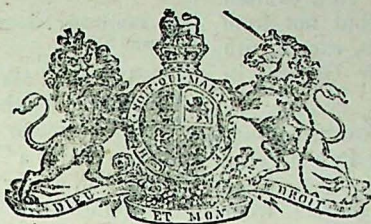


THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 17TH DECEMBER 1868.

Separate paging is given to this Part in order that it may be filed as a separate compilation. The paging of this Part commenced with the Number for January 1867.

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of the Right Honourable the Governor of Bombay on the 13th October 1868, and the assent of His Excellency the Governor General of India on the 19th November 1868, and is published for general information:—

BOMBAY.

Act No. II. of 1868.

An Act to amend the Law relating to Public Ferries in the Presidency of Bombay.

WHEREAS it is expedient to amend the Law relating to Public Ferries in the Presidency of Bombay, it is enacted as follows:—

Act repealed.

I. Act XXXV. of 1850 is repealed.

II. It shall be lawful for Government to

Government may constitute Public Ferries, may establish new and discontinue existing Ferries.

declare by notification what Ferries within the Presidency of Bombay shall be deemed Public Ferries, and

also, by notification from time to time, to

ACTS—77

establish any new public Ferry or discontinue any existing Public Ferry.

III. Tolls, according to such rates as shall from time to time be approved by Government, shall be levied upon all passengers, carts, carriages, cattle, and other animals, and on all goods and merchandise carried over any Public Ferry. Provided always that no Tolls shall be levied from—

- (a) Any soldier in uniform on duty.
- (b) Any Police Officer in uniform on duty.
- (c) Any person in the custody of the Police.

IV. It shall be lawful for Government to provide for the appointment of Toll-keepers, Ferry-men, Appointment and salaries of Toll-keepers, &c.

and other servants for the management and conduct of any Public Ferry; and the salaries of such persons shall be defrayed from funds raised under this Act, or from other sources of local revenue, but not from the general or imperial revenues, except with the sanction of the Governor General in Council.

V. It shall be lawful for Government to lease any Public Ferry by public auction or private contract, from year to year, or for any longer period not exceeding seven years, on such conditions as Government deems advisable, in which case a contract, setting forth the conditions on which the Ferry is to be held, shall be executed by the Contractor or Farmer, and security shall be given by him for its due fulfilment, and any pecuniary forfeiture for breach of contract inserted in the deed of contract or conditions of sale by public auction, as the case may be, may be enforced in the same manner as a demand for the Land Revenue under the Law for the time being in force, so far as applicable.

VI. When a Public Ferry has been Acts of the servant of duly leased or farmed contractor- out, every servant of the Lessee, Contractor, or Farmer shall be deemed to be legally bound to do every thing necessary for or conducive to the safety of the public which he shall be required to do by any Regulation made by the Lessee, Contractor, or Farmer, and approved by Government, and of which Regulation such servant shall have had notice, and every such servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such Regulation he shall be prohibited from doing, and every person employed by or on behalf of such Lessee, Contractor, or Farmer to do any act upon the Ferries shall be deemed to be a servant of the Lessee, Contractor, or Farmer.

VII. It shall be the duty of every Toll-keeper, Toll Contractor, or Farmer, to hang up in some conspicuous place at his Ferry Station, a Table of Tolls, written or printed in English and in the language of the District.

VIII. Any Toll-keeper, or Toll Contractor, or Farmer, who shall neglect to hang up and keep in good order and repair a Table of Tolls, as aforesaid, or who shall wilfully remove, alter, or deface the same, or allow it to be-

come illegible, shall be liable on each conviction to a penalty not exceeding 10 Rupees.

IX. Any Toll-keeper or other person, appointed as in Section IV. who shall neglect to take the due Toll, or shall ask or take any Toll other than is allowed by the Table of Tolls, and any Toll Contractor or Farmer, or any person in the service of a Toll Contractor or Farmer, who shall ask or take any Toll in excess of that allowed by the Table of Tolls, shall be liable to a penalty not exceeding 50 Rupees.

X. Any Toll-keeper or other person appointed as in Section IV., or Toll Contractor or Farmer, or person in the service of a Toll Contractor or Farmer, who without good reason shall delay any passenger, cart, carriage, animal, or goods, shall be liable to a penalty not exceeding 50 Rupees.

XI. Any person who shall refuse to pay the lawful Toll, or who with intent of avoiding payment thereof shall pass through any Ferry Station without paying the Toll, or who shall obstruct in the execution of his duty any Toll-keeper or other person lawfully engaged in the management or conduct of a Public Ferry, and also any person who shall maliciously damage any Toll-bar, boat, or other thing belonging to a Public Ferry, or who shall maliciously remove, alter, destroy, or damage any Table of Tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding 50 Rupees, over and above the value of the damage done.

XII. The Senior Magistrate of Police in the City of Bombay, Collector to make Rules for regulation of Public Ferries. and the Collector of the District elsewhere, may, subject to such general directions as Government from time to time may issue, make rules to determine the number of passengers, carts, carriages, and animals, and the quantity of goods, that may be carried in any Public Ferry-boat at one trip, and for the safe, speedy, and convenient carriage and landing of passengers and property, and for keeping the Ferry-boats in good order, and otherwise for the due discharge of their duty by Toll Contractors or Farmers, Toll-keepers, Ferry-men, and other persons employed at a Public Ferry; and any Toll Contractor or Farmer, Toll-keeper, Ferryman, or other person infringing or disobeying any such rule shall be liable to make good any loss or damage caused thereby, which loss or damage may be summarily ascertained by any Magistrate within whose

jurisdiction the offence was committed, and the amount thereof may be recovered as any penalty under this Act may be recovered.

XIII. Any person who without the Penalty for conveying passengers or goods without a license at Bombay. special license of Government shall convey for hire any passenger, animal, cart, carriage, or goods from any part of the City of Bombay across the harbour of Bombay to the mainland, or any of the adjacent islands, or from the mainland, or any of the adjacent islands, to any part of the City of Bombay, shall be liable to a penalty not exceeding five hundred Rupees; but this penalty shall not apply to the conveyance by boat for hire of passengers, animals, carts, carriages, and goods from one part of the City of Bombay to any other part thereof, nor to any person specially hiring a boat for the conveyance of himself or his family or friends, or servants, or goods, nor to the person letting such boat for hire for the said purpose.

XIV. Any person who, except as in the Section last preceding, shall convey for hire any passenger, animal, cart, carriage, or goods across any creek or river within the Presidency of Bombay to any point on the opposite shore or bank, not being more than three miles on either side above or below any Public Ferry, without the license of the Collector of the District in which the Ferry is situated, shall be liable to a penalty not exceeding five hundred Rupees.

XV. In the City of Bombay offences against this Act shall be summarily heard and determined by any Magistrate of Police, and all fines imposed may in default of pay-

ment be levied under the warrant of such Magistrate by distress and sale of the goods of the offender. In places not within the limits

of the City of Bombay offences against this Act shall be inquired into and determined by any Magistrate exercising jurisdiction in the District in which the offence has been committed, and all fines imposed may be levied in the manner provided in Section 61 of the Criminal Procedure Code.

XVI. Clause I. In each District the proceeds from Tolls and Farms of Public Ferries, and from penalties levied under this Act, shall form the Ferry Fund of such District, and shall be appropriated in the first instance to the maintenance of the Public Ferries of the District, and the improvement of the roads leading to the said Ferries, the surplus, if any, being expended on Local Works in the District in such manner as Government may from time to time direct.

Clause II. The limits of each District for the purposes of this Section shall be such as Government may from time to time determine.

Clause III. When a Public Ferry is partly in one District and partly in another, it shall be lawful for Government to assign to each District such proportion of the proceeds as they shall deem fit.

XVII. Government may delegate, under such restrictions as may seem fit, any of the powers conferred on it by this Act, *ex officio*, to any Revenue or Police Commissioner, Collector, Magistrate, or other person.

XVIII. This Act may be cited as the "Bombay Ferries Act, 1868."

Short Title.

By order of the Right Honourable the Governor in Council,

W. WEDDERBURN,

Under-Secretary to Government.

Bombay, 14th December. 1868.

The form should be higher. Some of the authorities printed along with such other - of authority heard of need a reference made about of support to the

The following Statute is published for general information :—

31 & 32 VICTORIÆ, CAP. CXXIX.

An Act to amend the Law relating to the Registration of Ships in British Possessions.

(31st July 1868.)

Be it enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Governor or Officer lawfully administering the Government of any *British Possession* may, from Time to Time, with the Approval of one of Her Majesty's Principal Secretaries of State, make Regulations providing that on an Application for Registration under the Merchant Shipping Act, 1854, in that Possession, of any Ship not exceeding Sixty Tons Burden, the Registrar may grant, in lieu of a Certificate of Registry as required by that Act, a Certificate of Registry to be terminable at the End of Six Months from the granting thereof, or of any longer Period; and all Certificates of Registry granted under any such Regulations shall be in such Form, and shall have Effect, subject to such Conditions as the Regulations prescribe.

2. Notwithstanding anything in the Merchant Shipping Act, 1854, or in any other Act, any Ship to which a Certificate is granted under any such Regulations shall, while such Certificate is in force, and in relation to all Things done or omitted during that Period, be deemed a registered *British Ship*.

3. The Governor of any *British Possession* abroad may from Time to Time appoint fit and proper Persons to be Surveyors, who shall have and exercise within such Possession all the Powers with respect to the Inspection of Crew Spaces that are conferred upon the Board of Trade Surveyors in the United Kingdom by Section Nine of the Merchant Shipping Act, 1867.

4. This Act shall be read as One Act with the Merchant Shipping Act, 1854, and the Acts amending the same.

Short title.

5. This Act may be cited as "The Colonial Shipping Act, 1868."

WHITLEY STOKES,

*Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).*

The following Act of the Governor of Bombay in Council received the assent of the Right Honourable the Governor of Bombay on the 13th October 1868, and the assent of His Excellency the Governor General on the 6th November 1868, and is published for general information :—

BOMBAY.

Act No. I. of 1868.

An Act to repeal Section 3 of Act XXI. of 1852, and to remove doubts as to what powers and duties of a Collector may be legally exercised and performed by an Assistant or Deputy Collector.

WHEREAS doubts have arisen whether Deputy Collectors appointed under Act XXI. of 1852 can legally exercise any of the powers of a Collector of Land Revenue within their respective districts without a special order by Government prescribing in each case the duties and powers to be discharged and exercised by them; and whereas doubts have also arisen whether the Collectors of Land Revenue have authority to delegate to their Assistants appointed under Section V. of Regulation XVI. of 1827 all or any of the powers which may be for the time being vested in them by Law; and whereas it is expedient to remove all such doubts, it is enacted as follows :—

Preamble.

Repeal of Section 3 of Act XXI. of 1852. I. Section 3 of Act XXI. of 1852 is repealed.

II. So much of Sections V., VI., and VII. Sections 5, 6, and 7 of Regulation XVI. of 1827 to include Deputy Collectors. of Regulation XVI. of 1827 as refers to Assistant Collectors shall be applicable to and include Deputy Collectors appointed under Act XXI. of 1852.

III. Subject to any orders that may be given by Government, a Collector may confer on an Assistant or Deputy Collector powers of a Collector. an Assistant or Deputy Collector such of the powers and duties of a Collector declared and defined by any Law for the time being in force, as he may from time to time see fit.

IV. No act done by any Assistant or Deputy Collector shall be questioned or held to be invalid by reason of the absence of proof of the assignment of power to do that act, unless the Collector shall certify that such Assistant or Deputy was acting in opposition to, or in excess of the expressed or implied directions given to him.

By order of the Right Honourable the Governor in Council,

W. WEDDERBURN,

Under-Secretary to Government.

Bombay 30th November 1868.

The following Statute is published for general information :—

31 & 32 VICTORIÆ, CAP. CXXIX.

An Act to amend the Law relating to the Registration of Ships in British Possessions.

(31st July 1868.)

Be it enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Governor or Officer lawfully administering the Government of any *British Possession* may, from Time to Time, with the Approval of one of Her Majesty's Principal Secretaries of State, make Regulations providing that on an Application for Registration under the Merchant Shipping Act, 1854, in that Possession, of any Ship not exceeding Sixty Tons Burden, the Registrar may grant, in lieu of a Certificate of Registry as required by that Act, a Certificate of Registry to be terminable at the End of Six Months from the granting thereof, or of any longer Period; and all Certificates of Registry granted under any such Regulations shall be in such Form, and shall have Effect, subject to such Conditions as the Regulations prescribe.

2. Notwithstanding anything in the Merchant Shipping Act, 1854, or in any other Act, any Ship to be deemed registered. to which a Certificate is granted under any such Regulations shall, while such Certificate is in force, and in relation to all Things done or omitted during that Period, be deemed a registered *British Ship*.

3. The Governor of any *British Possession* abroad may from Time to Time appoint fit and proper Persons to be Surveyors, who shall have and exercise within such Possession all the Powers with respect to the Inspection of Crew Spaces that are conferred upon the Board of Trade Surveyors in the United Kingdom by Section Nine of the Merchant Shipping Act, 1867.

4. This Act shall be read as One Act with the Merchant Shipping Act, 1854, and the Acts amending the same.

Short title.

5. This Act may be cited as "The Colonial Shipping Act, 1868."

WHITLEY STOKES,

*Asst. Secy. to the Govt. of India,
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