

THE BOUNDARY-MARKS, BOMBAY 1846

ACT NO. III OF 1846

Passed by the Hon'ble the President of the Council of India in Council on the 7th January 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act for the establishment and maintenance of field boundary marks in the Presidency of Bombay.

WHEREAS it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the public revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields:

I. It is hereby enacted, that it shall be lawful, within the territories subject to the Presidency of Bombay, for such Revenue Officers as the Governor in Council may entrust with that authority to require that marks be erected and maintained by the Owners or Occupants on the boundaries of fields, of such materials, and in such number as may appear to such Officers sufficient for permanently distinguishing the limits of those fields.

II. And it is hereby enacted, that the requisition shall be served on the persons owning or occupying each field according to the form A. annexed to this Act, and in the event of these persons not being found in the Village, that the said requisition shall be posted at the Village Chowree or other conspicuous place in the Village, which shall be held to be a sufficient service.

III. And it is hereby enacted, that in default of the Owners or Occupants of the fields complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such field boundary marks, the cost of which shall be equitably apportioned on the fields which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, or if there are no such persons forthcoming, to the revenues of the Village in which the fields are situated.

IV. And it is hereby enacted, that no person being out of possession and claiming a right of ownership or occupancy in fields, the cost of erecting or maintaining whose boundary marks has been charged to the revenues of the Village, in consequence of his neglecting to defray the same, shall have his claim allowed until he makes good all sums so charged.

V. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing, or injuring field boundary marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed, or injured, one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark.

VI. And it is hereby enacted, that authority for the assessment and realization of sums due under the provisions of this Act, whether as provide for the erection and maintenance of field boundary marks, and shall be exercised by them in conformity with the rules prescribed for the assessment and realization of Revenue demands in general, and that the proceedings of those Officers in all such matters shall be

recorded in writing, and shall be subject to appeal to the Revenue Authorities to whom they are subordinate.

FORM A.

Whereas you are the Owner (Occupant as the case may be) of the field

In the Village of _____ you are hereby required to fix boundary marks to the said field (by ridging or raising mounds of earth at the angles, or in such other mode as may be determined) or to repair its present boundary, within _____ days from this date, in default of which the same will be done by the Government Officers, and the cost recovered from you under Act III. of 1846.