

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 IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the third day of September 1869, and was promulgated for general information in the *Gazette of India* on the 4th September 1869:—

Act No. XIX. of 1869.

An Act to facilitate administration to the estates of deceased British subjects in the Hyderabad Assigned Districts.

Whereas under the Administrator General's Act, 1867, the Administrator General of Madras

Preamble. is, in the cases therein mentioned, entitled to administer to the estates of deceased British subjects in the Hyderabad Assigned Districts; and whereas the facilities of communication between the said districts and Bombay are now greater than those between the said Districts and Madras, and it is therefore expedient to substitute, so far as regards the said estates, the Administrator General of Bombay for the Administrator General of Madras; It is hereby enacted as follows:—

1. The definition of "Presidency of Madras" contained in the third section of the Administrator General's Act, 1867, shall be read as if the words "and the Hyderabad Assigned Districts" were omitted therefrom;

and the definition of "Presidency of Bombay" contained in the same section shall be read as if the following words were added thereto (that is to say): "and also, so far as regards British subjects, the Hyderabad Assigned Districts."

2. Nothing in this Act shall affect the rights, powers, or duties of the Administrator General of Madras under or by virtue of any probate or letters of administration heretofore granted to him.

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

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 15th July 1869, and the assent of His Excellency the Governor General on the 7th August 1869, and is published for general information:—

BOMBAY.

Act No. VI. of 1869.

An Act to provide for the periodical inspection of Steam Boilers and Prime Movers attached thereto in the City of Bombay.

WHEREAS it is expedient to provide for the inspection by competent Inspectors of Steam Boilers and Prime Movers attached thereto, in the City of Bombay, with a view to the security of persons and property: It is enacted as follows:—

I. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless where a contrary intention shall appear from the context: that is to say—

The word “Boiler” shall include any cylinder or vessel for generating steam under pressure.

The words “Prime Mover” shall include any Steam Engine, Fly-wheel, first Driving Shaft, and Pulley attached to any such Engine.

The word “Owner” shall include any Agent or hirer using any Boiler or Prime Mover.

II. The Government shall be empowered from time to time to appoint one or more Inspectors for the purposes of this Act, and from time to time to remove the same or any of them. It shall be the duty of the Inspectors to inspect all Boilers and Prime Movers attached thereto in the City of Bombay in the manner hereinafter provided.

III. It shall not be lawful for the owner of any such Boiler or Prime Mover as aforesaid to use the same in the said City unless a Certificate shall have been duly granted in respect thereof in the manner hereinafter provided; and it shall not be

lawful for such owner to continue to use such Boiler or Prime Mover after the period for which such certificate shall have been granted.

IV. The owner of any such Boiler or Prime Mover as aforesaid in respect whereof a certificate shall not be in force in manner hereinafter described shall, before using the same, give notice to an Inspector appointed under this Act, of his intention to use or continue to use the same. The Inspector to whom such notice shall be given shall appoint a time between sunrise and sunset, and within forty-eight hours after such notice, for the inspection of such Boiler or Prime Mover, and at such time shall carefully examine such Boiler or Prime Mover and every part thereof; and the owner or person in charge thereof shall afford to such Inspector all reasonable facilities for such examination, and all such information as may reasonably be required.

V. An Inspector, making an inspection under this Act of any such Boiler or Prime Mover as aforesaid, if he be satisfied that such Boiler or Prime Mover is in good condition, shall, on payment by the owner or person in charge thereof, of such fees as shall be fixed in the Rules hereinafter mentioned, give to the owner a certificate signed by him to that effect, in the form in the Schedule to this Act annexed, and such certificate shall state the period for which such Boiler or Prime Mover may be used, and shall cease to be in force on the expiration of such period.

VI. Government shall from time to time appoint a Commission for hearing appeals as hereinafter provided, and also, under such rules as may from time to time be framed by Government, for controlling the Inspectors appointed under this Act. Such Commission shall consist of not less than 5 members of whom 3 shall be professional Engineers, and all or any of them shall be removeable at the pleasure of Government.

VII. If an Inspector refuse to give a Certificate to the owner of any Boiler or Prime Mover under Section V. of this Act, he shall be bound to give to such owner, in writing, his reasons for such refusal, and any owner aggrieved by the decision of the Inspector may within one month from the date of the said refusal appeal to the Commission appointed under Section VI. of this Act. The Commission shall forthwith inquire into and determine such appeal, and shall, if it think fit, grant a certificate. If the Commission are of opinion that any appeal is unfounded or frivolous, they shall have the power of awarding any sum not exceeding Rs. 50 as costs to be paid, which sum shall be disposed of as directed by Section XIII. of this Act. The inquiry shall be held in public, and the decision of the Commission shall be final.

VIII. The Commission appointed under Section VI. of this Act may revoke any certificate granted under this Act, in any case in which there shall be reason to believe that such certificate has been fraudulently obtained or erroneously granted, or has been granted without sufficient inspection, or in case there shall be reason to believe that the Boiler or Prime Mover in respect whereof such certificate shall have been granted, since the granting such certificate has sustained injury or is not in good condition. After such revocation the Boiler or Prime Mover in respect whereof a certificate has been revoked shall not again be used until a further inspection shall have been made as in Section IV. of this Act, and until a certificate shall have been granted by the Inspector with the countersignature of a majority of the said Commission.

IX. Government shall from time to time frame Rules regulating the fees payable for certificates, and the duties of the Commission and of Inspectors appointed under this Act; such Rules shall not have effect until they shall have been published in the *Bombay Government Gazette* for a period of six weeks, and shall not be inconsistent with the provisions of this Act.

X. The owner of any such Boiler or Prime Mover as aforesaid who shall have obtained a certificate for the same shall at all reasonable times, during the period for

which the same may be in force, be bound to produce such certificate when called upon to do so by any Magistrate having jurisdiction within the City of Bombay, or by any person authorised in writing by such Magistrate to demand its production.

XI. The owner of any such Boiler or Prime Mover as aforesaid who shall use the same in the said City without a certificate duly obtained and in force in respect thereof under this Act, shall be punished with a fine not exceeding five hundred Rupees; and to continue to use the same after such fine shall have been imposed shall be held to be a separate offence, and shall be punished in like manner. No proceeding shall be taken to enforce this penalty before such day after this Act shall have come into operation as Government shall fix by notification in the *Bombay Government Gazette*.

XII. This Act shall not apply to any Locomotive Engine used upon any Railway in the City of Bombay, or to any Steam vessel in the Port of Bombay.

XIII. All costs and penalties imposed by this Act may be recovered in the manner prescribed by Act XIII. of 1856 (for regulating the Police of the Towns of Calcutta, Madras, and Bombay) and Act XLVIII. of 1860, (to amend Act XIII. of 1856,) or any other Act for regulating the Police of the City of Bombay in force for the time being.

All costs and penalties to be levied under this Act shall be disposed of in such manner as Government from time to time shall direct.

XIV. No charge shall be brought against any person for the recovery of any penalty under this Act except within six months after the commission of the offence, nor shall such charge be brought without the authority of the Commission appointed under this Act.

XV. This Act shall come into operation on such day as Government shall fix by Notification in the *Bombay Government Gazette*.

XVI. This Act may be cited as "The Bombay Boiler Inspection Act, 1869."

Short title.

(Schedule Referred to in Section V.)

FORM OF INSPECTOR'S CERTIFICATE.

| Name of Owner. | Description of Boiler and age. | Description of Prime Mover and age. | Power. | When and where made. | When and where last repaired. | Time for which Boiler or Prime Mover is to be used and Certificate to be in force. | REMARKS. |
|----------------|--------------------------------|-------------------------------------|--------|----------------------|-------------------------------|--|----------|
| | | | | | | | |

I, the undersigned, certify that I have examined the above-named Boiler (or Prime Mover), and to the best of my judgment the Boiler (or Prime Mover) as shown in the above Statement is in good condition.

A. B.,
Inspector.

By order of the Right Honourable the Governor in Council,

JOHN JARDINE,
Acting Under-Secretary to Government.

Poona, 28th August 1869.