

ACT No. XIV OF 1856.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General of the 13th June 1856.)

AN ACT for the Conservancy and Improvement of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca.

WHEREAS it is expedient to make better provision for the Conservancy and Improvement of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca, and to invest the Municipal Commissioners for each of the said Towns and Stations with the powers hereinafter mentioned; It is enacted as follows:—

I. The several Acts, and Rules Ordinances and Regulations, mentioned in the Schedule hereunto annexed, are hereby repealed, except so far as they repeal the whole or any part of any other Act, or Rule Ordinance and Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.

II. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

The expression "Local Government" shall mean the person or persons for the time being immediately administering the Executive Government of that portion of the Territories in the possession

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possession and under the Government of the East India Company in which the Town or Station is situated.

The expressions "The Municipal Commissioners" and "The Commissioners" shall mean the persons, however, designated, for the time being constituted by Law to administer the funds applicable to the purposes of conservancy and improvement in the Town or Station for which they are so constituted.

The word "Town" shall include all places within the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature at Calcutta, Madras, and Bombay.

The word "Station" shall mean any one of the Stations of Prince of Wales' Island, Singapore, and Malacca, and the dependencies thereof.

The word "Street" shall mean any road, street, square, court, alley, or passage, whether a thoroughfare or not over which the public have a right of way, and also the roadway over any public bridge or causeway, within such parts of the said Towns and Stations as shall be from time to time specially defined by the Commissioners with the sanction of the Local Government; and the expression "in or near any street" shall designate any place within such defined parts of the said Towns and Stations.

The word "Road" shall mean any road, or thoroughfare, over which the public have a right of way, or any roadway over any public bridge or causeway, not being within the parts so specially defined.

The word "Land" shall include messuages, buildings, tenements, and hereditaments of any tenure.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

The word "person" shall include a corporation.

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" Month." The word " month " shall mean calendar month.

" Oath." The word " oath " shall include any affirmation or declaration lawfully substituted for an oath.

The word " Magistrate " shall mean any Magistrate of Police acting for the Town or Station where the matter requiring the cognizance of a Magistrate arises.

" Magistrate."

The word " Owner " shall mean the person for the time being receiving the rent of the land or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such land or premises were let to a tenant. Provided that no person receiving the rent of land or premises as agent for another person, shall be liable to do any thing by this Act required to be done by the owner of such land or premises, unless he have sufficient funds of the owner to pay for the same ; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of the owner sufficient to defray the expense of doing the act required.

III. The Municipal Commissioners may from time to time appoint all such Commissioners to appoint officers as they shall think necessary and proper to Officers. assist in the execution of this Act ; and may from time to time remove any of such officers and appoint others in their place ; and may, out of the funds applicable to the purposes of this Act, with the sanction of the Local Government, pay such salaries to the said officers respectively as the Commissioners shall think reasonable. Provided that no person shall be appointed to, or removed from any office, the monthly salary of which exceeds two hundred Rupees, without the sanction of the Local Government.

IV. All property, moveable and immoveable, purchased or otherwise Property vested in Commis- acquired before the passing of this Act by the Commis- sioners. sioners or other persons, however designated, heretofore lawfully administering the funds applicable to the Conservancy and Improvement of the said Towns and Stations respectively, and now vested in them or in any persons in trust for them for any such purposes, shall, after the passing of this Act, be vested in the Municipal Commissioners for the said Towns and Stations respectively as trustees for the purposes of this Act.

V. All

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V. All public streets and roads (not being the property of the East India Company and kept under the control of the Local Government,) existing at the time of the passing of this Act, or which shall afterwards be made, and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets and roads, shall be vested in and belong to the Commissioners.

Streets and roads vested in the Commissioners.

VI. The Commissioners, with the consent of the Local Government, may lay out and make new streets and roads, and may build and construct bridges and tunnels; and may turn, divert, discontinue, or stop up, any public street or road; and may widen, open, enlarge, or otherwise improve any such street or road; making due compensation to the owners and occupiers of any land, houses, or buildings which may be required for any such purposes.

Power to make and improve streets and roads.

VII. In laying out new streets, in addition to the land required for the carriage-ways and foot-ways thereof, the Commissioners, with the consent of the Local Government, may purchase also the land necessary for the houses and buildings to form the said street, and may sell and dispose of the same with such stipulations and conditions as to the class and description of houses or buildings to be erected thereon as they shall think fit. Provided that, if any land be taken under the provisions of this Act, compensation shall be made to the owners for any damage which may be done thereby to any adjoining land or buildings of such owner.

Power to take land adjoining new streets for building purposes.

Compensation for damage to adjoining land.

VIII. The Commissioners may agree with the owners of any land for the absolute purchase thereof for the purpose of laying out and making new streets and roads, or of widening, enlarging, or otherwise improving any of the public streets or roads.

Power to agree for purchase of land for improving streets or roads.

IX. The Commissioners shall, so far as the funds at their disposal will admit, from time to time cause the public streets and roads to be maintained and repaired; and from time to time may cause the same to be paved, metalled, flagged, channelled, sewerred, or otherwise improved, and the surface thereof to be raised, lowered

Maintenance and repair of streets and roads.

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lowered, or altered, as they may think fit; and may also make and keep in repair any footways for the use of passengers in any such street or road, and also from time to time place on the sides of such footways or otherwise such fences and posts as may be needed for the protection of foot passengers.

Footways.

X. The Commissioners shall cause the streets, including the footways thereof, from time to time to be properly swept and cleansed; and the dust, dirt, ashes, rubbish, and filth of every sort found thereon, to be collected and removed.

Cleansing streets.

XI. The Commissioners may cause any number of moveable or fixed dust-boxes or other convenient receptacles, wherein dust, dirt, ashes, and rubbish may be temporarily deposited, until removed and carried away, to be provided and placed in proper and convenient situations, and may require the occupiers of houses in streets to cause all such matter as aforesaid to be deposited daily or otherwise periodically in the said receptacles; and every person who, after such receptacles have been provided, and after such requisition as above mentioned, shall deposit, or cause or permit to be deposited, any such matter in any street, except in such receptacles, shall be liable to a penalty not exceeding ten Rupees.

Dust-boxes in streets.

XII. Whoever deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, garden, kitchen, or stable refuse, or filth of any kind, or any animal matter, or any broken glass or earthen-ware or other rubbish, in any street, or on any public quay, jetty, ghaut, or landing-place, or on any part of a river-bank, or of the sea-shore, whether above or below high-water mark, except in such places and in such manner, and at such hours as shall be fixed by the Commissioners, shall be liable to a penalty not exceeding ten Rupees.

Depositing dirt on streets, etc.

XIII. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter belonging to him or being on his land, to run, drain, or be thrown or put upon any street, or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any street, shall be liable to a penalty not exceeding ten Rupees.

Allowing sewerage to flow on streets.

XIV. The

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XIV. The Commissioners from time to time may fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter; and when the Commissioners have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street any such offensive matter at any time, except within the hours so fixed, and also whoever, at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart, carriage, or other receptacle or vessel not having a covering proper for preventing the escape of the contents thereof or of the stench therefrom, or who slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or who places or sets down in any public place any vessel containing such offensive matter, or who drives or takes or causes to be driven or taken any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street or by any route other than such as shall from time to time be appointed for that purpose by the Commissioners by public notice, shall be liable to a penalty not exceeding twenty Rupees.

XV. The Commissioners from time to time shall provide places convenient for the deposit of the night-soil, dung, and other filth, and the dust, dirt, ashes, and rubbish, collected and removed under the authority of this Act; and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act, and for any of such purposes, the Commissioners may purchase or take on lease any land or buildings by them considered necessary, or may cause any new building to be made upon any land to be purchased or hired by them.

XVI. All dirt, dust, ashes, rubbish, sewerage, soil, dung, and filth, collected from the streets, houses, privies, sewers, and cesspools, shall be the property of the Commissioners, who shall have power to sell or dispose of the same as they may think proper, and the money arising from the sale thereof shall be applied to the purposes of this Act.

XVII. The Commissioners, so far as the funds at their disposal will admit, and so far as they may deem requisite for the public convenience, shall cause the public streets and roads to be watered;

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watered ; and for that purpose may provide such works and engines as they may think necessary.

XVIII. The Commissioners, so far as the funds at their disposal will admit, shall provide lamps, lamp-posts, and such other means as they may deem necessary for lighting such of the public streets and roads as they shall consider to require lighting ; and shall cause the said lamps to be kept in fit order, and shall employ a sufficient number of persons to cleanse, prepare, and light the same ; and shall also from time to time increase or otherwise alter the number and situation of the said lamps, as to them shall appear necessary.

XIX. Whoever builds any wall, or erects or sets up any fence, rail, post, or other obstruction or encroachment, in any public street or road, or in or over any open drain, sewer, or aqueduct along the side of any such street or road after the passing of this Act, shall be liable to a penalty not exceeding one hundred Rupees, and the Commissioners shall have power to remove any such obstruction or encroachment ; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided. Nothing herein contained shall prevent the Commissioners, with the concurrence of the Commissioner of Police, from allowing any temporary erections in any public street or road on occasions of festivals and ceremonies.

XX. Whoever displaces, takes up, or makes any alteration in the pavement, flags, or other materials, or in the fences or posts of any public street, without the consent in writing of the Commissioners, or without other lawful authority, shall be liable to a penalty not exceeding fifty Rupees.

XXI. Every person who intends to make or lay out any new street, shall give notice in writing thereof to the Commissioners, showing the intended level and width of such street ; and the level and width of every such street shall be fixed or approved by the Commissioners ; and whoever lays out, makes, or builds upon any such street, otherwise than in accordance with the level and width so fixed or approved, shall be liable to a penalty not exceeding five hundred Rupees ; and the Commissioners may, if

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if they think fit, cause any such street, laid out or made at a level or width otherwise than in accordance with the level or width so fixed or approved as aforesaid, to be altered; or may cause any building erected in any such street otherwise than in accordance with such level and width, to be altered, or if necessary removed, and the expenses thereby incurred shall be paid to them by the offender and be recoverable as hereinafter provided. It no such level or

Proviso. width be fixed, and no approval or disapproval of the level or width proposed be signified by the Commissioners within one month, the intended street may be laid out and made upon the level and of the width specified in the notice.

XXII. It shall not be lawful for any person to erect in or near any street any hut or any range or block of huts on any plot or parcel of ground not previously built upon, or on which no huts are standing, without previous notice to the Commissioners; and the Commissioners may require such hut or huts to be built so that they may stand in regular lines with a free passage or way in front of each line, of such width as the Commissioners may think proper for salutary ventilation, and to facilitate scavengering, and at such a level as will admit of sufficient drainage. And if any such hut or huts be built without giving such notice to the Commissioners, or otherwise than as required by the Commissioners, the Commissioners may give notice to the builder or builders thereof to take down and remove the same within one month, and if such hut or huts be not taken down or removed according to such notice, the Commissioners may cause the same to be taken down and removed, and the expense incurred in doing so shall be paid by the said builder or builders and shall be recoverable as hereinafter provided.

XXIII. Whenever the Commissioners, by report of competent persons, are satisfied that any existing block of huts, in or near any street, is, by reason of the manner in which the huts are huddled together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may, with the consent of the Local Government, cause a notice to be affixed to some conspicuous part of such block of huts, requiring the owners or occupiers thereof, within such reasonable time as may be fixed by the Commissioners for that purpose, to execute such operations as the Commissioners may deem

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deem necessary for the avoidance of such risk. And in case such owners or occupiers shall refuse or neglect to execute such operations within the time appointed, the Commissioners may cause the said huts to be taken down, or such operations to be performed in respect of such huts, as the Commissioners may deem necessary to prevent such risk. If such huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected; and the proceeds shall be paid to the owner of the hut, or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners until the person interested therein shall obtain the order of a competent Court for the payment of the same. The Courts of Small Causes for Calcutta, Madras, and Bombay, shall respectively be deemed competent Courts for that purpose.

XXIV. If any street (not being a public street), or any part thereof, be not levelled, paved, metalled, flagged, channelled, and sewer-
Paving, &c. of private streets. ed to the satisfaction of the Commissioners, they may, by notice in writing to the respective owners or occupiers of the premises fronting, adjoining, or abutting upon, such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, and sewer-
Proviso. ed, require them to level, metal, pave, flag, channel, and sewer the same within a time to be specified in such notice, and upon non-compliance, the Commissioners may, if they think fit, execute the works mentioned or referred to therein; and the expenses incurred by them in so doing shall be paid by the owners in default according to the frontage of their respective premises, and in such proportion as shall be settled by the Commissioners, or, in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses; and such expense shall be recoverable as hereinafter provided. Provided always, that, after such street shall have been so levelled, paved, metalled, flagged, channelled, and sewer-
Proviso. ed, on the requisition of the Commissioners, or by the Commissioners as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Commissioners out of the funds at their disposal for the purposes of this Act.

XXV. If any street (not being a public street) be levelled, paved, metalled, flagged, channelled, and sewer-
Certain streets to be deemed public and repaired by the Commissioners. ed, to the satisfaction of the Commissioners, they may, if they think fit, by notice in writing put up in any part of such street, declare the
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the same to be a public street, and thereupon the same shall become a public street and be from time to time repaired by them out of the funds at their disposal.

Proviso. Provided that no street shall become a public street as last aforesaid if, within one month after such notice in writing, the owner of such street, or any one of the owners, shall, by notice in writing to the Commissioners, object thereto.

XXVI. The Commissioners may, upon such terms as they think fit, allow Houses may be set forward for improving line of streets. any house or building to be set forward for improving the line of any public street in which such house or building is situated.

XXVII. When any house or building, any part of which projects beyond Houses projecting beyond line of street when taken down to be set back. the regular line of a public street, or beyond the front of the house or building on either side thereof, has been taken down in order to be re-built or altered, the Commissioners may require the same to be set back to or towards the line of the street or the line of the adjoining houses or buildings. Provided always, that the Commissioners shall make full compensation to the owner of any such house or building for any damage he may thereby sustain; and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Proviso. XXVIII. The Commissioners may, from time to time, cause to be put up Names of streets. or painted on a conspicuous part of some house, building, wall, or place at or near each end, corner, or entrance of every street, the name by which such street is to be known; and whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a penalty not exceeding twenty Rupees.

XXIX. The Commissioner may, from time to time, fix a number in a conspicuous place on the outer side of any house or building, Numbers of houses. or at the entrance of the enclosure thereof fronting the street; and whoever destroys, pulls down, or defaces any such number, shall be liable to a penalty not exceeding twenty Rupees.

XXX. All

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XXX. All doors, gates, bars, and ground-floor windows put up after the passing of this Act, which open upon any public street, shall be hung or placed so as not to open outwards, except when the same are hung or placed in such manner as, in the judgment of the Commissioners, to cause no obstruction in any such street; and if (except as aforesaid) any such door, gate, bar, or window be hung or placed so as to open outwards on any such street, the owner of the premises to which the same is attached shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do, the Commissioners may make such alteration, and the expense thereof shall be paid by such owners and shall be recoverable as hereinafter provided.

XXXI. If any door, gate, bar, or ground-floor window put up before the passing of this Act is hung or placed so as to open outwards upon any public street, the Commissioners may alter the same, so that no part thereof, when open, shall project over any such street so as to cause an obstruction.

XXXII. The owner of every house or building in any public street shall, within eight days after notice from the Commissioners to that effect, put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other part of such house or building, and for discharging the same in such manner that it shall not fall upon the persons passing along the street; and in default of compliance with such notice within the period aforesaid, such owner shall be liable to a penalty not exceeding ten Rupees for every day that he shall so make default.

XXXIII. The Commissioners may give notice in writing to the owner or occupier of any house or building to remove or alter any projection, encroachment, or obstruction, which, after the passing of this Act, shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any public street, or obstructs or projects or encroaches into or upon any uncovered aqueduct, drain, or sewer in such street; and such owner or occupier shall, within fourteen days after the service of such notice upon him

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him, remove such projection, encroachment or obstruction, or alter the same in such manner as shall have been directed by the Commissioner ; and in default thereof shall be liable to a penalty not exceeding two hundred Rupees ; and the Commissioners in such case may remove such projection, encroachment, or obstruction ; and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided. Provided that, when the expense shall have been paid by the occupier, except in the case in which

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such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same from the rent payable by him to the owner of the house or building. Provided always, that the roofs or eaves of houses or buildings, sun-shades, weather-frames and the like, at a height not less than twelve feet above the surface of any street, may be projected to the extent of three feet over the same.

Sun-shades, &c.

XXXIV. The Commissioner may cause any such projection, encroachment, or obstruction, erected or placed against or in front of any house or building, in any public street, before the passing of this Act, to be removed or altered as they think fit ; provided that they give notice of such intended removal or alteration to the occupier of the house or building against or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun ; and if such projection, encroachment, or obstruction shall have been lawfully made, they shall make reasonable compensation to every person who suffers damage by such removal or alteration ; and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Removal of existing projections from houses.

Notice of removal.

Compensation when to be made.

XXXV. The Commissioners may give permission in writing to the owners or occupiers of houses or buildings in public streets, the width of which is not less than twenty-five feet, to put up verandahs, balconies, sun-shades, weather-frames, and the like, to project from any upper-story thereof over the street, to an extent not

Commissioners may allow certain projections from houses.

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not exceeding four feet from the foundation, and, for special reasons, to allow such projections to be extended to five feet.

XXXVI. The external roofs and walls of huts or other buildings erected or renewed in or near any street after the passing of this Act, shall not be made of grass, leaves, mats, or other such inflammable materials; and it shall not be lawful for the owner of any hut or other building in or near any street now having an external roof or wall made of any such material, and which is contiguous to or adjoining to any other building, to suffer such roof or wall to remain for a longer time than two years after the passing of this Act, unless with the consent in writing of the Commissioners; and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice given to him for that purpose by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for every day that such roof or wall shall continue.

XXXVII. If, in any street, any house, building, or wall, or any thing affixed thereon, be deemed by the Commissioners to be in a ruinous state or likely to fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or the occupiers thereof, or to passengers, they shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers; and shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or other conspicuous part of the said premises or otherwise to be given to the occupier thereof (if any) requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Commissioners shall cause all or so much of such house, building, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and all the expenses incurred by the Commissioners shall be paid by the owner of the premises and shall be recoverable from him as hereinafter provided.

XXXVIII. If

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XXXVIII. If any such house, building, or wall, or any part of the same, be pulled down by virtue of the powers aforesaid, the
Sale of materials of ruinous houses. Commissioners may sell the materials thereof or of so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any overplus arising from such sale to the owner of such house, building, or wall on demand. The Commissioners, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as by this Act are given to them for compelling the payment of the whole of the said expenses.

XXXIX. If any building or land, by reason of abandonment or of disputed
Power to shut up and secure deserted houses. ownership or other cause, shall remain untenanted and thereby become a resort of idle and disorderly persons, or be complained of by any two or more of the neighbours as a nuisance, the Commissioners, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming to be the owner if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the building or some conspicuous part of the premises, requiring the persons concerned therein, whoever they may be, to secure or enclose the same; and if such notice shall not be complied with within eight days, the Commissioners shall cause the necessary work to be executed, and all expenses thereby incurred shall be paid by the owner of the premises and shall be recoverable as hereinafter provided.

XL. Whoever, being the occupier of a house in or near any street, keeps
Penalty on occupier of a house not removing filth. or allows to be kept for more than twenty-four hours or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom and to cleanse and purify the same, shall be liable to a penalty not exceeding fifty Rupees.

XLI. Whoever,

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XLI. Whoever, being the owner or occupier, of any house, building or land, in or near any street, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or overgrown with rank and noisome vegetation, shall be liable to a penalty not exceeding fifty Rupees, and to a penalty not exceeding five Rupees for every day after conviction for such offence during which the offence is continued.

XLII. The Commissioners may give notice to the owner or occupier of any land to trim or prune the hedges thereof bordering any public road or street, so that they may not exceed the height of seven feet from the level of the road ; and to cut and trim all trees overhanging any public road or street, so as to obstruct the passage or to cause damage thereto ; and in the event of such notice not being complied with within eight days from the date thereof, the Commissioners may cause the said hedges and trees to be cut and trimmed in the manner required ; and the expense incurred by the Commissioners in respect thereof shall be paid to them by the owners and shall be recoverable as hereinafter provided.

XLIII. Whoever keeps any pig-stye to the front of any street, not being shut out therefrom by a sufficient wall or fence; or who shall keep any swine in or near any street, so as to be a nuisance to the neighbourhood ; or who shall, without the permission of the Commissioners, keep more than twenty sheep or goats, or ten horned cattle, in or near any street, shall be liable to a penalty not exceeding fifty Rupees.

XLIV. All public sewers and drains, and all sewers, drains, tunnels, and culverts, in, alongside, and under the streets and roads existing at the time of the passing of this Act, or afterwards made, and whether made at the cost of the Commissioners or otherwise, and all works, materials, and things appertaining thereto, shall be vested in and belong to the Commissioners.

XLV. The Commissioners, so far as the funds at their disposal will admit, shall from time to time cause to be made such main and other sewers as they may judge necessary for the effectual draining of the Town or Station under their authority ; and, if needful, they may carry such sewers through, across, or under any street, or any place laid out as or intended for a street, or any cellar or vault which may be under any

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of the streets, and (after reasonable notice in writing in that behalf) into, through, or under any inclosed or other lands whatsoever, doing as little damage as may be, and making full compensation for any damage done; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

XLVI. The Commissioners shall maintain, and from time to time repair, and as they see fit enlarge, alter, arch-over, or otherwise improve all or any of the sewers and drains vested in them by this Act; and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary. Provided always, that the discontinuance, closing up, or destruction of any sewer or drain shall be so done as not to create a nuisance; and if, by reason thereof, or of any such alteration as hereinbefore mentioned, any person is deprived of the lawful use of any sewer or drain, the Commissioners shall, with due diligence, provide some other sewer or drain as effectual for his use as the one of which he is so deprived.

Commissioners to repair and alter and discontinue sewers.

Proviso.

XLVII. The Commissioners, so far as the funds at their disposal will admit, shall cause the sewers and drains belonging to them to be so constructed, maintained, and kept, as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of flushing, cleansing, and emptying the same, they may construct and place, either above or under-ground, such reservoirs, sluices, engines, and other works as may be necessary; and they may also with the consent of the Local Government cause all or any of such sewers and drains to communicate with and be emptied into the sea or any public river (as the case may admit) or other fit place; or they may cause the refuse from such sewers and drains to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the same for any agricultural or other purposes as may be deemed most expedient, but so that the same shall not become a nuisance.

Cleansing and emptying sewers.

XLVIII. When the contents of any sewer or drain or any other flow or filth or refuse are discharged into any river or stream, in the bed or channel of which the quantity of water at any season of the year is so much diminished by natural or artificial

Bed of stream receiving sewer. age to be cleared.

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artificial causes as to be insufficient to keep such channel clean or clear, the Commissioners shall, with the consent of the Local Government so far as the funds at their disposal will admit, make such alteration in the bed of such river or stream as may prevent such sewer and drain-water from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof to the injury of health or the annoyance of the surrounding population.

XLIX. Whoever, without the written consent of the Commissioners first obtained, makes or causes to be made any drain into any of the sewers or drains vested in them by this Act, shall be liable to a penalty not exceeding one hundred Rupees; and the Commissioners may cause such branch-drain to be demolished, altered, re-made, or otherwise dealt with as they think fit; and all the expense incurred thereby shall be paid by the person making such branch-drain, and shall be recoverable as hereinafter provided.

Penalty for making unauthorized drains into public sewers.

L. No building shall be newly erected over any sewer or drain vested in the Commissioners by this Act, without their written consent; and if any building be so erected, the Commissioners may cause the same to be pulled down, or otherwise dealt with as they may think fit; and the expenses thereby incurred shall be paid by the person offending and be recoverable as hereinafter provided.

Building over sewers, &c., not to be erected without consent of Commissioners.

LI. If any house or building, in or near any street, be at any time not drained to the satisfaction of the Commissioners by a sufficient drain or pipe communicating with some sewer, or with the sea, or some public river or other place at which the Commissioners are empowered to empty their sewers, and if there be such means of drainage within one hundred feet of any part of such house or building, the Commissioners may construct or lay from such house or building a covered drain or pipe of such materials, of such size, at such level, and with such fall, as they think necessary for the draining of such house or building; and the expenses incurred by the Commissioners in respect thereof, if not forthwith paid by the owner, shall be recoverable as hereinafter directed. Provided that the cost of executing such work shall not, without the consent of the owner, exceed the amount of three months' rent of the house or building.

Commissioners empowered to make drains from houses in or near street, which are not properly drained.

LII. No

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LII. No house or building shall be hereafter built in or near any street upon a lower level than will allow of the drainage of such house or building being led into some public sewer, either then existing or projected by the Commissioners, or into the sea, or some public river or other place into which the Commissioners are empowered to empty their sewers.

Level of houses hereafter built in or near streets.

LIII. If any house or building, newly erected or re-built in or near any street after the passing of this Act, have such means of drainage, as in the last preceding Section mentioned, existing within one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house or building, of such materials, of such size, at such level, and with such fall as the Commissioners may direct; and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner and shall be recoverable as hereinafter provided.

Houses hereafter built in or near streets to have drains constructed under the orders of the Commissioners.

LIV. Before beginning, in or near any street, to build or re-build any house, the person intending to build or re-build such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan showing the levels at which the foundation and lowest floor of such house are proposed to be laid by reference to some level ascertained under the direction of the Commissioners.

Notice of new buildings in or near streets to be given to Commissioners.

LV. Within fourteen days after receiving such notice, the Commissioners may signify their disapproval of the proposed levels and fix other levels in lieu thereof.

Commissioners to signify disapproval within fourteen days.

LVI. If such building be begun or made without sending such notice and plan, or at any levels different from those fixed by the Commissioners within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Commissioners may, if necessary, cause such building to be altered or demolished as the case may require; and the expense thereby incurred shall be paid by the person failing to comply with the provisions aforesaid, and shall be recoverable as hereinafter provided.

Houses built without notice, or contrary to provisions of this Act, may be altered by Commissioners.

LVII. If

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LVII. If the Commissioners fail to signify in writing their approval or dis-approval of the levels shown on such plan as aforesaid, and to fix other levels within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding any thing hereinbefore contained, proceed to build or re-build the house therein referred to according to the levels shown on such plan, provided that such building or re-building be otherwise in accordance with the provisions of this Act.

If Commissioners fail to approve, &c., within fourteen days, parties may proceed without.

LVIII. All sewers and drains in streets, whether public or private, shall be provided by the Commissioners or other persons to whom they severally belong, with proper traps or other coverings or means of ventilation so as to prevent stench.

Sewers in streets to be covered with traps, &c.

If the owner of any private sewer or drain shall, for ten days after notice given to him by the Commissioners, neglect or delay to provide proper traps or coverings or means of ventilation as aforesaid, the Commissioners may forthwith provide and apply the same; and the expense incurred thereby shall be paid by the owner of such sewer or drain and shall be recoverable as hereinafter provided.

LIX. The Commissioners may erect or fix to any house or building such pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not less than six feet above the highest part of the house or building and erected so as not to occasion any nuisance or inconvenience to any house or building in the neighbourhood.

Power of Commissioners to erect or affix to buildings pipes for ventilation of sewers.

LX. Whoever throws or puts, or permits his servants to throw or put, any earth, dirt, ashes, garden, kitchen or stable refuse, or any broken glass or earthen-ware, or other rubbish, or until suitable sewers shall be provided, any night-soil, into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a penalty not exceeding fifty Rupees.

Throwing rubbish into sewers.

LXI. The Commissioners may, if they think fit, provide and maintain in proper and convenient situations, so as not to create a nuisance, common necessaries and urinals, and shall cause the same to be kept in proper order and to be daily cleansed.

Common necessaries.

LXII. The

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LXII. The Commissioners may license, for any period not exceeding one year, such necessaries for public accommodation as they, Licensing of public necessaries. from time to time, may think proper ; and whoever keeps any public necessary without such license, or, having a license for a public necessary, suffers the same to be in a filthy or noxious state, or neglects to employ proper means for cleaning the same, shall be liable to a penalty not exceeding fifty Rupees ; and the license may be cancelled by the Magistrate before whom the person is convicted.

LXIII. The owner or occupier of any house or building having a privy erected on his premises shall have such privy shut out by a sufficient wall or fence from the view of persons passing by. Neglecting to close private privy.

LXIV. All branch-drains, as well within as without the lands or buildings to which they belong, and all privies and cess-pools in or near any street, shall be under the survey and control of the Commissioners, and shall be altered, repaired, and kept in proper order at the costs and charges of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued ; and if the owner of any land or buildings to which any such drain, privy, or cess-pool belongs, neglect, during eight days after notice in writing for that purpose, to alter, repair, and put the same into good order in the manner required by the Commissioners, the Commissioners may cause such drain, privy, or cess-pool to be altered, repaired, and put in good order ; and the expense incurred by the Commissioners in respect thereof shall be paid by the owner, and shall be recoverable as hereinafer provided. Branch-drains, privies, &c., to be under control of Commissioners, and to be kept in good order by owners. If owner neglect, Commissioners may cause the same to be done and charge the owners with the expense.

LXV. If any such drain, privy, or cess-pool is constructed, after the passing of this Act, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act ; or, if any person, without the consent of the Commissioners, constructs, re-builds, or unstops, any drain privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees ; and the Commissioners may cause such amendment or alteration Penalty for persons making or altering drains, &c., contrary to the orders of the Commissioners.

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alteration to be made in any such drain, privy, or cess-pool as they think fit ; and the expense thereof shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped, and shall be recoverable from him as hereinafter provided.

LXVI. The Commissioners, or any officer appointed by them for the purpose, may inspect any such drain, privy, or cess-pool, and for that purpose, at all reasonable times in the day-time, after twenty-four hours' notice in writing to the occupier of the premises to which such drain, privy, or cess-pool is attached, may enter upon any lands and buildings with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be ; and if, upon such inspection, it appears that the drain, privy, or cess-pool is not in good order and condition, or that it has been constructed after the passing of this Act contrary to the provisions thereof, the expenses of such inspection shall be paid by the person to whom such drain, privy, or cess-pool may belong ; but if the drain, privy, or cess-pool be found to be in proper order and condition and not to have been constructed in violation of the provisions of this Act, the Commissioners or officer as aforesaid shall cause the ground to be closed and made good as soon as may be ; and the expenses of opening, closing, and making good such drain, privy, or cess-pool shall, in that case, be defrayed by the Commissioners. Provided always, that nothing hereinbefore contained shall authorize an entry into the zenanas or private apartments appropriated to the females of Hindoo and Mussulman families for the purpose of such inspection, except by the agency of women.

LXVII. Where any notice is required by this Act to be given to the owner or occupier of any building or land, such notice, addressed to the owner or occupier as the case may require, may be served on the occupier of such building or land, or left with some adult male member or servant of his family, or, if the notice cannot be so served, or if there be no occupier, may be put up on some conspicuous part of such building or land, and it shall not be necessary in any such notice to name the occupier or the owner. Provided always that, when the owner and his residence are known to the Commissioners, it shall be their duty, if such owner be residing

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residing within the Town or Station under their authority, to cause every notice, required to be given to the owner of any building or land, to be served on such owner or left with some adult male member or servant of his family; and if the owner be not resident within the Town or Station, they shall send every such notice by the Post addressed to his residence.

LXVIII. Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such works, the Commissioners, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expense thereby incurred shall be paid to them by the person by whom such work ought to have been executed, and shall be recoverable as hereinafter provided.

LXIX. If the defaulter be the owner of the building or land, the Commissioners may, by way of additional remedy, whether any action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being from the person who then or at any time thereafter occupies the building or land under such owner, and, in default of payment thereof by such occupier on demand, the same may be levied by distress of the goods and chattels of such occupier; and every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from him in respect of any such expenses.

LXX. No occupier of any building or land shall be liable to pay more money, in respect of any expenses charged by this Act on the owner thereof, than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand, has accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Commissioners, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall lie upon such occupier; provided further, that nothing herein contained shall be taken to affect any special contract made between

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between any such owner or occupier respecting the payment of the expenses of any such works as aforesaid.

LXXI. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be paid to him by the owner, and the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Occupier, in default of owner may execute works and deduct expenses from his rent.

LXXII. If the occupier of any building or land prevent the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Magistrate, upon proof thereof, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such building or land as may be necessary for carrying into effect the provisions of this Act; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding fifty Rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Proceedings in case of tenants opposing the execution of this Act.

LXXIII. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, existing at the time of the passing of this Act or afterwards made, and whether made at the cost of the Commissioners or otherwise; and all bridges, buildings, engines, works, materials, and things connected therewith or appertaining thereto; and also any adjacent land (not being private property) appertaining to any public tank, shall be vested in and belong to the Commissioners.

Tanks, &c., vested in the Commissioners.

LXXIV. The Commissioners shall cause all existing public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works used for the supply of water to the inhabitants or for the other purposes mentioned in this Act, to be continued, maintained, and supplied with water; or they shall substitute other such works and shall cause them to be maintained and supplied with

Construction and maintenance of works for supply of water.

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with water; and the Commissioners from time to time, with the consent of the Local Government, may construct aqueducts for bringing water into the Town or Station under their authority, and may provide any number of new tanks, reservoirs, cisterns, wells, and other such water-works for the purposes aforesaid.

LXXV. The Commissioners shall, so far as the funds at their disposal will admit, cause all necessary works, machinery, and assistance for securing an efficient supply of water in cases of fire, to be provided and maintained.

Fouling water by—
Bathing. LXXVI. Whoever, except as permitted by the Commissioners under Section LXXIX, bathes in any stream, tank, reservoir, well, cistern, conduit, or aqueduct belonging to the Commissioners; or washes or causes to be washed therein, any horse, dog, or other animal, or any wool, cloth, or wearing apparel, or any utensils for cooking or other purposes, or leather, or the skin of any animal, or other foul or offensive thing; or throws, puts, or casts, or causes to enter therein, any animal or any gravel, stone, dust, or rubbish, or any dirt, filth, or other noisome or offensive matter or thing; or causes or suffers to run, drain, or be brought thereinto, the water of any sink, sewer, drain, engine, or boiler, or any other unwholesome or offensive liquid matter of thing belonging to him or flowing from any house or building or from any ground occupied by him; or does any thing whatsoever whereby any such water shall be in any degree fouled or corrupted—shall be liable to a penalty not exceeding fifty Rupees.

Water fouled by offensive trades. LXXVII. Whoever, being the proprietor of any gas-works, or being engaged or employed in the manufacture or supply of gas, or being the occupier or proprietor of any place where an offensive trade or manufacture is carried on, wilfully does any act connected with the said business, whereby the water in any stream, tank, reservoir, well, cistern, conduit, aqueduct, or other water-works belonging to the Commissioners, is fouled or corrupted, shall be liable to a penalty not exceeding one thousand Rupees, and to a further penalty, not exceeding five hundred Rupees, for every day while the offence is continued after twenty-four hours' notice in writing from the Commissioners in this behalf; and the Commissioners may, after twenty-four

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twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such person; and if, upon such examination, it appears that the water has been fouled or corrupted by any thing proceeding from or contained in the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, and be recoverable from him as hereinafter provided; but if it appear that the water has not been so fouled or corrupted, then such expenses, and all reasonable damages occasioned by the examination, shall be paid by the Commissioners.

LXXVIII. Whoever wilfully or carelessly injures any water-works belonging to the Commissioners, or unlawfully draws off, diverts, or takes water from any such water-works, or from any waters or streams belonging to the Commissioners by which such water-works are supplied, shall be liable to a penalty not exceeding one hundred Rupees.

LXXIX. The Commissioners may, at their discretion, set apart any public ghaut or place, or any part of the sea-shore, or of the strand of any river (not being private property) for the purpose of being used as a bathing place; and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, or for any other purpose connected with the health, cleanliness, and comfort of the inhabitants.

LXXX. The Commissioners may, in the manner hereinafter provided, make bye-laws—

Bye-laws to regulate—
For regulating all or any matters and things whatsoever connected with the water to be supplied by them and the use of such water for any of the purposes mentioned in this Act—
The use of water.

And for regulating the time and place of bathing for persons of each sex in the places provided or appointed by them for the purpose of bathing, in such manner as shall appear to the Commissioners necessary, making due allowance for the habits and customs of the country.
Bathing places.

LXXXI. When

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LXXXI. When any private tank or low marshy ground, or any waste or stagnant water, being within any private enclosure, appears to the Commissioners to be injurious to health, or to be offensive to the neighbourhood, it shall be lawful for the Commissioners to require, by notice in writing, the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if he shall refuse or neglect to comply with such requisition during eight days from the service thereof, the Commissioners, their Officers, and workmen, may enter into the said premises and do all necessary acts for all or any of the purposes aforesaid as they shall think fit; and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

Power to fill up unwholesome tanks on private premises.

LXXXII. The Commissioners are hereby empowered, from time to time as they shall see fit, to drain off into any sewers, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to them to be useless or unnecessary or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise; and the Commissioners, their Officers, and workmen, may do all necessary acts for effecting any of the purposes aforesaid.

Power to drain off and cleanse stagnant pools in open places.

LXXXIII. The Commissioners, in executing any works directed or authorized by this Act to be made, shall provide and make at their own expense, a sufficient number of convenient ways, water-courses, drains, and channels in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works; and in case of any difference arising between the Commissioners and the persons affected thereby, such difference shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Commissioners in executing works to provide roads, &c., where existing ones injured.

LXXXIV. When the pavement or surface of any street, or when any sewer or drain, shall be opened or broken up by the Commissioners, their Officers, or servants, they shall, with all convenient speed, complete the work on account of which the

Commissioners breaking up street to restore the same with all convenient speed.

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the same shall have been broken up, and fill in the ground and make good the pavement and surface, and the sewer or drain, so opened or broken up, and carry away the rubbish occasioned thereby; and shall, in the meantime, cause the place where such pavement or surface shall be so opened or broken up to be fenced and guarded, and sufficiently lighted during the night.

LXXXV. If the Commissioners deem it necessary for the purposes of this Act, to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works laid in any of the streets, they may from time to time, by notice in writing, require the person to whom any such pipes or works belong or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Commissioners direct; provided that such alteration be not such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering and full compensation for the damage done thereby, shall be paid by the Commissioners, as well to the persons to whom such pipes or works belong as to all other persons. And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

LXXXVI. If the person to whom any such pipes or works belong or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of such notice, to cause the same to be raised, sunk, or altered in such manner as the Commissioners require, the Commissioners may themselves cause such pipes or works to be raised, sunk, or altered as they think fit; provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

LXXXVII. Every person intending to build or take down any building or to alter or repair the outward part of any building where any street or footway will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, and having first obtained a license in writing from the Commissioners so to do, cause
sufficient

Situation of gas and water-pipes to be altered at the expense of the Commissioners.

If owner, &c., neglect to make alterations, the Commissioners may cause the same to be done.

Hoards to be set up during repairs.

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sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street or footway, and shall continue such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night; and every such person who begins to build, or take down, or alter, or repair, any building contrary to the provisions of this Section, or who, without license, erects or sets up any hoards, scaffolding, or fence whatsoever, or who, being licensed, fails to put up such fence or hoard, or to continue the same standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said hoard or fence is standing, keep the same sufficiently lighted during the night, or who does not remove the same when directed by the Commissioners, within a reasonable time afterwards, shall be liable to a penalty not exceeding fifty Rupees, and a further penalty not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Commissioners.

LXXXVIII. The Commissioners shall, during the construction or repair of any of the streets, sewers, or drains vested in them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses, and shall cause such bars, chains, or posts to be fixed across or in any of the streets or roads to prevent the passage of carriages, carts, or other vehicles, cattle or horses, while such works are carried on, as to them shall seem proper; and the Commissioners shall cause any sewer or drain or other works in streets during the construction or repair thereof by them, to be sufficiently lighted and guarded during the night; and whoever takes down, alters, or removes any of the said bars, chains, or posts, or extinguishes any light, without the authority or consent of the Commissioners, shall be liable to a penalty not exceeding fifty Rupees.

LXXXIX. No person shall deposit any building materials, or make a hole in any street, without the permission of the Commissioners; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole, to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night; and whoever deposits materials

or

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or makes a hole without such permission, or fails to fence or enclose and light such materials or hole, or does not remove such materials or fill up such hole when the permission has been withdrawn, shall be liable to a penalty not exceeding fifty Rupees, and a further penalty not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Commissioners.

XC. If any building, tank, well, or hole, or other place, be, for want of sufficient repair, protection, or enclosure, dangerous to passengers, the Commissioners shall cause the same to be repaired, protected, or enclosed so as to prevent danger therefrom; and the expenses of such repair, protection, or enclosure shall be paid to the Commissioners by the owner of the property so repaired, protected, or enclosed, and shall be recoverable as hereinafter provided.

Dangerous places near streets to be repaired or enclosed.

XCI. Within the parts of any of the said Towns and Stations which shall be specially prescribed by the Local Government for the purpose, every place used as a slaughter-house shall, within three months after the passing of this Act, be registered by the owner or occupier at the Office of the Commissioners in a book to be kept by them for that purpose, and whoever, after the expiration of that time and after eight days' notice from the Commissioners, uses or permits to be used within the limits so prescribed, any slaughter-house without its being registered, shall be liable to a penalty not exceeding fifty Rupees for every day during which such place shall be so used without having been registered.

Slaughter-houses within certain limits to be registered.

XCII. If it be shown to the satisfaction of the Commissioners that any place used as a slaughter-house, within the said limits is a nuisance to the neighbourhood, they may give notice to the occupier to discontinue such use thereof within one month; and whoever, after the expiration of that time, uses such place or permits it to be used as a slaughter-house, shall be liable to a penalty not exceeding fifty Rupees for every day during which it shall be so used. Provided that the Commissioners shall make reasonable compensation for any damage that may be caused thereby to the occupier or owner; and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Commissioners may order existing slaughter-houses to be discontinued.

Proviso.

XCIII. No

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XCI. No place shall be used as a slaughter-house within the prescribed limits which was not in such use at the time of the passing of this Act, and has not so continued ever since, unless and until a license in writing for the use thereof as a slaughter-house has been obtained from the Commissioners, who are hereby empowered, at their discretion, from time to time to grant such licenses; and whoever, without such license, uses as a slaughter-house any place within such limits not used as such at the time of the passing of this Act and so continued to be used ever since, shall be liable to a penalty not exceeding one hundred Rupees, and a penalty, not exceeding fifty Rupees, for every day after the conviction for such offence, during which the said offence is continued.

No slaughter-houses to be newly set up without license.

XCIV. The Commissioners may from time to time, if they shall think fit with the consent of the Local Government, provide places for the purpose of being used as slaughter-houses, and they shall make bye-laws for and with respect to the management and charges for the use of such places.

Commissioners to provide places for slaughter-houses.

XCV. Every owner, occupier, or farmer of any market for the sale of butcher's meat, poultry, fish or vegetables, or of any slaughter house within the prescribed limits, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided sufficient for keeping such market or slaughter-house in a clean and wholesome state; and if such owner, occupier, or farmer, after notice in writing given to him by the Commissioners that such market or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within a reasonable time, which shall not be less than one month, makes default therein, he shall be liable to a penalty not exceeding fifty Rupees, for every day during which such default is continued.

Markets, slaughter-houses, &c., to be properly drained.

XCVI. The Commissioners may, in manner hereinafter provided, make bye-laws for the inspection of all such markets and of all slaughter-houses within the prescribed limits, and for the management and conduct of the business therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once in every twenty-four hours.

XCVII. Whoever

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XCVII. Whoever keeps in any market, shop, building, stall, or place used for the sale of butcher's meat, poultry, fish, or vegetables, or exposes or allows to be exposed for sale in any other place or way, any animal, carcase, meat, poultry, game, flesh, fish, vegetable which is unfit for the food of man, shall be liable to a penalty not exceeding one hundred Rupees.

Keeping unwholesome food in market, or in shops.

XCVIII. Whoever sells, or offers or exposes for sale, within any of the said Towns and Stations, as food or drink for man, any article which has been rendered or has become noxious or unfit for such use, knowing or having reason to believe the same to be noxious or unfit for such use, shall be liable to a penalty not exceeding three hundred Rupees, and such article shall be forfeited and disposed of as the Magistrate shall direct; and it shall be lawful for any Magistrate, on the application of the Commissioners or any of their Officers, setting forth that there is just cause to believe that any such article is in the possession of any person for the purpose of being sold or offered or exposed for sale as aforesaid, to grant a warrant to enter upon the premises of such person and to search for and seize such article, and if it appear to the Magistrate, upon the evidence of a competent person that the same is noxious or unfit for such use, he shall order such article to be forfeited and disposed of in such way as to him shall seem proper.

Sale of unwholesome food or drink.

XCIX. The Commissioners or any person appointed by them for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place used for the sale of butcher's meat, poultry, fish, or vegetables, or as a slaughter-house, and may examine any animal, carcase, meat, poultry, game, flesh, fish, or vegetables which may be therein; and in case any animal, carcase, meat, poultry, game, flesh, fish, or vegetables appear to be intended for the food of man and to be unfit for such food, may seize the same; and if it appear to a Magistrate upon the evidence of a competent person, that such animal, carcase, meat, poultry, game, flesh, fish, or vegetables is unfit for the food of man, he shall order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such food, and the owner thereof, or the person in whose possession the same is found, shall be liable to a penalty not exceeding one hundred Rupees.

Power to Commissioners to enter and inspect slaughter-houses, shops, &c., and to seize unwholesome articles exposed for sale.

C. The

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C. The Magistrate, before whom any person is convicted of an offence contrary to the provisions of this Act relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto made by virtue of this Act, in addition to the penalty imposed on such person under the authority of this Act, may suspend, for any period not exceeding two months, the license granted to such person under this Act; or in case such person be the owner or occupier of any registered slaughter-house, may forbid, for any period not exceeding two months, the slaughtering of cattle therein; and the Magistrate, upon the conviction of any person for a second or other subsequent like offence, in addition to the penalty imposed under the authority of this Act, may declare the license granted under this Act revoked, or if such person be the owner or occupier of any registered slaughter-house, may forbid absolutely the slaughtering of cattle therein.

CI. Whoever, during the period for which any such license is suspended or after the same is revoked as aforesaid, slaughters cattle, or allows cattle to be slaughtered, in the slaughter-house to which such license relates, and whoever, during the period that the slaughtering of cattle in any such registered slaughter-house is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein, slaughters cattle, or allows cattle to be slaughtered, in any such registered slaughter-house, shall be liable to a penalty not exceeding fifty Rupees, for every day after the conviction for such offence, during which the said offence is continued.

CII. Within the parts of any of the said Towns and Stations which shall be specially prescribed by the Local Government for the purpose, the owner or occupier of every place used at the time of the passing of this Act for any of the following purposes, namely, for melting tallow—or for boiling offal or blood—or as a soap house—oil-boiling house—dyeing house—tannery—brick, pottery, or lime, kiln—sago manufactory—or other manufactory or place of business from which offensive or unwholesome smells arise—or as a yard or depôt for hay, straw, wood, or coal—shall, within three months after this Act comes into operation, register the same at the office of the Commissioners in a book to be kept by them for that purpose; and whoever, after the expiration of the said three months and after eight days' notice

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notice from the Commissioners, uses any such place without the same being registered, shall be liable to a penalty not exceeding fifty Rupees for every day during which the offence is continued.

CIII. No place shall be newly used within the prescribed limits for any of the purposes mentioned in the last preceding Section, except under a license from the Commissioners, who are hereby empowered, at their discretion, from time to time to grant such licenses ; and whoever, without a license, uses any such place for such purpose, shall be liable to a penalty not exceeding five hundred Rupees, and a penalty not exceeding fifty Rupees for every day after the conviction for such offence during which the said offence is continued.

Penalty for establishing such trades without license.

CIV. The Commissioners may, in the manner hereinafter provided, make bye-laws for the inspection of every place within the prescribed limits used for any of the purposes mentioned in Section CII, and for the management and conduct of such business, whether the same be newly established or not, in such manner as they may think necessary and proper, in order to prevent or diminish the noxious or injurious or offensive effect thereof.

Commissioners to make rules for licensing, registering, &c., such business places.

CV. The Commissioners may, if they think fit, cause a survey and measurement to be made of every burial ground and every place used as such ; and every such place and every burning ground existing at the time of the passing of this Act, shall, within three months after this Act shall come into operation, be registered by the owner or the person having the control thereof, or, if there be no owner or person authorized to control the same, by order of the Commissioners, in a book to be kept by them for that purpose ; and whoever, after the expiration of the said time, knowingly buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in any ground other than such registered burial or burning ground, shall be liable to a penalty not exceeding one hundred Rupees.

Burial and Burning grounds to be registered.

CVI. No vault or grave shall be made within the walls of or underneath any church or chapel or other place of public worship built after the passing of this Act, and no burial or burning ground, whether public or private, shall be opened, made, or formed after the passing of this Act, otherwise than by

No vault or burial or burning place henceforth to be constructed without leave of Commissioners.

or

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or under the authority of the Local Government, without a license describing the extent and boundaries thereof first obtained from the Commissioners, who are hereby empowered, at their discretion, from time to time to grant such licenses ; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any vault, grave, or burial or burning ground opened, made, or formed without such license or contrary to the terms thereof, shall be liable to a penalty not exceeding five hundred Rupees.

CVII. If, upon the evidence of competent persons, the Commissioners, with the sanction of the Local Government, shall certify, Commissioners to issue certificates prohibiting improper burial places. in manner hereinafter provided, that any burial ground or place of burial, or any place used for the burning of corpses, is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of or underneath the same, or in any church-yard or burial-ground adjacent thereto, and shall also certify that a fitting place for interment or burning (as the case may be) exists within a convenient distance, and is available, it shall not be lawful, after a time (not less than two months) to be named in such certificate, to bury or burn, or permit or suffer to be buried or burned, any corpses in, upon, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate ; and whoever, after due publication of such certificate as hereinafter provided, buries or burns, or causes, permits, or suffers to be buried or burned, any corpse contrary to this enactment, shall be liable to a penalty not exceeding two hundred Rupees. Provided always, that every such certificate shall be published in the *Government Gazette* (if any) Proviso. and in one or more of the public newspapers, and that a translation thereof in the native languages chiefly in use in the Town or Station to which it relates, shall, in the case of a burial or burning ground, be affixed conspicuously on some part of the said ground.

CVIII. Notwithstanding any such certificate as in the preceding Section mentioned, where by usage or otherwise there is, at the time of the passing of this Act, any right of interment in or under any church or chapel, or in any vault of such church Commissioners may, in certain cases, permit interment in churches, &c.

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church or chapel, or of any church-yard, burial-ground, or place of burial affected by such certificate, or where any exclusive right of interment, or any exclusive right to the ground for the purpose of interment, has been purchased or acquired before the passing of this Act, it shall be lawful for the Commissioners, if, on application made to them, they are satisfied that the exercise of such right or the use of such ground will not be injurious to health, to grant a license for such exercise or use during such time and subject to such conditions and restrictions as they may think fit.

CIX. The Commissioners may from time to time, out of the funds available for the purposes of this Act, with the consent of the Local Government, provide fitting places to be used as burial or burning grounds.

Commissioners may provide places to be used as burial or burning grounds.

CX. The Commissioners may, in manner hereinafter provided, make bye-laws for the inspection and regulation of burial and burning grounds, and may thereby prescribe rules as to the depth of graves and places of interment, and generally as to all matters connected with the good order of burial and burning grounds, due regard being had to the religious usages of the several classes of the community.

Commissioners to make bye-laws for regulation of burial and burning grounds.

CXI. The Commissioners shall, upon such information as they may be able to obtain, cause to be registered the name, sex, age, religion, residence, and cause of death of every person whose body is brought to any of the said burial or burning grounds, and also, so far as is practicable, the like particulars of every other person who dies within the said Towns and Stations.

Registry of deaths.

CXII. The Commissioners shall, for the purposes of this Act, have power, by themselves or their officers, to enter at all reasonable hours in the day-time into and upon any building or land, as well for the purpose of making any survey or inspection, as for the purpose of executing any work authorized by this Act to be executed by them, without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done in any part of such building or land in pursuance of this Act. Provided that, except when herein otherwise provided, the Commissioners or their officers shall not enter upon any building or land which may be occupied

Power to enter upon lands for the purposes of this Act.

Proviso.

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occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of his or their intention to do so.

CXIII. The Commissioners, or their officers or servants, may enter upon the land of any person adjoining to, or being within the distance of one hundred yards of any works by this Act authorized to be made, for the purpose of depositing upon such land, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said land to the owner and occupier thereof, from time to time, and as often as any such temporary occupation shall be taken or any such temporary damage done, and making compensation to the owner also for the permanent injury (if any) to such land; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses. Provided that, before the Commissioners make any such temporary use as aforesaid of the land adjoining or lying near to the said works, they shall give fourteen days' notice of such their intention to the owners and occupiers of such land, and shall set apart, by sufficient fences, so much of the land as shall be required to be used as aforesaid, from the other land adjoining thereto.

CXIV. Whoever at any time obstructs or molests the Commissioners, or any of their officers or workmen, or any person employed by them or with whom they may have contracted under the provisions of this Act, in the performance and execution of their or his duty or of anything which they are respectively empowered or required to do by virtue or in consequence of this Act, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act, shall be liable to a penalty not exceeding fifty Rupees, or, in the discretion of the Magistrate before whom he is convicted, to imprisonment, for any term not exceeding three months.

CXV. For

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CXV. For the purpose of constructing aqueducts for bringing water into any of the Towns of Calcutta, Madras, and Bombay from any place without the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature, or for the purpose of making sewers or drains to communicate with or empty themselves into any public sewer, lake, stream, canal, or water-course without the said limits, it shall be lawful, whenever a plan for any such aqueduct, sewer, or drain shall have been approved by the Local Government, for the Commissioners and their officers, with such assistants as they may require, to exercise, in the construction of such aqueduct, sewer, or drain throughout the line of country through which the said aqueduct, sewer, or drain is to run, all the powers which, by this Act, it is lawful for them to exercise within the said local limits, and which may be necessary for the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing; and it shall also be lawful for any Magistrate of any district through which the said aqueduct, sewer, or drain is to run, to exercise in respect thereof the like powers and jurisdiction within the limits of his own district as it is, by this Act, lawful for a Magistrate or two Magistrates (as the case may be) of any of the said Towns to exercise in respect of any work to be executed by the Commissioners within the said local limits.

Powers to be exercised by the Commissioners when constructing drains and aqueducts without the local limits of the jurisdiction of Supreme Courts.

CXVI. The Commissioners may, from time to time, make such bye-laws as they think fit for the several purposes for which bye-laws are hereinbefore authorized to be made by them, and may from time to time repeal, alter, or amend any such bye-laws; provided such bye-laws be not repugnant to law or to the provisions of this Act; and for any breach of any of such bye-laws, the offender shall be liable to a fine not exceeding twenty Rupees, and, in case of a continuing offence, to a further penalty not exceeding ten Rupees, for every day after notice of the offence from the Commissioners during which such offence is continued.

Commissioners empowered to make bye-laws.

CXVII. No bye-law, or alteration of a bye-law, shall have effect until the same is confirmed by the Local Government.

Bye-laws to be confirmed.

CXVIII. No bye-law, or alteration of a bye-law, shall be confirmed until the same has been published in the *Government Gazette* (if any) or in one of the public newspapers for one month, during

Notice of confirmation.

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during which period a copy of such proposed bye-law shall be kept at the office of the Commissioners, and all persons may, at reasonable times, inspect such copy without fee or reward.

CXIX. Such bye-laws, when confirmed, shall be published in the *Government Gazette* (if any) and in one or more of the public newspapers, and a copy thereof, in English and in the vernacular languages chiefly in use, shall be painted or placed on boards, which shall be hung up in some conspicuous part of the office of the Commissioners.

CXX. All Courts and Magistrates shall take judicial notice of such bye-laws when the same shall have been confirmed and published as aforesaid.

CXXI. Copies of such bye-laws shall be transmitted to the Clerk of the Legislative Council, as soon as conveniently may be after the confirmation thereof; and no such bye-law shall have effect if disallowed by order of the Legislative Council.

CXXII. The Commissioners shall publish short particulars of the several offences for which any penalty is imposed by this Act, or by any bye-law made under this Act, and of the amount of every such penalty, and shall cause such particulars, in English and in the vernacular languages chiefly in use, to be painted or placed on boards, which shall be hung up in some conspicuous part of the office of the Commissioners.

CXXIII. The Commissioners may enter into contracts with any persons for the execution of any works directed or authorized by this Act to be done by the Commissioners, or for any other things necessary for the purposes of this Act.

CXXIV. The Commissioners may direct any prosecution for any public nuisance whatsoever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the funds applicable to the purposes of this Act.

CXXV. Nothing in this Act shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be deemed to be, a nuisance at common law, nor to exempt any person guilty of a nuisance at common law, from prosecution

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tion or action in respect thereof. Provided that, if any person, convicted of an offence under this Act, shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof, in every such case he shall be released from all further or other criminal proceedings for the same offence.

Proviso.

CXXVI. No writ or process shall be issued out against or served upon the Commissioners or any of their officers, or any persons acting under the direction of the Commissioners, for any thing done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioners or at the place of abode of such person, explicitly stating the cause of action, and the name and place of abode of the intended Plaintiff, and of his attorney or agent in the cause; and, upon the trial of any such action, the Plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the Defendant; and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards; and if any person to whom any such notice of action is given shall, before action brought, tender sufficient amends to the complainant, such complainant shall not recover in any such action when brought; and if no such tender shall have been made, it shall be lawful for the Defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where Defendants are allowed to pay money into Court.

No writ or process to be issued against Commissioners or their officers until after one month's notice of cause of action, &c.

CXXVII. The Commissioners may make compensation out of the funds applicable to the purposes of this Act, to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers or servants, under and by virtue of this Act.

Power to make compensation out of funds.

CXXVIII. When there is any hindrance to the acquisition by purchase of any land or building required for the purposes of this Act, the Local Government, upon the representation of the Commissioners and after such inquiry as may be thought

Mode of ascertaining compensation for land, &c.

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thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to the laws now or hereafter to be in force for the acquisition of land for public purposes. And the Local Government may vest such land or building in the Commissioners on their paying the compensation awarded.

CXXIX. The Commissioners, with the consent of the Local Government,
Power to sell lands. may sell any lands vested in them by virtue of this Act or acquired by them for the purpose thereof either together or in parcels as they may find most convenient and advantageous, and the proceeds of such sale shall be applied to the purposes of this Act: and for carrying such sale into effect the Commissioners may execute a conveyance of the lands sold to the purchaser, and such conveyance shall be under the common seal of the Commissioners.

CXXX. Whenever any street or road hereby vested in the Commissioners
Power to sell old roads. shall be discontinued and stopped up under the provisions of Section VI of this Act, the Commissioners, with the consent of the Local Government, may sell the land or such part thereof as shall not be required for the purposes of this Act.

CXXXI. When any license is granted under the provisions of Section LXII,
Fees for licenses. XCIII, or CIII of this Act authorizing the use of any place for any of the purposes therein described, and when permission is given under Section XIX for making any temporary erection, or under Section XXXVI for putting up any projection, the Commissioners may charge a fee for such license or permission; and the rates of the fees to be so charged shall be from time to time adjusted by the Commissioners with the sanction of the Local Government, provided that no such fee shall exceed the sum of fifty Rupees. When permission or license is given for the temporary occupation of any ground belonging to the Commissioners under the provisions of Section LXXXVII or Section LXXXIX, the Commissioners may charge rent for such ground, according to the time the occupation may continue, at such rates as may from time to time be sanctioned by the Local Government. All sums received by the Commissioners under this Section shall be applied by them to the purposes of this Act.

CXXXII. In

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CXXXII. In all cases where any damages, costs, or expenses are by this Act directed to be paid, the amount of the same, in case of dispute shall be ascertained and determined by two Magistrates, except in the Town of Bombay, and in the Town of Bombay by the Court of Petty Sessions ; provided that, if there be only one Magistrate acting for any Town or Station, such ascertainment and determination may be made by a Magistrate and a Justice of the Peace.

Damages and expenses how to be determined.

CXXXIII. In any case referred to the determination of two Magistrates under this Act, it shall be lawful for any Magistrate, upon the application of either party, to summon the other party to appear before any two Magistrates, or before a Magistrate and a Justice of the Peace as the case may be, and in the Town of Bombay before the Court of Petty Sessions, at a time and place to be named in such summons ; and every such summons shall be served by delivering the original or a copy thereof to the person summoned or by leaving the same at his usual place of abode with some adult male member or servant of his family. Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such Magistrates or such Magistrate and Justice, or such Court to hear and determine such question, and for that purpose to examine such parties or any of them and their witnesses on oath ; and the cost of every such enquiry shall be in the discretion of such Magistrates, or such Magistrate and Justice of such Court, and they shall determine the amount thereof. Provided that, in the event of a difference of opinion between such Magistrates, or such Magistrate and Justice, the case shall be referred to the determination of a third Magistrate or (if there be no such Magistrate) of any Justice of the Peace to be selected by them.

Method of proceeding before Magistrates in questions of Damages, &c.

Proviso.

CXXXIV. If the amount of damages, costs, or expenses ascertained in the manner above described be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered under a warrant from the said Magistrates or either of them or the said Magistrate and Justice of the Peace or either of them, or from the Court of Petty Sessions, as the case may be, by distress and sale of the goods and chattels of such party ; and the overplus arising from the sale thereof, after satisfy-

Recovery of damages by distress.

ing

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ing such amount and the costs of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained.

CXXXV. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

Commissioners may sue in competent Court instead or on failure of distress.

CXXXVI. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Distress not unlawful for want of form.

CXXXVII. Every fine or penalty imposed under or by virtue of this Act, or any bye-law made in pursuance thereof, may be recovered by summary proceeding before a Magistrate upon information exhibited by order of the Commissioners.

Recovery of fines and penalties.

CXXXVIII. The Magistrate by whom any fine or penalty is imposed by virtue of this Act may award not more than one-half thereof or any less sum to the informer, and shall order the remainder—or, if he make no award to the informer, the whole of such fine or penalty to be paid to the Commissioners, to be by them applied to the purposes of this Act.

How fines and penalties are to be applied.

CXXXIX. No person shall be liable to any fine or penalty under this Act, for any offence made cognizable before a Magistrate, unless the complaint respecting such offence shall have been made before a Magistrate within three months next after the commission of such offence.

No person liable to fine or penalty unless complaint made within three months after offence committed.

CXL. If through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty, and

Damage to the Commissioners' property to be made good in addition to penalty.

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and the amount of such damage shall, in case of dispute, be determined by the Magistrate by whom the party incurring such penalty shall have been convicted; and, on non-payment of such damage on demand, the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

CXLI. It shall be the duty of all Police Officers to give immediate information to the Commissioners of any offence committed contrary to the provisions of this Act. Any Police Officer may arrest any person committing in his view any offence against this Act if the name and address of such person be unknown to him, and such person may be detained at the Station House until his name and address shall be ascertained.

Police Officers to report offence to Commissioners and to arrest unknown offenders.

Commencement of Act.

CXLII. This Act shall commence and take effect from and after the 1st of November 1856.

SCHEDULE.

L A W S R E P E A L E D.

Calcutta.

Act No. XII of 1837.

Act No. XII of 1847, entitled "An Act to enable the Commissioners who may be appointed under Act XVI of 1847, to purchase and hold real or personal property for the improvement of the Town of Calcutta."

Act No. XII of 1852, entitled "An Act to repeal Act No. II of 1848, and to confer certain powers on the Commissioners for the improvement of the Town of Calcutta," except Section 50 of the said Act.

Madras.

A Rule, Ordinance, and Regulation, entitled "A Regulation for the Cleanliness of the Town of Madras."

Bombay.

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Bombay.

So much of Rule, Ordinance, and Regulation III. 1812, entitled "A Rule, Ordinance, and Regulation to restrain the construction of all Buildings within the Town walls likely to endanger the defence of the Garrison, to remove and prevent encroachments that may exist or be attempted to be made in the streets, and high-roads, both within and without the Town walls, and generally throughout the Island of Bombay, and to prevent the introduction of articles of a combustible nature within the Garrison," as is now in force.

So much of Rule, Ordinance, and Regulation III. 1815, entitled "A Rule, Ordinance, and Regulation for enlarging, explaining, and amending Rule, Ordinance, and Regulation I and Rule, Ordinance, and Regulation III of 1812, the former passed by the Honorable the Governor in Council on the 25th March 1812 and registered in the Court of the Honorable the Recorder on the 20th of May following, and the latter passed by the Honorable the Governor in Council on the 4th of November 1812 and registered in the same Court on the 26th day of December next ensuing, and for other beneficial purposes," as is now in force.

Sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34, of Act No. XXVIII of 1839, entitled "An Act for the regulation of Buildings in the Islands of Bombay and Colaba."

Act No. XIV of 1841, entitled "An Act for the better regulation of Markets in the Islands of Bombay and Colaba."

Act No. XIV of 1842, entitled "An Act for giving greater facility in the abatement and prosecution of nuisances in and through the Towns and Islands of Bombay and Colaba."
