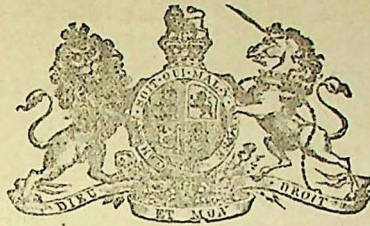


THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 9TH SEPTEMBER 1875.

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

## PART V.

### PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the Conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

#### Bill No. 3 of 1875.

*A Bill for enabling Government to levy Tolls on Public Roads and Bridges in the Presidency of Bombay.*

WHEREAS Tolls have been levied in the Presidency of Bombay in accordance with Act XV. of 1864 since the 30th day of July 1864, but doubts have arisen whether the said Act has been formally extended to the said Presidency; And whereas it is expedient to remove the said doubts and to consolidate in one Act the provisions for the levy of Tolls upon Public Roads and Bridges in the said Presidency; It is enacted as follows:—

I. Act VIII. of 1851 is hereby repealed in so far as it affects the Presidency of Bombay.

Repeal of Act VIII. of 1851.

II. Act XV. of 1864 shall be deemed to have been extended to the Presidency of

Act XV. of 1864 to be deemed to have been

extended to Bombay as from the 30th day of July 1864, and all Tolls levied within the Presidency of Bombay upon any public roads or bridges (from whatever funds the same may have been constructed) between the said 30th day of July 1864 and the coming into operation of this Act, shall be deemed to have been levied under the provisions of Act XV. of 1864 and to have been duly and lawfully levied and collected.

Bombay as from the 30th day of July 1864, and all Tolls levied within the Presidency of Bombay upon any public roads or bridges (from whatever funds the same may have been constructed) between the said 30th day of July 1864 and the coming into operation of this Act, shall be deemed to have been levied under the provisions of Act XV. of 1864 and to have been duly and lawfully levied and collected.

III. The Governor in Council may cause such Rates of Tolls to be levied, not exceeding the rates mentioned in the Schedule annexed to this Act, to be levied upon any Road or Bridge which has been or shall hereafter be made or repaired at the expense of the Gov-

ernment or from funds collected under the provisions of Bombay Act III. of 1869, or other funds levied under the authority and subject to the general control of Government, and may place the collection of such Tolls under the management of such persons as may appear to him proper; and all persons employed in the management and collection of such Tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of the Land Revenue. Until such rates of tolls shall be fixed by the Governor in Council, the tolls now levied shall continue to be levied by the persons under whose management the same are now collected, who shall be held to have been appointed under the provisions of this Act.

Clause 2. The word "persons" in this section shall include "Persons." Local Fund Committees established under Bombay Act III. of 1869.

IV. In case of non-payment of any such Toll on demand, the officers appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the Toll; and if any Toll remains undischarged for 24 hours with the cost arising from such seizure, the case shall be brought before the officer appointed to superintend the collection of the said Toll, who may sell the property seized for discharge of the Toll, and all expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain to be returned on demand to the owner of the property; and the said officer on receipt of the property shall forthwith issue a notice, that at noon of the next day, exclusive of Sunday or any close holiday, he will sell the property by auction: Provided that if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred and of double the Toll payable by him, the said officer shall forthwith release the property seized.

V. No Tolls shall be paid for the passage of Troops and Military Stores and Equipages on their march, or of Police Officers on duty, or of any person or property in their custody. And it shall further be lawful for His Excellency the Governor

Troops and Military Stores, &c., exempt from Toll.

Government may grant other exemptions by notification.

in Council, by notification in the *Government Gazette*, to grant and define other exemptions from payment of the Tolls levied under this Act.

VI. All Police Officers shall be bound to assist the Toll Collectors, when required, in the execution of this Act, and for that purpose shall have the same power which they have in the exercise of their ordinary Police duties.

Police Officers bound to assist Toll Collectors.

VII. Every person, other than the persons appointed to collect the Tolls under this Act, who shall levy or demand any Toll on any Public Road or Bridge, or for passing through any Bazaar situated thereon, and also every person who shall unlawfully and extortionately demand or take any other or higher Toll than the lawful Toll, or under colour of this Act seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be liable, on conviction before a Magistrate, to imprisonment of either description for any term not exceeding six calendar months, or to fine not exceeding Rs. 200, any part of which fine may be awarded by the Magistrate to the person aggrieved, but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court of the District.

VIII. A table of the Tolls authorized to be taken at any Toll gate or station shall be put up in a conspicuous place near such gate or station, legibly written or printed in English words and figures, and also in those of the vernacular language of the District, to which shall be annexed written or printed in like manner a statement of the penalties for refusing to pay the Tolls and for taking any unlawful Toll.

Table of Tolls to be put up at Gate or Station.

IX. Any person entrusted with the management of the collection of Tolls under this Act, may in his discretion compound for any period, not exceeding one year, with any person for a certain sum to be paid by such person for himself or for any vehicle or animal kept by him, in lieu of the rates of Tolls specified in the Schedule to this Act.

Collectors of Tolls may compound for Tolls leviable under this Act.

X. The net proceeds of the Tolls levied under this Act shall be applied wholly to the construction, repair and maintenance of roads and bridges within the Presidency of Bombay: Provided that the net

proceeds of Tolls levied on roads or bridges constructed by or belonging to any Local Fund Committee shall be applied to the construction and maintenance of roads or bridges in the district under the superintendence of such Local Fund Committee.

## SCHEDULE.

	Rs.	a.	p.
On every four-wheeled carriage on springs	1	0	0
On every two-wheeled carriage on springs	0	8	0
On every ekka or hackery on springs	0	2	0
On every cart and hackery not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0
Ditto if not laden	0	8	0
On every cart and hackery drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	12	0
Ditto if not laden	0	6	0
On every cart and hackery drawn by 4 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	8	0
Ditto if not laden	0	4	0
On every cart and hackery drawn by 2 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
Ditto if not laden	0	2	0
Buffaloes, or bullocks, per head, if laden	0	1	0
Ditto ditto if not laden	0	0	6
On every elephant	1	8	0
On every camel, if laden	0	4	0
Ditto if not laden	0	2	0
On every horse, if laden or ridden	0	1	6
Ditto unladen or led	0	0	9
On every pony or mule, if laden or ridden	0	0	9
Ditto unladen or led	0	0	6
On every ass, if laden or ridden	0	0	6
Ditto unladen or led	0	0	3
On every sheep, or goat, or pig	0	0	1
On every palankeen, dooley palna, or tonjon, with 8 bearers	1	0	0
Ditto ditto ditto with 6 bearers	0	12	0
Ditto ditto ditto with 4 bearers	0	8	0
Ditto ditto ditto with 2 bearers	0	2	0
On every foot passenger	0	0	3

N.B.—Animals drawing any vehicle for which Toll can be demanded are not to be also charged with Toll.

## STATEMENT OF OBJECTS AND REASONS.

The Governor General having withheld his assent to Bill No. 6 of 1873 of the Bombay Legislative Council, which was passed on 6th October 1873, and received the assent of His Excellency the Governor of Bombay on the 14th October 1873, on the ground that this Council has not the legal power to repeal an Act of the Governor General's Council passed since the Indian Councils Act, 1861, came into operation, and that the 1st Section of the Bill purports to repeal Act XV. of 1864 in so far as it affects Bombay, it has become necessary to introduce the present Bill in such a modified form as to meet the objection raised. The Bill now published remains in all essential particulars the same as that which passed the Local Council for making Laws and Regulations, with the exception that of the two Acts proposed to have been repealed by the 1st Section, Act XV. of 1864 is omitted. The opportunity has also been taken to modify Section V. and empower the Government by previous notification in the *Government Gazette* to grant exemptions from Tolls in certain cases.

(Signed) A. ROGERS,

7th September 1875.

By order of His Excellency the Governor in Council,

W. LEE WARNER,

Poona, 7th September 1875.

Acting Under-Secretary to Government.