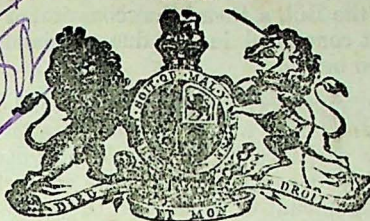


THE



Bombay Government Gazette.

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

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following report of the Select Committee of the Council of His Excellency the Governor of Bombay on the "Bill to consolidate the lands and other property vesting in the Trustees of the Port of Bombay and certain other lands and property on, or connected with, the foreshore of the Island of Bombay into one estate, and to vest the control and management of the same in one Public Trust; and for other purposes," and the Bill as amended by the Committee are, in accordance with Rule 25 of the Rules for the conduct of business at Meetings of the Council, published for general information:—

Report of the Select Committee appointed to consider Bill No. 12 of 1878, a "Bill to consolidate the lands and other property vesting in the Trustees of the Port of Bombay and certain other lands and property on, or connected with, the foreshore of the Island of Bombay into one estate, and to vest the control and management of the same in one Public Trust; and for other purposes."

We the undersigned Members of the Select Committee to which the Bill to consolidate the lands and other property vesting in the Trustees of the Port of Bombay and certain other lands and property on, or connected with, the foreshore of the Island of Bombay into one estate, and to vest the control of the same in one Public Trust; and for other purposes

Letter from the Acting Secretary to the Bombay Port Trust, No. 2217, dated 27th December 1878.

Letter from the Bombay Chamber of Commerce, dated 6th January 1879.

Letter from the Secretary to the Government of India, Agricultural, Revenue, and Financial Department, dated 21st January 1879, forwarding a demi-official memorandum, dated 9th idem, by the Acting Finance Member of the Council of His Excellency the Governor Général.

was referred, have considered the Bill and the papers noted in the margin. We have also received and considered the representations of deputations from the Trustees of the Port of Bombay and the Bombay Chamber of Commerce, and with reference to sections 36—38 of the Bill, have heard the statements of the Municipal Commissioner of Bombay, and have the honour to present this report.

2. The subject of the constitution of the Board has received our careful attention. We find that there is a general concurrence of opinion in favour of the Trustees being partly elected by the Chamber of Commerce and partly nominated by Government, as proposed in the Bill, and we are of opinion that, with the modifications as to the minimum

number of Native Trustees and as to the manner of their appointment which we have introduced into section 5 of the Bill, a Board thus constituted will be as fairly representative of all the interests most concerned in the due administration of the Port Trust as it is possible for any Board to be.

3. The holders of the new properties which it is intended to vest in the Board will not consent to any arrangement under which, in consideration of their making over those properties to be managed by the Board, they should be guaranteed a certain minimum amount of interest on the valuations of their respective properties, and should be entitled, over and above such minimum amount of interest on their capital, to a share in any profit which by careful administration the Board might from time to time be in a position to distribute in the shape of a dividend. The difficulties connected with an equitable valuation of the different properties to be vested in the Board, and the uncertainty of the realization of any profit, disincline the holders of the new properties to assent to part with them upon any terms other than actual sale. We have therefore come to the conclusion that the Bill should provide for the purchase of these properties, and we approve of sections 29 and 30 of the Bill, which make provisions to this effect. We think also that in the general interests of both shippers and merchants and of all others concerned in the trade of the Port it is desirable that there should be no attempt to render the administration of the Trust a source of profit, even should a maximum be fixed to the amount of profit to be distributed annually. The true interests of all parties will, in our opinion, be best consulted by requiring the Board to levy such rates only as may be necessary to enable them to meet known fixed liabilities and to pay their working expenses.

4. This being our view as to the best mode of acquiring the new properties and vesting them in the Board, we do not consider it desirable that the holders of those properties should have any representation on the Board. When once they have parted with their properties they will be, with respect to them, in the ordinary position of vendors having no longer any claim over, or concern in, the properties sold. As security-holders their sole concern will be to see that they are paid punctually the interest on their paper, and such payment is effectually guaranteed to them by section 35 of the Bill. Moreover, as it is proposed (section 30), that the securities shall be transferable by endorsement, it is probable that in the course of a few years a large proportion of them will have changed hands: many, perhaps, will be owned by persons not resident even in Bombay, and but very few may eventually be found in the possession of persons having any knowledge of, or care for, the concerns of the Port. There would also be considerable trouble and expense involved in keeping up a register of the security-holders and making provision for periodical elections by them of Trustees. The proposals contained in the Bill as to the nomination of Trustees, of which we approve, have the advantage of great simplicity, and we do not think that any adequate reason exists for the creation of a complex machinery for securing the representation of the one class of security-holders.

5. The existence in the Bombay Chamber of Commerce of a recognized Association of the leading mercantile gentlemen of the city greatly facilitates the introduction, to a certain extent, of the electoral system of representation on the Board, and we have retained in the Bill the proposal that five of the Trustees should be elected by that body. But there would be great difficulties in the way of providing for the election of members of the Board by Native Merchants. No Native Association exists similar to the European Chamber of Commerce, and to enact that there shall be public elections of Native Members would entail a complicated system of account-keeping and registration in order to ascertain what persons should be entitled to vote. Upon the whole, therefore, we think that the principle of selection is more suited to circumstances in the case of the Trustees who should represent Native interests on the Board, but we have ascertained that the feeling of the Natives themselves is that it would be preferable that their representatives should be selected by Government, and we have therefore struck out section 8 of the Bill as introduced into Council, and increased the number of Trustees to be nominated by Government from five to seven (section 5). At the same time we have provided that not less than three of the total number of Trustees must always be Natives, thus leaving it optional with the Chamber of Commerce to elect, or with the Government to nominate more than this minimum number of Native Members of the Board, if they shall think fit.

6. It will be observed that we have increased the minimum number of Native Trustees from two to three. This point has been very fully considered by us, and we are of opinion that it is not necessary or advisable that the number should be higher than three.

The proportion of three Native representatives to five elected by the European mercantile community is, we think, sufficient with reference to the relative experience and knowledge of the two classes as to the requirements of general trade, and the best means of administering so large a concern as the Port Trust of probably the finest and most important port in the East. But if, as time advances, Native Merchants acquire a claim to be more strongly represented on the Board, the power, which we propose to leave in the hands of Government, of nominating seven out of the twelve Ordinary Trustees will, we think, supply a ready means of recognizing such claim. Hitherto, we find, there has been considerable difficulty in obtaining as many as two or three Native gentlemen, both competent and willing to act as Trustees, and for the present, we are satisfied, a minimum of three Native Trustees on the Board will suffice.

7. The only other alteration of any importance made by us in Part II of the Bill is that contained in section 9 of the Amended Bill, the effect of which will be to cause one-half of the Ordinary Trustees (*i.e.*, of all the Trustees except the Chairman) to retire year by year. The object of this arrangement is to avoid the inconvenience of having an entirely new Board every two years.

8. In Part III of the Bill we have had sections 21 to 24 re-cast with a view of determining more satisfactorily the respective duties and powers of the Chairman and the Board. We consider it expedient that the Chairman should, in executive matters, have full authority over all subordinate officers and servants of the Board, and we have therefore vested him with the power, subject, of course, to the general regulations of the Board, of appointing, promoting, suspending, dismissing, fining, reducing, or granting leave to all officers and servants not drawing more than Rs. 300 per month (section 23). But in the case of the officers and servants of the Board whose salary exceeds that amount we have conferred this power on the Board; and we propose that the Board alone shall have authority to dispense with the services of any officer or servant, or to permit any officer or servant to retire on a pension, &c.

9. With regard to the Secretary and other chief officers of the Board we have, after much consideration, come to the conclusion that they should be appointed, and that every thing connected with their service should be determined by the Board, subject only to the previous sanction of Government (section 24 of the Amended Bill). To the last para. of section 22 of the Amended Bill (=section 23 of the Original Bill) we have added a few lines to enable Government, in case of dispute, to determine what pensions, &c., any officer or servant of the Board, who, previous to the passing of the Port Trust Act of 1873, held his appointment from Government, is entitled to.

10. In Part IV of the Bill we have had sections 29 and 30 re-drafted. As these sections stand in the Original Bill it would be impossible for the Council to pass the Bill until the Government have finally settled the terms of purchase with each of the holders of the new properties which are to be vested in the Board. But we have been given to understand that the Secretary of State in Council is desirous that the Bill should be passed, and that all the proceedings of the Council in respect of it should be before him before he ultimately sanctions the project contemplated by the Bill. Under these circumstances we have had these two sections re-drawn in such a form as will distinctly express the approval of the Council to the purchase of the new properties in preference to any other mode of amalgamating the various properties on the foreshore of the Port (our reasons for which have been already given above in para. 3), and at the same time authorize Government to purchase those properties on behalf of the Board. We recommend that the Bill be passed by the Council in this shape, because of our conviction that every thing possible should be done to accelerate the measures necessary for the establishment of the new Board and for vesting in them the new properties.

11. The price at which the Government of Bombay hoped to be able to secure all the new properties required was 77 lakhs. The Chamber of Commerce has since had under its consideration the reasonableness or otherwise of the prices offered by the Government, and the result is that it considers that all the properties ought to be acquired for 75 lakhs, with, perhaps, a lakh or so besides. In proposing therefore to authorize the Government to expend as much as 80 lakhs, we do not mean to give expression to any view of our own as to the proper value of the respective properties, but we think it is necessary to allow sufficient latitude to the Government when finally closing the purchase-transactions, and we have no doubt that the Executive Government will obtain the properties for as small an amount as is consistent with equitable claims of the holders.

12. We have retained the provision in section 30 that the new properties shall be paid for in securities to be issued by the Board, this being the only practicable shape in which payment can be made, and we propose that these securities shall bear interest at the rate of four per cent. per annum. This is the rate which has been contemplated by all parties in the overtures which have hitherto been made, and if this rate were not to be adhered to, the estimated limit of the capital price (80 lakhs) would need modification.

13. The transposing of sections 31 and 32 of the Original Bill, and the re-drafting of section 31 (=32 in the Amended Bill) have been done for technical reasons, and are of no material importance.

14. In Section 33 (a) we have added words to render it clear that the Board's liability is to include the monies advanced by Government to the present Trustees for the Prince's Dock and other purposes since the Port Trust Act of 1873 became law.

15. Section 34 we have amended so as to make the rate of interest payable by the Board on any loan which may hereafter be made to them by Government dependent upon such terms as shall be agreed upon between Government and them at the time, instead of fixing the rate unalterably at $4\frac{1}{2}$ per cent., as the Original Bill proposed to do. It does not seem reasonable that either the Government or the Board should be tied to any one particular rate. For this same reason the proviso to the 2nd para. of section 39 of the Original Bill (=section 40 of the Amended Bill) has been omitted.

16. In section 36 of the Bill, as introduced, the amount of the lump payment to be made annually by the Board to the Municipality, in lieu of the consolidated rate to which their property would under the Municipal Act be otherwise liable, was left blank. After some discussion, the Municipal Commissioner and the Chairman of the Port Trust have concurred in recommending us to adopt the section in the form in which it appears in the Amended Bill. The present Port Trust Act (Bombay Act I, 1873, section 9) fixes the amount to be paid at Rs. 50,000 for ten years, from the date on which that Act took effect (26th June 1873), and makes no provision for the settlement of the amount to be paid after that period. There appears to be no reason for disturbing the arrangement come to when the Act of 1873 was passed, except to provide for an additional payment being made by the Board in respect of the new properties from such date as they shall vest in them. This is the purpose which the new section is intended to serve. Rs. 10,000 is calculated to be about the proper rate to be charged for the new properties, and the section therefore prescribes that, until the new properties vest in the Board, they shall pay the Municipality Rs. 50,000 annually, and after that, until the 25th June 1883, Rs. 60,000 annually, and that, after the last-mentioned date, the Governor in Council shall determine what sum shall be so paid.

17. Part V of the Bill (sections 39—42) has been re-arranged, but without any material alteration, except (1) the omission of the proviso to section 39 already referred to above (para. 15); and (2) the modification of the language of the 1st para. of that section (=para. 2 of section 39 of the Amended Bill) so as to enable the Board to spend money which they raise with the consent of Government on any of the general purposes of the Act; and (3) the addition of a proviso to section 39 of the Amended Bill, prohibiting the Board from charging any expenditure to capital except with the sanction of Government.

18. The alterations made by us in Part VI. of the Bill consist principally in an amplification of section 44 (=section 45 of the Original Bill), and in a re-arrangement and partial re-draft of the sections 43 (=section 47 of the Amended Bill) and 48 to 51.

19. The new section 51 is in substitution of the last para. of section 49, section 50 and the last para. of section 51 of the Original Bill. Its object is to provide a more simple arrangement for the disposal of balances than was proposed by the Original Bill, and to enable the Board to hold, and, when not immediately wanted, to invest such balances as Government may from time to time sanction.

20. In Part VII we have thought it expedient to add to the proviso to section 68 words similar to those contained in the last part of section 36 of the present Trust Act (Bombay Act I, 1873), prohibiting the commencement of any work of magnitude until the plan and estimate shall have been submitted to and approved by Government. But we have made this provision applicable only to works of which the estimated cost will exceed 2 lakhs instead of twenty-five thousand rupees, as in the present Act.

21. In a few other respects also we have reverted to the same extent to the policy of the present Act, as regards the necessity of obtaining the previous sanction of Government for the validity of the Board's acts (*vide* sections 74 and 26).

22. In section 72 we have taken the power of imposing penalties on pilots from the Chairman and given it to the Board. This is in accordance with the same consideration which have led us to amend sections 21—24 of the Bill (*vide supra* para. 8), as we understand that all pilots receive a larger salary than Rs. 300 per month.

23. Our attention has been drawn to the fact that the present Bill does not re-enact sections 74, 76, 77, 78, 79, and 83 of Bombay Act I., 1873, but we understand that these sections relate to matters which have been dealt with by the Governor General in Council in the Indian Ports Act, 1875, and which therefore it would not be competent for this Council to legislate upon. This difficulty prevents the present Bill being made as complete in itself as we would desire it should be, but this is a matter beyond our control.

24. The foregoing paragraphs comprise all the important points on which we deem it necessary specially to remark. Several minor alterations and additions have been made by us to the Bill which do not seem to require explanation.

(Signed) J. GIBBS.
 „ L. R. ASHBURNER.
 „ JOHN MARRIOTT.
 „ E. W. RAVENSCROFT.
 „ C. J. MERRIMAN.
 „ M. BALFOUR.

I approve the report, excepting as regards the following and one or two minor points:—

Paras. 2, 5, and 6—The representation of the Native Community on the proposed Board.

Paras. 10 and 11—The lack of a definite price to be paid for each property.

(Signed) MORARJEE GOCULDASS.

19th March 1879.

Bill No. 12 of 1878.

A Bill to consolidate the immoveable and other property vesting in the Trustees of the Port of Bombay and certain other property on, or connected with, the foreshore of the Island of Bombay into one estate, and to vest the control and management of the same in one Public Trust; and for other purposes.

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Bill No. 12 of 1878,

A Bill to consolidate the immoveable and other property vesting in the Trustees of the Port of Bombay and certain other property on, or connected with, the foreshore of the Island of Bombay into one estate, and to vest the control and management of the same in one Public Trust; and for other purposes.

WHEREAS it is expedient that the immoveable and other property vesting in the Trustees of the Port of Bombay should be consolidated with certain other property on, or connected with, the foreshore of the Island of Bombay into one estate, and that such consolidated estate should, together with the rights and powers now exercisable by the said Trustees, be vested, subject to the provisions hereinafter appearing, in a new Trust; It is enacted as follow:—

I.—PRELIMINARY.

1. This Act may be called "The Short title. Bombay Port Trust Act, 1879."

2. From the date which shall be notified by the Governor in Council under Section 8, Bombay Act I. of 1873 (The Bombay Port Trust Act, 1873,) shall be repealed:

Provided that all debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the Trustees appointed under the said Act, shall be deemed to have been incurred, entered into, or engaged to be done by, with or for the Board constituted by this Act;

and all rates and sums of money due to the said Trustees shall be deemed to be due to the said Board;

and all suits or other legal proceedings, civil or criminal, instituted, or which might, but for the passing of this Act, have been instituted by or against the said Trustees, may be continued or instituted by or against the said Board.

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

Interpretation Section.
 (1) the word "rates" includes any toll, due, rent, rate, or charge, leviable under section 43 ;

(2) "Port" means the Port of Bombay within such limits as may from time to time be defined by Government for the purposes of this Act by notification in the *Bombay Government Gazette*, and until a notification is so issued, within such limits as may have been defined by Government under section 73 of the *Bombay Port Trust Act, 1873*, for the purposes of that Act ;

(3) "Vessel" denotes any thing made for the conveyance by water of human beings or of property ;

(4) "Master," when used in relation to any vessel, means any person having for the time being the charge or control of such vessel ;

(5) "Owner," when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale or custody of such goods; and when used in relation to any vessel, includes any part owner, charterer, consignee, or mortgagee in possession thereof ;

(6) "Land" includes the bed of the sea below high-water mark ;

(7) "Wharf" includes a bandar and any part of the foreshore used for loading or unloading goods, and any wall enclosing or adjoining the same ;

(8) "Dock" includes basins, locks, cuts, entrances, graving docks, graving blocks, inclined planes, patent slips, grid-irons, quays, warehouses, and other works and things appertaining to any dock ;

(9) "Pier" includes any stage, stairs, landing-place, hard, jetty, landing-stage, floating barge, or pontoon, and any bridges or other works connected therewith ;

(10) the word "Goods" includes wares and merchandise of every description ;

(11) "Immoveable Property" includes wharfage-rights and all other rights exercisable on, over, or in respect of any land, wharf, dock or pier ;

(12) the words "Public Securities" mean securities of the Government of India, Bombay Municipal Debentures and securities and debentures issued under sections 30 and 41, respectively, of this Act.

II.—OF THE BOARD OF TRUSTEES.

Constitution of Board.

4. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board, to be called "the Trustees of the Port of Bombay;" and such Board, hereinafter referred to as "the Board," shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

5. The Board shall consist of thirteen members, that is to say, of

five Elective Trustees,
 seven Nominee Trustees, and
 a Chairman ;

and not less than three of the Trustees shall be natives of India residing in the City of Bombay.

6. The elective Trustees shall be elected by the members for the time being of the Bombay Chamber of Commerce in such manner as shall from time to time be determined at a meeting of the members of the said Chamber convened in accordance with the rules at the time in force in this behalf. The Secretary to the said Chamber shall make a return to the Government of the name of every person so elected by the Chamber, and his return

shall be published in the *Bombay Government Gazette*.

In the event of default being made by the Chamber in electing any Trustee under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for Government by notification in the *Bombay Government Gazette* to nominate a person, and the person so nominated shall be deemed to be a Trustee as if he had been duly elected by the Chamber.

7. The nominee Trustees and the Chairman shall be appointed by Government by notification in the *Bombay Government Gazette*.

Nominee Trustees and the Chairman to be appointed by Government.

8. The term of office of the first nominee and elective Trustees shall commence on such date as shall be notified in this behalf by the Governor in Council.

Term of office of first Trustees when to commence.

9. Three of the first nominee Trustees and three of the first elective Trustees shall, unless they become in the meantime disqualified, hold office up to and inclusive of the 31st day of March next succeeding the date on which their term of office shall commence, the selection of the said six Trustees being made by lot at such time and in such manner as the Chairman shall determine. The remaining four of the first nominee Trustees and the remaining two of the first elective Trustees shall hold office until and inclusive of the 31st day of March next following the 31st day of March aforesaid.

Nominee and elective Trustees to retire from office by rotation.

In every other case the nominee and elective Trustees shall, unless they become in the meantime disqualified, hold office for a term of two years.

10. The first elective Trustees shall be elected on some day not later than a fortnight previous to the date which shall be notified by the Governor in Council under section 8, and the first nominee Trustees shall be appointed on some day during the said fortnight; in every other case elective Trustees shall be elected on some day not earlier than the first and not later than the fifteenth

Election and appointment of first Trustees.

Trustees to be appointed and elected in the month of March.

day of the month of March next preceding the 1st of April from which their term of office is to commence; and nominee Trustees shall be appointed on some day in the remainder of the said month of March.

11. The Chairman shall hold office during the pleasure of Government, provided that he does not in the meantime cease, through disqualification, to be a Trustee.

Chairman to be appointed during pleasure of Government.

12. Any person on ceasing to be a Trustee, shall, unless disqualified under section 14, be re-eligible.

Trustees re-eligible.

13. Any casual vacancy in the office of a Trustee other than the Chairman occasioned by the death, resignation, or disqualification of such Trustee shall be filled up within one month by Government, if the office vacated was that of a nominee Trustee, or by the Chamber of Commerce, if it was that of an elective Trustee, in the same manner and subject, so far as may be, to the same provisions as are applicable in the case of original appointments and elections of Trustees: Provided that the Trustee so chosen shall retain his office so long only as the vacating Trustee would have retained the same, if such vacancy had not occurred.

Casual vacancies.

If a Trustee departs from Bombay with an intention of being absent for a longer period than three months, or if a Trustee shall have been absent for such period, a person shall be elected or appointed as aforesaid to act for such Trustee during his absence or until he shall cease to be a Trustee, and the person so acting shall be deemed for all the purposes of this Act to be a Trustee.

Acting Trustees.

Trustee who becomes disqualified to cease to be a Trustee.

Disqualifications of Trustees.

14. No person shall be qualified to be a Trustee during such time as he

(a) is an uncertificated bankrupt or insolvent, or

(b) holds any office or place of profit under the Board, or

(c) has, directly or indirectly, any share or interest in any work done by

order of the Board, or in any contract, or employment with, by, or on behalf of, the Board;

and any Trustee who

Trustee who becomes disqualified to cease to be a Trustee. (d) becomes disqualified for any of the aforesaid reasons, or

(e) is absent from the meetings of the Board for a period exceeding twelve consecutive months, or, without the permission of the Board, from six consecutive meetings of the Board, or

(f) is sentenced to imprisonment,

shall 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

(g) having a share in any Joint Stock Company which shall contract with or be employed by, or on behalf of, the Board, or

(h) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted, or

(i) being interested in any loan of money to the Board.

Salaries of Trustees.

15. The Chairman shall receive such salary as Government shall from time to time determine.

Every Trustee other than the Chairman shall be entitled to a fee of thirty rupees for each meeting of the Board at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof: Provided that if more than one such meeting is held in any one week, no more than thirty rupees shall be paid to any Trustee for his attendance at all such meetings during that one week.

Proceedings of Board.

16. The following provisions shall be observed with respect to the proceedings of the Board (namely):—

(1) During any vacancy in the Board the continuing Trustees may act as if no vacancy had occurred.

(2) The Board shall meet together and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions (namely):—

(a) that a meeting shall be held once at least in every fortnight;

(b) that the Chairman may, whenever necessary upon an emergency, and call a special meeting;

(c) that no business shall be transacted at any meeting unless at least five Trustees are present from the beginning to the end of such meeting;

(d) that every meeting shall be presided over by the Chairman, if he is present at the time appointed for holding the same, and if he is absent, by such one of the Trustees present as may be chosen by the meeting;

(e) that all questions shall be decided by a majority of votes of the Trustees present, the president having a second or casting vote in all cases of equality of votes;

(f) that if a poll be demanded, the names of the Trustees voting and the nature of their votes shall be recorded by the president;

(g) that minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president of such meeting, and shall be open to inspection by any Trustee during office hours;

(3) The Board may delegate any of their powers to committees consisting of such Trustees as they

think fit; any committee so formed shall conform to any instructions that may from time to time be given to them by the Board, and the Board may at any time discontinue or alter the constitution of any committee so formed;

(4) A committee may elect a chairman of their meetings, and if no such chairman is elected, or, if he is not present at the

time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting;

(5) Committees may meet and adjourn as they think proper, but the Chairman of the Board may, whenever he thinks fit and shall, upon the written request of not less than two members of a committee, call a special meeting of such committee;

(6) Questions at any meeting of a committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the committee are present from the beginning to the end thereof;

(7) No act of the Board, or of any committee, or of any person acting as Trustee, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee or Trustee, or on the ground that they, or any of them, were disqualified for the office of Trustee.

17. The Chairman may, on behalf of the Board, 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 in force, would bind him if such contract or agreement were on his own behalf; but every other contract and agreement, on behalf of the Board, shall be in writing, and shall be signed by the Chairman, and by two other Trustees, and shall be sealed with the common seal of the Board. No contract or agreement not executed as is in this section provided shall be binding on the Board.

18. The Board may compound or compromise for, or in respect of, any claim or demand arising out of any contract entered into by them under 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.

The Chairman.

19. The Chairman shall:

(1) attend every meeting of the Board unless prevented by sickness or other reasonable cause;

(2) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; and, subject to the regulations at the time being in force framed by the Board under section 22, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges, and allowances;

(3) furnish to the Government a copy of the minutes of any of the Board's proceedings, and any returns or other information which Government may from time to time call for.

20. Government may from time to time grant to the Chairman such leave of absence as they may deem fit, and any person whom Government appoint to act for the Chairman during any such absence on leave shall, while so acting, be deemed for all the purposes of this Act to be the Chairman.

The allowance, if any, which Government direct to be paid to the Chairman during his absence on leave, and the salary which Government direct to be paid to the person appointed to act for him, shall be a charge on the General Account of the Board.

III.—OF THE OFFICERS AND SERVANTS OF THE BOARD.

Strength of Staff.

21. The Board shall from time to time prepare and sanction a schedule of the staff of officers and servants whom they shall deem it necessary and

proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees, and allowances which the Board sanctions for each such officer or servant.

Until a schedule is prepared and sanctioned under this section, the schedule in force under section 23 of the Bombay Port Trust Act, 1873, on the day previous to the date notified by the Governor in Council under section 8, shall be deemed to be the schedule prepared and sanctioned by the Board under the foregoing provisions :

Provided always that artisans, porters and labourers, and muccadums of porters and labourers shall not be deemed to be officers or servants within the meaning of this section or of section 22 or 23 of this Act.

22. The Board shall from time to time frame regulations :

(1) for regulating the grant of leave to the officers and servants of the Board ;

(2) for authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave ;

(3) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave ;

(4) for regulating the period of service of all such officers and servants ;

(5) for determining the conditions under which such officers and servants or any of them shall be entitled, on retirement, to pensions, gratuities, or compassionate allowances, and the amount of such pensions, gratuities, or compassionate allowances ;

(6) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any Provident Fund, which may, with their approval, be

established by the officers and servants appointed under this Act :

Provided that officers and servants who were appointed by Government previous to the passing of the Bombay Port Trust Act, 1873, and whose salaries were paid from the fund known as "The Bombay Port Fund," and who have continued in the service of the Trustees appointed under the Bombay Port Trust Act, 1873, and of the Trust constituted by this Act, shall be entitled to retiring pensions, gratuities, or compassionate allowances at the same rates and subject to the same conditions as may from time to time be applicable to the servants of Government of similar standing and status, and that in the event of any question arising as to the right of any such officer or servant to a retiring pension, gratuity, or compassionate allowance, or as to the amount of retiring pension, gratuity, or compassionate allowance to which he is entitled, it shall be determined by Government.

Powers of Appointment, &c.

23. Subject to the provisions of the said regulations and Appointments, &c., of the schedule for by whom to be made. the time being in force framed by the Board under section 22, the power of appointing, promoting, suspending, dismissing, fining, reducing or granting leave to the officers and servants of the Board shall be exercised by the Chairman in the case of officers and servants whose monthly salary does not exceed three hundred rupees, and in every other case by the Board.

The power of dispensing with the services of any officer or servant of the Board, otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone.

24. Every order or regulation made by the Board under any of the three last preceding sections shall, so far as the same relates to the Secretary, Engineer, Traffic Manager, or Chief Accountant of the Board, be subject to the previous sanction of Government.

In this section the word "Engineer" means the engineer of highest grade on the Board's ordinary staff, and also any

superior officer who may from time to time be employed in the capacity of Consulting Engineer to the Board.

Continuance of Present Officers and Servants.

25. All officers and servants holding any office on the day previous to the date notified by the Governor in Council under section 8 under the Trustees appointed under the Bombay Port Trust Act, 1873, shall be deemed to have been appointed under this Act, and shall continue to hold the same office and to receive the same remuneration under the Board until an order to the contrary is passed by competent authority under this Act.

Officers and servants of the late Trustees to be continued under the Board.

IV.—OF THE PROPERTY AND LIABILITIES OF THE BOARD.

General Powers as to Property.

26. The Board shall, for the purposes of this Act, have power to acquire and hold moveable and immoveable property, whether within or without the limits of the Port or City of Bombay; and shall also have power to lease, sell or otherwise convey any moveable or immoveable property which may have become vested in or been acquired by them:

Provided that no sale of immoveable property and no lease of any such property for a term exceeding fifty years shall be valid unless such sale or lease shall have been made with the previous sanction of Government.

27. When the Board are unable to acquire, by agreement, any immoveable property required for the purposes of this Act, Government may, in their discretion, order proceedings to be taken for acquiring the same on behalf of the Board as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1870.

The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall be forthwith defrayed by the Board, and thereupon the said property shall vest in the Board.

Transfer of Property to Board.

28. All such immoveable and other property as is held by or in trust for the Trustees of the Port of Bombay under or

Transfer to the Board of the property of present Port Trust.

in pursuance or for the purposes of the Bombay Port Trust Act, 1873, shall, upon and after the date notified by the Governor in Council under section 8, vest in the Board, but subject to all charges and liabilities affecting the same.

The property vested by this section in the Board shall be deemed to include the estate, right, title, and interest of the Secretary of State for India in Council in the rock, stones, shingle, gravel, sand or soil within the Port, and also the right of levying rates on all goods landed at or shipped from any part of the foreshore between Malabár Point and Colába Point.

29. Whereas the Secretary of State for India in Council has initiated measures for the acquisition from the holders thereof, of the properties severally named and generally described in Schedule A, but the arrangements for the said acquisition are not yet complete; and whereas it is expedient that all such estate and interest as may be acquired by the Secretary of State for India in Council in the said properties should vest in the Board; it is hereby enacted that upon and after such date as shall be fixed in this behalf by the Governor in Council, all the estate, right, title, and interest of the Secretary of State for India in Council in the said properties shall, subject to the provisions hereinafter contained, become vested in the Board, subject to all covenants, charges, contracts, and liabilities affecting the same.

Vesting in the Board the right, title and interest to be acquired by the Secretary of State in certain other properties.

30. And whereas it is purposed that the Board to issue securities in payment of price of properties vested in them under Sec. 29. purchase money of the said properties shall be paid in Port Trust securities bearing interest at the rate of four per centum per annum; it is hereby enacted that the Board shall within two months from the date aforesaid execute and deliver to the holders of the said properties securities in the form of Schedule B, under their common seal, for the sums for which their said properties shall be respectively purchased by the Secretary of State for India in Council: Provided that the said sums shall not exceed, in the aggregate, eighty lacs of rupees, and that so long as the said amount is not exceeded it shall be competent to the Secretary of State for India in Council to acquire such estate, right, title and interest in the said properties as he shall deem fit, anything contained in Schedule A notwithstanding.

Every such security shall be for an amount of not less

Such securities to be for not less than Rs. 100 each, than one hundred rupees, and shall covenant for the pay-

ment of interest on the principal sum at the rate of four per centum per annum from the date fixed by the Governor in Council under section 29, and such interest shall be payable half-yearly on or after the 1st April and the 1st October.

and to be transfer-
able. The said securities shall be transferable by endorsement.

31. The proceeds of the sale of any portion of the property vested in or acquired by the Board under or by virtue of this Act, and all sums paid to the Board by way of compensation under the next following section, shall be applied as follows and not otherwise (namely):—

(a) in liquidation of the principal sum of any debt contracted under section 39, if the same or any portion of the same is at the time payable; or

(b) in liquidation of the principal of any debt at the time due to the Secretary of State for India in Council; or

(c) in liquidation of the securities, or of any of them, issued under section 30.

32. Nothing in this Act shall be deemed to affect the power of Government to order proceedings to be taken under the Land Acquisition Act of 1870, or any other law for the time being in force for the acquisition of land for public purposes in respect of any lands vesting in the Board.

Liabilities.

33. The capital debts due by the Board on account of the immovable and other property vested in it by this Act are as follows (namely):—

(a) to the Secretary of State for India in Council, the amounts mentioned in Schedule C; and the amounts which have been advanced by or on behalf of the Secretary of State for India in Council to the Trustees appointed under the Bombay Port Trust Act, 1873, or applied by or on behalf of the said Secretary of State in Council, with the consent of the said Trustees, for the improvement of the Port of Bombay or otherwise

under sections 46 and 50, clause (2) of the said Act,

(b) to the holders of the securities to be issued by the Board under section 30, the amounts of such securities.

34. On the amounts mentioned in column Interest in what three of Schedule C cases to be paid by the Board. no interest shall be payable.

On the amounts mentioned in column two of the said schedule interest shall be payable by the Board to the Secretary of State for India in Council annually on the 1st April at the rate of four per centum per annum until, and inclusive of, the twenty-fifth day of June 1883, and thereafter at the rate of four and one-half per centum per annum.

On the amounts due to the Secretary of State for India in Council under clause (a) of the last preceding section which are not mentioned in the said schedule, interest shall be payable by the Board to the said Secretary of State in Council annually on the 1st April at the rate of four and one-half per centum per annum.

On the amounts, if any, which may hereafter be advanced to the Board by the Governor in Council under section 39 of this Act interest shall be payable by the Board to the Secretary of State in Council on such dates and at such rates as shall be agreed upon between Government and the Board in respect of such advances.

On the amounts of the securities issued by the Board under section 30 interest at the covenanted rate of four per centum per annum shall be payable by the Board half-yearly on the 31st March and the 30th September to the Accountant General of Bombay or other officer for the time being performing the duties of the office of the said Accountant General, who shall pay the same on or after the 1st April and 1st October respectively to the holders of the said securities.

If any sum due by the Board under this section on account of interest, or any portion thereof, is not paid by them on the date on which the same is hereby declared to be payable, they shall continue liable for the payment thereof, and interest shall be paid by them to the Secretary of State for India in Council upon the balance from time to time overdue at the rate of four and one-half per centum per annum, until the whole amount is paid.

35. In the event of default being made

Interest to be paid by the Board in any out of Provincial Revenues if default is made by the Board. payment of interest due by it under paragraph two, three or four of the last preceding section, the same shall be paid by the Accountant General of Bombay or other officer aforesaid, who shall debit the amount so paid to the Provincial Revenues of the Presidency of Bombay; and in the event of default being made by the Board in any payment due by it under paragraph five of the said section, the Accountant General or other officer aforesaid shall nevertheless pay to the security-holders the interest due upon their securities, and shall debit the amounts so paid to the Provincial Revenues of the Presidency of Bombay.

36. The Board shall pay annually on the 30th day of Sep-

Lump payment to be made to the Municipality in lieu of consolidated rate. tember to the Municipal Corporation of the City of Bombay a lump sum which shall becalculated at the following rates, namely :

(a) for the period commencing on the 1st day of October last preceding the date on which this Act comes into force and ending on the day next previous to the date fixed by the Governor in Council under section 29 at the rate of fifty thousand rupees per annum ;

(b) for the period commencing on the date fixed as aforesaid and ending on the 25th day of June 1883 at the rate of sixty-thousand rupees per annum ; and

(c) thereafter at such rate as the Governor in Council shall from time to time determine.

The said payment shall be in lieu of the consolidated rate leviable by the said Corporation, to which the property hereby vested in the Board or some portion of the same would otherwise be liable to be assessed.

37. In consideration of the said pay-

Roads and thoroughfares constructed by the Board to be maintained by the Municipality in consideration of such payment. ment the Municipal Commissioner shall, on being satisfied that any road or thoroughfare has been duly

levelled, paved, metal- led, flagged, channelled, and sewered by the Board, declare such road or thoroughfare to be a public road or thoroughfare, and the Municipality shall thenceforward maintain, keep in repair, light and cleanse such road or thoroughfare. The Municipality shall also, on requisition by the Board, maintain,

keep in repair, light and cleanse the road of any wharf, dock or pier vested in the Board.

The Municipality shall maintain, keep in repair, light and cleanse the said roads and thoroughfares in the same manner and with the same liabilities

Such roads and thoroughfares not to be stopped up without the consent of the Board. in respect thereof as if the said roads and public thoroughfares were vested in the said Municipality; but it shall not be competent to the Municipal Commissioner or to the Municipality to discontinue or stop up any road or thoroughfare which at any time vested in, or which has been constructed by the Board, or the Trustees of the Port appointed under the Bombay Port Trust Act, 1873, and which has been declared to be a public road or thoroughfare under this section, or under section 9 of the said Act, without the previous consent in writing of the Board; and the land occupied by any road or thoroughfare so discontinued or stopped shall vest in the Board and not in the Municipality.

38. Any dispute which arises between the Board and the

Disputes under the last section to be settled by Government. Municipality in respect of any of the provisions of the last preceding section shall be determined by the Government, and their decision shall be final.

V.—OF THE BORROWING POWERS OF THE BOARD.

39. The Governor in Council, acting

Governor in Council may advance money to the Board, or on behalf of the Secretary of State for India in Council, may, with the previous consent of the Governor General of India in Council, from time to time advance money to the Board for the general purposes of this Act ; or

The Board may, with the previous consent of Government, from time to time raise money for the said purposes :

Provided always that no expenditure shall be charged by the Board to capital,

Proviso. except with the express sanction of Government.

40. Whenever the consent of Govern-

Manner of raising such loans to be determined by Government. ment has been obtained to the raising of money by the Board under the last preced-

ing section, Government shall, with the previous consent of the Governor General of India in Council, direct and appoint the manner in which such money shall be raised.

41. If such money shall be raised on debentures bearing interest, such interest shall be a charge on the rates prior to the charge for interest payable to the Secretary of State for India in Council, provided for by section 34.

Interest on debentures to be a charge on the rates prior to interest due to Secretary of State.

42. All debentures which may be so issued shall be in the form of Schedule D, and shall be transferable by endorsement; and the right to sue in respect of the monies secured by any 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.

Form of Debenture.

VI.—OF REVENUE AND EXPENDITURE.

Levy of Rates.

43. The Board shall frame a scale of tolls, dues, rents, rates, and charges, to be levied for each or any of the following matters (namely):

Scale of rates to be framed by the Board;

(a) for the landing, shipping, wharfage, cramage, storage, or demurrage of goods at,

(b) for permission for vessels or boats to approach, or be alongside, and

(c) for animals or vehicles carrying goods to or from, or entering upon or plying for hire at or on,

any wharf, dock, or pier in the possession of the Board, and so much of the Wári Bandar and of the Gun Carriage Reclamation as is in the possession of the Great Indian Peninsula and the Bombay Baroda and Central India Railway Companies respectively: Provided that no such toll, due, rent, rate or charge shall be leviable at so much of the said Wári Bandar and Gun Carriage Reclamation as is aforesaid in respect of any goods, vessel, animal or vehicle belonging to the said companies respectively.

The scale so framed shall be submitted to Government for sanction, and when so sanctioned and published in the *Bombay Government Gazette* shall have the force of law, and, subject to the like sanction and publication, may from time to time be amended or added to by the Board.

and to be submitted to Government for sanction.

Until a scale of rates is framed, sanctioned, and published under this section, the scale in force when this Act comes into operation under section 57 of the Bombay Port Trust Act, 1873, shall be deemed to have been duly framed, sanctioned and published under this section.

Scale framed under Section 57, Bombay Act I., 1873, to continue in force until altered.

The Board may, in special cases, with the previous sanction of Government, remit the whole or any portion of the rates leviable under this section.

Rates may be remitted in special cases.

44. The said rates shall not be leviable in respect of any vessel employed by Government solely for the transport of troops, nor in respect of the baggage or other effects of any troops landing or embarking at the port. In lieu thereof a toll shall be payable by Government to the Board on all troops and all the families of troops landing or embarking at Bombay at the rate of one rupee per head, and, if such troops and their families shall land or embark at any dock in the possession of the Board, at such additional rate as shall from time to time be determined by Government.

Toll on troops.

45. Subject to the provisions of any law for the time being in force, the Board may land, ship, or tranship goods between vessels in the harbour and the wharves, piers or docks in their possession, and may make such charges for so doing as they shall think fit.

Charges for landing, shipping, and transhipping goods.

46. The Board may procure and maintain such number of steam-vessels as they may deem fit to be employed in towing vessels into, out of, or in the harbour, and may make such charges for towage by the said steam-vessels as they shall think fit.

Charges for towage.

Division of Accounts.

47. In the accounts of the Board a Pilotage account shall be kept separate from the General account.

Pilotage Account to be kept separate from the General Account.

48. The rates and charges from time to time levied under sections 43 to 46, together with all rents of lands and buildings, and all fines and penalties levied under this Act, other than fines and

Items to be credited to the General Account.

penalties levied from pilots or other persons employed in the pilot service, and all miscellaneous items of revenue recovered by the Board, except pilotage-fees, shall be credited to the General Account.

49. The monies credited to the General

Account shall be held by the Board in trust, and except as is hereinafter provided shall

be applied by them in payment of the following charges (namely):—

(1) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other monies due to the Trustees and to the officers and servants appointed under this Act, and the contributions, if any, duly authorized to be made to any Provident Fund established by the said officers and servants;

(2) the cost of repairs and maintenance of the property vested in the Board, and all charges upon the same and all working expenses;

(3) the interest due on any money that may have been raised by the Board under section 39;

(4) the cost, or such portion of the cost, of any new work, plant, vessel or appliance which the Board may determine to charge to revenue;

(5) the interest payable by the Board under section 34:

Provided always that no charge which is debitable under section 50 to the Pilotage account shall be debited to the General account.

50. All fees for pilotage and all fines and penalties levied

under this Act from pilots or other persons employed in the

pilot services shall be credited to the Pilotage Account which shall be held by the Board

in trust, and be applied, in such proportions as they shall from time to time

direct, to the following purposes only (namely):—

(1) the purchase and maintenance in repair of such vessels, and the supply of such materials, stores, or other things as the Board deem it necessary to maintain or supply for the efficiency of the pilot service;

(2) the payment of the salaries and allowances of pilots and other officers and servants of the Board employed in the pilot service or in the supervision thereof;

(3) the payment of pensions or retiring gratuities or compassionate allowances to pilots and other officers and servants engaged in the pilot service, and of the contributions, if any, duly authorized to be made in their behalf to any Provident Fund.

Disposal of Balances.

51. The Board may invest any balance

remaining on the 31st March of each year to the credit of either

the General or Pilotage account after meeting all the charges properly debitable to such account, in public securities, and may from time to time sell the said securities and re-invest the proceeds in other public securities, or credit the same to the account to which the balance invested belonged for expenditure on any of the purposes to which the monies credited to such account may lawfully be applied.

But the money so invested by the Board,

whether in respect of the General account or of the Pilotage account, shall not exceed such amount annually, or in the aggregate, as shall from time to time be prescribed by Government,

and any surplus remaining after deducting the amounts which may be so invested shall be applied:

(a) if such surplus belongs to the General account, in liquidation, on or before the 1st any next following the 31st March on which such surplus accrued, of the principal of any loan raised by the Board under section 39, or of the capital of any debt at any time due by the Board to the Secretary of State for India in Council; or of the money due to the holders of the securities issued by the Board under section 30; and

(b) if such surplus belongs to the Pilotage account, in such manner as Government shall direct:

Provided always that the pilots and other

officers and servants of pilots, &c., on balance employed in the pilot service shall have no claim upon any balance to the credit of the

pilotage account or upon the profits or interest arising from any investment thereof; or of any portion thereof except to such extent as payments to them, or in their behalf, may from time to time be sanctioned by the Board under clauses (2) and (3) of section 50.

The interest and profits accruing and the loss, if any, arising from such investments as aforesaid shall be respectively credited and debited to the account to which the balance invested belongs.

Annual Estimates.

52. The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the 1st day of April then next ensuing in such detail and form as the Board shall from time to time direct.

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.

53. The Board shall consider the estimate so submitted to them, and shall sanction the same either unaltered, or subject to such alterations as they shall think fit.

54. The estimate, as sanctioned by the Board, shall be submitted to the Government, which may, if it thinks fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by Government, forthwith proceed to amend the same, and shall re-submit the estimate so amended to the Government.

55. The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the Board and submitted to the Government in the same manner as if it were an original annual estimate.

56. Save in cases of pressing emergency, no sum exceeding five thousand rupees shall be expended by, or on behalf of the Board, unless such sum is included in some estimate at the time in force which has been finally approved by Government.

If any sum exceeding five thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to the Government, together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

57. Any estimate prepared by the Trustees appointed under the Bombay Port Trust Act, 1873, to be accepted for purposes of this Act, and which but for the passing of this Act would have force and effect, shall be deemed to have been duly prepared, passed and approved under this Act.

Audit of Accounts.

58. The accounts of the receipts and expenditure of the Board shall, twice in every year, be laid before Government, and shall be audited and examined by such auditors as shall, from time to time, be appointed by Government.

For the purposes of such audit and examination 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.

The auditors shall be paid by the Board such remuneration as Government shall determine, the amount being debited to the General account; and within fourteen days after the audit and examination shall have

been completed, the auditors shall forward their report upon the accounts to the Board, who shall cause the same to be published, together with an abstract of the accounts, in the *Bombay Government Gazette*.

Fulfilment of Board's Liabilities.

59. It shall be incumbent on the Board to make ample provision year by year, either by retrenchment of expenditure or by increase of rates for the due fulfilment of all their liabilities, and for the efficient administration of this Act; and in the event of any deficiency being at any time anticipated in the income of the Board, they shall forthwith take such measures as shall seem most expedient for preventing such deficiency.

60. If it shall at any time appear to the Governor in Council that sufficient provision is not being made by the Board to meet their liabilities, or if default shall at any time be made by the Board in any payment of interest which they are required to make under section 34, the Governor in Council may require the Board, by an order in writing signed by a Secretary to Government, to increase, subject to his sanction and to the provisions of section 43, to such extent and for such period as shall appear necessary, the rates or any of the rates for the time being in force under the said section.

If within fifteen days after receipt of such order the Board do not comply with the same, the Governor in Council may, by notification in the *Bombay Government Gazette*, increase the said rates or any of them, and such notification shall have the same force as if a new scale of rates to the same effect had been duly framed, sanctioned and published under section 43.

And for the purpose of realizing any interest which has not been paid by the Board when due, in accordance with section 34, the Governor in Council may, by an order published in the *Bombay Government Gazette*, appoint some person to receive the rates, charges, and other income which the Board may be

entitled to receive, or any portion thereof, and to apply the same in discharge of the amount due and of all expenses authorized by Government in respect of the appointment of such person and of the recovery by him of the said rates, charges and income; and the person so appointed shall have for the recovery of the said rates, charges, or other income, all and singular the powers and authorities conferred by this Act on the Board for the said purpose.

VII.—OF THE POWERS AND FUNCTIONS OF THE BOARD.

Recovery of Rates.

61. For the amount of all rates leviable under this Act in respect of any goods, the Board shall have a lien on such goods, and shall be entitled to seize and detain the same until such rates are fully paid. Rates in respect of goods to be landed shall become payable immediately on the landing of such goods. Rates in respect of goods to be removed from the premises of the Board, or to be shipped for export, shall be payable before such goods are removed or shipped. The lien for such rates 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 hereinafter provided), for primage and for money payable to Her Majesty or to the Secretary of State for India in Council.

62. 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, dock or pier in the possession of the Board, shall give to the Board 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 Board, or, with the consent of the Chief Customs Authority of the Presidency, in the public warehouses, at the risk and expense of the owners of the said goods until the lien is discharged as hereinafter mentioned.

63. Upon production to the proper officer of the Board 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 Board 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.

64. If the rates payable to the Board in respect of any goods 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 Board 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 aforesaid, to render their 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 on the manifest of the cargo or in any of the documents which have come into the hands of the Board, 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.

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

Application of proceeds of sale.

1stly.—In payment, according to their respective priorities, of the liens and claims excepted in section 61 from the priority of the lien of the Board for rates;

2ndly.—In payment of the expenses of the sale;

3rdly.—In payment of the rates and expenses due to the Board in respect thereof.

The surplus, if any, shall be paid to the owner of the goods or his agent 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 Board; and in case such application shall not be so made, nor reason shown, such surplus shall be applied by the Board to the purposes of this Act.

66. If the master of any vessel in respect of which any rates, charges, or penalties shall be payable under this Act, or any bye-laws made in pursuance hereof, shall refuse or neglect to pay the same, or any part thereof, on demand, it shall be lawful for the Board 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 shall be paid; and, in case any part of the said rates or penalties or of the costs of the distress or arrest, or of the keeping of the same, shall remain unpaid for the space of fifteen days next after any such distress or arrest shall have been so made, the Board 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 of such vessel on demand.

67. If the Board shall give to the officer of Government, whose duty it is to grant the port clearance of any vessel, a notice stating that an amount therein specified is due in respect of rates, charges, or penalties chargeable under this Act, or any bye-laws, or orders made in pursuance hereof, against such vessel, or the owner or master of such vessel, in respect thereof, such officer shall not grant such port clearance until the amount so chargeable shall have been paid.

Power to distrain vessels for the non-payment of rates, &c.

Works.

68. The works to be undertaken by the Board under this Act may include—

(1) wharves, docks, and piers within the Port or on the foreshore of the Port with all necessary and convenient arches, drains, fences, roads, railways, and approaches;

(2) tramways, warehouses, sheds, engines, and other appliances for conveying, receiving, and storing goods landed, or to be shipped, or otherwise;

(3) light-houses, light-ships, beacons, pilot-boats, and other appliances necessary for the safe navigation of the Port and of the approaches thereto within a distance of three miles from the limits of the Port;

(4) laying down moorings, and the erection of cranes, scales, and all means and appliances necessary for berthing, loading and unloading vessels;

(5) reclaiming, excavating, enclosing, and raising any part of the foreshore of the Port vested in the Board, when such reclamation, excavation, enclosure, or raising may be necessary for any of the purposes of this Act;

(6) the construction and application of dredges and other machines for cleaning, deepening, and improving any portion of the Port or foreshore aforesaid;

(7) the construction of such works, without the limits of the Port, as shall be necessary for the protection of works executed by the Board within the Port, and all such other works and appliances as may, in the opinion of the Board, be necessary for carrying out the purposes of this Act:

Provided always that no new work, the

But no new work to be commenced without a plan and estimate, if its cost will exceed Rs. 2,000;

estimated cost of which exceeds two thousand rupees, shall be commenced by the Board, nor shall any contract be entered into by the Board in respect of any such new work, until a plan and estimate of such work shall have been submitted to the Board and considered and approved by them, nor shall any new work, the estimated cost of which exceeds two

lacs of rupees, be commenced until such plan and estimate shall have been submitted to, and approved by Government.

Regulation of use of Wharves, &c.

69. Nothing in this Act shall be deemed to affect:

(a) the right of Government to collect customs duties, or of the Municipal Corporation of the City of Bombay to collect town duties, at any wharf, pier, or dock in the possession of the Board, or

(b) any power or authority vested in the Customs Authorities of the Presidency under any law for the time being in force for the administration of Sea Customs.

70. Whenever any wharf, pier, or dock, in the possession of the Board shall be appointed, under the provisions of any Act for the time being in force, for the administration of Sea Customs, a wharf or place for the landing and shipping of goods within the meaning of such Act,

and whenever any warehouse, or portion of a warehouse, in the possession of the Board shall be appointed or licensed under the provisions of any such Act as a warehouse for the deposit of dutiable goods on the first importation thereof without payment of duty,

the Board shall set apart, and maintain, such place on or adjoining such wharf, dock, or pier, or in such warehouse, or portion of a warehouse, for the use of the Officers of Customs as Government shall in that behalf approve or appoint;

but all rates payable in respect of any wharf, pier, or warehouse, or portion thereof so set apart, or for the storage of goods thereupon or therein, shall be paid to the Board or to such person or persons as they may appoint to receive the same, notwithstanding that the same has been so set apart;

and if any portion of the Customs Bonded

Warehouse shall, with the consent of Government, be appointed a public warehouse for the deposit of dutiable goods as aforesaid, the Board

shall set apart and maintain such portion thereof in good order for the said purpose; but the Chief Customs Authority shall pay

to the Board from time to time, as may be determined by Government, all surplus income derived from the use of such portion of the said Customs Bonded Warehouse as a public warehouse as aforesaid after payment of all charges and expenses of management.

71. The Board shall provide such number of public landing-places as shall, in the opinion of Government, be sufficient, from and upon which the public shall be permitted to embark and to land free of charge.

Board to provide free landing-places.

places as shall, in the opinion of Government,

Control of Pilots.

72. The Board shall have the exclusive right and privilege of maintaining pilots for the navigation of vessels at the Port, and all fees for pilotage shall be paid to the Board: Provided that no person shall be appointed to be a pilot by the Board who is not for the time being authorized by Government, under the provisions of the Indian Ports Act, 1875, to pilot vessels.

The Board may also, from time to time, make such bye-laws and regulations as they shall think fit:

(a) for fixing and regulating the wages and allowances for pilotage to be received by pilots, and

(b) for regulating the behaviour and conduct of pilots;

and shall enforce the observance of such bye-laws and regulations, by the imposition of pecuniary penalties not exceeding two hundred rupees for each offence, or by suspension, or deprivation of appointment, or otherwise as to them may appear expedient: Provided that such bye-laws shall first have been approved by Government, and published in the manner directed by section 74.

Bye-Laws.

73. The Board may, from time to time, make bye-laws:

Trustees empowered to make bye-laws.

(a) for the guidance of persons employed by them under this Act;

(b) for the safe and convenient use of the wharves, docks, piers, war houses, tramways, and other works constructed or acquired by them under this Act;

(c) for the use of the public landing-places constructed by or belonging to them;

(d) for the reception and removal of goods brought within the premises of the Board;

(e) for keeping clean the harbour and basins and the works of the Board, and for preventing filth or rubbish being thrown therein or thereon;

(f) for settling the mode of the payment of the rates and charges leviable under this Act;

(g) for regulating, declaring, and defining the wharves, docks, and piers vested in the Board on which goods shall be landed from, and shipped on board vessels; and

(h) generally for carrying out the purposes of this Act.

The Board may also, from time to time, vary, alter, or revoke any such bye-laws so made by them.

74. No bye-law, or alteration or revocation of a bye-law, shall have effect until the same shall have been approved by Government, and such approval shall have been published in the *Bombay Government Gazette*; and no bye-law or alteration or revocation of a bye-law shall be approved by Government until the same shall have been published for three weeks successively in the said Gazette.

It shall be lawful for Government at any time by notification in the said Gazette to cancel any bye-law or regulation made and published under the provisions of this and of the last two preceding sections.

75. The Board may, in the bye-laws made under section 73, prescribe such penalties as they shall deem fit for the infringement of the same: Provided that no penalty for any one infringement of a bye-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 Board to the person guilty of such infringement.

76. The Board shall cause the said bye-laws and the scales of rates and charges to be exhibited.

Bye-laws and scales of rates and charges to be exhibited.

laws and the scales of rates and charges leviable by the Board,

to be printed in the English, Maráthi and Guzeráthi languages, and to be hung up at the several wharves, docks, and piers, and other convenient places on the premises of the Board.

77. Until bye-laws are framed by the Board under section 73, the bye-laws framed by the Trustees appointed under the Bombay Port Trust Act, 1873, under section 85 of that Act, and in force when this Act comes into operation, shall be deemed to have been framed under the said section 73 of this Act.

Bye-laws framed under Bombay Act I, 1873, to continue in force temporarily under this Act.

VIII.—PENALTIES.

78. Any person who being a Trustee, or an officer or servant of the Board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the Board, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code:

Provided that nothing in this section shall apply to a person—

(a) having a share in any Joint Stock Company which shall contract with, or be employed by, or on behalf of the Board, or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted, or,

(c) interested in any loan of money to the Board.

79. Any person employed under this Act, not being a public servant within the meaning of section 21 of the Indian Penal Code, who 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, favour or disfavour to any person; or for rendering, or attempting to render, any service or disservice to any person with the Board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided

by the Indian Penal Code in the case of the like offence committed by a public servant.

80. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under section 58, shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

81. Any person, other than the Board or the Conservator of the Port, who shall, without first obtaining the written consent of Government to his so doing, make, set up, or fix, below high-water mark within the Port, any wharf, quay, pier, mooring, or other erection whatsoever, shall be punished with 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 he shall permit such wharf, quay, pier, mooring, or other erection, to remain after notice to remove the same has been given to him.

Any such wharf, quay, pier, mooring, or other erection, may be removed by the Board, and the person who made, set up, or fixed the same, shall also be liable to pay all expenses which may be incurred by the Board in the removal thereof.

82. If it be found when goods are imported at, or exported from, any wharf, dock or pier in the possession of the Board, that the weight or quantity of such goods, or the tonnage of any vessel carrying such goods, has been understated in any document presented to any officer of the Board for the purpose of enabling him to determine the rates or charges payable in respect of the said goods or vessel, the consignee, in the case of goods imported, and the consignor, in the case of goods exported, shall be liable to pay to the Board such sum not exceeding twice the proper rates or charges on the weight or quantity of goods or amount of tonnage so understated as may be determined by the Board, and the said sum shall on the application of the Board be recoverable under a Presidency Magistrate's warrant as if it were a fine inflicted by such Magistrate.

83. Any person who removes, or attempts to remove, or abets within the meaning of the Indian Penal Code the removal of any goods, vessel, animal, or vehicle with the intention of evading payment of the rates or charges lawfully due in respect thereof to the Board shall be punished with fine which may extend to fifty rupees.

84. If, through the negligence of any person having the guidance or command of any vessel, or of any of the mariners or persons employed on such vessel, damage shall be caused to any wharf, dock, pier, or other work in the possession of the Board, the amount of such damage shall, on the application of the Board, be recoverable, together with the cost of such recovery, by distress and sale, under a Presidency Magistrate's warrant, of a sufficient portion of the boats, masts, spars, ropes, cables, anchors, or stores belonging to such vessel: Provided that no such warrant shall issue until the master of such vessel has been duly summoned to appear, or, if he appears, until he has been heard, and provided also that no such warrant shall issue if the vessel was at the time under the orders of a duly authorized officer in the pilot service of the Port or of the Master Attendant's Department.

85. Except as is otherwise provided in section 82, all offences against this Act or against any bye-law made under section 73 shall be cognizable by a Presidency Magistrate.

All fines and damages recovered from any offender, or by any distress under section 84, shall be paid to the Board.

IX.—MISCELLANEOUS.

86. Whenever any day by this Act appointed for any purpose shall happen to be a Sunday or a public holiday, the business appointed to be done on such day shall be done on the day next after such Sunday or public holiday.

87. No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding.

The Board shall not be responsible for any mis-feasance, mal-feasance, or non-feasance of any officer or servant appointed under this Act;

nor, if they should be appointed by Government, under the Indian Ports Act, 1875, Conservators of the Port, for any mis-feasance, mal-feasance or non-feasance of any Deputy Conservator, Master Attendant or Harbour-Master, or of any assistant or deputy of any such officer, or of any person acting under the authority or direction of or in subordination to any such officer, assistant or deputy;

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to the Board, which may be used by such vessel;

nor shall the Board, or any of the said officers or servants, be liable in damages for any act *bonâ fide* done, or ordered to be done by them in pursuance of this Act.

SCHEDULE A.

Properties referred to in Section 29.

No.	Names of Holders.	General Description of Properties.
1	The Sassoon Dock Company.	All the property at Colába, belonging to the Sassoon Dock Company, known as the Sassoon Dock, together with the land on the west of the Colába road appertaining thereto, and all rights, privileges, and powers enjoyed or claimed by the Sassoon Dock Company in connection therewith.

SCHEDULE A—continued.

No.	Names of Holders.	General Description of Properties.
2	The New Colába Company.	A strip of land, varying from 25 to 50 feet or thereabouts in width, running along the whole foreshore of the estate of the New Colába Company, situated at Colába, commencing from the Colába road at the point where the properties of the New Colába Company and the Sassoon Dock Company adjoin, and thence continuing alongside the Bandar wall of the Victoria Basin and the Harbour Face up to the junction of the New Colába Company's property with the Gun Carriage Reclamation; again commencing at the junction of the New Colába Company's property and the property of the Apollo Press Company and running along the Harbour Face and alongside the Arthur Basin up to the Colába road; together with the whole of the Arthur Bandar and the ground adjacent thereto, situate within Customs limits, together with all rights and privileges enjoyed or claimed by the New Colába Company in respect of the strip of land, Bandar, and ground aforesaid, and of the Victoria and Arthur Basins.
3	The Apollo Press Company.	All the land at Colába the property of the Apollo Press Company, and known as the Jansetjee Bandar and Reclamation, including all rights and privileges enjoyed or claimed by the Apollo Press Company in respect of the said land and of the Gun Carriage Basin, together with all rights and privileges enjoyed or claimed by the Apollo Press Company at or in respect of any of the Bandars belonging to the New Colába Company.
4	The Mázgaon Land Company.	All the land at Mázgaon, known as the Powder Works Bandar, the property of the Mázgaon Land Company, lying between the Harbour and the western side of the road running from the Harbour Defences Office to Tank Bandar, together with all rights and privileges enjoyed or claimed by the Mázgaon Land Company in respect of the said land.
5	The Frere Land Company.	All the land north of Tank Bandar the property of the Frere Land Company, bounded towards the west by the Ghorupdavi road and towards the north and west by the Jackaria Bandar road, together with all rights and privileges enjoyed or claimed by the Frere Land Company in respect of the said land.
6	Hajee Ismael Hajee Hubeeb.	All the land and fish-ponds bounded by the Harbour on the east and by the Jackaria Bandar road and the Siwri road on the west and north, by the property of the Frere Land Company on the south, and by the property of the Trustees of the Port on the north, known as Siwri Bandar, together with all rights and privileges enjoyed or claimed in respect of the said land by the respective holders thereof.
7	Hajee Jackaria Noor Mahomed.	
8	Manockjee Adurjee ...	
9	Aitwar Lukdee ...	
10	Muncherjee Framjee Cama.	
11	Dadabhoy Hormusjee.	
12	Hajee Essa Hajee Fuzla	
13	Dorabjee Nusserwanjee	
14	Byramjee Cowasjee ...	
15	Esmail Mahomed Songaji.	

SCHEDULE B. (SEE SECTION 30.)

Form of Security.

THE TRUSTEES OF THE PORT OF BOMBAY.

No.

Under the provisions of the Bombay Port Trust Act, 1879, we, the Trustees of the Port of Bombay, do hereby for ourselves and our successors promise and agree to pay to _____, or order, the sum of Rupees _____ value received; such payment to be made on demand at the office of the Accountant General, Bombay, after the expiration of three months' notice of payment to be given by the Chairman of the said Trustees in the *Bombay Government Gazette*. We further promise and agree for ourselves and our successors to pay to the said _____, or order, interest on the said sum of Rupees _____ from the _____ day of _____ until the expiration of three months after such notice of payment as aforesaid; such interest to be at the rate of four per centum per annum and to be payable on demand at the office aforesaid half-yearly on the 1st day of April and the 1st day of October in every year until the expiration of three months from the date of such notice of payment as aforesaid, when the amount of interest then due hereunder will be payable with the principal on demand at the office aforesaid and (such notice being considered as equivalent to a tender of payment at the period appointed for the discharge hereof) all further interest shall cease.

Given under our common Seal this _____ day of _____ 187 .

(Signature of the Chairman and two Trustees.)

Seal _____ of the Corporation.

SCHEDULE C. (SEE SECTION 39.)

Statement of Capital Debts of the Board due to the Secretary of State for India in Council.

On account of what Property, &c.	Bearing Interest.			Not bearing Interest.			Total.		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
Elphinstone Estate, purchase price ...	1,85,91,596	12	8	.....	.....	.....	.....	.....	.....
Elphinstone Estate, expended in 11 months to 31st March 1871.	7,47,370	2	10	.....	.....	.....	.....	.....	.....
Elphinstone Estate, expended in 12 months to 31st March 1872.	2,75,090	8	6	.....	.....	.....	.....	.....	.....
Elphinstone Estate, Troop Siding, Carnac Bunder.	39,790	3	2	.....	.....	.....	1,96,53,847	11	2
Moody Bay Reclamation (portion east of Frere Road), expended in year to 31st March 1871.	3,57,596	8	8	.....	.....	.....	.....	.....	.....
Moody Bay Reclamation (portion east of Frere Road), expended in year to 31st March 1872.	2,01,345	6	4	.....	.....	.....	5,58,941	15	0
Apollo Bay Reclamation, expended in year to 31st March 1872.	9,752	11	11	.....	.....	.....	9,752	11	11
Wellington Reclamation, expended in year to 31st March 1872.	934	12	8	.....	.....	.....	934	12	8
Apollo Pier, expended prior to 31st March 1870.	.....	.....	.....	2,23,038	12	2	.....	.....	.....
Apollo Pier, expended in year to 31st March 1871.	1,38,173	7	8	.....	.....	.....	.....	.....	.....
Apollo Pier, expended in year to 31st March 1872.	61,825	9	2	.....	.....	.....	.....	.....	.....
							4,23,037	13	0

SCHEDULE C—continued.

On account of what Property &c.	Bearing Interest.		Not bearing Interest.		Total.	
	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.
Tank Bandar, expended in year to 31st March 1871.	182	0 0	.....		182	0 0
Customs } Apollo Bonded Ware- Bonded } house.	.....		5,50,000	0 0		
Warehouse } Custom-house Godown...	.....		25,165	0 0	5,75,165	0 0
Kussara Bandar	.....		5,285	0 0	5,285	0 0
Saw Mill Property, Tank Bandar	.....		41,189	14 4	41,189	14 4
Expended on the above properties between 31st March 1872 and the passing of Bombay Act I. of 1873.	1,45,053	5 4	.....		1,45,053	5 4
Balance of Interest unpaid at 31st March 1871.	2,75,273	4 7	}		6,02,042	10 0
Balance of Interest unpaid at 31st March 1872.	1,50,233	3 2				
Balance of Interest unpaid for the period from 1st April 1872 until the date on which Bombay Act I. of 1873 come into operation.	1,76,536	2 3				
Total...Rs.	2,11,70,754	2 11	8,44,678	10 6	2,20,15,432	13 5

SCHEDULE D. (SEE SECTION 42.)

Form of Debenture.

THE TRUSTEES OF THE PORT OF BOMBAY.

The

18 .

No.

By virtue of the Act No. _____ of 1879 of the Council of [the Governor of Bombay for making Laws and Regulations, entitled "The Bombay Port Trust Act, 1879," we, the Trustees 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 _____.

Given under our Corporate Seal this _____ day of _____ 1879

(Signatures of the Chairman and two Trustees.)

Seal of the Corporation.

By order of His Excellency the Honourable the Governor in Council,

JOHN NUGENT,

Under Secretary to Government.

Bombay Castle, 19th March 1879.