which they may have granted on lease till the expiration of such lease. The sum to be paid, or the portion of the debt to be cancelled as aforesaid, for land so taken for public purposes, shall be regulated by the debit made to the Trustees for such land, and by the cost of any subsequent improvements thereon: Provided that, if the land shall have been made over by Government to the Trustees without any charge, the Trustees shall receive no payment, except for the cost of such subsequent improvements.

XXXIII. It shall not be lawful for any person or persons, No wharf, quay, &c., to be made without consent of Governor in Council. save the Trustees, to make, erect, or fix, below high-water-mark within the Port, any wharf, quay, stage,

jetty, pier, erection, or mooring, without the consent, in writing, of the local Government first had and obtained. Any matter or thing which may be so made, erected, or fixed, may be removed by the Trustees, and the person who shall have so made, erected, or fixed any such matter or thing, shall be liable, on conviction, to a 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 such matter or thing shall have been permitted to remain so made, erected, or fixed, after notice to remove the same shall have been given to him, and shall also be liable to pay all expenses which may have been incurred by the Trustees in removing such matter or thing: Provided that this section shall not apply to moorings laid down, or to be laid down, by the Conservator of the Port.

XXXIV. The Trustees, at a meeting, may enter into contracts with any Body Corporate, registered Joint Stock Company, or private person, for the execution, or supply, by them or him, of any works, labour, materials, machines, stores, or for other matters necessary for carrying into effect the trusts and purposes of this Act: Provided always, that no contract under or by virtue of which a sum greater than fifty thousand rupees may, in any event, be payable by the Trustees, shall be valid without the assent, in writing, of the local Government.

XXXV. No new work, the estimated cost of which shall exceed two thousand rupees, shall be commenced by the Trustees, nor shall any contract be entered into by the Trustees in respect of any such new work, until a plan and estimate of such work shall have been determined upon and approved by the Trustees at a meeting; and, in case the estimated cost of any such new work shall exceed twenty-five thousand rupees, it shall not be commenced until such plan and estimate shall have been submitted to the Government and sanctioned by them.

XXXVI. It shall be lawful for the Trustees, at a meeting, to compound or compromise for, or in respect of, any claim or demand arising out of any contract entered into by them under the authority of 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.

XXXVII. The salaried Chairman may, for and on behalf of the Trustees, 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 administered by the High Court of Judicature in Bombay, would bind him if such contract or agreement were on his own behalf; but every other contract and agreement, by or on behalf of the Trustees, shall be in writing, and signed by the salaried Chairman, and by two other Trustees, and shall be sealed with the common seal of the Trustees, and no contract nor agreement, not executed as in this section is provided, shall be binding on the Trustees.

XXXVIII. It shall not be lawful for the Trustees to demise, farm, sell, or alienate any power which by or under this Act may become vested in them, of levying tolls, fees, wharfage or rent, rates or charges, unless the assent, in writing, of the local Government to such demise, farm, sale, or alienation shall have been first had and obtained.

XXXIX. In case the local Government shall, by an order published in the *Bombay Government Gazette*, so direct, it shall be lawful for the Trustees, from time to time, to raise money for the estimated cost of any works or arrangements sanctioned by the local Government, to such extent, and as the said local Government may from time to time direct.

XL. Such money shall be raised in such way as the local Government shall, by any rules or orders to be by the said local Government, from time to time, published in the *Bombay Government Gazette*, with the sanction of the Governor General of India in Council, direct and appoint: Provided always that the Trustees shall not be required to borrow money at a rate exceeding $4\frac{1}{2}$ rupees per cent. per annum.

XLI. In case such money shall be advanced on debentures bearing interest, such interest shall be a charge on all rents, and charges leviable under this Act, prior to the charge for

interest payable to the Secretary of State in Council for India, provided for by Section 59.

XLII. All the moneys to be raised under Section 39 shall be applied by the Trustees in the acquisition of immoveable property, and in payment of the cost of works or arrangements sanctioned by the local Government, and in accordance with the provisions of Sections 34 and 35 of this Act.

XLIII. The Trustees may at any time, according to the provisions aforesaid, and with the approval of the local Government, raise, in the manner provided by Section 40, any money that may be required to pay any amount of capital for the time being due by the Trustees under the provisions of this Act.

XLIV. All debentures which may be issued under the authority of this Act shall be in the form contained in Schedule F to this Act annexed, and shall be transferable by endorsement; and the right to sue in respect of the moneys secured by any of 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.

XLV. All property vested in, or acquired by, the Trustees, under or by virtue of this Act, shall be held in trust, and be applied, in the first place, for the payment of all sums which shall be due and payable to the Secretary of State for India in Council under the provisions of Sections 48 and 39 of this Act, or for moneys advanced or applied, or to be advanced or applied, with consent of the Trustees, by or on behalf of the said Secretary of State, for the improvement of the Port of Bombay, or otherwise under the provisions of this Act, and subject thereto upon trust for the purposes of this Act, and not otherwise.

XLVI. All rents, rates, dues, and other income raised by, or payable to, the Trustees, under or by virtue of this Act, shall be held in trust, and be applied, in the first place, for the payment of salaries, of the cost of repairs to, and maintenance of, the property vested in the Trustees, and of other necessary working charges; and, in the second place, to the payment of interest on any debentures that may have been issued by the Trustees; and in the third place, to the payment of interest according to the provisions of Section 49 of this Act.

XLVII. The surplus revenue (if any) on the 31st day of March in each year, after the payments mentioned in the preceding clause are made, shall, on or before the 1st August following, be paid to the said Secretary of State towards the liquidation of any sums that may be due to him under the provisions of Sections 48 and 39 of this Act, or in paying off any of the debentures issued under this Act, the principal sum due in respect whereof may be then payable.

XLVIII. There shall be deemed and taken to be due from the Trustees to the Secretary of State in Council for India, immediately upon the commencement of this Act, the several sums set forth in Schedule G to this Act annexed, for the lands, works, and matters therein respectively set forth.

XLIX. Interest shall be paid by the Trustees to the said Secretary of State upon the sums which, for the time being, may be due to him from them as follows:—

(1.) Upon the sums mentioned in column No. 1 of Schedule A, to this Act annexed, or upon so much thereof as for the time being may be due as aforesaid, interest shall be paid at the rate of 4 rupees per centum per annum for a period of ten years, commencing from the date of the coming into operation of this Act, and at the rate of $4\frac{1}{2}$ rupees per centum per annum after the expiry of the said ten years.

(2.) Upon any sums which may hereafter be advanced by the said Secretary of State to the said Trustees, or upon so much thereof as for the time being may be due, interest shall be paid at the rate of $4\frac{1}{2}$ rupees per centum per annum.

(3.) Upon the sums mentioned in column No. 2 of Schedule G to this Act annexed, no interest shall be payable.

(4.) Interest due, as aforesaid, shall be payable to the said Secretary of State on the 1st day of April in each year.

L. The salaried Chairman shall, at a special meeting to be held within two months after the commencement of this Act, lay before the Trustees a separate estimate of the expenditure and income of the

An Estimate of Income and Expenditure to be submitted annually to the Trustees.

Act, lay before the Trustees a separate estimate of the expenditure and income of the

Trustees for the period which shall be to come from the commencement of this Act up to the 1st day of April then next ensuing; and shall also, at a special meeting to be held in the month of February in each year, lay before the Trustees a like estimate of such income and expenditure for the year commencing on the 1st day of April then next ensuing. Every such estimate shall be in such form as the local Government shall, by an order published in the *Bombay Government Gazette*, direct: Provided always, that 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.

LL. It shall be in the discretion of the Trustees, at such meeting, by resolution, to pass, or to reject, or to modify, or alter, such estimate, and to pass such estimate so modified or altered.

LII. Every such estimate, when passed by the Trustees, in pursuance of the provisions of this Act, shall be submitted to the local Government, and it shall be lawful for such local Government either to approve of such estimate, or to return the same with their remarks thereupon, and the Trustees shall forthwith, at a meeting, proceed to reconsider such estimate in reference to such remarks, and if necessary to modify or alter the same, and to re-submit such estimate to the said Government; and it shall not be lawful for the Trustees to expend any greater sum under such estimate than shall be approved by the said Government.

LIII. It shall be lawful for the Trustees in the course of any year for which an estimate shall have been approved by the local Government, to cause a supplemental estimate for the residue of such year to be prepared and laid before the Trustees at a meeting, and thereupon such proceedings shall be had as in and by Sections 51 and 52 are directed to be had with respect to the estimate therein mentioned.

LIV. It shall not be lawful for the Trustees to expend any sum for any purpose not approved in some estimate for the time being in force, save in cases of pressing emergency; nor shall it be lawful for them to

expend, for any purpose not so approved, any sum exceeding five thousand rupees, without the assent, in writing, of the local Government.

LV. The accounts of the receipts and expenditure of the Trustees under this Act shall, once in every year, be laid before the local Government, and shall be audited and examined by such auditors as shall, from time to time, be appointed by the local Government. For the purposes of any audit and examination of accounts under this Act, 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; and if any such person neglect or refuse so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a penalty not exceeding one hundred rupees. All Auditors, acting under this Act, shall, in respect of each audit, be paid by the Trustees such remuneration as the local Government shall, from time to time, determine: provided always that before each audit and examination of accounts under this Act, the salaried Chairman shall give ten days' notice of the time and place at which the same will be made, by advertisement in the *Bombay Government Gazette*, and in at least two of the daily English Newspapers published in Bombay; and a copy of the accounts to be audited and examined shall be deposited in the office of the Trustees, and thereat be open, during office hours, to the inspection of any person, on payment of a fee of one rupee on each occasion of inspection, for seven days before the audit and examination, and all such persons shall be at liberty to take copies of, or extracts from, the same without further payment; and, within fourteen days after the audit and examination shall have been completed, the Auditors shall report upon the accounts audited and examined, and shall deliver such report to the Trustees at a meeting, who shall cause the same to be deposited in the office of the Trustees, and to be published in the *Bombay Government Gazette*, and in some one or more of the said newspapers.

LVI. The Trustees shall frame a scale of tolls, dues, rents, rates, and charges, to be levied for the landing, shipping, wharfage, crantage, storage, or demurrage of goods, and for permission for vessels or boats to approach, or be alongside, and for animals or vehicles carrying goods and merchandise to or from, or entering upon or plying for hire at or on any bunder, wharf, pier, or hard, in the possession or occupation of the Trustees: such scale of tolls, dues, rents, rates, and charges shall be determined by a resolution of the Trustees at a meeting, and shall be submitted to the local Government for sanction, and, after receiving such sanction, shall be published by the Trustees in the *Bombay Government Gazette*, and may, from time to time, subject to the like sanction and publication, be in like manner altered or enlarged. Until such scale of tolls, dues, rents, rates, and charges as aforesaid shall be framed and approved and published, the fees leviable under Bombay Act V. of 1870, and under the Consolidated Customs Act (VI. of 1863), so far as the same relates to the levy of fees on goods stored in the Customs Bonded Warehouse, shall continue to be levied on behalf of the Trustees, and shall be applied in the manner prescribed by Sections 46 and 47 of this Act.

LVII. The appointment of officers made by the local Government for the levy of fees imposed under Bombay Act V. of 1870, and for the performance of the other duties imposed under the said Act, and for the levy of fees under the Customs Act, as mentioned in the last preceding section, shall continue, and hold good unless and until the Trustees determine otherwise, in pursuance of the powers conferred upon them by Section 56 of this Act.

LVIII. If, on the preparation of the estimate of any year, it shall appear that the estimated income of the Trustees for such year, from tolls, dues, rates, and charges, and from all other sources, after deducting therefrom the estimated expenditure of such year to be incurred on account of salaries, cost of repairs to, and maintenance of, the property vested in the Trustees, and of other necessary working charges, will be insufficient for the payment of the interest which under the provisions of this Act will be payable, during such year, to the Secretary of State for India in Council, and to other

creditors; or if at any time in the course of a year it may appear that the actual income, as aforesaid, of such portion of the year as may have then elapsed, and the estimated income, as aforesaid, of the residue of such year, after deducting therefrom the actual expenditure, as aforesaid, of such past portion, and the estimated expenditure, as aforesaid, of such residue, will be so insufficient, then, and in every such case, the Trustees shall, upon the requisition, in writing, of the local Government, from time to time, and to the extent requisite in every case, charge upon all goods landed or shipped at any wharf, quay, stage, jetty, or pier belonging to the Trustees, such tolls, dues, rates, and charges, in addition to, or other than, those prescribed by any scale of tolls, dues, rates, and charges for the time being in force, under the provisions of Section 56 as will, when added to the said income of the year, suffice, as nearly as may be, for the payment of the said interest in full. Such tolls, dues, rates, and charges shall be fixed and adopted by a Resolution of the Trustees at a meeting, and shall be submitted to the local Government; and if the same shall be approved by them shall be published in the *Bombay Government Gazette*, and shall forthwith come into operation, and remain in operation, until altered or revoked by the Trustees at a meeting, with the sanction of the local Government, and shall be leviable, and recoverable in like manner as any other tolls, dues, rates, and charges payable under this Act.

LIX. In case the Trustees shall, for fifteen days after the receipt, by them, of any such requisition from the local Government, as in Section 58 is mentioned, neglect or refuse to charge such tolls, dues, rates, and charges, it shall be lawful for the local Government, by order published in the *Bombay Government Gazette*, to charge such tolls, dues, rates, and charges, and the tolls, dues, rates, and charges mentioned in such order shall have such and the same effect as if they had been fixed and adopted by the Trustees at a meeting and approved by the local Government, and published in the *Bombay Government Gazette*, as in Section 56 is mentioned.

LX. For the amount of all tolls, charges, dues, and rates duly leviable under this Act, in respect of any goods, the Trustees shall have a lien on such goods, and shall be entitled to seize and detain the same, until such tolls, rates, and dues are fully paid.

Tolls, rates, and dues, in respect of goods to be landed, shall become payable immediately on the landing of the goods. Tolls, rates, and dues, in respect of goods to be removed from the premises of the Trustees, or to be shipped for export, shall be payable before the goods are removed or shipped. The lien for such tolls, rates, and dues, shall have priority over all other liens and claims, except for general average for the ship-owner's lien for freight upon the said goods, where such lien exists and has been preserved, in the manner herein-after provided, for primage and for money payable to Her Majesty or the Secretary of State in Council under any law for the time being in force. Provided that nothing in this Act shall affect any power or authority vested in the Chief Officer of Customs under any law for the time being in force.

LXI. 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, quay, stage, jetty, or pier in the possession or occupation of the Trustees, shall give to the Trustees 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 Trustees, or, with the consent of the Chief Officer of Customs, in the public warehouses, at the risk and expense of the owners of the said goods until the lien is discharged as hereinafter mentioned.

LXII. Upon the production to the officer of the Trustees in that behalf 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 Trustees 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.

LXIII. If the tolls, rates, and dues payable to the Trustees in respect of any goods under this Act 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 Trustees 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 of the Trustees in that behalf, to render 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 in any of the documents which have come into the hands of the Trustees, 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 *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

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

- 1stly.—In payment of the expenses of the sale.
- 2ndly.—In payment, according to their respective priorities, of the liens and claims excepted in Section 60 from the priority of the liens of the Trustees for tolls, rates, and dues.
- 3rdly.—In payment of tolls, charges, and expenses due to the Trustees under this Act in respect thereof.

The surplus, if any, shall be paid to the owner of the goods 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 Trustees; and in case such application shall not be so made, nor reason shown, such surplus shall be held by the Trustees upon trust for the purposes of this Act.

LXV. If the master of any vessel in respect of which any tolls, dues, rates, penalties, or charges shall be payable under this Act, or any rules or orders made in pursuance thereof, shall refuse or neglect to pay the same, or any part thereof, on demand, it shall be lawful for the Trustees 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 to the Trustees shall be paid; and, in case any part of the said tolls, dues, rates, penalties, or charges, or of the costs of the distress or arrest, or of the keeping of the same, shall remain unpaid for the space of five days next after any such distress or arrest shall have been so made, the Trustees 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 or tindal of such vessel on demand.

LXVI. If the Trustees shall give to the officer of Government, whose duty it shall be to grant the port clearance of any vessel, a notice stating that an amount therein specified is due in respect of tolls, dues, rates, or charges, or penalties chargeable under this Act, or any by-laws, rules, or orders made in pursuance thereof, against such vessel, or the owner or master of such vessel, in respect thereof, or against such vessel, or against or in respect of any goods on board such vessel, such officer shall not grant such port clearance until the amount so chargeable shall have been paid.

LXVII. In case any damage or mischief shall be done to any wharves, quays, jetties, piers, or works constructed or acquired by the Trustees under the provisions of this Act, by any vessel, through the negligence of any person having the guidance or command thereof, or of any of the mariners or persons employed therein, it shall be lawful for any Magistrate of the City of Bombay, on the application of the Trustees, to issue a summons to the master of, or agent for, such vessel, requiring him to attend on a day and at an hour named in the summons, to answer touching such damage or mischief. If, at the time

Power to distrain vessels for the non-payment of tolls.

Port Clearance not to be granted till tolls paid.

Compensation for damage to the property of Trustees.

appointed by the summons, and whether the person summoned shall appear or not, it shall be made out to the satisfaction of the Magistrate that the alleged damage was done through such negligence as aforesaid, it shall be lawful for the Magistrate to issue his warrant of distress under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors, or stores of the vessel may be seized and sold to cover the expenses of and attending the execution of the distress, and the amount of damage as aforesaid, and such amount shall be paid to the Trustees out of the proceeds of the distress: Provided that, if at the time of the damage or mischief the vessel was under the orders of a duly authorized officer belonging to the Pilot Service, or the Master Attendant's Department, the case shall not be cognizable by the Magistrate under this section.

LXVIII. When the local Government shall, under the provisions of any Act for the regulation of duties of customs, appoint any wharf, quay, stage, jetty, or pier, erected or acquired under this Act, for the use of vessels, to be a wharf, for the landing of goods within the meaning of such enactment, the Trustees shall set apart, maintain, and secure on such wharf, quay, stage, jetty, or pier, such portion thereof, or place therein, or adjoining thereto, for the use of the Officers of Customs, as the local Government shall in that behalf approve or appoint.

LXIX. Notwithstanding that any wharf, quay, stage, jetty, or pier, or portion thereof, shall, under the provisions of the last section, have been set apart for the use of the Officers of Customs, all dues, rates, tolls, and rents payable in respect thereof, or for the use thereof, or for the storage of goods thereupon, shall be paid, and payable, to the Trustees, or to such person or persons as they may appoint to receive the same.

LXX. Any person who wilfully deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, refuse, or filth of any kind, or any animal matter, or broken glass, earthen-ware, or rubbish, in or upon any wharf, quay, stage, jetty, or pier belonging to the Trustees, or in or upon any part of the foreshore of the City of Bombay, shall be liable to a fine not exceeding ten rupees for each offence.

Dues for Wharves in possession of Customs Officers.

Sanitary provisions.

LXXI. It shall be lawful for the local

Limits of the Port of Bombay how to be defined.

Government, by an order published in the *Bombay Government Gazette*, to define the limits of the Port for the purposes of this Act, and from time to time, by any notice to be in like manner published, to alter, vary, or revoke the same, or any part thereof, and by the same or any other order, to be in like manner published, to define the limits of the Port, and the limits so defined in any such order shall, while such order is in force, be, for the purposes of this Act, the limits of the Port. Provided, however, that until such order shall be published, the limits of the Port as for the time being defined by a declaration made by the local Government, under the provisions of Act XXII. of 1855, passed by the Legislative Council of India, shall, for the purposes of this Act, be the limits of the Port.

LXXII. All regulations under and

Regulations as to buoys and moorings.

provisions of the said Act XXII. of 1855, passed by the Legislative Council of India, with regard to buoys and moorings, shall extend to the buoys and moorings laid down by or belonging to the Trustees. The Conservator of the Port, and his Assistants, in carrying out and enforcing such regulations, shall act under the direction of the Trustees.

LXXIII. From and after the

Power to increase Port dues.

commencement of this Act, Clause I. of Act XXXI. of 1857, passed by the Governor General of India in Council, shall stand repealed, and in lieu thereof it is enacted that a port due, at a rate not exceeding the rate of four annas for every ton of burthen, shall be chargeable in respect of every seagoing vessel of the burthen of 10 tons and upwards (except fishing-boats) which shall enter the said Port.

LXXIV. It shall be lawful for the local

Power to make Trustees Conservators of the Port.

Government, at any time after the passing of this Act, by an order published in the *Bombay Government Gazette*, to confer on the Trustees the powers of the Conservator of the Port of Bombay.

LXXV. Every such order may direct

Port dues may be made payable to Trustees.

that the port dues, pilotage, or other fees payable under the provisions of any Act authorising the levy, or requiring payment, of port dues, pilotage, or other fees, from,

or in respect of, vessels entering or leaving the said Port, or being or lying therein, or using the said Port, shall be received by the Trustees.

LXXVI. From and after the publica-

Trustees to exercise powers of Conservator.

tion of any such order, the Trustees shall have within the Port, all and singular the rights, powers, and authorities in and by Act XXII. of 1855, passed by the Legislative Council of India, or any other Act, conferred on the Conservator of the Port, and may exercise such rights, powers, and authorities by any officer to be thereunto appointed, as prescribed by Clauses 23 and 24 of this Act, and the said rights, powers, and authorities shall not be exercised by any other person within the said Port.

LXXVII. From and after the publi-

Trustees to receive Port dues.

cation of any such order all the port dues, pilotage, and other fees in and by such order directed to be received by the Trustees, and payable in respect of any vessel entering or leaving the Port, or being therein, shall be payable to the Trustees, and shall be deemed to be a portion of their income, and shall be included in their annual estimates and accounts.

LXXVIII. The Trustees, at a meeting,

Trustees to be vested with the exclusive right and privilege of appointing Pilots.

shall have the exclusive right and privilege of appointing pilots for the navigation of vessels within the limits of the Port of Bombay; and it shall be lawful for the Trustees, at a meeting from time to time, to make such by-laws and regulations as they shall think fit, for fixing and regulating the wages and allowances for pilotage to be received by the pilots to be appointed by the Trustees, and also for regulating the behaviour and conduct of such pilots, and to enforce the observance of such by-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 the Trustees may appear expedient: Provided that such by-laws shall first have been approved by the local Government, and published in the manner directed by Section 85 of this Act.

LXXIX. The local Government shall

Responsibilities of the Trustees as Conservators of the Port.

not be answerable for any act or default of the Trustees as Conservators of the Port, of any Master Attendant or Harbour Master, or of any pilot, or of any deputy or assist-

ant of the Trustees, or of any of the officers above-mentioned, or of any person acting under the authority or directions of any such Trustees, officer, or assistant, done within the limits of such port, river, or channel, nor for any damage or injury sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to the said Trustees, within the said limits, which may be used by such vessel: Provided that nothing in this section shall protect the local Government from an action in respect of any act done by or under their express order or sanction.

LXXX. It shall be lawful for the Trustees, at a meeting, to provide or procure such steam vessels as they may think fit, and to employ the same, or any of them, in towing vessels into, out of, or in the Port of Bombay, and to make such charges for towage by the said steam vessels as they may deem expedient.

LXXXI. From and after the publication of any such order as is referred to in Section 74, the Trustees, at a meeting, with the sanction of the local Government, may, from time to time, make such Port Rules, not inconsistent with Act XXII. of 1855, as they may think necessary, for any of the following purposes, namely:—

1. For regulating the time at which, and the manner in which, vessels shall enter into, and go out of, the Port of Bombay.

2. For regulating the berths and stations to be occupied by vessels in the said Port.

3. For striking the yards and top-masts, and for rigging in the jib and driver booms, of vessels in the said Port, whenever it may be proper so to do.

4. For the removal, or proper hanging or placing, of anchors, spars, and other things in, or attached to, vessels in the said Port.

5. For regulating vessels whilst taking in, or discharging, ballast or cargo, or any particular kind of cargo, in the said Port, river, or channel, and the stations to be occupied by vessels whilst so engaged.

6. For keeping free passages of such width as may be deemed necessary, within the said Port, river, or channel, and along or near to the piers, jetties, landing-places, wharves, quays, docks, moorings, and other works in, or adjoining to, the same, and for marking out the spaces so to be kept free.

7. For regulating the anchoring, fastening, mooring, and unmooring of vessels in the said Port, river, or channel.

8. For regulating the moving and warping of all vessels within the said Port, and the use of warps therein.

9. For regulating the use of the mooring-buoys, chain, and other mooring, in the said Port, river, or channel.

10. For fixing, from time to time, the rates to be paid for the use of such moorings, or of any boat, hawser, or other thing.

11. For regulating cargo and other boats plying for hire in the said Port: provided that nothing in this Act shall authorise the Trustees to fix the price to be charged for the use of any such boat.

12. For regulating the use of fires and lights within the said Port.

13. For enforcing and regulating the use of signal-lights by vessels at night in the said Port, river, or channel.

LXXXII. The Trustees may execute within the Port such works as they, at a meeting, may determine, and all the powers, authorities, restrictions, and provisions contained in this Act, in respect to the works by this Act authorised, shall apply to such works, and to the sanction thereof, the estimates therefor, and the expenditure thereon.

LXXXIII. Every charge of an offence committed within the Port of Bombay, alleged to have been committed within the Port of Bombay, shall be heard and determined in a summary way, by some Police Magistrate of Bombay, according to the provisions of the law for the time being regulating the procedure of the Court of such Police Magistrate.

LXXXIV. It shall be lawful for the Trustees, at a meeting, from time to time, to make by-laws for the guidance of persons employed by them under this Act; for the safe and convenient use of the wharves, quays, jetties, sheds, warehouses, tramways, and other works constructed by them under the authority of this Act; for the use of the public landing places constructed by or belonging to them for the reception and removal of goods brought within the premises of the Trustees; for keeping clean the harbour and basins and the works of the Trustees, and for preventing filth or rubbish being thrown therein or thereon; for the mode of the payment of the tolls, dues, rates, and charges leviable under this Act; for regulating, declaring, and defining the wharves, quays, jetties, stages, and piers on which goods shall be landed from vessels and shipped on board vessels; for regulating, defining, and declaring the places and stations on which vessels shall be fastened or moored, or shall lie or remain; or otherwise for carrying out the purposes of this Act, and from time to time to vary, alter, or revoke any such by-laws so made by them.

LXXXV. No by-law, or alteration, or revocation, of a by-law, shall have effect until the same shall have been approved by the local Government by an order published in the *Bombay Government Gazette*, and no by-law shall be approved by the said local Government until it shall have been published for three weeks successively in the *Bombay Government Gazette*; and when such by-law shall have been so approved, all Courts of Law shall take judicial notice thereof.

LXXXVI. It shall be lawful for the local Government, by an order published in the *Bombay Government Gazette*, to revoke, annul, and make void any by-law made and published under the provisions of Sections 78, 84, and 85.

LXXXVII. No penalty for any one infringement of a by-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 Trustees to the person guilty of such infringement.

LXXXVIII. The Trustees shall cause the said by-laws, and the tables of tolls, dues, rates, and charges leviable, to be printed in the English, Marathee, and Guzeratee languages and characters, and to be hung up at the several wharves, quays, and jetties, and other convenient places on the premises of the Trustees.

LXXXIX. No suit shall be brought against any person for anything done, or purporting, or professing, to be done in pursuance of this Act, after the expiration of three months from the day on which the cause of action in such suit shall have arisen.

XC. The local Government may, at any time, order a local survey or examination of any works of the Trustees under this Act, or the intended site thereof, and the cost of such survey and examination shall be borne and paid by the Trustees out of the moneys in their hands by virtue of this Act.

XCI. If the Trustees shall allow any work constructed by them under this Act to fall into disrepair, or shall not complete any work commenced by them, or included in any estimate, as aforesaid, submitted or approved of, and shall not after due notice in writing, proceed effectually to repair, or complete, such work under this Act, it shall be lawful for the local Government to cause such work to be restored, completed, or constructed, either by the officers of Government, or any private contractor, and the cost of any such restoration, completion, or construction, shall be a charge on the works, and a debt due from the Trustees to the Secretary of State in Council.

XCII. If, at any time, any money which may, for the time being, be payable under the provisions of this Act to the Secretary of State in Council, for interest, shall be due and unpaid for one month after the same shall have become payable, it shall be lawful for the local Government, by an order published in the *Bombay Government Gazette*, to appoint some person to receive the rents, issues, and profits, tolls, rates, and charges, and other income which the Trustees may, under this Act, be entitled to receive, and to apply the same in discharge of the amount so payable; and

the person so to be appointed shall have for recovery of such rents, issues, profits, tolls, rates, charges, and income, all and singular the powers and authorities herein and hereby conferred on the Trustees for the purposes aforesaid. Provided that, out of such receipts, any amount due for revenue expenditure, or for interest on debentures, shall, as provided by clause 461 be first paid.

XCIII. If at any time it shall appear to the satisfaction of the local Government that the works intended to be accomplished under this Act have not been, and are not likely to be, properly carried out, or, if carried out, have not been, and are not likely to be, properly maintained by the Trustees, it shall be lawful for the said Governor in Council to give six months' notice, by order published in the *Bombay Government Gazette*, that unless within that period the Trustees shall take measures, to the satisfaction of the said local Government, for the carrying out, or proper maintenance, of the said works, the powers by this Act conferred on the Trustees will, at the end of such period, be withdrawn and revoked, and the local Government may assume

Government may take possession and revoke powers of Trustees.

to the satisfaction of the local Government that the works intended to be accomplished

possession and management of the works already constructed, and, at the expiration of such period of six months, by an order in like manner published, to declare such powers revoked. By such last mentioned order, and without the necessity of any conveyance, all immoveable and moveable property, all rights of levying and recovering tolls, dues, and rates, all benefit of contracts, and all rights of suit, which at the time may be vested in the Trustees under this Act, shall be transferred to, and vested in, the Secretary of State in Council; and the rights of all creditors of the Trustees under this Act shall continue as against the said Secretary of State in Council, to the extent of the property so transferred to, and vested in, him.

XCIV. Any assent in writing, or sanction or order of the local Government contemplated or required by this Act, shall be sufficiently evidenced by the production of a written or printed copy of an order of the Governor in Council signed by one of the Secretaries to Government.

XCv. This Act may be called the "Bombay Port Trust Act, 1872."

Short Title.

SCHEDULE A.

(Referred to in Section I.)

So much of the provisions of Act XXII. of 1855 as refer to the Port of Bombay, and are inconsistent with the provisions of this Act.

Section I. of Act XXXI. of 1857.

Bombay Act V. of 1870.

SCHEDULE B.

(Referred to in Clause 1, Section VIII.)

I. Deed of Conveyance, dated the 27th June 1872, signed by Colonel Michael Kavanagh Kennedy, Royal Engineers, one of the Secretaries to the Government of Bombay, on behalf of the said Government, and by Hamilton Maxwell and William Gilmour Hall, Liquidators of and on behalf of the Elphinstone Land and Press Company, Limited.

II. Deed of Indemnity and Release, dated 27th June 1872, granted by the Secretary of State in Council to the Elphinstone Land and Press Company, Limited.

III. Grant of Annuities by the Secretary of State to Merwanjee Manockjee, dated

IV. Lease of Santa Cruz property, granted by Byramjee Jejeebhoy to the Secretary of State, and dated 19th June 1872.

SCHEDULE C.

(Referred to in Clause 2, Section VIII.)

Sewree Bunder.—Extending from a point 183 yards to the North of Sewree Fort on the north to the property in the occupation of Essa Fazul on the south-west, and v.—146

bounded on the North-west partly by private property and partly by the Sewree Road, including the foot-path to the Northward in continuation thereof, admeasuring $13\frac{1}{2}$ acres.

Tank Bunder to the line of the Elphinstone frontage (except the property leased to Messrs. W. Nicol & Co., and the foreshore in front of the same).—Bounded on the North partly by the Frere Land Company's property and partly by the sea, on the South partly by the Magazon Land Company's property and partly by the Hindoo Burial-ground, and on the West partly by the Frere Land Company's property, partly by private property, and partly by the Mázágáon Road, and admeasuring $174\frac{1}{2}$ acres.

Kására Bunder to the line of the Elphinstone frontage.—Bounded on the North by the Harbour Defence Workshops, on the South by the property of the Peninsula and Oriental Steam Navigation Company, and on the West by Government land occupied by several individuals, and admeasuring 11·194 acres.

Mázágáon Bunder.—Bounded on the North by the Peninsula and Oriental Steam Navigation Company's property, on the South by the Viegas Patent Slip, and on the West by the Mázágáon Road, and admeasuring 0·746 acres.

The right of levying Wharfage fees, tonnage fees, rents, rates, and dues on all goods, other than those belonging to the Great Indian Peninsula Railway Company, landed at or stored upon the "Railway Wharf" at Waree Bunder, which is bounded on the North by a portion of the Elphinstone Estate and by a part of the district of Mázágáon, on the West by a portion of the district of Mázágáon and by land in the possession of the Great Indian Peninsula Railway Company, on the South by the Elphinstone Estate, and on the East by the Harbour of Bombay, and admeasuring (including the Basins) 91·810 acres.

Malet Bunder and Basin.—Bounded on the North by the "Railway Wharf" of Waree Bunder before described, on the West and South by land described in the Deed of Conveyance first mentioned in Schedule B to this Act annexed, and on the East by the Harbour of Bombay, and admeasuring 12·121 acres.

Moody Bay Estate (seaward portion) to the line of the Elphinstone frontage, partly reclaimed and partly unreclaimed. Bounded on the North by the Carnac Basin and by a portion of the Elphinstone Estate, on the West by the Frere Road now in course of construction, on the South by the Mint premises, and on the East by the Harbour of Bombay, and admeasuring 225·719 acres.

Moody Bay Estate (landward portion).—All rents, rates, and dues levied for a period of ten years from the date of the coming into operation of this Act, except rent of land occupied by Government, upon that portion of Moody Bay Estate bounded on the North by a portion of the Elphinstone Estate and by the Carnac Over-bridge; on the West by the Great Indian Peninsula Line of Railway, by Fort George, and the Eastern Boulevard; on the South by the Frere Road, now in course of construction; and on the East by the Frere Road, and admeasuring 37·600 acres.

Foreshore between the South end of Moody Bay and the Custom-house Bunder to the line of the Elphinstone frontage, including the right to levy wharfage or tonnage fees, and other rates and dues, on goods landed at any wharves thereon, or over any sea-wall adjacent thereto, and admeasuring 43·363 acres.

Custom-house Bunder.—Bounded on the North by the Arsenal Basin and by the Castle, on the West by Marine Street, on the South by the Dockyard, and on the East by the Harbour, including the Customs Bonded Warehouse, but excluding the premises of the Fort Press Company with all the sheds, cranes, buildings, and erections thereon, save those in the occupation of the Customs authorities, as offices, and (including the Custom-house and Arsenal Basins), admeasuring 10·217 acres.

The Foreshore from the Custom-house Bunder to the Post Office or Wellington Reclamation, with the right to levy wharfage or tonnage fees, and other rates and dues, on goods landed at any wharves thereon, or over any sea-wall adjacent thereto.

The Post Office or Apollo Reclamation, the Apollo Bunder, and the Apollo Bay Reclamation.—Bounded on the North by the Dockyard premises, on the West partly by the Dockyard premises and partly by the Colába Road, on the South by the Arthur Basin, and on the East by the Harbour, and (including the Basins pertaining to these reclamations and half of the Arthur Basin) admeasuring 43·069 acres.

Gun Carriage Reclamation.—Bounded on the North by the property of the Apollo Press Company and by Lower Colába, on the West by Lower Colába and the Colába Road, on the South by the Colába Land Company's property, and on the East by the Harbour of Bombay, and (including half of the Basin) admeasuring 18·478 acres.

The right of levying wharfage fees and tonnage fees on goods landed at or shipped from any portion of the foreshore from the South end of Sassoon's Reclamation to Colába Point, together with the piece of land bounded on the North by Sassoon's Reclamation, on the West by the Colába Road, on the South by property belonging to or in the occupation of Pestonjee Merwanjee, and on the East by the Harbour of Bombay, and admeasuring 1·325 square yards; also the piece of land bounded on the North by the Government Bungalow in charge of the Collector of Bombay, commonly called the "Colába Parsonage," on the West by the Colába Road, on the South by the Schoolhouse nearly opposite to Saint John's Church, and on the East by the Harbour of Bombay, and admeasuring 8·163 square yards.

Chowpatty Bunder.—Comprising the land between the sea in Back Bay and the Queen's Road, from the foot of the landing slope at Chowpatty to opposite the Road to the French Bridge, and admeasuring 0·268 acres, together with all rights of collecting fees on crafts entering into or anchoring in Back Bay.

Foreshore from Worlee Fort to Mahim Causeway.—Bounded on the Landward side by the line of High-water mark, except at Mahim, where the boundary extends on the East to the Causeway, and on the South to the Customs Chowkey.

SCHEDULE D.

(Referred to in Clause 3, Section VIII.)

Lighthouses at Colába, Dolphin Rock, and Kennery, with all the fittings and appurtenances thereof.

Buildings, comprising—

1. Two Boat-sheds at Colaba, with slip.
2. Bankshall at Colába.
3. Time Ball Tower and Clock.
4. Apollo Pier Refreshment Rooms, Post Office, Police Station, and Carriage-shed.
5. Look-out House at Castle Signal Station.
6. Mázagáon Pier Shed and Crane.
7. And all other buildings and land whatsoever heretofore in the charge of the Harbour and Pilotage Board.

Signal Stations and Flag-staves at—

1. Colába, with the buildings and land.
2. Centre Hill, with the buildings and land pertaining thereto.
3. The Castle, with the buildings and land pertaining thereto.

Light-ships, Boats, &c.

1. Outer Light-ship "Colába," with all stores and appurtenances.
2. Inner Light-ship "Shannon," with all stores and appurtenances.
3. The Conservator's Boat.
4. One Pilot Boat at Kárwár.
5. Thirteen Buoys for Shoals and Moorings.
6. Three Pilot Schooners of about 100 tons, with boats, stores, and appurtenances.
7. Two Iron Steam Water Barges and Fire Engines, with the stores, boats, and appurtenances thereof.
8. One Iron Steam Anchor Hoy and Fire Engine.
9. One National Society's Lifeboat.
10. One White's Lifeboat.
11. One 32-foot Gig.
12. One Pilot Cutter.

Miscellaneous.

1. One Red Revolving Light Apparatus for Outer Light, complete.
2. One spare Red Revolving Light Apparatus for Outer Light, complete.
3. One Life Saving Rocket Apparatus, with Rockets, &c., complete.
4. Sixty-four Lamps and Lamp Posts for Piers.
5. Nine Buoys, Iron Shoal.
6. Two Iron Beacons on Shoals.
7. Six Iron Benches for Apollo Pier.

SCHEDULE E.

DESCRIPTION of the Situation, Rents, and Prospective Rents, payable to Government for the Properties referred to in Clause 4, Section VIII. of Act.

Number.	Collector's Number.	Situation.	NAMES OF PROPRIETORS.	Area.	Amount of Annual Rent.	Prospective Rents.	Tenure.	REMARKS.
					Rs. a. p.	Rs. a. p.		
1	21.	Sewree	Mookia Chatjee Patel and others.	5,566 sq. yds...	19 14 10	.....	Paying annual ground-rent.	
2	178, 236, 226, 191, 232, 205, 251, 210, 230, 186, 142, & 310.	Do.	Memon Hajee Essa Fudla .....	.....	19 4 6	.....	Tocca and Foras	A law suit is going on about a portion of this property.
3	42	Do.	Dorabjee Nusserwanjee Maistry	39½ Burgas	1 7 9	.....	Foras	
4	11	Do.	Muncherjee Framjee Cama.....	103 do. ...	10 0 0	.....	Leasehold	21 years renewable.
5	11	Do.	Lawrence Lowson	96½ do. ...	7 0 0	.....	Do.	Ditto.
6	184 & 182	Do.	Hajee Abdool Noor Mahomed .	.....	0 3 5	.....	Foras	Fishpond.
7	615	Do.	Hajee Esmail bin Hajee Abdoola	954 sq. yds...	49 4 5	.....	Sufferance lease...	
8	620, 621, & 251	Do.	Hajee Jakria Noor Mahomed ...	.....	33 4 6	.....	Partly Tocca and partly Sunud...	
9	615	Do.	Jamadar bin Ally	636 Burgas...	26 8 0	.....	Sunud ground ...	
10	618, 3, 4	Do.	Hajee Gool Mahomed, Hajee Abdool Rahimon	7,674½ do. ...	329 1 7	.....	Do.	Salt pan; converted into Frere Land Reclamation.
11	112	Tank Bunder.	Messrs. John Smith, John Fleming, and others	32,021 sq. yds...	2,408 0 0	.....	Leasehold	For the term of 50 years from 1st May 1862.
12	118	Mazagon...	Mazagon Land and Reclamation Company.	8,360 Burgas...	400 0 0	23,025 0 0	Do.	For the term of 999 years, commencing from 26th August 1864, at an annual rent of Rs. 400 during the first ten years, and Rs. 23,025 a year during the residue of the said term. Rent is due on 1st May 1875.
13	115 & 110	Do.	P. and O. Company's Dockyard.	48,797 sq. yds...	1,524 4 6	1,781 14 0	Do.	For this term of 99 years from 5th November 1859; during 50 years rent of Rs. 1,524-4-6, and Rs. 1,781-14 will be demanded from May 1910.
14	90 & 113	Do.	Viegas Patent Slip Company...	3,247 „ ...	101 15 6	.....	Paying annual ground rent.	
15	20 385, 71 26 & 101 84, 77, & 76	Do.	Mirza Ally Mohamed Khan ...	34,027 „ ...	684 1 0	.....	Do.	Dockyard.
16	7, 8, 9, & 10 1, 1 A.	Colaba	Colaba Land Company	24,111 „ ...	3 0 0	184 9 5	Leasehold	Term for 99 years; increased rent will commence from 31st May 1869.
		Do.	Do. do.	27,630 „ ...	343 9 5	.....	Do.	21 years; renewable.
		Do.	Do. do.	139,237 „ ...	.....	1,044 4 6	Do.	For the term of 99 years; exempted from rent up to 31st December 1887.
17	80	Do.	Apollo Press Company	8,880 „ ...	66 9 8	.....	Do.	Ditto ditto.
				6,289 „ ...	.....	47 2 9	Do.	
18	87	Do.	Messrs. D. Sassoon, Co.	7,241½ „ ...	3,750 0 0	.....	Do.	For the term of 999 years; rent Rs. 500 per acre for the reclaimed ground, and Rs. 1 per acre as long as the land is unreclaimed; when any portion reclaimed annual rent at Rs. 500 per acre to be charged.
				8,100 „ ...	8 3 7	4,111 9 1	Do.	
				8,100 „ ...	.....	.....	Do.	
19	.....	Do.	The Colaba Company, Limited.	11,243½ „ ...	5,529 3 9	.....	Do.	For the term of 999 years, per Government Resolution No. 2435, dated 20th May 1871 (i.e., seigniorage of Rs. 1 per acre, rent Rs. 500 per acre, commencing from 1st January 1865; lease for 999 years).

SCHEDULE F.
(Referred to in Section XLIV.)
Form of Debenure.

THE TRUSTEES OF THE PORT OF BOMBAY.

No.

By virtue of the Act No. of 1872 of the Council of the Governor of Bombay for making Laws and Regulations, entitled "The Bombay Port Trust Act, 1872," we, the Trust-

The

18

540

tees 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

(Signatures of the Chairman and two Trustees.)

SCHEDULE G.
 STATEMENT of Capital Account of Port Trust, referred to in
 Section XLVIII.

	Capital bearing 4 per cent. Interest for 10 years; thereafter $4\frac{1}{2}$ per cent.			Capital not bearing Interest.			Total.		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
Elphinstone Estate, purchase price...	1,85,91,596	12	8	.....	.....	.....	1,85,91,596	12	8
Do. Expended in 11 months to 31st March 1871 ...	7,47,370	2	10	.....	.....	.....	7,47,370	2	10
Do. Do. 12 months to 31st March 1872.	2,75,090	8	6	.....	.....	.....	2,75,090	8	6
Do. Troop Siding, Carnac Bunder	39,790	3	2	.....	.....	.....	39,790	3	2
Moody Bay Reclamation (portion east of Frere Road). Expended prior to 31st March 1870. ....	.....	.....	.....	a	24,48,337	11 2	24,48,337	11	2
Do. Do. in year to 31st March 1871	3,57,596	8	8	.....	.....	.....	3,57,596	8	8
Do. Do. in year to 31st March 1872	2,01,345	6	4	.....	.....	.....	2,01,345	6	4
Apollo Bay Reclamation. Expended prior to 31st March 1870. ....	.....	.....	.....	a	14,36,845	0 11	14,36,845	0	11
Do. Do. in year to 31st March 1872	9,752	11	11	.....	.....	.....	9,752	11	11
Wellington Reclamation. Expended prior to 31st March 1870. ....	.....	.....	.....	a	3,03,896	9 10	3,03,896	9	10
Do. Do. in year to 31st March 1872	934	12	8	.....	.....	.....	934	12	8
Apollo Pier. Expended prior to 31st March 1870 .....	.....	.....	.....	b	2,23,038	12 2	2,23,038	12	2
Do. Do. in year to 31st March 1871	1,38,173	7	8	.....	.....	.....	1,38,173	7	8
Do. Do. do. 31st March 1872	61,825	9	2	.....	.....	.....	61,825	9	2
Gun Carriage Reclamation. Expended prior to 31st March 1870. ....	.....	.....	.....	b	3,36,094	2 2	3,36,094	2	2
Do. Do. in year to 31st March 1871	32,048	15	7	.....	.....	.....	32,048	15	7
Do. Do. in year to 31st March 1872	476	4	9	.....	.....	.....	476	4	9
Tank Bunder. Expended in year to 31st March 1871	182	0	0	.....	.....	.....	182	0	0
Apollo Bonded Warehouse .....	.....	.....	.....	b	5,50,000	0 0	5,50,000	0	0
Custom-house Godowns .....	.....	.....	.....	b	25,165	0 0	25,165	0	0
Kussara Bunder .....	.....	.....	.....	b	5,285	0 0	5,285	0	0
Saw Mill Property, Tank Bunder. ....	.....	.....	.....	b	41,189	14 4	41,189	14	4
Expended on the above properties between 31st March 1872 and the passing of this Act	(Whatever amount			may be recorded in			ks of the Con-		
	troller, Public Works			Accounts, Bombay).			the Boo		
Balance of Interest unpaid at 31st March 1871	2,75,391	13	7	.....	.....	.....	2,75,391	13	7
Do. do. 31st March 1872.	1,51,528	0	8	.....	.....	.....	1,51,528	0	8

a. Capital not to be repaid to Government.

b. Capital to be repaid to Government.

STATEMENT OF OBJECTS AND REASONS.

It is desirable, in the interests of the Trade of Bombay, to place the conservancy and management of the Harbour, and of certain wharves and portions of the foreshore, now the property of Government, in the hands of Trustees; and this Bill is introduced in order to provide for the constitution of a Trust, for suitably arranging for the management of the property to be held in Trust; to vest the different properties in the Trust; to impose on the Trustees the liabilities already incurred on account of the properties; to confer on the Trustees power to raise revenue and funds to meet these liabilities, and to provide for such prospective improvements as may be deemed to be necessary for the accommodation of the trade.

(Signed) M. K. KENNEDY, Colonel, R.E.

11th September 1872.

By order of His Excellency the Hon'ble the Governor,

JOHN NUGENT,

Acting Under-Secretary to Government.

Puna, 11th September 1872.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA.

Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the Provisions of the Act of Parliament 24 and 25 Vic., Cap. 67.

The Council met at Simla, on Thursday, the 5th September 1872.

Present :

His Excellency the VICEROY AND GOVERNOR GENERAL OF INDIA, G.M.S.I., *presiding.*
 His Honour the LIEUTENANT-GOVERNOR OF THE PANJÁB.
 His Excellency the COMMANDER-IN-CHIEF, G.C.B., G.C.S.I.
 The Honourable Sir JOHN STRACHEY, K.C.S.I.
 The Honourable Sir RICHARD TEMPLE, K.C.S.I.
 Major General the Honourable H. W. NORMAN, C.B.
 The Honourable ARTHUR HOBHOUSE, Q.C.
 The Honourable E. C. BAYLEY, C.S.I.
 The Honourable R. E. EGERTON.

ACT No. V. of 1872 AMENDMENT BILL.

The Honourable Mr. HOBHOUSE moved that the Report of the Select Committee on the Bill to amend Act No. V. of 1872 (*to remove doubts as to the Jurisdiction of the High Court of Bombay over the Province of Sindh*), be taken into consideration.

The only amendment made by the Select Committee was the addition of a section saving the criminal jurisdiction of the High Court of Bombay so far as regards European British subjects in Sindh. By oversight Act V. of 1872 abolished this jurisdiction, not only prospectively, but retrospectively. One result was that at this moment, any European British subject might commit murder in Sindh, and no Court would have jurisdiction to try him. Another result was to nullify all previous convictions of European British criminals committed from Sindh to the High Court, and thus to entitle such persons, if brought up on a writ of *habeas corpus*, to be discharged at once. The new section had been added with the consent of the Bombay Government, and on the suggestion of the High Court.

The Motion was put and agreed to.

The Honourable Mr. HOBHOUSE then moved that sections two and three of the Bill should be transposed.

The Motion was put and agreed to.

The Honourable Mr. HOBHOUSE also moved that in section two, line four, after the word "*heretofore*" the words "*or hereafter*" should be inserted. The object of this amendment, which had been suggested by the Government of Bombay, was to preserve to the High Court its power to grant probates and letters of administration, as regards assets situate in Sindh, to persons other than the Administrator General.

The Motion was put and agreed to.

The Honourable Mr. HOBHOUSE then asked the President to suspend the rules for the conduct of business. It was obviously desirable that the criminal jurisdiction over European British subjects in Sindh should be restored as soon as possible.

The PRESIDENT declared the rules suspended.

The Honourable Mr. HOBHOUSE then moved that the Bill as amended be passed.

The Motion was put and agreed to.

NORTHERN INDIA IRRIGATION BILL.

The Honourable Sir JOHN STRACHEY introduced the Bill to regulate Irrigation, Navigation and Drainage in Northern India, and moved that it be referred to a Select Committee with instructions to report in a month.

He said that he had already explained the circumstances under which this Bill was brought forward. The Bill had now been for some time in the hands of Honourable Members, and they would have seen that it was virtually a republication of the Panjáb Canal and Drainage Act (XXX. of 1871), with the omission of the sections (40 to 49), which provided for the imposition of a water-rate on lands irrigable but not irrigated. He would not take up the time of the Council by enumerating the few other changes, which were for the most part unimportant, and were, moreover, sufficiently described in the Statement of Objects and Reasons.

The Bill applied not only to the Panjáb but also to the North-Western Provinces. This was in accordance with the wishes of the Lieutenant-Governor. The Bill, too, was framed so as to apply also to Oudh and the Central Provinces. The Chief Commissioners had been addressed on the subject; and the Select Committee would, he trusted, have the benefit of the views of all the Local Governments to whose territories the Bill purported to apply.

The Motion was put and agreed to.

SEPOY LUNATICS BILL.

Major-General the Honourable H. W. NORMAN moved that the Bill to provide for the admission of Native Military Lunatics into Asylums, as amended, be passed.

The Motion was put and agreed to.

BURMA FERRIES BILL.

The Honourable Mr. BAYLEY moved for leave to introduce a Bill to regulate Ferries in British Burma. He said that the Council was aware that the territories which now constituted the Chief Commissionership of British Burma were originally composed of three parts,—the two independent Commissionerships of Pegu and the Tenasserim Provinces, and the Akyáb district, which was originally under the Lieutenant-Governor of Lower Bengal. Ferries were managed under separate rules in each of these parts. Administrative rules were passed in the two former, which probably, though not certainly, had obtained the force of law under the Indian Councils' Act, and the Akyáb district, when annexed to Burma, was subject to the law in force in Bengal. This state of things had continued up to the present time, and the ferries had been administered under separate rules in the three divisions of British Burma. But in consequence of the trade which had sprung up on the rivers intersecting British Burma, new marts, and even towns, had arisen on their banks, and the question of ferries had assumed considerable importance; and the Chief Commissioner considered it expedient that the law should be placed on an uniform and undoubtedly legal footing. Mr. Eden had accordingly prepared and submitted the Bill, leave to introduce which was now asked.

The Motion was put and agreed to.

PANJÁB OPIUM BILL.

The Honourable Mr. EGERTON moved for leave to introduce a Bill to amend the law relating to opium in the Panjáb. He said that Act X. of 1871 (*to consolidate and amend the laws relating to the Excise Revenue in Northern India, British Burma, and Coorg*) repealed Act XXI. of 1856, which was the law to regulate the Excise Revenue. This Act was extended to the Panjáb under Act XXVIII. of 1864, which empowered the Governor General in Council to extend all or any of the provisions of Act XXI. of 1856 to the Panjáb by notification in the *Gazette of India*. But Act XXVIII. of 1864 was also repealed by the Excise Act of 1871, and the provisions of the new Act became absolute in the Panjáb. The culture, possession, and sale of opium were managed in the Panjáb in a manner different from that which prevailed in other parts of the country. In the North-Western Provinces, Act XIII. of 1857 was in force. But this Act had not been extended to the Panjáb, nor was it expedient so to extend it, as there was no opium agency in the province.

The system of cultivating poppy in the Panjáb was this: In the divisions of Ambála, Jalandhar Amritsar, and Lahor, excluding the Hill Districts of Kangra and Simla, an acreage duty was levied on poppy cultivation. In the other divisions, excepting Delhi and Hissár, the cultivation of the poppy was free.

In all the districts where the cultivation of poppy was carried on, and opium was extracted, the cultivator was obliged to sell the drug to licensed vendors only.

The amount of opium produced was small, and was insufficient for local consumption. The excise revenue from opium was derived from the acreage duty, and from the farm of the monopoly of retail sale.

The provisions of sections fifteen, nineteen, sixty-two, sixty-five, sixty-six, sixty-seven, and seventy-eight of Act X. of 1871 were inapplicable to the Panjáb. The corresponding sections in Act XXI. of 1856 had been suspended from operation in the Panjáb by notification under Act XXVIII. of 1864.

By section forty-nine of Act IV. of 1872—the Panjáb Laws Act—the Local Government was empowered to make rules for the growth, sale, and possession of opium, provided such rules were not inconsistent with any Act or law for the time being in force in the Panjáb. But the rules now required were necessarily inconsistent with the provisions of Act X. of 1871, and could not, therefore, be made.

It was necessary, therefore, to modify the application of Act X. of 1871, and to allow the Local Government to use the power which the Panjáb Laws Act was intended to give. Mr. EGERTON had not had sufficient time allowed him to consider the Excise Bill of 1871, before it became law, or it would not have been necessary now to apply for the interference of the Legislature.

The Motion was put and agreed to.

The following Select Committee was named:

On the Bill to regulate Irrigation, Navigation, and Drainage in Northern India:—His Honour the Lieutenant-Governor, the Honourable Sir R. Temple, the Honourable Messrs. Hobhouse and Egerton, and the Mover.

The Council then adjourned to the 12th September 1872.

WHITLEY STOKES,

Secretary to the Government of India.

Simla, the 5th September 1872.