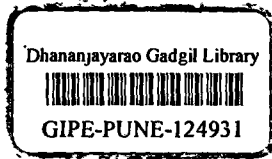


Acts passed by the Government of India  
and by the Government of Bombay.  
1885

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Acts passed by the Government  
of India & Bombay for  
1885.

1885/86.

THE



# Bombay Government Gazette.

1885.

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PART IV.

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ACTS

PASSED BY THE

GOVERNMENT OF INDIA

AND BY THE

GOVERNMENT OF BOMBAY.

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Bombay:

PRINTED AT THE GOVERNMENT CENTRAL PRESS.

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[Published with the "Bombay Government Gazette" on the 1st January 1885.]

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th December 1884, and was promulgated for general information in the *Gazette of India* on the 20th December 1884.—

#### Act No. XXI. of 1884.

*An Act to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883.*

WHEREAS it is expedient to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

1. The Straits Settlements Emigration Act, 1877, is repealed.

New section substituted for section 102 of Act XXI. of 1883.

2. For section 102 of the Indian Emigration Act, 1883, the following section shall be substituted:—

"102. On and from such a date as the Governor General in Council may, by notification in the *Gazette of India*, fix in this behalf, a Native of India who departs by sea out of British India under an agreement to labour for hire in any protected Native State adjoining the Straits Settlements to which the notification refers shall not be deemed to emigrate within the meaning of this Act."

D. FITZPATRICK,  
Secretary to the Government of India.

THE



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## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 30th January, 1885, and was promulgated for general information in the *Gazette of India* dated 31st January 1885 :—

#### Act No. II of 1885.

*An Act to amend the Negotiable Instruments Act, 1881.*

XXVI of 1881.

WHEREAS it is expedient to amend the Negotiable Instruments Act, 1881, in manner herein-after appearing; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Negotiable Instruments Act, 1885.

XXVI of 1881.

2. In the fourth paragraph of section 7 of the Negotiable Instruments Act, 1881, for the words "When acceptance is refused and the bill is protested for non-acceptance" the following shall be substituted, namely:— "When a bill of exchange has been noted or protested for non-acceptance or for better security".

New section inserted after section 45 of the same Act.

3. After section 45 of the same Act the following shall be inserted :—

"45A. Where a bill of exchange has been lost, before it is over-due, the person who was the holder of it may apply to the drawer to give him another bill of the same tenor, giving security to the drawer, if required, to indemnify him against all persons whatever in case the bill alleged to have been lost shall be found again,

"If the drawer on request as aforesaid refuses to give such duplicate bill, he may be compelled to do so."

4. To section 61, and the first paragraph of section 64, of the same Act, the following shall be added :—

"Where authorised by agreement or usage, a presentment through the post office by means of a registered letter is sufficient."

5. To section 101 of the same Act the following shall be added :—

"A notary public may make the demand mentioned in clause (c) of this section either in person or by his clerk or, where authorised by agreement or usage, by registered letter.

6. After section 104 of the same Act the following shall be inserted :—

"104A. For the purposes of this Act, where a bill or note is required to be protested within a specified time or before some further proceeding is taken, it is sufficient that the bill has been noted for protest before the expiration of the specified time or the taking of the proceeding; and the formal protest may be extended at any time thereafter as of the date of the noting."

When noting equivalent to protest.

Section 108 of the same Act, in part, repealed.

Amendment of section 109 of same Act.

(a) for the words "in the presence of a notary public subscribe the bill with his own hand and" the following shall be substituted, namely:—"by writing on the bill under his hand"; and

(b) the last twelve words are repealed.

9. In the same Act, section 113, after the words "the person so paying" the words "or his agent in that behalf" shall be inserted.

Amendment of section 113 of same Act.

New chapter added to same Act.

10. After Chapter XVI of the same Act, the following shall be inserted:—

#### "CHAPTER XVII.

##### NOTARIES PUBLIC.

"138. The Governor General in Council may, from time to time, by notification in the official Gazette, appoint any person, by name or by virtue of his office, to be a notary public under this Act and to exercise his functions as such within any local area, and may, by like notification, remove from office any notary public appointed under this Act.

"139. The Governor General in Council may, from time to time, by notification in the official Gazette, make rules consistent with this Act for the guidance and control of notaries public appointed under this Act, and may, by such rules, (among other matters) fix the fees payable to such notaries."

Power to appoint notaries public.

Power to make rules for notaries public.

R. J. CROSTHWAITE,  
Offg. Secretary to the Govt. of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 30th January, 1885, and was promulgated for general information in the *Gazette of India* on the 31st January 1885 :—

**Act No. III. of 1885.**

*An Act to amend the Transfer of Property Act, 1882.*

1882. WHEREAS it is expedient to amend the Transfer of Property Act, 1882; It is hereby enacted as follows :—

1. For the fifth clause of section 1 of the said Amendment of section 1 of Act IV of 1882. Act the following shall be substituted, namely :—

“And any Local Government may, with the previous sanction of the Governor General in Council, from time to time, by notification in the local official Gazette, exempt, either retrospectively or prospectively, any part of the territories administered by such Local Government from all or any of the following provisions, namely :—

“Sections fifty-four, paragraphs two and three, fifty-nine, one hundred and seven and one hundred and twenty-three.”

2. The following clause shall be deemed to have been added to the first section of the said Act from the date on which it came into force, namely :—

“Notwithstanding anything in the foregoing part of this section, sections fifty-four, paragraphs two and three, fifty-nine, one hundred and seven and one hundred and twenty-three shall not extend or be extended to any district or tract of country for the time being excluded from the operation of the

Indian Registration Act, 1877, under the power conferred by the first section of that Act or otherwise.” III. of 1877.

3. To section 4 of the said Act the following Addition to section 4 of shall be added, namely :— same Act.

“And sections fifty-four, paragraphs two and three, fifty-nine, one hundred and seven and one hundred and twenty-three shall be read as supplemental to the Indian Registration Act, 1877.” III. of 1877.

4. To section 6 of the said Act the following Addition to section 6 of ing clause shall be added :— same Act.

“(i) Nothing in this section shall be deemed to authorize a tenant having an untransferable right of occupancy, the farmer of an estate in respect of which default has been made in paying revenue or the lessee of an estate under the management of a Court of Wards to assign his interest as such tenant, farmer or lessee.”

Amendment of section 69 of same Act. 5. In section 69 of the said Act—

(a) after the words “is valid in the following cases” the words “and in no others” shall be inserted; and

(b) after the words “Hindu, Muhammadan or Buddhist,” in both places where they occur, there shall be inserted the words, “or a member of any other race, sect, tribe, or class from time to time specified in this behalf by the Local Government, with the previous sanction of the Governor General in Council, in the local official Gazette.”

R. J. CROSTHWAITE,  
Offg. Secretary to the Govt. of India.

*Transfer of Property act of 1882 as amended by act III of 1885 made applicable to the whole of the Territories other than the Scheduled Districts under the administration of the Bombay Govt from 1st January 1893. R. Nos 247 & 277 of 1892. J. R. S. S. S.*



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## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th February, 1885, and was promulgated for general information in the *Gazette of India*, dated 7th February 1885 :—

#### Act No. V of 1885.

*An Act to amend the Indian Ports Act, 1875.*

WHEREAS it is expedient to amend the Indian Ports Act, 1875, in manner hereinafter appearing; It is hereby enacted as follows :—

1. In section 42 of the said Act, for the words "Conservator of every port to which such order relates, and in the custom-house, if any, of every port subject to this Act" the following shall be substituted, namely :— "Conservator, and at the custom-house, if any, of every port to which such order relates."

2. To the fourth paragraph of section 47 of the said Act the following shall be added, namely :— "The expenses aforesaid shall also include the pensions, allowances and gratuities of persons who have been employed under this Act in the port, or such portion of those pensions, allowances and gratuities as the Local Government may by rule determine."

3. After the fifth paragraph of the same section the following shall be inserted and shall be deemed to have been inserted from the date on which the said Act came into force, namely :— "With the previous sanction of the Local Government the authorities of any port may, from time to time, contribute a sum from the Port Fund Account of that port for all or any of the purposes mentioned in section sixty."

"The sum so contributed shall, if, and so long as, the Local Government so directs, be in substitution of any Hospital Port-dues imposed under section fifty-nine at that port."

4. To the third paragraph of section 59 of the same Act the following shall be added, namely :— "The Local Government may, from time to time, by notification in the official Gazette, cancel any such order."

5. In the entry relating to the Cuttack ports in Part II. of the First Schedule of the same Act, for the words "not exceeding six annas per hundred maunds" the following shall be substituted, namely :— "Not exceeding four annas per ton."

R. J. CROSTHWAITE,  
Offg. Secretary to the Government of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th February, 1885, and was promulgated for general information in the *Gazette of India*, dated 7th February 1885 :—

**Act No. VI of 1885.**

*An Act to amend Act XXII of 1881.*

WHEREAS it is expedient to amend the Excise Act, 1881; It is hereby enacted as follows :—

1. In section 28 of the said Act, after the words "ten rupees" the words "or who receives an annual remuneration equivalent to such salary" shall be inserted.

2. In the first paragraph of section 29 of the same Act, after the word "salary" the words "or annual remuneration" shall be inserted; and in the second paragraph of the same section, after the word "rupees" the words "unless the Excise-officer is himself such an officer of police" shall be inserted.

3. In the same Act, after section 34, the following section shall be inserted :—

"34A. The Local Government may, from time to time, invest either by officers with powers of name or in virtue of his Excise-officers. office—

"(a) any police-officer with the powers conferred on Excise-officers by section 27 of this Act;

"(b) any police-officer in charge of a station or any police-officer of or above the grade of head-constable or sergeant with the powers conferred on Excise-officers by sections 28 and 29 of this Act.

"Every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an Excise-officer within the meaning of this Act."

4. For section 47 of the same Act the following shall be substituted, namely :—

"47. A Court shall not take cognizance of an offence punishable under any one of the following sections, namely, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two and forty-three, except on the complaint or report of the Collector or an Excise-officer; and a Court shall not take cognizance of any offence punishable under this Act unless the prosecution is instituted before the expiry of six months next after the commission of such offence."

R. J. CROSTHWAITE,  
Offg. Secretary to the Government of India.

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 26<sup>TH</sup> FEBRUARY 1885.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 20th February, 1885, and was promulgated for general information in the *Gazette of India* on the 21st February 1885 :—

#### Act No. VII. of 1885.

*An Act to amend the law in force in the Páñch Maháls.*

WHEREAS it is expedient that the law in force in the territory comprised in the Páñch Maháls should, on and from the first day of May, 1885, be the same as the law in force in the district of Kaira, in the Bombay Presidency, and that the said territory should, on and from that day, cease to be a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent of 1874. Act, 1874; It is hereby enacted as follows :—

- Short title. 1. This Act may be called the Páñch Maháls Laws Act, 1885.
2. (1) Save and except the enactments specified in the schedule hereto annexed, all enactments

which, on the first day of May, 1885, are in force in the district of Kaira and not in the Páñch Maháls shall be deemed to come into force in the Páñch Maháls on that day.

(2) All enactments which on that day are in force in the Páñch Maháls and not in the district of Kaira shall be deemed to be repealed on and from that day in the Páñch Maháls.

3. All proceedings commenced before any authority in the Páñch Maháls before the first day of May, 1885, and still pending on that day, shall be disposed of by such authority as the Local Government may direct, and, save as aforesaid, shall be carried on as if this Act had not been passed.

4. On and from the first day of May, 1885, the Páñch Maháls shall cease to be a scheduled district; and in Part II. of the First Schedule to the Scheduled Districts Act, 1874, and in the same Part of the Sixth Schedule to the Laws XIV. of 1874. Local Extent Act, 1874, the words "The Páñch Maháls" shall be repealed.



## THE SCHEDULE.

ENACTMENTS EXCEPTED FROM THE OPERATION  
OF SECTION 2.*Acts of the Governor General in Council.*

Number and year.	Title.	Extent of exception.
VIII. of 1870 ...	For the prevention of the murder of female infants.	The whole.
XXI. of 1881 ...	To amend the law providing for the relief of Thákurs in the districts of Broach and Kaira.	The whole.

*Acts of the Governor of Bombay in Council.*

Number and year.	Title.	Extent of exception.
V. of 1862 ...	For the preservation of the Bhágdári and Narwádári Tenures.	The whole.
V. of 1879 ...	To consolidate and amend the law relating to Revenue-officers and the land-revenue in the Presidency of Bombay.	Section 3 and last teen of section 53.

R. J. CROSTHWAITE,  
Offg. Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 11th June 1885.]

## PART IV.

## ACTS PASSED BY THE GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th May 1885, and is hereby promulgated for general information:—

## Act No. IX of 1885.

*An Act to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend the Excise Act, 1881, the Bengal Excise Act, 1878, and the Sea Customs Act, 1878.*

WHEREAS it is expedient to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend section 7 of the Excise Act, 1881, section 18 of the Bengal Excise Act, 1878, and sections 145, 149 and 207 of the Sea Customs Act, 1878, in manner hereinafter appearing; It is hereby enacted as follows:—

1882. 1. The part of section 6 of the Indian Tariff Act, 1882, beginning with the words "And whereas," down to and including the words "been paid," is repealed.
1881. 2. For clause (a) of section 7 of the Excise Act, 1881, the following clause shall be substituted:—
- Amendment of section 7 of Act XXII of 1881.
- "(a) such duty as the Local Government may from time to time fix in respect of such spirit has been paid, or."
- Act 1878. 3. In section 18 of the Bengal Excise Act, 1878, for the words "at the rate leviable under any Tariff Act for the time being in force" the
- Amendment of section 18 of Bengal Act VII of 1878.

words "at such rate as the Local Government may from time to time fix in respect of such spirituous liquor" shall be substituted; but nothing in this section shall affect any Act passed after this Act comes into force by the Lieutenant-Governor of Bengal in Council.

4. The duty now fixed by the Local Government under section 6 of the Indian Tariff Act, 1882, as leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, shall, in places in which the Excise Act, 1881, or the Bengal Excise Act, 1878, is in force, be deemed to be the duty fixed by the Local Government under sections 7 and 18 of those Acts, as amended by this Act, respectively.

5. (1) In section 145 of the Sea Customs Act, 1878, after the word "shall" the words "except when provision is made by any enactment for the time being in force for its being intermediately deposited in a licensed warehouse" shall be inserted.

(2) In section 149 of the same Act, after the words "custom-house" the words "or to a warehouse licensed under any enactment for the time being in force" shall be inserted.

6. In section 207 of the same Act, for the word "respectively" the words "or any like body hereafter created for any other port" shall be substituted.

D. FITZPATRICK,  
Secretary to the Government of India.

THE



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## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd July, 1885, and was promulgated for general information in the *Gazette of India* dated 25th July 1885:—

#### Act No. XII of 1885.

*An Act to amend the law relating to the carriage of passengers by sea.*

18 & 19 Vic.,  
c. 119.

WHEREAS by section 99 of an Act of the Imperial Parliament called "The Passengers Act, 1855," it is enacted that "it shall be lawful for the Governor-General of India in Council, from time to time, by any Act or Acts to be passed for that purpose, to declare that this Act or any part thereof shall apply to the carriage of passengers upon any voyage, from any ports or places within the territories of British India, to be specified in such Act or Acts, to any other places whatsoever, to be also specified in such Act or Acts;" and it is hereby also enacted that "on the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such parts of this Act as shall be adopted therein shall apply to and extend to the carriage of passengers upon such voyages as in the said Indian Act or Acts shall be specified. The provisions of such Indian Act shall be enforced in all Her Majesty's possessions in like manner as the provisions of this Act may be enforced;"

And whereas certain parts of the said Act of Parliament were by Act II of 1860 (*to amend the law relating to the carriage of passengers by sea*) made applicable to the carriage of passengers upon certain specified voyages;

26 & 27 Vic.,  
c. 51.  
18 & 19 Vic.,  
c. 119.

And whereas by an Act of the Imperial Parliament called "The Passengers Act Amendment Act, 1863," certain parts of the Passengers Act, 1855, which were so made applicable, have been

amended, and it is provided that the said Acts of the Imperial Parliament shall be construed together as one Act;

And whereas it is expedient that the amendments so made in the Passengers Act, 1855, should also be made in the parts of that Act so made applicable, and it is also expedient to apply those parts so amended to the carriage of passengers upon certain voyages not specified in Act II of 1860;

It is hereby enacted as follows:—

Short title and commencement. 1. (1) This Act may be called the Indian Sea Passengers Act, 1885; and

(2) It shall come into force on the first day of October, 1885.

2. On and from the day on which this Act comes into force, Act II of 1860 (*to amend the law relating to the carriage of passengers by sea*) shall be repealed.

3. The provisions contained in sections 4, 5 and 6 of this Act, and the schedule hereto annexed (being parts of the Passengers Act, 1855, as

amended by the Passengers Act Amendment Act, 1863), are declared applicable to the carriage of passengers upon the following voyages, namely:—

- (a) voyages from the ports of Calcutta, Madras and Bombay to the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts, Nevis and Fiji;
- (b) voyages from the ports of Calcutta, Madras and Bombay to the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana;
- (c) voyages from the ports of Calcutta, Madras, and Bombay to the Netherlands colony of Dutch Guiana;

18 & 19 Vic.,  
c. 119.

18 & 19 Vic.,  
c. 119.  
26 & 27 Vic.,  
c. 51.

VIII of 1876.

- (d) voyages from the ports of Calcutta, Madras and Bombay to the Danish colony of St. Croix ;
- (e) voyages under the Native Passenger Ships Act, 1876, from Calcutta, Madras, Bombay, Karachi, Rangoon and other ports in British India to the Straits Settlements, to the protected Native States adjoining the Straits Settlements, to Australia, and to ports in the Red Sea, Gulf of Aden or Persian Gulf and on the East Coast of Africa.

4. If the passengers or cabin-passengers upon any such voyage as is specified in the last preceding section are taken off from the ship carrying them or are picked up at sea from any boat, raft or otherwise, it shall be lawful, if the port or place to which they are conveyed is in any of Her Majesty's colonial possessions, for the Governor of such colony, or for any person authorized by him for the purpose, or, if any foreign country, for Her Majesty's Consular Officer at such port or place therein, to defray all or any part of the expenses thereby incurred.

Governors or Consuls may pay expenses of passengers taken of passenger-ship.

5. If any passenger or cabin-passenger of any such passenger-ship as aforesaid, without any neglect or default of his own, finds himself within any colonial or foreign port or place other than that for which the ship was originally bound, or at which he, or the Emigration Agent, or any public officer or other person on his behalf, has contracted that he should land, it shall be lawful for the Governor of the colony, or for any person authorized by him for the purpose, or for Her Majesty's Consular Officer at the foreign port or place, as the case may be, to forward the passenger or cabin-passenger to his intended destination, unless the master of the ship, within forty-eight hours of the arrival of such passenger or cabin-passenger, gives to the Governor or Consular Officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter the passenger or cabin-passenger to his original destination, and unless the master accordingly forwards or carries him on within that period.

6. (1) All expenses incurred under the last two preceding sections, or either of them, by or by the authority of a Governor or Consular Officer, or other person as therein respectively mentioned, including the cost of maintaining the passengers and cabin-passengers until forwarded to their destination and of all necessary bedding, provisions and stores, shall become a debt to Her Majesty and Her successors from the owner, charterer and master of the ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts.

(2) A certificate in the form given in the Schedule hereto annexed, or as near thereto as the circumstances of the case will admit, purporting to be under the hand of any such Governor or Consular Officer (as the case may be), stating the total amount of the expenses, shall, in any suit or other proceeding for the recovery of the debt, be received in evidence without proof of the hand-

writing or of the official character of the Governor or Consular Officer, and shall be deemed sufficient evidence of the amount of the expenses, and that the same were duly incurred ;

nor shall it be necessary to adduce on behalf of Her Majesty any other evidence in support of the claim, but judgment shall pass for the Crown, with costs of suit, unless the defendant specially pleads and duly proves that the certificate is false or fraudulent, or specially pleads and duly proves any facts showing that the expenses were not duly incurred :

Provided, nevertheless, that in no case shall any larger sum be recovered on account of the expenses than a sum equal to twice the total amount of passage-money received or due to and recoverable by or on account of the owner, charterer or master of the passenger-ship or any of them from or on account of the whole number of passengers and cabin-passengers who may have embarked in the ship ; which total amount of passage-money shall be proved by the defendant if he will have the advantage of this limitation of the debt ; but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be entitled to the return of their passage-money, or to any compensation for loss of passage.

7. No policy of assurance effected in respect of any passages or of any passage or compensation money by any person by this Act made liable in the events aforesaid to provide those passages or to pay that money, or in respect of any other risk under this Act, shall be deemed invalid by reason of the nature of the risk or interest sought to be covered by the policy of assurance.

#### THE SCHEDULE.

*Form of Governor's or Consul's Certificate of expenditure in the case of Passengers shipwrecked, &c.*

(See Section 6.)

I hereby certify that acting under, and in conformity with, the provisions of the Indian Sea Passengers Act, 1835, I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions and stores (a), and in forwarding to their destination [including passengers (b)], who were proceeding from to in the passenger-ship which was wrecked at sea, &c. (c).

And I further certify, for the purposes of the sixth section of the said Indian Sea Passengers Act, 1835, that the total amount of such expenses is , and that such expenses were duly incurred by me under the said Act.

(a) N.B.—1. If more passengers were rescued than forwarded, or if bedding, &c., was not supplied, alter the certificate to suit the facts of the case.

(b) N.B.—2. Omit words in brackets when necessary.

(c) N.B.—3. State generally the nature of the disaster and where it occurred. But if the passengers were only left behind without any default of their own, state the fact accordingly.

Given under my hand this 18 day of

Governor of, &c., (or, as the case may be) Her Britannic Majesty's Consul at

D. FITZPATRICK,  
Secretary to the Government of India.

## LEGISLATIVE DEPARTMENT.

The following Report on the Bill to amend the law relating to the carriage of passengers by sea was presented to the Council of the Governor-General of India for the purpose of making laws and Regulations on the 8th July, 1885 :—

We, the undersigned, Members of the Select Committee to which the Bill to amend the law relating to the carriage of passengers by sea was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 304—S.M.S., dated 13th February, 1885 [Paper No. 1].  
 From Secretary to Government, Bengal, No. 409, dated 19th February, 1885, and enclosures [Papers No. 2].  
 From Chief Secretary to Government, Madras, No. 486J., dated 20th February, 1885, and enclosures [Papers No. 3].  
 From Under Secretary to Government, Bombay, No. 753, dated 28th February, 1885, and enclosures [Papers No. 4].  
 From Officiating Registrar, High Court, Calcutta, No. 1018, dated 27th March, 1885 [Papers No. 5].

2. The papers contain several suggestions both by officials and by commercial bodies which might be well worthy of consideration if the

question were one as to the amendment of the English Passengers Acts, but which, having regard to the conditions under which we are now proceeding, it is beyond our power to entertain.

Acting, as we are, under the 99th section of the 18 & 19 Vic., c. 119, which is recited in the preamble to the Bill, we are restricted to applying to the voyages here in question the provisions of the English Passengers Acts as they stand; and if we were to introduce any modifications in the substance of those provisions, we should in all probability fail to secure for our Act the effect referred to at the end of the preamble, namely, that its provisions "shall be enforced in all Her Majesty's possessions in like manner as the provisions" of the English Passengers Acts.

3. Thus, we have no power to adopt the suggestion of the Bengal Chamber of Commerce that we should amend section 5 of the Bill so as to compel a Colonial Governor or Consular Officer to accept an undertaking to forward passengers offered by the owner, charterer or agent of a ship. We may observe, however, that, having regard to the definition of "master" in the Passengers Acts, and to the duties of a master of a wrecked ship, the contingency of there being no master of a wrecked ship, which this amendment was intended to meet, is one likely to be of very rare occurrence.

Moreover, as the Governor or Consular Officer is not compelled to act under the section, but has a discretion in the matter, there can be little doubt that in the case put he would accept the undertaking of the owner, charterer or agent.

4. Similarly, it would be beyond our powers, even if we thought it desirable to do so, to adopt the suggestion of the Madras Chamber that a shipowner should be relieved of the liability imposed by section 6 of the Bill in cases in which the ship is prevented from completing her voyage by the act of God or the Queen's enemies.

It appears to us, however, that the risk involved is one which should be provided against by insurance; and, in order to remove all doubt as to the possibility of so providing against it, we have introduced into the Bill a section (7) similar to section 55 of the Passengers Act, 1855, expressly legalizing such insurances.

5. The Government of Bombay draw attention to the want of a provision like section 14 of the Passengers Act Amendment Act, 1863, to meet the case of passengers who may be left in British India owing to their ship being wrecked before she leaves the territorial waters, or who may be brought back to British India owing to their ship being wrecked or disabled after proceeding some short distance on her voyage. We are disposed to agree in thinking some such provision desirable, but the extraordinary powers under which we are now acting are not needed for its enactment, and we think the matter could be more conveniently dealt with in our Native Passengers and Emigration Acts, where we should be free to mould the law as we think fit to suit local requirements.

6. We have, at the suggestion of Brigadier-General Blair, the Political Resident at Aden, amended section 3 (c) so as to extend the Bill to voyages to ports on the East Coast of Africa and in the Gulf of Aden.

7. We have also made such amendments as were necessary to render it clear that the Bill extends, as the English Acts do, to cabin-passengers.

8. The publication ordered by the Council has been made as follows :—

Gazette.		In English.		Date.	
	<i>Gazette of India</i>	...	...	20th and 27th December 1884 and 3rd January 1885	
	<i>Fort St George Gazette</i>	...	...	13th January 1885.	
	<i>Bombay Government Gazette</i>	...	...	25th December 1884 and 1st and 8th January 1885.	
	<i>Calcutta Gazette</i>	...	...	24th and 31st December 1884 and 7th January 1885.	
	<i>British Burma Gazette</i>	...	...	10th, 17th and 24th January 1885.	
		In the Vernaculars.			
Province.	Language.			Date.	
Bombay	Maráthi	...	...	} 12th February, 1885.	
	Gujaráthi	...	...		
	Kánarese	...	...		
Bengal	Bengali	...	...	} 20th and 27th January and 3rd February 1885.	
	Hindi	...	...		
	Uriya	...	...		
British Burma	Burmese	...	...	} 29th January and 5th and 12th February 1885.	
		...	...		

We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

The 8th July 1885.

(Signed) C. P. ILBERT.  
 ( " ) S. C. BAYLEY.

D. FITZPATRICK,  
 Secretary to the Government of India.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd July, 1885, and was promulgated for general information in the *Gazette of India* dated 25th July 1885:—

**Act No. XIII of 1885.**

**THE INDIAN TELEGRAPH ACT, 1885.**

**CONTENTS.**

**PART I.  
PRELIMINARY.**

**SECTION.**

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2. Repeal and savings.
3. Definitions.

**PART II.**

**PRIVILEGES AND POWERS OF THE GOVERNMENT.**

4. Exclusive privilege in respect of telegraphs, and power to grant licenses.
5. Power for Government to take possession of licensed telegraphs and to order interception of messages.
6. Power to establish telegraph on land of Railway Company.
7. Power to make rules for the conduct of telegraphs.
8. Revocation of licenses.
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**PART III.**

**POWER TO PLACE TELEGRAPH LINES AND POSTS.**

10. Power for telegraph authority to place and maintain telegraph lines and posts.
  11. Power to enter on property in order to repair or remove telegraph lines or posts.
- Provisions applicable to Property vested in or under the Control or Management of Local Authorities.*
12. Power for local authority to give permission under section 10, clause (c), subject to conditions.
  13. Power for local authority to require removal or alteration of telegraph line or post.
  14. Power to alter position of gas or water pipes or drains.

*The Indian Telegraph Act, 1885.*

*(Part I.—Preliminary.—Sections 1-3.)*

*An Act to amend the law relating to Telegraphs in India.*

WHEREAS it is expedient to amend the law relating to telegraphs in India; It is hereby enacted as follows:—

**PART I.**

**PRELIMINARY.**

1. (1) This Act may be called the Indian Short title, local extent and commencement. Telegraph Act, 1885.
  - (2) It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty; and
  - (3) It shall come into force on the first day of October 1885.
2. The Indian Telegraph Act, 1876, is hereby repealed.

Repeal and savings.

**SECTION.**

15. Disputes between telegraph authority and local authority.  
*Provisions applicable to other Property.*
16. Exercise of powers conferred by section 10, and disputes as to compensation, in case of property other than that of a local authority.
17. Removal or alteration of telegraph line or post on property other than that of a local authority.  
*Provisions applicable to all Property.*
18. Removal of trees interrupting telegraphic communication.
19. Telegraph lines and posts placed before the passing of this Act.

**PART IV.**

**PENALTIES.**

20. Establishing, maintaining or working unlicensed telegraph or breaking condition of license.
21. Using such telegraphs.
22. Opposing establishment of telegraphs on railway land.
23. Intrusion into signal-room, trespass in telegraph office or obstruction.
24. Unlawfully attempting to learn contents of messages.
25. Intentionally damaging or tampering with telegraphs.
26. Telegraph officer or other official making away with or altering, or unlawfully intercepting or disclosing, messages, or divulging purport of signals.
27. Telegraph officer fraudulently sending messages without payment.
28. Misconduct.
29. Sending fabricated message.
30. Retaining a message delivered by mistake.
31. Bribery.
32. Attempts to commit offences.

**PART V.**

**SUPPLEMENTAL PROVISION.**

33. Power to employ additional police in places where mischief to telegraphs is repeatedly committed.

But all licenses granted and rules made under that Act or any Act thereby repealed, and now in force, shall, so far as they could be granted or made under this Act, be deemed to have been respectively granted and made hereunder.

1 of 1876.

3. In this Act, unless there is something repugnant in the subject or context:—

(1) "Telegraph" means an electric, galvanic or magnetic telegraph, and includes appliances and apparatus for transmitting or making telegraphic, telephonic or other communications by means of electricity, galvanism or magnetism:

(2) "Telegraph officer" means any person employed either permanently or temporarily in connection with a telegraph established, maintained or worked by the Government or by a person licensed under this Act:

*The Indian Telegraph Act, 1885.*

(Part II.—Privileges and Powers of the Government.—Sections 4-9.)

(Part III.—Power to place Telegraph Lines and Posts.—Section 10.)

(3) "Message" means any communication sent by telegraph, or given to a telegraph officer to be sent by telegraph or to be delivered :

(4) "Telegraph line" means a wire or wires used for the purpose of a telegraph, with any casing, coating, tube or pipe enclosing the same, and any appliances and apparatus connected therewith for the purpose of fixing or insulating the same :

(5) "Post" means a post, pole, standard, stay, strut or other above-ground contrivance for carrying, suspending or supporting a telegraph line :

(6) "Telegraph authority" means the Director General of Telegraphs, and includes any officer empowered by him to perform all or any of the functions of the telegraph authority under this Act :

(7) "Local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund.

PART II.

PRIVILEGES AND POWERS OF THE GOVERNMENT.

4. Within British India, the Governor-General in Council shall have the exclusive privilege of establishing, maintaining and working telegraphs :

Exclusive privilege in respect of telegraphs, and power to grant licenses.

Provided that the Governor-General in Council may grant a license, on such conditions and in consideration of such payments as he thinks fit, to any person to establish, maintain or work a telegraph within any part of British India.

5. (1) On the occurrence of any public emergency, or in the interest of the public safety, the Governor-General in Council or a Local Government, or any officer specially authorised in this behalf by the Governor-General in Council, may—

Power for Government to take possession of licensed telegraphs and to order interception of messages.

- (a) take temporary possession of any telegraph established, maintained or worked by any person licensed under this Act ; or
- (b) order that any message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by or transmitted or received by any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government or an officer thereof mentioned in the order.

(2) If any doubt arises as to the existence of a public emergency, or whether any act done under sub-section (1) was in the interest of the public safety, a certificate signed by a Secretary to the Government of India or to the Local Government shall be conclusive proof on the point.

6. Any Railway Company, on being required so to do by the Governor-General in Council, shall permit the Government to establish and maintain a telegraph upon any part of the land of the Company, and shall give every reasonable facility for working the same.

Power to establish telegraph on land of Railway Company.

7. (1) The Governor-General in Council may, from time to time by notification in the *Gazette of India*, make rules consistent with this Act for the conduct of all or any telegraphs established, maintained or worked by the Government or by persons licensed under this Act.

(2) Rules under this section may provide for all or any of the following, among other matters, that is to say :—

- (a) the rates at which, and the other conditions and restrictions subject to which, messages shall be transmitted ;
- (b) the precautions to be taken for preventing the improper interception or disclosure of messages ;
- (c) the period for which, and the conditions subject to which, telegrams and other documents belonging to, or being in the custody of, telegraph officers shall be preserved ; and
- (d) the fees to be charged for searching for telegrams or other documents in the custody of any telegraph officer.

(3) When making rules for the conduct of any telegraph established, maintained or worked by any person licensed under this Act, the Governor-General in Council may by the rules prescribe fines for any breach of the same :

Provided that the fines so prescribed shall not exceed the following limits, namely :—

- (i) when the person licensed under this Act is punishable for the breach, one thousand rupees, and in the case of a continuing breach a further fine of two hundred rupees for every day after the first during the whole or any part of which the breach continues ;
- (ii) when a servant of the person so licensed, or any other person, is punishable for the breach, one-fourth of the amounts specified in clause (i).

8. The Governor-General in Council may, at any time, revoke any license granted under section 4, on the breach of any of the conditions therein contained, or in default of payment of any consideration payable thereunder.

9. The Secretary of State for India in Council shall not be responsible for any loss or damage which may occur in consequence of any telegraph officer failing in his duty with respect to the receipt, transmission or delivery of any message ; and no such officer shall be responsible for any such loss or damage, unless he causes the same negligently, maliciously or fraudulently.

Government not responsible for loss or damage.

PART III.

POWER TO PLACE TELEGRAPH LINES AND POSTS.

10. The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along or across, and posts in or upon, any immoveable property :

Power for telegraph authority to place and maintain telegraph lines and posts.

*The Indian Telegraph Act, 1885.*

*(Part III.—Power to place Telegraph Lines and Posts.—Sections 11-16).*

Provided that—

- (a) the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the Government, or to be so established or maintained;
- (b) the Government shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telegraph authority places any telegraph line or post; and
- (c) except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and
- (d) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.

11. The telegraph authority may, at any time, for the purpose of examining, repairing, altering or removing any telegraph line or post, enter on the property under, over, along, across, in or upon which the line or post has been placed.

Power to enter on property in order to repair or remove telegraph lines or posts.

*Provisions applicable to Property vested in or under the Control or Management of Local Authorities.*

12. Any permission given by a local authority under section 10, clause (c), may be given subject to such reasonable conditions as that authority thinks fit to impose, as to the payment of any expenses to which the authority will necessarily be put in consequence of the exercise of the powers conferred by that section, or as to the time or mode of execution of any work, or as to any other thing connected with or relative to any work undertaken by the telegraph authority under those powers.

13. When, under the foregoing provisions of this Act, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property vested in or under the control or management of a local authority, and the local authority, having regard to circumstances which have arisen since the telegraph line or post was so placed, considers it expedient that it should be removed or that its position should be altered, the local authority may require the telegraph authority to remove it or alter its position, as the case may be.

14. The telegraph authority may, for the purpose of exercising the powers conferred upon it by this Act in respect of any property

Power to alter position of gas or water pipes or drains.

vested in or under the control or management of a local authority, alter the position thereof under of any pipe (not being a main) for the supply of gas or water, or of any drain (not being a main drain):

Provided that—

- (a) when the telegraph authority desires to alter the position of any such pipe or drain it shall give reasonable notice of its intention to do so, specifying the time at which it will begin to do so, to the local authority, and, when the pipe or drain is not under the control of the local authority, to the person under whose control the pipe or drain is;
- (b) a local authority or person receiving notice under clause (a) may send a person to superintend the work, and the telegraph authority shall execute the work to the reasonable satisfaction of the person so sent.

15. (1) If any dispute arises between the telegraph authority and a local authority in consequence of the local authority refusing the permission referred to in section 10, clause (c), or in consequence of the telegraph authority omitting to comply with a requisition made under section 13, or otherwise in respect of the exercise of the powers conferred by this Act, it shall be determined by such officer as the Local Government may appoint either generally or specially in this behalf.

(2) An appeal from the determination of the officer so appointed shall lie to the Local Government; and the order of the Local Government shall be final.

*Provisions applicable to other Property.*

16. (1) If the exercise of the powers mentioned in section 10 in respect of property referred to in clause (d) of that section is resisted or obstructed, the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them.

(2) If, after the making of an order under sub-section (1), any person resists the exercise of those powers, or, having control over the property, does not give all facilities for their being exercised, he shall be deemed to have committed an offence under section 183 of the Indian Penal Code. XLV of 1860

(3) If any dispute arises concerning the sufficiency of the compensation to be paid under section 10, clause (d), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him.

(4) If any dispute arises as to the persons entitled to receive compensation, or as to the proportions in which the persons interested are entitled to share in it, the telegraph authority may pay into the Court of the District Judge such amount as he deems sufficient or, where all



*The Indian Telegraph Act, 1885.**(Part III.—Power to place Telegraph Lines and Posts.—Sections 17-19.)**(Part IV.—Penalties.—Sections 20-24.)*

the disputing parties have in writing admitted the amount tendered to be sufficient or the amount has been determined under sub-section (3), that amount; and the District Judge, after giving notice to the parties and hearing such of them as desire to be heard, shall determine the persons entitled to receive the compensation or, as the case may be, the proportions in which the persons interested are entitled to share in it.

(5) Every determination of a dispute by a District Judge under sub-section (3) or sub-section (4) shall be final:

Provided that nothing in this sub-section shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the telegraph authority, from the person who has received the same.

17. (1) When, under the foregoing provisions of this Act, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property, not being property vested in or under the control or management of a local authority, and any person entitled to do so desires to deal with that property in such a manner as to render it necessary or convenient that the telegraph line or post should be removed to another part thereof or to a higher or lower level or altered in form, he may require the telegraph authority to remove or alter the line or post accordingly:

Removal or alteration of telegraph line or post on property other than that of a local authority.

Provided that, if compensation has been paid under section 10, clause (d), he shall, when making the requisition, tender to the telegraph authority the amount requisite to defray the expense of the removal or alteration, or half of the amount paid as compensation, whichever may be the smaller sum.

(2) If the telegraph authority omits to comply with the requisition, the person making it may apply to the District Magistrate within whose jurisdiction the property is situate to order the removal or alteration.

(3) A District Magistrate receiving an application under sub-section (2) may, in his discretion, reject the same or make an order, absolutely or subject to conditions, for the removal of the telegraph line or post to any other part of the property or to a higher or lower level or for the alteration of its form; and the order so made shall be final.

*Provisions applicable to all Property.*

18. (1) If any tree standing or lying near a telegraph line interrupts, or is likely to interrupt, telegraphic communication, a Magistrate of the first or second class may, on the application of the telegraph authority, cause the tree to be removed or dealt with in such other way as he deems fit.

Removal of trees interrupting telegraphic communication.

(2) When disposing of an application under sub-section (1), the Magistrate shall, in the case of any tree in existence before the telegraph line was placed, award to the persons interested in the tree such compensation as he thinks reasonable, and the award shall be final.

19. Every telegraph line or post placed before the passing of this Act

works a telegraph within British India, otherwise than as permitted by license granted under section 4, or breaks any condition contained in such a license, he shall be punished with fine which may extend to one thousand rupees, and with a further fine which may extend to five hundred rupees for every week during which the line is maintained or worked or the breach of the condition continues.

## PART IV.

## PENALTIES.

20. If any person establishes, maintains or works a telegraph within British India, otherwise than as permitted by license granted under section 4, or breaks any condition contained in such a license, he shall be punished with fine which may extend to one thousand rupees, and with a further fine which may extend to five hundred rupees for every week during which the line is maintained or worked or the breach of the condition continues.

21. If any person, knowing or having reason to believe that a telegraph has been established or is maintained or worked in contravention of this Act, transmits or receives any message by such telegraph, or performs any service incidental thereto, or delivers any message for transmission by such telegraph or accepts delivery of any message sent thereby, he shall be punished with fine which may extend to fifty rupees.

22. If a Railway Company, or an officer of a Railway Company, neglects or refuses to comply with the provisions of section 6, it or he shall be punished with fine which may extend to one thousand rupees for every day during which the neglect or refusal continues.

Intrusion into signal-room, trespass in telegraph office or obstruction.

23. If any person—

(a) without permission of competent authority, enters the signal-room of a telegraph office of the Government, or of a person licensed under this Act, or

(b) enters a fenced enclosure round such a telegraph office in contravention of any rule or notice not to do so, or

(c) refuses to quit such room or enclosure on being requested to do so by any officer or servant employed therein, or

(d) wilfully obstructs or impedes any such officer or servant in the performance of his duty,

he shall be punished with fine which may extend to five hundred rupees.

24. If any person does any of the acts mentioned in section 23 with the intention of unlawfully learning the contents of any message, or of committing any offence punishable under this Act, he may (in addition to the fine with which he is punishable

The Indian Telegraph Act, 1885.

(Part IV.—Penalties.—Sections 25-32.)

(Part V.—Supplemental Provision.—Section 33.)

under section 23) be punished with imprisonment for a term which may extend to one year.

Intentionally damaging or tampering with telegraphs.

25. If any person, intending—

- (a) to prevent or obstruct the transmission or delivery of any message, or
- (b) to intercept or to acquaint himself with the contents of any message, or
- (c) to commit mischief,

damages, removes, tampers with or touches any battery, machinery, telegraph line, post or other thing whatever, being part of or used in or about any telegraph or in the working thereof,

he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

26. If any telegraph officer, or any person,

Telegraph officer or other official making away with or altering, or unlawfully intercepting or disclosing, messages, or divulging purport of signals, not being a telegraph officer but having official duties connected with any office which is used as a telegraph office,—

(a) wilfully secretes, makes a way with or alters any message which he has received for transmission or delivery, or

(b) wilfully, and otherwise than in obedience to an order of the Governor General in Council or of a Local Government, or of an officer specially authorised by the Governor General in Council to make the order, omits to transmit, or intercepts or detains, any message or any part thereof, or otherwise than in pursuance of his official duty or in obedience to the direction of a competent Court, discloses the contents or any part of the contents of any message, to any person not entitled to receive the same, or

(c) divulges the purport of any telegraphic signal to any person not entitled to become acquainted with the same,

he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

27. If any telegraph officer transmits by telegraph any message on

Telegraph officer fraudulently sending messages without payment.

which the charge prescribed by the Government, or by a person

licensed under this Act, as the case may be, has not been paid, intending thereby to defraud the Government or that person, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

28. If any telegraph officer, or any person not

Misconduct.

being a telegraph officer but having official duties connected with any office which is used as a telegraph office, is guilty of any act of drunkenness, carelessness or other misconduct whereby the correct transmission or the delivery of any message is impeded or delayed, or if any telegraph officer loiters or delays in the transmission or delivery of any message, he shall be punished with imprisonment for a term which may ex-

tend to three months, or with fine which may extend to one hundred rupees, or with both.

29. If any person transmits or causes to be transmitted by telegraph

Sending fabricated message. a message which he

knows to be false or fabricated, he shall be punished with imprisonment for a term which may extend to three years,

or with fine, or with both.

30. If any person fraudulently retains, or wilfully secretes, makes

Retaining a message delivered by mistake. away with or detains a

message which ought to have been delivered to some other person, or,

being required by a telegraph officer to deliver up any such message, neglects or refuses to do so, he shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

31. A telegraph officer shall be deemed a public servant within the

Bribery. meaning of sections 161, 162, 163, 164 and 165 of

the Indian Penal Code; and in the definition of "legal remuneration" contained in the said section 161, the word "Government" shall, for the purposes of this Act, be deemed to include a person licensed under this Act.

XLV  
1860.

32. Whoever attempts to commit any offence punishable under this

Attempts to commit offences. Act shall be punished with the punishment

herein provided for the offence.

PART V.

SUPPLEMENTAL PROVISION.

33. (1) Whenever it appears to the Local

Government that any act causing or likely to cause wrongful damage to any telegraph is repeatedly and maliciously committed in any place, and that the employment of an additional police-force in that place is thereby rendered necessary, the Local Government may send such additional police-force as it thinks fit to the place, and employ the same therein so long as, in the opinion of that Government, the necessity of doing so continues.

(2) The inhabitants of the place shall be charged with the cost of the additional police-force, and the District Magistrate shall, subject to the orders of the Local Government, assess the proportion in which the cost shall be paid by the inhabitants according to his judgment of their respective means.

(3) All moneys payable under sub-section (2) shall be recoverable either under the warrant of a Magistrate by distress and sale of the moveable property of the defaulter within the local limits of his jurisdiction, or by suit in any competent Court.

(4) The Local Government may, by order in writing, define the limits of any place for the purposes of this section.

D: FITZPATRICK,

Secretary to the Government of India.

Application of act to  
Presidency towns  
Approved

34-01  
(2)  
(3)

Vid act XL of 1888.

## LEGISLATIVE DEPARTMENT.

THE following Report on the Bill to facilitate the construction of Telegraphs, and to amend the Indian Telegraph Act, 1876, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 8th July 1885 :—

We, the undersigned, Members of the Select Committee to which the Bill to facilitate the construction of Telegraphs, and to amend the Indian Telegraph Act, 1876, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

- From Officiating Registrar, High Court, Calcutta, No. 2609, dated 15th September, 1884 [Paper No. 1].
- From Secretary to Chief Commissioner, Coorg, No. 807—111, dated 13th September, 1884 [Paper No. 2].
- From Officiating Secretary to Chief Commissioner, British Burma, No. 771-18L., dated 26th September, 1884, and enclosures [Papers No. 3].
- From Officiating Secretary to Chief Commissioner, Assam, No. 1536, dated 27th September, 1884, and enclosures [Papers No. 4].
- From Chief Commissioner, Ajmer-Merwara, No. 842, dated 3rd October, 1884 [Paper No. 5].
- From Officiating Secretary to Government, North-Western Provinces and Oudh, No. 1057—VII-276-24, dated 7th October, 1884, and enclosures [Papers No. 6].
- From Secretary for Berar to Resident, Hyderabad, No. 359G., dated 9th October, 1884 [Paper No. 7].
- From Chief Secretary to Government, Madras, No. 2541, dated 6th October, 1884, and enclosures [Papers No. 8].
- From Officiating Secretary to Government, Punjab, No. 911, dated 23rd October, 1884, and enclosures [Papers No. 9].
- From Assistant Secretary to Chief Commissioner, Central Provinces, No. 5183—240, dated 5th November, 1884 [Paper No. 10].
- From Under Secretary to Government, Bombay, No. 7782, dated 7th November, 1884, and enclosures [Papers No. 11].
- From Secretary to Government, Bengal, No. 1461T.—R., dated 23rd October, 1884, and enclosures [Papers No. 12].
- Extract, paragraph III. from Proceedings of the Meerut Association, No. 13, dated 16th November, 1884 [Paper No. 13].
- Telegram from Secretary to Government, North-Western Provinces and Oudh, dated 13th December, 1884 [Paper No. 14].

2. We are of opinion that it would be for the convenience of the Telegraph Department and the public that Act I of 1876 should be repealed and re-enacted with most of the modifications and additions proposed by the Bill as introduced. We have accordingly re-drawn the Bill as a consolidating measure.

3. Objection having been taken to licensees being entrusted with the powers with which it was proposed to invest them as telegraph authorities, we have defined "telegraph authority" to mean the Government

Telegraph Department (section 3, clause (6)), and provided that that authority shall not exercise the power of placing telegraph lines and posts except for the purposes of a telegraph established or maintained by the Government or to be so established or maintained (section 10).

4. We have also amended the definition of "local authority" so as to make that expression include a cantonment authority and clearly exclude any commercial association however incorporated (section 3, clause (7)).

5. In declaring, in section 4, the exclusive privilege of the Government to extend to establishing, maintaining and working telegraphs, and in empowering the Government to grant licenses to establish, maintain or work telegraphs, we formulate what is, and has always been understood to be, the existing law, and at the same time avoid the necessity of using the words "lease" and "lessee" which were introduced into the Bill of last year (section 13). A lease is a license to work a line established and maintained by the Government, and a lessee is the holder of such a license.

6. By section 7, sub-section (2), clause (b), we propose to give the Government the power of requiring licensees to provide for the seclusion of telegraph instruments at all offices open for the receipt of public messages. Clauses (c) and (d) of the same sub-section have been suggested to us by correspondence that has been placed at our disposal by the Public Works Department of the Government of India, respecting applications from time to time made by private persons to the Telegraph Department for the preservation of telegrams.

7. Most of the objections that were taken to the Bill as introduced, chiefly by commercial bodies in Calcutta, will, it is believed, have been met by our proposal that the power of placing telegraph lines and posts shall only be exercised by the Government Telegraph Department for the purposes of telegraphs established or maintained by the Government.

8. In section 11 we have, following a recent English Act, proposed to empower the telegraph authority to enter at any time on property for the purpose of examining, repairing, altering or removing any telegraph line or post that has been placed on it.

9. In section 14 we have adhered to the provisions of the English Act (26 & 27 Vic., c. 112, sections 6 and 8), though in practice the officers of the Telegraph Department will doubtless arrange for the alteration of the position of any pipe or drain being carried out by the authority having control of it.

10. In section 15 we have provided, on the suggestion of the Government of Bombay, that disputes between the telegraph authority and local authorities shall be determined by a local officer whose decision will be subject to appeal to the Local Government.

11. In section 16, sub-sections (1) and (2), we have provided for recourse being had by the telegraph authority to the District Magistrate where the exercise of the powers conferred on that authority is resisted. We have also provided in this section, sub-section (4), in accordance with the suggestion of the Government of Bombay, that the telegraph authority may pay compensation into Court where any dispute arises as to the persons entitled to receive it.

12. We have met the objections that were taken to section 10 of the Bill as introduced by providing in section 17 of the present Bill that a person desiring the removal or the alteration of the position of a telegraph line or post shall tender the cost of the removal or alteration in those cases only in which compensation has been paid by the telegraph authority, and that in those cases he shall not be required to tender more than half the sum that was paid to him as compensation.

13. By section 18 we have proposed to provide for the removal by order of a Magistrate of trees interrupting or likely to interrupt telegraphic communication. A somewhat similar provision in the case of trees dangerous to railways is contained in the Regulation of Railways Act, 1863 (31 & 32 Vic., c. 119, section 24).

14. By section 26 we propose to subject a person who is not a telegraph officer, but has official duties connected with an office which is used as a telegraph office, to the same penalty as that to which a telegraph officer is liable for secreting or altering telegrams or unlawfully intercepting or disclosing them. Many post offices in India are now used as telegraph offices, and we consider that postal officials should be restrained by penalty, as they are under the English Telegraph Act of 1863, from abusing such opportunities as they may have of becoming acquainted with the contents of telegraphic messages.

15. The publication ordered by the Council has been made as follows:—

			<i>In English.</i>	
<i>Gazette.</i>				<i>Date.</i>
<i>Gazette of India</i> ... ..	...	...	...	23rd and 30th August and 6th September 1884.
<i>Fort Saint George Gazette</i> ... ..	...	...	...	9th September 1884.
<i>Bombay Government Gazette</i> ... ..	...	...	...	28th August and 4th and 11th September 1884.
<i>Calcutta Gazette</i> ... ..	...	...	...	3rd, 10th and 17th September 1884.
<i>North Western Provinces and Oudh Government</i>				
<i>Gazette</i> ... ..	...	...	...	30th August and 6th and 13th September 1884.
<i>Punjab Government Gazette</i> ... ..	...	...	...	4th, 11th and 18th September 1884.
<i>Central Provinces Gazette</i> ... ..	...	...	...	30th August and 6th and 13th September 1884.
<i>British Burma Gazette</i> ... ..	...	...	...	13th, 20th and 27th September 1884.
<i>Assam Gazette</i> ... ..	...	...	...	13th September 1884.
			<i>In the Vernaculars.</i>	
<i>Province.</i>	<i>Language.</i>	<i>Date.</i>		
Madras ... ..	Tamil	...	...	18th November 1884.
Bombay ... ..	Gujarathi	...	...	13th November 1884.
	Kanarese	...	...	13th November 1884.
Bengal ... ..	Bengali	...	...	4th November 1884.
	Hindi	...	...	4th November 1884.
	Uriya	...	...	13th November 1884.
<i>North-Western Provinces and Oudh,</i>				
	Urdu	...	...	13th December 1884* and 24th and 31st January 1885.
Punjab ... ..	Urdu	...	...	22nd and 29th September and 6th October 1884.
Burma ... ..	Burmese	...	...	27th September and 4th and 11th* October 1884.

We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

(Signed) T. C. HOPE.  
( " ) C. P. ILBERT,

The 8th July 1885.

D. FITZPATRICK.  
Secretary to the Government of India.

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 8TH OCTOBER 1885.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 2nd October 1885, and was promulgated for general information on the 3rd October 1885:—

#### Act No. XV. of 1885.

*An Act to amend the Local Authorities Loan Act, 1879.*

WHEREAS it is expedient to amend the Local Authorities Loan Act, 1879; It is hereby enacted as follows:—

Addition to section 8, Act XI. of 1879.

“ or

“(c) to affect the power conferred on any local authority by any such enactment to charge its funds by guaranteeing the payment of interest on money to be applied to any purpose to which the funds of the local authority can legally be applied.”

1. After clause (b) of the proviso to section 8 of the said Act the following shall be added:—

D. FITZPATRICK,  
Secretary to the Govt. of India.

### LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Local Authorities Loan Act, 1879, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 23rd September 1885:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Local Authorities Loan Act, 1879, was

From Secretary to Chief Commissioner, British Burma, No. 303—24L, dated 13th June 1885 [Paper No. 1].

From Secretary to Chief Commissioner, Assam, No. 972, dated 18th June 1885 [Paper No. 2].

From Chief Commissioner, Ajmer-Merwara, No. 722, dated 3rd July 1885 [Paper No. 3].

referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Secretary to Government, North-Western Provinces and Oudh, No. 3051—X-518, dated 10th July 1885, [Paper No. 4].  
 From Officiating Secretary to Government, Punjab, No. 731S., dated 17th July 1885, and enclosures [Papers No. 5].  
 From Secretary for Berar to Resident, Hyderabad, No. 274G, dated 13th July 1885 [Paper No. 6].  
 From Secretary to Chief Commissioner, Coorg, No. 688—89, dated 14th July 1885 [Paper No. 7].  
 From Chief Secretary to Government, Madras, No. 1800, dated 10th July 1885 and enclosures [Papers No. 8].  
 From Under Secretary to Government, Bombay, No. 2054, dated 18th July 1885, and enclosures [Papers No. 9].  
 From Officiating Secretary to Government, Bengal, No. 1370, dated 20th July 1885, and enclosures [Papers No. 10].  
 From Assistant Secretary to Chief Commissioner, Central Provinces, No. 3052—147, dated 11th August 1885 [Paper No. 11].

2. It has been suggested that the term "raised" should be altered so as to include money devoted to any particular purpose by a person who may not have occasion to raise it, and we have accordingly substituted the words "apply to" for "raised for."

3. The only other alteration we have made in the Bill is a purely verbal one.

4. The publication ordered by the Council has been made as follows:—

*In English.*

<i>Gazette.</i>	<i>Date.</i>
<i>Gazette of India</i> ... ..	16th, 23rd and 30th May 1885.
<i>Fort St. George Gazette</i> ... ..	2nd June 1885.
<i>Bombay Government Gazette</i> ... ..	28th May and 4th and 11th June 1885.
<i>Calcutta Gazette</i> ... ..	27th May and 3rd and 10th June 1885.
<i>North-Western Provinces and Oudh Government Gazette</i> ... ..	23rd and 30th May and 6th June 1885.
<i>Punjab Government Gazette</i> ... ..	21st and 28th May and 4th June 1885.
<i>Central Provinces Gazette</i> ... ..	23rd and 30th May and 6th June 1885.
<i>British Burma Gazette</i> ... ..	6th, 13th and 20th June 1885.
<i>Assam Gazette</i> ... ..	6th and 13th June 1885.
<i>Coorg District Gazette</i> ... ..	1st July 1885.

*In the Vernaculars.*

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay ... ..	Maráthí	} 25th June 1885.
	Gujaráthí	
	Kánarese	
	Sindhí	
Bengal ... ..	Bengálí	} 30th June 1885.
	Hindí	
	Uriya	
North-Western Provinces and Oudh	Urdu	... 9th July 1885.
Punjab ... ..	Urdu	... 4th, 11th and 18th July 1885.
Central Provinces ... ..	Urdu	... 15th, 22nd and 29th June 1885.
Coorg ... ..	Maráthí	... 11th, 18th and 25th July 1885.
	Kánarese	... 1st July 1885.

We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

(Signed) T. C. HOPE.  
 " C. P. ILBERT.  
 " S. C. BAYLEY.

The 23rd September 1885.

D. FITZPATRICK,  
 Secretary to the Government of India.



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 22ND OCTOBER, 1885.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 16th October, 1885, and is hereby promulgated for general information:—

Act No. XVIII of 1885.

THE LAND ACQUISITION (MINES)  
ACT, 1885.

CONTENTS.

SECTION.

1. Short title, commencement and local extent.
2. Saving for mineral rights of the Government.
3. Declaration that mines are not needed.
4. Notice to be given before working mines lying under land.
5. Power to prevent or restrict working.
6. Mode of determining persons interested and amount of compensation.
7. If local Government does not offer to pay compensation, mines may be worked in a proper manner.
8. Mining communications.
9. Local Government to pay compensation for injury done to mines.
10. And also for injury arising from any airway or other work.
11. Power to officer of Local Government to enter and inspect the working of mines.
12. Penalty for refusal to allow inspection.
13. If mines worked contrary to provisions of this Act, Local Government may require means to be adopted for safety of land acquired.
14. Construction of Act when land acquired has been transferred to a local authority or Company.

IV.—14

SECTION.

15. Pending cases.
16. Definition of local authority and Company.
17. This Act to be read with Land Acquisition Act, 1870.

*An Act to provide cases in which Mines or Minerals are situate under land which it is desired to acquire under the Land Acquisition Act, 1870.*

WHEREAS it is expedient to provide for cases in which mines or minerals are situate under land which it is desired to acquire under the Land Acquisition Act, 1870; It is hereby enacted as X of 1870. follows:—

1. (1.) This Act may be called the Land Acquisition (Mines) Act, 1885; and

(2) It shall come into force at once.

(3) It extends in the first instance to the territories administered by the Governor of Madras in Council and the Lieutenant-Governor of Bengal, but any other Local Government may, from time to time, by notification in the official Gazette, extend this Act to the whole or any specified part of the territories under its administration.

2. Except as expressly provided by this Act, Saving for mineral nothing in this Act shall rights of the Government. affect the right of the Government to any mines or minerals.

3. (1) When the Local Government makes a Declaration that mines declaration under section 6 of the Land Acquisition Act, 1870, that land is needed for a public purpose or for a Company, it may, if it thinks fit, insert in the declaration a statement that the mines of coal, iron-stone, slate or other

X of 1870.

*The Land Acquisition (Mines) Act, 1885.—Sections 4-9.*

minerals lying under the land or any particular portion of the land, except only such parts of the mines or minerals as it may be necessary to dig or carry away or use in the construction of the work for the purpose of which the land is being acquired, are not needed.

X of 1870.

(2) When a statement as aforesaid has not been inserted in the declaration made in respect of any land under section 6 of the Land Acquisition Act, 1870, and the Collector is of opinion that the provisions of this Act ought to be applied to the land, he may abstain from tendering compensation under section 11 of the said Land Acquisition Act in respect of the mines, and may—

- (a) when he makes an award under section 14 of that Act, insert such a statement in his award;
- (b) when he makes a reference to the Court under section 15 of that Act, insert such a statement in his reference; or
- (c) when he takes possession of the land under section 17 of that Act, publish such a statement in such manner as the Governor-General in Council may, from time to time, prescribe.

(3) If any such statement is inserted in the declaration, award or reference, or published as aforesaid, the mines of coal, iron-stone, slate or other minerals under the land or portion of the land specified in the statement, except as aforesaid, shall not vest in the Government when the land so vests under the said Act.

4. If the person for the time being immediately entitled to work or get before working mines lying any mines or minerals under land. lying under any land so acquired is desirous of working or getting the same, he shall give the Local Government notice in writing of his intention so to do sixty days before the commencement of working.

5. (1) At any time or times after the receipt of a notice under the last foregoing section, and whether before or after the expiration of the said period of sixty days, the Local Government may cause the mines or minerals to be inspected by a person appointed by it for the purpose; and

(2) If it appears to the Local Government that the working or getting of the mines or minerals, or any part thereof, is likely to cause damage to the surface of the land or any works thereon, the Local Government may publish, in such manner as the Governor General in Council may, from time to time, direct, a declaration of its willingness either—

- (a) to pay compensation for the mines or minerals still unworked or ungotten, or that part thereof, to all persons having an interest in the same; or
- (b) to pay compensation to all such persons in consideration of those mines or minerals, or that part thereof, being worked or gotten in such manner and subject to such restrictions as the Local Government may in its declaration specify.

(3) If the declaration mentioned in case (a) is made, then those mines or minerals, or that part thereof, shall not thereafter be worked or gotten by any person.

(4). If the declaration mentioned in case (b) is made, then those mines or minerals, or that part thereof, shall not thereafter be worked or gotten by any person save, in the manner and subject to the restrictions specified by the Local Government.

6. When the working or getting of any mines or minerals has been prevented or restricted under section 5, the persons interested in those mines or minerals and the amounts of compensation payable to them respectively shall, subject to all necessary modifications, be ascertained in the manner provided by the Land Acquisition Act, 1870, for ascertaining the persons interested in the land to be acquired under that Act, and the amounts of compensation payable to them, respectively,

7. (1) If before the expiration of the said sixty days the Local Government does not offer to pay compensation, mines may be worked in a proper manner. If Local Government does not offer to pay compensation, mines may be worked in a proper manner. ernment does not publish a declaration as provided in section 5, the owner, lessee or occupier of the mines may, unless and until such a declaration is subsequently made, work the mines or any part thereof in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the local area where the same are situate.

(2) If any damage or obstruction is caused to the surface of the land or any works thereon by improper working of the mines, the owner, lessee or occupier of the mines shall at once, at his own expense, repair the damage or remove the obstruction, as the case may require.

(3) If the repair or removal is not at once effected, or, if the Local Government so thinks fit, without waiting for the same to be effected by the owner, lessee or occupier, the Local Government may execute the same and recover from the owner, lessee or occupier the expense occasioned thereby.

8. If the working of any mines is prevented or restricted under section 5, the respective owners, lessees and occupiers of the mines, if their mines extend so as to lie on both sides of the mines the working of which is prevented or restricted, may cut and make such and so many airways, headways, gateways or water-levels through the mines, measures or strata, the working whereof is prevented or restricted, as may be requisite to enable them to ventilate, drain and work their said mines; but no such airway, headway, gateway or water-level shall be of greater dimensions or section than may be prescribed by the Governor General in Council in this behalf, and, where no dimensions are so prescribed, not greater than eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the surface or works, or so as to injure the same, or to interfere with the use thereof.

9. The Local Government shall, from time to time, pay to the owner, lessee or occupier of any such mines extending so as to lie on both sides of the mines, the working of



*The Land Acquisition (Mines) Act, 1885.—(Sections 10-17.)*

which is prevented or restricted, all such additional expenses and losses as may be incurred by him by reason of the severance of the lands lying over those mines or of the continuous working of those mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the surface or works, and for any minerals not acquired by the Local Government which cannot be obtained by reason of the action taken under the foregoing sections; and if any dispute or question arises between the Local Government and the owner lessee or occupier as aforesaid, touching the amount of those losses or expenses, the same shall be settled as nearly as may be in the manner provided for the settlement of questions touching the amount of compensation payable under the Land Acquisition Act, 1870.

X of 1870.

**10.** If any loss or damage is sustained by the owner or occupier of the lands lying over any such mines, the working whereof has been so prevented or restricted as aforesaid (and not being the owner, lessee or occupier of those mines), by reason of the making of any such airway or other works as aforesaid, which or any like work it would not have been necessary to make but for the working of the mines having been so prevented or restricted as aforesaid, the Local Government shall pay full compensation to that owner or occupier of the surface lands for the loss or damage so sustained by him.

**11.** For better ascertaining whether any mines lying under land acquired in accordance with the provisions of this Act are being worked, or have been worked, or are likely to be worked so as to damage the land or the works thereon, an officer appointed for this purpose by the Local Government may, after giving twenty-four hours' notice in writing enter into and return from any such mines or the works connected therewith; and for that purpose the officer so appointed may make use of any apparatus or machinery belonging to the owner, lessee or occupier of the mines, and use all necessary means for discovering the distance from any part of the land acquired to the parts of the mines which have been, are being, or are about to be worked.

**12.** If any owner, lessee or occupier of any such mines or works refuses to allow any officer appointed by the Local Government for that purpose to enter into and inspect any such mines or works in manner aforesaid, he shall be punished with fine which may extend to two hundred rupees.

**13.** If it appears that any such mines have been worked contrary to the provisions of this Act, the Local Government may, if it thinks fit, give notice to the owner, lessee or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the land acquired, and the works thereon, and preventing injury thereto; and, if after

such notice, any such owner, lessee or occupier does not forthwith proceed to construct the works, necessary for making safe the land acquired and the works thereon, the Local Government may itself construct the works and recover the expense thereof from the owner, lessee or occupier.

**14.** When a statement under section 3 has been made regarding any land, and the land has been acquired by the Government, and has been transferred to or has vested by operation of law in a local authority or Company, then sections 4 to 13, both inclusive, shall be read as if for the words "the Local Government" wherever they occur in those sections the words "the local authority or Company, as the case may be, which has acquired the land" were substituted.

**15.** (1) This Act shall apply to any land for the acquisition whereof proceedings under the Land Acquisition Act, 1870, are pending at the time when this Act comes into force, unless before that time the Collector has made, in respect of the land, an award under section 14 or a reference to the Court under section 15 of that Act, or has taken possession of the land under section 17 of the same.

(2) When the Collector has before the said time made an award or reference in respect of any such land or taken possession thereof as aforesaid, and all the persons interested in the land, or entitled under the Land Acquisition Act, 1870, to act for persons so interested, who have attended or may attend in the course of the proceedings under sections 11 to 15, both inclusive, of the Land Acquisition Act, 1870, consent in writing to the application of this Act to the land, the Collector may by an order in writing direct that it shall apply, and thereupon it shall be deemed to have applied from the commencement of the proceedings; and the Collector shall be deemed, as the case may be, to have inserted in his award or reference, or to have published in the prescribed manner, when he took possession, the statement mentioned in section 3 of this Act.

**16.** In this Act—  
Definition of local authority and Company.

(a) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund; and

(b) "Company" means a Company registered under any of the enactments relating to Companies from time to time in force in British India, or formed in pursuance of an Act of Parliament or by Royal Charter or Letters Patent.

**17.** This Act shall, for the purposes of all enactments for the time being in force, be read with and taken as part of the Land Acquisition Act, 1870.

This Act to be read with Land Acquisition Act, 1870.

X of 1870.

X of 1870.

X of 1870.

X of 1870.

D. FITZPATRICK,

Secretary to the Government of India.

## LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to provide for cases in which Mines or Minerals are situate under land which it is desired to acquire under the Land Acquisition Act, 1870, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 23rd September 1885 :—

We, the undersigned, Members of the Select Committee to which the Bill to provide for cases in which Mines or Minerals are situate under land which it is desired to acquire under the Land Acquisition Act, 1870, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Messrs. Macneill & Co., Managing Agents, Equitable Coal Company, Limited, dated 24th April 1885, and enclosure [Papers No. 1].

From Officiating Secretary to Chief Commissioner, Assam, No. 649, dated 24th April 1885 [Paper No. 2].

From Secretary to Chief Commissioner, Coorg, No. 206—25, dated 4th May 1885 [Paper No. 3].

From Chief Commissioner, Ajmer-Merwara, No. 479, dated 7th May 1885, and enclosure [Papers No. 4].

From Officiating Secretary to Chief Commissioner, British Burmah, No. 708-94R., dated 29th April 1885 [Paper No. 5].

From Secretary for Berar to Resident, Hyderabad, No. 161G., dated 9th May 1885 [Paper No. 6].

From Registrar, High Court, Calcutta, No. 1524, dated 15th May 1885 [Paper No. 7].

From Chief Secretary to Government, Madras, No. 1251, dated 9th May 1885, and enclosures [Papers No. 8].

From Under Secretary to Government, Bombay, No. 4381, dated 30th May 1885, and enclosures [Papers No. 9].

From Secretary to Government, Bengal, No. 481 T.—R., dated 28th May 1885, and enclosures [Papers No. 10].

From Officiating Junior Secretary to Government, Punjab, No. 544, dated 4th June, 1885, and enclosures [Papers No. 11].

From Babu Gurdhar Das, Honorary Magistrate, Etawah, dated 8th May, 1885 [Paper No. 12].

From Chief Secretary to Government, North-Western Provinces and Oudh, No. 1150—I. 776, dated 30th June 1885, and enclosures [Papers No. 13].

From Assistant Secretary to Chief Commissioner, Central Provinces, No. 2655—77, dated 11th July 1885 [Paper No. 14].

2. Some of the Local Governments have objected to the Bill being applied to the provinces under their administration on the ground that, having regard to the manner in which the right to minerals is regulated in those provinces, it is unnecessary there, and that, if unnecessary, it would only prove an encumbrance and complication in the acquisition of lands. To meet these objections we have made the measure applicable by its own vigour only to the territories under the administration of the Governor of Madras in Council and the Lieutenant Governor of Bengal, but have empowered the remaining Local Governments to extend it to the whole or any part of the territories administered by them if they think fit.

3. An apprehension has been expressed in some of the opinions received that the Bill might by implication affect the rights which the Crown has to all minerals throughout a very large portion of this country. Such an apprehension is, we believe, unfounded, but by way of greater precaution, and to prevent misapprehension we have inserted a section (2) saving the rights of the Crown.

4. Section 2 of the Bill as introduced required the Government to determine, before it issued its declaration under section 6 of the Land Acquisition Act, whether the land should be acquired simply under that Act, that is to say, including the minerals, or whether the special provisions of this Bill should be put in force with a view to excluding the minerals from the acquisition.

It has been represented that it is not for the interest of any of those concerned that an irrevocable determination should necessarily be come to on so important a point at a stage of the proceedings when the circumstances of the case would in all probability be imperfectly known. The Government, it will be observed on reference to the Land Acquisition Act, has a discretion to withdraw from a proposed acquisition of land up to a considerably later stage, and it seems but reasonable that it should have a discretion to exclude the minerals from the acquisition at any time up to the same stage if it turns out that their acquisition is not essential to the undertaking, and that either the owners are unwilling to part with them or the Government or the local authority or Company concerned is unwilling to pay their full value. We have accordingly (in section 3) empowered the Collector, who in such a matter would, of course, act under the control of the Government, to exclude the minerals from the acquisition at any time up to the stage of the proceedings at which the land vests, and it is no longer in the discretion of the Government to recede from the transaction.

5. It has been urged that the notice of thirty days to be given to the Government, under section 3 of the Bill as introduced, by a mine-owner desiring to work his mines, is too short having regard to the delays in communication in this country. We think the objection is reasonable, and we have accordingly (in section 4 of the amended Bill) extended the period to sixty days.

6. It has been held by the House of Lords in an important case (*Dixon v. The Caledonian Railway Co.*, 5 App. Cas. 820) that when a mine-owner gives notice under section 78 of the Railway Clauses Act, 1845, of his intention to work minerals, the Railway Company is not, for the purpose of giving its counter-notice to stop or control the working limited to the thirty days for which the mine-owner's notice runs, that the period of thirty days is merely prescribed as a period until the expiration of which the mine-owner is debarred from working, and that the Company can at any time give its counter-notice, though of course if given at any time after the thirty days had expired and the workings had been commenced it would have no effect except as regards the further progress of the workings. The opposite view, as was pointed out by their Lordships, would involve somewhat serious consequences, and it is obviously necessary that there should be no mistake as to the effect of the Bill in this respect. It would doubtless have been sufficient, so far as regards the ultimate result, if we followed the exact

wording of the English Act, on the main lines of which we are proceeding throughout. The highest Courts in this country would, as a matter of course, follow the decision of the House of Lords, but it is to be apprehended that inferior authorities might in many cases be ignorant of that decision, and might mistake the effect of the wording of the English Act, which, it must be admitted, is by no means clear. We have therefore thought it safer to amend the sections concerned in such a manner that they will, in a clear and unmistakeable way, express the effect of the English Act as construed by the House of Lords.

7. Another important English decision which points to an amendment of the Bill is that in *Smith v. Great Western Railway Co.* (2 Ch. D. 2351, and in appeal before the House of Lords, 3 App. Ca. 165). We may have, under a Bill of this sort, a state of things to deal with, of which that case affords an illustration, where one person holding under a terminable lease has an immediate right to work the minerals, and another person is entitled to the reversion on the expiration of the lease and, perhaps, to a rent or royalty during its continuance. The lease may or may not be of such a length as to admit of all the minerals being worked out during its continuance, and it may or may not be liable to be put an end to by forfeiture, or otherwise, before the expiration of its term. The provisions of the English Act, which deal specially with the subject now before us, and which have been incorporated in this Bill, were found inadequate to provide for the exigencies of such a state of things as that referred to. They probably contemplate a settlement only with the person immediately entitled to work the mines, and, in order to provide for the case of a reversioner or other person interested, it was found necessary to call in the aid of a general provision of the law which would be out of place in a Bill like this.

It appears to us that the simplest mode of dealing with the various interests that may co-exist in the mines is to require, in accordance with the scheme of the Land Acquisition Act, that they should all, whether present or future, be considered and compensated for simultaneously whenever the owner of the surface has occasion to exercise his power of stopping or controlling the working.

We have accordingly provided in effect, that where the person immediately entitled to work the mines intimates to the owner of the surface his intention to work them, and the latter after that determines to stop or control the working, the settlement of compensation must extend to all persons interested in the mines, and the stoppage or control will be binding in perpetuity on all alike.

8. We have introduced three new sections (8, 9 and 10), corresponding to sections 80, 81 and 82 of the Railways Clauses Act, 1845. We question whether the object of these sections would not have been otherwise attained through the medium of the Land Acquisition Act, the provisions of which were made applicable by section 6 of the Bill as introduced; but as importance appeared to be attached to them in the memorial of the Coal Companies, we have thought it better to remove all doubt by including them. They will doubtless overlap section 6 of the Bill, but no practical harm will result from this.

9. An objection has been taken in some quarters to section 11 of the Bill as introduced (now section 14), which in effect gives to certain Companies the powers conferred on the Local Government by some of the foregoing provisions of the Bill. It appears to be overlooked that the section in question can apply only to Companies established for such purposes and occupying such a position, from a public point of view, as would warrant the Government in acquiring land on their behalf. In particular it is provided, by sections 48 and 49 of the Land Acquisition Act, that land shall not be acquired for a Company under that Act unless it is needed for a work likely to prove useful to the public, and the Company enters into an agreement with the Government settling, among other matters, the time within which and the conditions on which the work shall be executed and maintained and the terms on which the public shall be entitled to use it.

10. We may further observe that there appears from some of the papers considered by us to be a certain amount of misapprehension as to the nature of the powers referred to.

If the Local Government or the Company exercising the powers of the Local Government neglects to come to terms with the mine-owner on his giving notice of his intention to work, it does so at the risk of its property. If, considering that the mine-owner is working improperly, it takes steps under section 7 (new numbering) to remedy the mischief with a view to charging the mine-owner with the cost, it does so at the risk of losing its money and of incurring serious legal consequences if the Court before which the case may ultimately come takes a different view of the matter. Similarly, if it considers that the mines are being worked contrary to the provisions of the Act and proceeds to take steps under section 13 (new numbering), it still acts at its own risk, for it is by no means certain that it will appear to the Court that the mines were being so worked.

Thus the powers in question are very far from being so formidable as has been supposed, and we may add that they are framed as closely as possible on the lines of those conferred by Parliament on Railway Companies in England, the substance of which seems generally to have met with approval.

11. We have placed "local authorities" on a footing similar to that of Companies, as in many recent Acts the provisions of the Land Acquisition Act have been made applicable for the purpose of acquiring land for such authorities.

12. We are informed that there are certain land acquisition cases pending at this moment in Bengal, which have already proceeded beyond the stage at which the provisions of this measure would in its ordinary course be applicable to them, but in which it may nevertheless be thought desirable to have the benefit of it. To meet this, we have inserted a clause (15 (2)) which will admit of the Bill being applied in such cases if those concerned unanimously desire that it should.

13. The publication ordered by the Council has been made as follows:—

*In English.*

<i>Gazette.</i>	<i>Date.</i>
<i>Gazette of India</i> ... ..	28th February and 7th and 14th March 1885.
<i>Fort Saint George Gazette</i> ... ..	17th March 1885.
<i>Bombay Government Gazette</i> ... ..	12th March 1885.
<i>Calcutta Gazette</i> ... ..	11th March 1885.
<i>North-Western Provinces and Oudh Government Gazette</i> ... ..	14th, 21st and 28th March 1885.
<i>Punjab Government Gazette</i> ... ..	26th March and 2nd and 9th April 1885.
<i>Central Provinces Gazette</i> ... ..	14th and 21st March and 4th April 1885.
<i>British Burma Gazette</i> ... ..	28th March and 4th and 11th April 1885.
<i>Assam Gazette</i> ... ..	4th, 11th and 18th April 1885.
<i>Coorg District Gazette</i> ... ..	1st May 1885.

*In the Vernaculars.*

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay	Maráthí	} 30th April 1885.
	Gujaráthí	
	Kanarese	
Bengal	Sindhí	23rd April 1885.
	Bengalí	17th March 1885.
	Hindí	31st March 1885.
	Uriya	26th March 1885.
North-Western Provinces and Oudh...	Urdu	11th, 18th and 25th April 1885.
Punjab	Urdu	27th April and 4th and 11th May 1885.
Central Provinces	Maráthí	9th, 16th and 23rd May 1885.
	Hindí	25th April and 2nd and 9th May 1885.
British Burma	Burmese	2nd, 9th and 16th May 1885.
Assam	Bengalí	4th April 1885.

14. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

(Signed) T. C. HOPE.  
 ( „ ) C. P. ILBERT.  
 ( „ ) S. C. BAYLEY.

*The 23rd September 1885.*

D. FITZPATRICK,  
 Secretary to the Government of India.

Repealed by act ~~XVII~~ of 1886.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th October 1885, and was promulgated for general information in the *Gazette of India* on the 17th October 1885.

**Act No XIX. of 1885.**

*An Act to amend the law relating to Government Securities.*

WHEREAS it is expedient to amend the law relating to Government securities in manner herein-after appearing; It is hereby enacted as follows :—

Short title and commencement. 1. (1) This Act may be called the Indian Securities Act, 1885; and

(2) It shall come into force at once.

Definitions. 2. In this Act—

The expression "Government security" includes promissory notes, debentures, stock certificates, and all other securities issued by the Government of India or by any Local Government in respect of any loan issued under notification in the official Gazette, whether before or after the passing of this Act, but does not include a stock note or a currency note : and

"prescribed" means prescribed by rules made from time to time by the Governor General in Council in this behalf.

IX of 1872.

3. (1) Notwithstanding anything contained in the Indian Contract Act, section 45, when a Government security issued before the first day of

Right of survivors of joint payees of Government securities.

April 1886, is payable to two or more persons jointly and any of them dies, the security shall be payable to the survivor or survivors of those persons.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the security jointly payable to them and the deceased.

(3) This section shall apply whether the death of the person to whom the security was jointly payable occurred or occurs before or after this Act comes into force.

4. A person claiming to be entitled to a Government security as payable to him under an endorsement may, on satisfying the prescribed officer of the justice of his claim and paying the prescribed fee and delivering the security duly receipted to the prescribed officer, obtain from the officer a renewed security issued payable to himself.

5. (1) When a Government security alleged to have been wholly or partly lost or destroyed, and a person claims to be the person to whom but for such loss or destruction it would be payable, he may on application to the prescribed officer, and on producing

Issue of duplicate securities.

proof to his satisfaction of the loss or destruction and of the justice of the claim, obtain from him an order for—

(a) the payment of interest in respect of the security said to be lost or destroyed pending the issue of a duplicate security; and

(b) the issue of a duplicate security payable to the applicant.

(2) An order shall not be passed under sub-section (1) until after the issue of the prescribed notification of the loss or destruction and after the expiration of the prescribed period, nor until the applicant has given the prescribed indemnity against the claims of all persons deriving title under the security lost or destroyed.

(3) A list of the securities in respect of which an order is passed under sub-section (1) shall be published in the *Gazette of India* at such times as the Governor General in Council may, from time to time, direct.

6. When a renewed security has been issued under section 4, or a duplicate security has been issued under section 5, the Government shall be discharged of all liability in respect of the original security of which such renewed or duplicate security has been issued—

Period after which Government is released from liability in respect of original security.

(a) in the case of a renewed security, after the lapse of six years from the date of the issue of the renewed security;

(b) in the case of a duplicate security, after the lapse of six years from the date of the publication under section 5, sub-section (3), of the list in which the security is first mentioned, or from the date of the last payment of interest on the original security, whichever date is latest.

7. The Governor General in Council may, from time to time, make rules—

(a) the fees to be paid for applications under sections 4 and 5;

(b) the form in which securities delivered for renewal are to be receipted;

(c) the officer who is to exercise all or any of the powers and perform all or any of the duties prescribed by sections 4 and 5;

(d) the proof which is to be produced by persons applying for duplicate securities;

(e) the form and mode of publication of the notification mentioned in section 5, and the period after which interest may be paid or a duplicate security may be issued under that section;

(f) the nature and amount of the indemnity to be given by a person applying under section 5 for the payment of interest or the issue of a duplicate security; and

(g) generally all matters connected with the grant of renewed and duplicate securities.

Power of Governor General in Council to make rules.

8. (1) The Governor General in Council shall, before making rules under the last foregoing section, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of the public.

(2) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(3) The Governor General in Council shall receive and consider any objection or suggestion

which may be made by any person with respect to the draft before the date so specified.

(4) Every rule made under the last foregoing section shall be published in the *Gazette of India*, and the publication in the *Gazette of India* of a rule purporting to be made under that section shall be conclusive evidence that it has been duly made.

D. FITZPATRICK,

Secretary to the Government of India.

#### LEGISLATIVE DEPARTMENT.

The following report of the Select Committee on the Bill to amend the law relating to Government Securities was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 8th October 1885 :—

We, the undersigned, Members of the Select Committee to which the Bill to amend the law relating to Government Securities was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

2. The only substantive alteration we have made in the Bill is in section 3, which, in cases in which one of a number of joint-holders of a Government security dies, applies what we may term the rule of survivorship as opposed to the rule of representation laid down by section 45 of the Indian Contract Act. The reasons which led to the insertion of this provision are fully set forth in the Statement of Objects and Reasons : but

From Officiating Secretary to Chief Commissioner, British Burma, No 92—17L., dated 7th May 1885, and enclosure [Papers No. 1].

From Officiating Secretary to Chief Commissioner, Assam, No. 746, dated 11th May 1885, and enclosure [Papers No. 2].

From Secretary for Berar to Resident, Hyderabad, No. 178G., dated 18th May 1885 [Paper No. 3].

From Bábú Gurdhar Dás, Honorary Magistrate, Etawah, dated 18th May 1885 [Paper No. 4].

From Chief Commissioner, Ajmer-Merwára, No. 645, dated 17th June 1885 [Paper No. 5].

From Chief Secretary to Government, Madras, No. 1455, dated 3rd June 1885, and enclosures [Papers No. 6].

From Secretary to Government, North-Western Provinces and Oudh, No. 2793—X. 395, dated 26th June 1885 [Paper No. 7].

From Registrar, High Court, Calcutta, No. 1898, dated 24th June 1885 [Paper No. 8].

From Secretary to Chief Commissioner, Coorg, No. 522—58, dated 23rd June 1885 [Paper No. 9].

From Officiating Secretary to Government, Bengal, No. 1304T.F., dated 26th June 1885, and enclosures [Papers No. 10].

From Officiating Secretary to Government, Punjab, No. 520S., dated 1st July 1885, and enclosures [Papers No. 11].

Telegram from Chief Commissioner, Central Provinces, dated 1st July 1885 [Paper No. 12].

From Under Secretary to Government, Bombay, No. 1869, dated 27th June 1885, and enclosure [Papers No. 13].

From Secretary to Government of India, Legislative Department, to Solicitor to Government of India, No. 1379, dated 28th August 1885; from Solicitor to Government of India, No. 1163, dated 17th September 1885, and enclosure [Papers No. 14.]

we find that a considerable difference of opinion exists regarding it.

3. On the one hand, it is urged, among others, by so high an authority as the Advocate General of Bengal, that this provision should be generalized and extended to other classes of obligations besides those arising on Government securities.

On the other hand, it is argued in several of the papers that the rule of survivorship as applied to instruments of the description in question is one that does not fit in with the habits and ideas of certain classes of the Native population, and might, if extended to those classes as an absolutely binding rule, open a door to the perpetration of frauds.

The question thus raised is of considerable importance and difficulty. We do not think that we should be justified in entering fully upon it here in the absence of those members of the Council most competent to advise on legal and commercial matters, and we accordingly propose, with a view to avoiding it as far as possible, to confine the section to Government securities already issued, or which may be issued before the 1st of April next.

4. As regards securities already issued, the law must be settled without any further delay, the delay which has taken place in obtaining opinions on the Bill having already led to considerable public inconvenience. Moreover, as it is impracticable to make any distinctions among those securities, one and the same rule must be laid down for all, and it is clear that that rule must be the rule of survivorship. The rule of survivorship has hitherto been applied to them, as well after the passing of the Contract Act as before, subject at most to rare exceptions or qualifications. It is the rule that is most suitable to the great majority of those who hold those securities, and if in exceptional cases it should be found to be less suitable it must be remembered that those securities have been issued under a system which contemplated its application.

5. On the other hand, there is no necessity to settle the question at this moment as regards securities to be issued for all time to come, especially as a simple mode of providing, without the aid of the legislature, for securities to be hereafter issued has been proposed.

It has been suggested that it could be so arranged in the Loan Department of the Government that it should be in the option of persons, in whose favour securities are first issued or to whom they are subsequently transferred by endorsement, either to take them simply in their several names, that is to say, in favour *e.g.*, of "A, B and C," without qualification, in which case the rule of the Contract

Act would apply, or to take them under words giving a right of survivorship, as, *e.g.*, in favour of "A, B and C, and the survivor or survivors of them," in which case we are advised the rule of the Contract Act would be excluded and the rule of survivorship would apply. This, it has been argued, would be likely to afford a more satisfactory solution of the difficulty as regards securities to be hereafter issued than any enactment establishing either the rule of survivorship or that of representation in a hard-and-fast manner, as it would leave it open to all concerned to adopt for themselves the rule best adapted to their requirements.

It is urged, on the other hand, that the requirements of the new system would be likely for some time to be overlooked, and that considerable hardship and inconvenience would thus result, but this danger might perhaps be averted by some device, such as that of a warning enfacé on the security in such a way as to attract attention.

We do not, however, recommend that any determination should be arrived at on this matter until it has undergone the fullest discussion. It will doubtless be settled during the course of the Calcutta Session; and we think that we are acting most in accord with the balance of convenience, and so as to occasion the least amount of disturbance in existing relations, by recommending that, as regards securities issued meantime, *i.e.*, say up to the 1st of April next, the law should be placed on the same footing as for securities already issued, that is to say, that the rule of survivorship should apply.

6. The remaining changes which we have made in the Bill, being confined to matters of form or drafting, do not call for special notice. We may, however, mention that we have introduced words in the definition of "Government security" to make it clear that the Bill does not apply to stock notes or currency notes—classes of securities to which, as they are otherwise provided for, it was never intended to apply.

7. The publication ordered by the Council has been made as follows:—

<i>Gazette.</i>		<i>In English.</i>		<i>Date.</i>
<i>Gazette of India</i> ...	...	...	...	14th, 21st and 28th March 1885.
<i>Fort St. George Gazette</i> ...	...	...	...	8th April 1885.
<i>Bombay Government Gazette</i> ...	...	...	...	26th March and 2nd and 9th April 1885.
<i>Calcutta Gazette</i> ...	...	...	...	25th March and 1st and 8th April 1885.
<i>North-Western Provinces and Oudh Government Gazette</i> ...	...	...	...	28th March and 4th and 11th April 1885.
<i>Punjab Government Gazette</i> ...	...	...	...	9th, 16th and 23rd April 1885.
<i>Central Provinces Gazette</i> ...	...	...	...	28th March and 4th and 11th April 1885.
<i>British Burma Gazette</i> ...	...	...	...	11th, 18th and 25th April 1885.
<i>Assam Gazette</i> ...	...	...	...	11th, 18th and 25th April 1885.
<i>Coorg District Gazette</i> ...	...	...	...	1st May 1885.

<i>Province.</i>		<i>In the Vernaculars.</i>		<i>Date.</i>
		<i>Language.</i>		
Madras	...	Telugu	...	12th May 1885.
		Kanarese	...	26th June 1885.
		Tamil	...	9th June 1885.
		Malayalam	...	16th June 1885.
		Hindustání	...	16th June 1885.
Bombay	...	Gujaráthí	...	23rd April 1885.
		Maráthí	...	30th June 1885.
		Kanarese	...	7th May 1885.
		Sindhí	...	30th April 1885.
Bengal	...	Bengálí	...	21st April 1885.
		Hindí	...	21st and 28th April and 5th May 1885.
		Uriya	...	7th May 1885.
North-Western Provinces and Oudh	...	Urdu	...	2nd, 9th and 16th May 1885.
Punjab	...	Urdu	...	18th and 25th May and 1st June 1885.
Central Provinces	...	Maráthí	...	9th, 16th and 23rd May 1885.
		Hindí	...	6th, 13th and 20th June 1885.
Assam	...	Bengálí	...	2nd May 1885.

8. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

(Signed) A. COLVIN.

( " ) C. P. ILBERT.

The 8th October 1885.

D. FITZPATRICK,  
Secretary to the Government of India.

THE



# Bombay Government Gazette.

Published by Authority.

FRIDAY, 30TH JANUARY 1885.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 18th December 1884, and the assent of His Excellency the Viceroy and Governor General on the 19th January 1885, and is published for general information :—

#### Bombay Act No. I. of 1885.

*An Act to legalize the payment by the Trustees of the Port of Bombay of certain arrears of interest due to the Government.*

[First publication.]

Whereas certain deficits of interest which accrued due in the years 1873 to 1877, both inclusive, aggregating Rs. 2,36,013-11-9, were paid, on the 25th day of January 1884, by the Trustees of the Port of Bombay to the Secretary of State for India in Council out of the surplus revenue to the credit of the General Account of the Trust for the year 1882-83, and the said amount was held in hand by the said Trustees, pending settlement and payment of the amount due as aforesaid in lieu of being applied as directed

in Section 51 of the Bombay Port Trust Act, 1879;

and whereas it is expedient to legalize the payment so made by the Trustees;

It is hereby enacted that, notwithstanding anything contained in the Bombay Port Trust Act, 1879, the said sum of Rs. 2,36,013-11-9 shall be deemed to have been lawfully paid by the said Trustees to the said Secretary of State.

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

C. G. W. MACPHERSON,

Under Secretary to Government.

*Bombay Castle, 28th January 1885.*



The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 18th December 1884, and the assent of His Excellency the Viceroy and Governor General on the 22nd January 1885, and is published for general information :—

### Bombay Act No. II. of 1885.

*An Act to empower the Municipal Corporation of the City of Bombay to subscribe to the Guarantee Fund of the Bombay International Exhibition and to enable the Municipal Commissioner of Bombay to be a Member of the Executive Committee of Management of the said Exhibition.*

[First publication.]

Whereas it is proposed to hold an International Exhibition in Bombay in the year 1886-87 or 1887-88 and the Municipal Corporation of the city of Bombay has entered into an agreement dated the 11th July 1884 and signed by the Municipal Commissioner of the city of Bombay with the Trustees of the Executive Committee of Management of the said Exhibition and other persons for the purpose of guaranteeing the said Committee against loss and it is expedient to give legal effect to the said agreement ;

and whereas it is also expedient to enact that the Municipal Commissioner for the city of Bombay shall not be incompetent to be a member of the Executive Committee of Management of the said Exhibition, and, in the event of his becoming a member of the said Committee, to provide for the appointment of a Deputy Municipal Commissioner to aid him in the discharge of his municipal duties ; It is enacted as follows :—

1. The agreement so entered into by the Municipal Corporation of the city of Bombay as aforesaid, shall, anything contained in the Bombay Municipal Acts of 1872 and 1878 to the contrary notwithstanding, be a valid and binding contract between the said Municipal Corporation and the said Trustees and other persons ; and all property vested in the said Corporation, and all funds received or raised by them shall be lawfully applicable to the discharge of any sum or sums for which the said Corporation may become liable by the terms of the said agree-

Bo. III. of 1872 and IV. of 1878.

Corporation may guarantee the Committee of Management of the Bombay International Exhibition against loss to the extent of a lách of rupees.

the Municipal Corporation of the city of Bombay as aforesaid, shall, anything contained in the Bombay Municipal Acts of 1872 and 1878 to the

contrary notwithstanding, be a valid and binding contract between the said Municipal Corporation and the said Trustees and other persons ; and all property vested in the said Corporation, and all funds received or raised by them shall be lawfully applicable to the discharge of any sum or sums for which the said Corporation may become liable by the terms of the said agree-

ment ; Provided that the amount for which the municipal fund shall by such agreement be rendered liable shall not exceed a lách of rupees.

2. Nothing in section 43 of the Bombay Municipal Act of 1872, as amended by section 16 of the Bombay Municipal Act Amendment and Continuance Act, 1878, shall be deemed to prevent the Municipal Commissioner for the city of Bombay from being a member of the Executive Committee of Management of the said Exhibition or from devoting, as a member of the said Committee, such share of his time and attention as he shall think fit and necessary to the affairs of the said Exhibition.

3. Government may at any time, and from time to time, appoint a Deputy Municipal Commissioner, if the Municipal Commissioner becomes a member of the Executive Committee of Management of the said Exhibition, it shall appear expedient so to do, and any such appointment may be for such period as Government shall deem proper.

4. A Deputy Municipal Commissioner so appointed shall :

(a) receive such allowances as shall be fixed by Government ;

receive allowances to be fixed by Government ;

from time to time be fixed by Government ;

Bo. III. of 1872.

Bo. IV. of 1878.

Bo III, of  
1872 and IV,  
of 1878.

(b) assist the Municipal Commissioner in the performance of his duties under the Bombay Municipal Acts of 1872 and 1878.

And all acts and things performed and done by a Deputy Municipal Commissioner by virtue of, and during his tenure of, the office of Deputy shall, for all purposes, be deemed to have been performed and done by the Municipal Commissioner.

5. If the Municipal Corporation shall sanction the payment of the allowances of the Deputy Municipal Commissioner, or of any portion thereof, from the municipal fund, such payment shall be deemed to be a purpose expressly authorized by the Bombay Municipal Act of 1872, within the meaning of section one hundred and thirty-six thereof: Provided that no such payment shall be made out of the municipal fund without the sanction of the said Corporation.

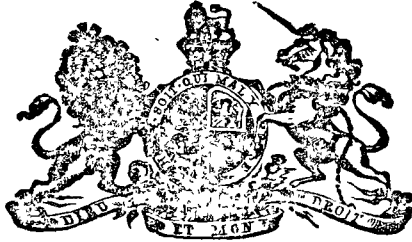
Bo III, of  
1872.

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

C. G. W. MACPHERSON,  
Under Secretary to Government.

*Bombay Castle, 28th January 1885.*

THE



# Bombay Government Gazette.

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THURSDAY, 2ND JULY 1885.

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## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 13th June 1885, and the assent of His Excellency the Viceroy and Governor General on the 1st July 1885, and is published for general information :—

#### Bombay Act No. III. of 1885.

*An Act to provide for the occasional appointment of a Deputy Municipal Commissioner for the City of Bombay.*

[First publication.]

WHEREAS it is expedient to make provision for the temporary appointment, whenever necessary, of a Deputy Municipal Commissioner for the City of Bombay; it is enacted as follows :—

1. Government may at any time, and from time to time, whenever necessary, appoint a Deputy Municipal Commissioner for the City of Bombay, if it shall for any reason appear expedient so to do, and any such appointment may be for such period as Government shall deem proper.

2. A Deputy Municipal Commissioner so appointed shall :—

- (a) receive such allowances as shall from time to time be fixed by Government ;
- (b) be subordinate to and assist the Municipal Commissioner in the performance of his duties under the Bombay Municipal Acts of 1872 and 1878.

Bom. III,  
1872, and  
IV., 1378.

And all acts and things performed and done by a Deputy Municipal Commissioner by virtue of and during his tenure of the office of Deputy shall, for all purposes, be deemed to have been performed and done by the Municipal Commissioner.

3. If the Municipal Corporation of the City of Bombay shall sanction the payment of the allowances of a Deputy Municipal Commissioner, or of any portion thereof, from the municipal fund, such payment shall be deemed to be a purpose expressly authorized by the Bombay Municipal Act of 1872, within the meaning of Section 136 of that Act: Provided that no such payment shall be made out of the municipal fund without the sanction of the said Corporation.

Bom. III, of 1872.

4. Sections 3, 4 and 5 of Bombay Act II. of 1885 (*An Act to empower the Municipal Corporation of the City of Bombay to subscribe to the Guarantee Fund of the Bombay International Exhibition and for other purposes*) and the words "and, in the event of his becoming a member of the said Committee, to provide for the appointment of a Deputy Municipal Commissioner to aid him in the discharge of his municipal duties," in the preamble of the said Act are repealed.

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

**E. LAWRENCE,**

**Acting Under Secretary to Government.**

*Poona, 1st July 1885.*

THE



# Bombay Government Gazette.

Published by Authority.

TUESDAY, 20<sup>TH</sup> OCTOBER 1885.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 3rd August 1885, and the assent of His Excellency the Viceroy and Governor General on the 17th September 1885, and is published for general information :—

#### Bombay Act No. IV. of 1885.

Bo. I. of 1884.  
Bo. II. of  
1884.

*An Act to amend the Bombay Local Boards Act, 1884, and the Bombay District Municipal Act Amendment Act, 1884.*

[First publication.]

Bo. I. of 1884  
Whereas it is expedient to amend the Bombay Local Boards Act, 1884, in manner hereinafter appearing; It is enacted as follows :

Amendment of clause (c) section 11 of Bombay Act I, of 1884.  
1. For clause (c) of section 11 of the said Act the following shall be substituted, namely:

“(c) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed and whose disqualification on account of such sentence has not been

removed by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf.”

2. The first paragraph of section 42 of the said Act is repealed.

3. In paragraph two of section 50 of the said Act the words “or of a letter of credit” shall be inserted after the word “cheque”.

4. In clause (b) of section 57 of the said Act the words “for which” shall be omitted.

Bo. II. 1884. of And whereas it is also expedient to amend the Bombay District Municipal Act Amendment Act, 1884, in manner hereinafter appearing; It is further enacted as follows:

Bo. II. 1884. of 5. For clause (c) of section 16 of the said Bombay District Municipal Act Amendment Act, 1884, the following shall be substituted (namely):

“(c) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed and whose disqualification on account of such sentence has not been removed by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf.”

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

C. G. W. MACPHERSON,

*Poona, 17th October 1885.*

Under Secretary to Government.

act for  
1886.

Acts passed by  
the Govt. of  
India  
for  
1886.



THE



Bombay Government Gazette.

1886.

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PART IV.

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ACTS.

PASSED BY THE

GOVERNMENT OF INDIA

AND BY THE

GOVERNMENT OF BOMBAY.

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Bombay:

PRINTED AT THE GOVERNMENT CENTRAL PRESS.

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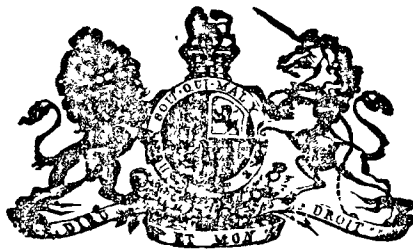
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THE



# Bombay Government Gazette.

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THURSDAY, 4TH FEBRUARY 1886.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 29th January 1886, and was promulgated for general information in the *Gazette of India* on the 30th January 1886:—

#### Act No. II. of 1886.

*An Act for Imposing a Tax on income derived from sources other than agriculture.*

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*An Act for Imposing a tax on income derived from sources other than agriculture.*

WHEREAS it is expedient to impose a tax on income derived from sources other than agriculture; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions who are in the service of the Government of India or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf; and

(2) It shall come into force on the first day of April, 1886.

(3) Any power conferred by this Act to make rules or to issue orders may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

2. On and from the day on which this Act comes into force the enactments specified in the first schedule to this Act shall be repealed, except as to fees payable and other sums due under those enactments and the mode of recovering the same.

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

(1) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:

(2) "company" means an association carrying on business in British India, whose stock or funds is or are divided into shares and transferable, whether the company is incorporated or not, and whether its principal place of business is situated in British India or not:

(3) "prescribed" means prescribed by the Governor General in Council by notification in the *Gazette of India*, or by the Governor General in Council or a Local Government by rules made under this Act.

(4) "salary" includes allowances, fees, commissions, perquisites or profits received, in lieu of or in addition to a fixed salary, in respect of an office or employment of profit; but subject to any rules which may be prescribed in this behalf, it does not include travelling, tentage, horse or sumptuary allowance, or any other allowance granted to meet specific expenditure:

(5) "income" means income and profits accruing and arising or received in British India, and includes, in the case of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty, any salary, annuity, pension or gratuity payable to that subject by the Government or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf:

(6) "Magistrate" means a Presidency Magistrate or a Magistrate of the first or second class:

(7) "person" includes a firm and a Hindu undivided family:

(8) "defaulter" includes a company or firm making default under this Act:

(9) "Collector" means the chief officer in charge of the revenue-administration of a district, and in a presidency-town any officer whom the Local Government, by notification in the official Gazette, may, by name or by virtue of his office, appoint to be a Collector for the purposes of this Act; in the case of a company or firm, it means the Collector, as here defined, of the district or presidency-town in which its principal place of business in British India is situate; and, in the case of any other person chargeable under this Act, it means the Collector, defined as aforesaid, of the district or presidency-town in which the person has his residence:

(10) "principal officer," used with reference to a local authority or a company or any other public body or association not being a local authority or company, means—

- (a) the secretary, treasurer, manager or agent of the authority, company, body or association; or
- (b) any person connected with the authority, company, body or association upon whom the Collector has caused a notice to be served of his intention of treating him as the principal officer thereof: and

(11) "Part" means a Part of the second schedule to this Act.

## CHAPTER II.

### LIABILITY TO TAX.

4. Subject to the exceptions mentioned in the next following section, Incomes liable to the tax. there shall be paid, in the year beginning with the first day of April 1886, and in each subsequent year, to the credit of the Government of India, or as the Governor General in Council directs, in respect of the sources of income specified in the first column of the second schedule to this Act, a tax at the rate specified in that behalf in the second column of that schedule.

### Exceptions.

5. (1) Nothing in section 4 shall render liable to the tax—

(a) any rent or revenue derived from land which is used for agricultural purposes and is either assessed to land-revenue or subject to a local rate assessed and collected by officials of the Government, as such; or

(b) any income derived from—

- (i) agriculture, or
- (ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or
- (iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, when he does not keep a shop or stall for the sale of such produce; or

(c) any building owned and occupied by the receiver of the rent or revenue of any such land as is referred to in clause (a), or by the cultivator, or the receiver of rent-in-kind, of any land with respect to which or the produce whereof, any operation mentioned in clause (b) is carried on:

Provided that the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue, or the cultivator or the receiver of the rent-in-kind, by reason of his connection with the land, requires as a dwelling-house, or as a store-house, factory or other out-building; or

(d) any profits of a shipping company incorporated or registered out of British India and having its principal place of business out of India and its ships ordinarily engaged in sea-going traffic out of Indian waters; or

(e) any income derived from property solely employed for religious or public charitable purposes; or

(f) any income which a person enjoys as a member of a company or of a firm or of a Hindu undivided family when the company or the firm or the family is liable to the tax; or,

(g) subject to any conditions and restrictions which may be prescribed in this behalf, such portion, not exceeding one-sixth, of the income in respect whereof a person would, but for this exception, be chargeable under this Act, as is deducted from the salary of the person under the authority or with the permission of the Government for the purpose of securing a deferred annuity to him or a provision to his wife or children after his death or is paid by the person to an insurance company in respect of an insurance or deferred annuity on his own life or on the life of his wife; or

(h) any interest on stock-notes; or

(i) the salary of any officer, warrant-officer, non-commissioned officer or private of Her Majesty's

Forces or of Her Majesty's Indian Forces who is not in an employment which, according to the ordinary practice, is held indifferently by military persons and civilians, and whose salary does not exceed five hundred rupees per mensem; or

(j) any person whose income from all sources is less than five hundred rupees per annum.

(2) An officer or servant is not exempt from taxation under this Act by reason only of the income of his employer being exempt therefrom under this section.

6. The Governor General in Council may, by notification in the *Gazette of India*, exempt from liability to the tax the whole or any part of the income of any class or tribe, or of any persons residing in any specified area, and may, by a like notification, revoke the exemption.

### CHAPTER III.

#### ASSESSMENT AND COLLECTION.

##### A.—Salaries and Pensions.

7. In the case of a person receiving any salary, annuity, pension or gratuity from the Government, any sum payable to him by the Government in respect of the salary, annuity, pension or gratuity shall be reduced by the amount of the tax to which he is liable under Part I in respect thereof.

8. (1) In the case of a person receiving any salary, annuity, pension or gratuity from a local authority, the tax to which he is liable under Part I shall, at the time of the payment to him of any of the salary, annuity, pension or gratuity, be deducted therefrom by the officer whose duty it is to make the payment, and be paid by that officer within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(2) If that officer does not deduct and pay the tax as required by sub-section (1), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

(3) If, when any payment is made, the tax is from any cause not deducted, it may, and on the requisition of the Collector shall, be deducted when any salary, annuity, pension or gratuity is subsequently paid to the person liable to the tax.

(4) The power to deduct under this section shall be without prejudice to any other mode of recovery.

9. (1) The tax to which a person receiving any salary, annuity, pension or gratuity from a company, or from any other public body or association not being a local authority or company, or from a private

employer, is liable under Part I shall be payable by him at the time when any portion of the salary, annuity, pension or gratuity is paid to him.

(2) The Collector may, subject to such conditions as may be prescribed, enter into an arrangement with any company, or any such body or association as aforesaid, or any private employer, with respect to the recovery on behalf of the Government by the company, body, association or employer of the tax to which any person receiving any salary, annuity, pension or gratuity from the company, body, association or employer is liable under Part I.

10. The principal officer of every local authority, and of every company, and of every other public body or association not being a local authority or company, shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, in the prescribed form, a return in writing showing—

(a) the name of every person who is receiving at the date of the return any salary, annuity or pension, or has received during the year ending on that date any gratuity from the authority, company, body or association, as the case may be, and the address of every such person so far as it is known; and

(b) the amount of the salary, annuity, pension, or gratuity so received by each such person, and the time at which the same becomes payable or, in the case of a gratuity, was paid.

##### B.—Profits of Companies.

11. The principal officer in British India of every company shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, a statement in writing signed by him of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of the nett profits so made during the year ending on the said thirty-first day of March.

12. (1) If the Collector has reason to believe that a statement delivered under section 11 is incorrect or incomplete, he may cause to be served on the principal officer of the company a notice requiring him, on or before a date to be therein mentioned, either to attend at the Collector's office and produce, or to cause to be there produced, for the inspection of the Collector such of the accounts of the company as refer to the year to which the statement relates and as are in his possession or power.

(2) On the day specified in the notice, or as soon afterwards as may be, the Collector shall, by an order in writing, determine the amount at

which the company shall be assessed under Part II, and the time when the amount shall be paid, and, subject to the provisions of this Act, that amount shall be payable accordingly.

#### C.—Interest on Securities.

13. (1) The tax payable under Part III in respect of the interest on any of the securities mentioned in that Part shall, at the time when and place where any of the interest is paid, be deducted therefrom by the person empowered to pay the interest, and be paid by that person within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(2) If that person does not deduct and pay the tax as required by sub-section (1), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

#### D—Other Sources of Income.

##### Ordinary Mode of Assessment and Collection.

14. The Collector shall, from time to time, determine what persons are chargeable under Part IV, and the amount at which every person so chargeable shall be assessed.

15. (1) The assessment shall be made upon the income accruing to the person during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then upon the income accruing to him during the year ending on the said thirty-first day of March.

(2) In the case of a person for the first time becoming chargeable under Part IV within the year for which the assessment is to be made or within the year next before that year, the assessment shall be made according to an average of his income for such period as the Collector, having regard to the circumstances, directs.

16. (1) The Collector shall in each year prepare a list of the persons chargeable under Part IV whose annual income does not, in his opinion, amount to two thousand rupees.

(2) The list shall be in the prescribed language or languages, and shall state in respect of every such person the following particulars, namely:—

- (a) his name and the source or sources of the income in respect of which he is chargeable;
- (b) the year or portion of the year for which the tax is to be paid;
- (c) the place or places, district or districts, where the income accrues;
- (d) the amount to be paid; and
- (e) the place where, and the person to whom, the amount is to be paid.

(3) The list shall be filed in the office of the Collector, with a notification prefixed thereto re-

quiring every person mentioned in the list to pay, within sixty days from a date specified in the notification, the amount stated in the list as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

(4) The list so filed shall be open to inspection at all reasonable times without any payment.

(5) The list, or such part or parts thereof as the Collector thinks fit, with the notification prefixed thereto, shall be further published in such manner as the Local Government may consider to be best adapted for giving information to all persons concerned.

(6) The list to be prepared in each year may be the list of the previous year with such amendments as the Collector finds to be necessary.

17. In the case of a person chargeable under Part IV whose annual income is, in the Collector's opinion, two thousand rupees or upwards, the Collector shall cause a notice to be served on him stating the particulars (a) to (e), both inclusive, mentioned in section 16, sub-section (2), and requiring him to pay, within sixty days from a date specified in the notice, the amount stated therein as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

18. (1) Notwithstanding anything contained in section 16 or section 17, the Local Government may make rules—

(1) Notwithstanding anything contained in section 16 or section 17, the Local Government may make rules—

- (a) authorising or directing a Collector in specified cases, or classes of cases, to include in a list under section 16 any person who is liable to be served with a notice under section 17 instead of or in addition to serving him with such a notice, and to serve a notice under section 17 on any person liable to be included in a list under section 16 instead of or in addition to including him in such a list.
- (b) authorising the Collector in any specified town or place to cause a general notice to be published, inviting every person chargeable under Part IV to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form published with the notice, of his income during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of his income during the year ending on the said thirty-first day of March;
- (c) authorising the Collector in any presidency-town to cause a special notice to be served on any person chargeable under Part IV, inviting him to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form accompanying the notice,

of his income computed in the manner described in clause (b) of this sub-section.

(2) A return delivered under rules made under clause (b) or clause (c) of sub-section (1) must state the period during which the income has actually accrued; and there must be added at the foot thereof a declaration that the income shown in the return is truly estimated on all the sources therein mentioned, that it has actually accrued within the period therein stated, and that the person making the return has no other source of income.

(3) When a Collector authorized in that behalf by rules made under clause (b) or clause (c) of sub-section (1) has caused a notice to be published or served under those rules, he shall not include any person to whom the notice applies in any list made under section 16 or serve a notice on him under section 17 until the time specified in the notice published or served under those rules has expired.

(4) Rules made under this section shall be published in the official Gazette.

19. Every amount specified as payable in a list or notice prepared or served under section 16 or section 17 shall be paid within the time, at the place, and to the person, mentioned in the list or notice.

*Trustees, Agents, Managers and Incapacitated Persons.*

20. A person being the trustee, guardian, curator or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of the infant, married woman, lunatic or idiot, whether the infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot, is chargeable under Part IV, be chargeable under that Part in like manner and to the same amount as the infant would be chargeable if he were of full age, or the married woman if she were sole, or the lunatic or idiot if he were capable of acting for himself.

21. Any person not resident in British India, whether a subject of Her Majesty or not, being charged in names of their agents, receipt, through an agent, of any income chargeable under Part IV, shall be chargeable under that Part in the name of the agent in the like manner and to the like amount as he would be chargeable if he were resident in British India and in direct receipt of that income.

22. Receivers or managers appointed by any Court in India, the Courts of Wards, the Administrators General and Official Trustees of Bengal, Madras and Bombay, and the Official Trustees shall be chargeable under Part IV in respect of all income officially in their possession or under their control which is liable to assessment under that Part.

23. When a trustee, guardian, curator, committee or agent is, as such, assessed under Part IV, Power to retain duties charged on trustees, &c.

or when a receiver or manager appointed as aforesaid, a Court of Wards, an Administrator General or an Official Trustee is assessed under that Part in respect of income officially received,

the person or Court so assessed may, from time to time, out of the money coming to his or its possession as trustee, guardian, curator, committee or agent, or as receiver, manager, Court of Wards, Administrator General or Official Trustee, retain so much as is sufficient to pay the amount of the assessment.

#### *Occupying Owners.*

24. (1) Where a building is occupied by its owner, it shall be deemed a source of income within the meaning of this Act, and, if liable to be assessed under this Act, shall be assessed at five-sixths of the gross annual rent at which it may reasonably be expected to let, and, in the case of a dwelling-house, may be expected to let unfurnished.

(2) "Owner," as used in this section with reference to a building, means the person who would be entitled to receive the rent of the building if the building were let to a tenant.

### CHAPTER IV.

#### REVISION OF ASSESSMENT.

25. (1) Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under Part IV, may apply by petition to the Collector to have the assessment reduced or cancelled.

(2) The petition shall ordinarily be presented within the period specified in the notification prefixed to the list filed under section 16, or in the notice served under section 17, as the case may be. But the Collector may receive a petition after the expiration of that period if he is satisfied that the objector had sufficient cause for not presenting it within that period.

(3) The petition shall, as nearly as circumstances admit, be in the form contained in the third schedule to this Act, and the statements contained in the petition shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints.

26. The Collector shall fix a day and place for the hearing of the petition, and on the day and at the place so fixed, or on the day and at the place, if any, to which he has adjourned the hearing, shall hear the petition and pass such order thereon as he thinks fit.

27. Subject to the control of the Local Government, the Commissioner of the Division, on the petition of any person aggrieved by an order under section 12, sub-section (2), or section 26, shall if the amount of the assessment to which the petition relates is two hundred and fifty rupees or



upwards, and may in his discretion if the amount of the assessment is less than two hundred and fifty rupees, call for the record of the case, and pass such order thereon as he thinks fit.

28. The Collector or Commissioner may, for the purpose of enabling him to determine how the petitioner or the company which he represents should be assessed, summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means, and as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure:

Provided that the Collector or Commissioner shall not call for any evidence except at the instance of the petitioner or in order to ascertain the correctness of facts alleged by him.

#### CHAPTER V.

##### RECOVERY OF ARREARS OF TAX.

29. The tax chargeable under this Act shall be payable at the time appointed in that behalf in or under this Act, or, if a time is not so appointed, then on the first day of June in each year.

30. (1) In any case of default under this Act the Collector, in his discretion, may recover a sum not exceeding double the amount of the tax either as if it were an arrear of land-revenue, or by any process enforceable for the recovery of an arrear of any municipal tax or local rate imposed under any enactment for the time being in force in any part of the territories administered by the Local Government to which he is subordinate, or may pass an order that a sum not exceeding double that amount shall be recovered from the defaulter:

Provided that, where a person has presented a petition under section 25, such sum shall not be recoverable from him unless, within thirty days from the passing of the order on the petition, he fails to pay the amount, if any, required by that order.

(2) The Local Government may direct by what authority any powers or duties incident under any such enactment as aforesaid to the enforcement of any process for the recovery of a municipal tax or local rate shall be exercised or performed when that process is employed under sub-section (1) for the recovery of the tax chargeable under this Act.

(3) An order passed by the Collector under sub-section (1) shall have the force of a decree of a Civil Court in a suit in which the Government is the plaintiff and the defaulter is the defendant; and the order may be enforced in manner provided by the Code of Civil Procedure for the enforcement of decrees for money; and the procedure under the said Code in respect of the following matters, namely—

- (a) sales in execution of decrees,
- (b) arrest in execution of decrees for money,

- (c) execution of decrees by imprisonment,
- (d) claims to attached property, and
- (e) execution of decrees out of the jurisdiction of the Courts by which they were passed,

shall apply to every execution issued for levying the sum mentioned in the order; save that all the powers and duties conferred and imposed by the said Code upon the Court shall be exercised and discharged by the Collector by whom the order has been made or to whom a copy thereof has been sent for execution according to the provisions of the said Code, sections 223 and 224.

(4) The Local Government may direct, with respect to any specified area, that the tax chargeable under this Act shall be recovered therein with, and as an addition to, any municipal tax or local rate by the same person and in the same manner as the municipal tax or local rate is recovered.

(5) No proceedings for the recovery of any sum payable under this Act shall be commenced after the expiration of three months from the last day of the year in respect of which the sum is payable.

#### CHAPTER VI.

##### SUPPLEMENTAL PROVISIONS.

###### Composition.

31. (1) If a company or person desires to compound for the tax assessable under Part II or Part IV, as the case may be, the Collector may, subject to such rules as may be prescribed in this behalf, agree with the company or person for a composition for the tax on such terms and for such period as he thinks fit.

(2) The agreement shall provide for the payment, in each year of the period comprised in the agreement, of the amount of the composition; and that amount shall be recoverable in the same manner and by the same means as any other assessment made under Part II or Part IV, as the case may be.

###### Receipts.

32. When any money is paid under this Act to the Collector or is recovered thereunder by him, he shall give a receipt for the same, specifying—

- (a) the date of the payment or recovery of the money;
- (b) the amount paid or recovered;
- (c) the person who was liable to the tax, and the source or sources of income in respect of which the tax was payable;
- (d) the year or part of the year for which the tax was payable;
- (e) the place or places, district or districts, where the income accrues; and
- (f) such other particulars, if any, as may be prescribed.

###### Amendment of Assessment.

33. If a company or person assessed under Part II or Part IV ceases to carry on the trade or business in respect whereof the assessment was made, or if any such person

XIV of 1882.

XIV of 1882.

dies or becomes insolvent before the end of the year for which the assessment was made, or if any such company or person is, from any other specific cause, deprived of or loses the income on which the assessment was made, then the company or person or its or his representative in interest may apply to the Collector during or within three months after the end of the year, and the Collector, on proof to his satisfaction of any such cause as aforesaid, shall amend the assessment as the case may require, and refund such sum, if any, as has been overpaid.

#### Penalties.

Failure to make payments or deliver returns or statements. **34. (1)** If a person fails—

(a) to deduct and pay any tax as required by section 8, sub-section (1), or section 13, sub-section (1), or

(b) to deliver or cause to be delivered to the Collector in due time the return or statement mentioned in section 10 or section 11, or

(c) to produce, or cause to be produced, on or before the date mentioned in a notice under section 12, such accounts as are referred to in the notice,

he shall, on conviction before a Magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues.

(2) The Commissioner of the Division may remit wholly or in part any fine imposed under this section.

**35.** If a person makes a statement in a declaration mentioned in section 18, sub-section (2), which is false, and which he either knows or believes to be false or does not believe to be true, he shall be deemed to have committed the offence described in section 177 of the Indian Penal Code.

XLV of 1860.

**36.** A person shall not be proceeded against for an offence under section 34 or section 35, except at the instance of the Collector.

**37.** Any proceeding under section 12 or Chapter IV of this Act shall be deemed to be a "judicial proceeding" within the meaning of sections 193 and 228 of the Indian Penal Code.

XLV of 1860.

#### Power to make Rules.

**38. (1)** The Governor General in Council may make rules consistent with this Act for ascertaining and determining income liable to assessment for preventing the disclosure of particulars contained in documents delivered or produced with respect to assessments under Part IV, and, generally, for carrying out the purposes of this Act, and may delegate to a Local Government the power to make such rules so far as regards the territories subject to that Government.

(2) In making a rule for preventing the disclosure of any particulars referred to in sub-section (1), the Governor General in Council may direct that a public servant committing a breach of the rule shall be deemed to have committed an offence under section 166 of the Indian Penal Code.

XLV of 1860.

(3) But a person committing any such offence shall not be liable to be prosecuted therefor without the previous sanction of the Local Government.

(4) Rules made under this section shall be published in the official Gazette.

#### Miscellaneous.

**39.** No suit shall lie in any Civil Court to set aside or modify any assessment made under this Act.

**40.** All or any of the powers and duties conferred and imposed by this Act on a Collector or on a Commissioner of a Division may be exercised and performed by such other officer or person as the Local Government appoints in this behalf.

**41.** An officer or person exercising all or any of the powers of a Collector under this Act may, by notice, require any person to furnish a list, in the prescribed form, containing, to the best of his belief,—

(a) the name of every inmate or lodger residing in any house used by him as a dwelling-house or let by him in lodgings;

(b) the name of every other person receiving salary or emoluments amounting to forty-one rupees ten annas and eight pies per mensem, or five hundred rupees per annum, or upwards, employed in his service, whether resident in any such house as aforesaid or not; and

(c) the place of residence of such of those persons as are not resident in any such house, and of any inmate or lodger in any such house who has a place of residence elsewhere at which he is liable under this Act to be assessed, and who desires to be assessed at that place.

**42.** An officer or person exercising all or any of the powers aforesaid may, by notice, require any person whom he has reason to believe to be a trustee, guardian, curator, committee or agent to deliver or caused to be delivered a statement of the names of the persons for or of whom he is trustee, guardian, curator, committee or agent.

**43.** An officer or person exercising all or any of the said powers may, by notice, require a trustee, guardian, curator, committee or agent, or a receiver or manager appointed by any Court in India, or a Court of Wards, Administrator General or Official Trustee, to furnish such returns of income liable to assessment under Part IV as may be prescribed.

44. An officer or person exercising all or any of the said powers may, <sup>Obligation to furnish other information</sup> at the instance of any person respecting whose assessment or the amount thereof any doubt exists, require any person to furnish such information as he deems to be necessary for the purpose of ascertaining facts relevant to the assessment or its amount.

45. A person required to furnish any information under section 41, section 42, section 43, or section 44 shall be legally bound to furnish the same in such manner and within such time as may be specified in the requisition for the information.

Sections 176 and 177 of Penal Code to apply to requisitions for information.

46. (1) A notice under this Act may be served on the person therein named either by a pre-paid letter addressed to the person and registered under Part III of the Indian Post Office Act, 1866, or by the delivery or tender to him of a copy of the notice.

(2) If a notice is served by registered letter, it shall be presumed to have been served at the time when the letter would be delivered in the ordinary course of post, and proof that the letter was properly addressed and put into the post shall be sufficient to raise the presumption that the notice was duly served at that time.

(3) If the notice is to be served otherwise than by registered letter, the service shall, whenever it may be practicable, be on the person named in the notice or, in the case of a firm, on some member thereof, or, in the case of a Hindu undivided family, on the manager of the joint estate of the family.

(4) But when the person, member or manager cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving-officer shall fix the copy of the notice on the outer door of the house in which the person, firm or family therein named ordinarily resides or carries on business.

47. (1) When a company or firm has several places of business in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be the principal place of business.

Power to declare principal place of business or residence.

(2) When a company or firm has several places of business in the territories subject to a single Local Government, that Government may declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

(3) When a person has several places of residence in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(4) When a person has several places of residence in the territories subject to a single Local Government, that Government may declare which

of those places shall, for the purposes of this Act, be deemed to be his residence.

(5) The powers given by this section may be delegated to and exercised by such officers as the Governor General in Council or the Local Government, as the case may be, appoints in this behalf.

48. Where a person is in respect of any period liable to the tax under this Act, he shall not in respect of that period be assessed to the pândhari tax levied in the Central Provinces under Act XIV of 1867, or to the capitation-tax, or the land rate in lieu thereof, levied in British Burma under the Burma Land and Revenue Act, 1876.

Saving in favour of payers of pândhari and capitation taxes.

II of 1876.

49. Every person deducting, retaining or paying any tax in pursuance of this Act or of any arrangement under section 9, sub-section (2), in respect of income belonging to another person, is hereby indemnified for the deduction, retention or payment thereof.

Indemnity.

50. All powers conferred by or conferrable under this Act may be exercised from time to time as occasion requires.

Powers exercisable from time to time.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short Title.	Extent of repeal.
Act No. II of 1878.	The Northern India License Act, 1878.	So much as has not been repealed.
Act No. VI of 1880.	The Indian License Acts Amendment Act, 1880.	The whole.

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Number and year.	Short Title.	Extent of repeal.
Act No. III of 1878.	The Madras License Act, 1878.	So much as has not been repealed.
Act No. III of 1880.	An Act to amend Madras Act III of 1878 as amended by Act VI of 1880.	The whole.

ACT OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Short Title.	Extent of repeal.
Act No. III of 1878.	The Bombay License Act, 1878.	So much as has not been repealed.

ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Short Title.	Extent of repeal.
Act No. II of 1880.	The Bengal License Act, 1880.	The whole.

THE SECOND SCHEDULE.		FIRST COLUMN.	SECOND COLUMN.																				
SOURCES OF INCOME AND RATES OF TAX.		Source of Income.	Rate of Tax.																				
(See section 4.)																							
FIRST COLUMN.	SECOND COLUMN.																						
Source of Income.	Rate of Tax.																						
<b>PART I.</b>			10 15 20 25 30 35 40 42																				
<b>SALARIES AND PENSIONS.</b>			<b>PART IV.</b>																				
<p>1. Any salary, annuity, pension or gratuity paid in British India to or on behalf of any person residing in British India or serving on board a ship plying to or from British Indian ports, whether on account of himself or another person.</p> <p>(a) If the income amounts to Rs. 2,000 per annum, or Rs. 166-10-8 per mensem, or upwards—five pies in the rupee.</p> <p>(b) If the income is less than Rs. 2,000 per annum, or Rs. 166-10-8 per mensem—four pies in the rupee.</p>		<p>(a) If the annual income is assessed at—</p> <table border="1"> <tr> <td>Any source of income not included in Part I, Part II or Part III of this schedule.</td> <td>not less than Rs. 500 but less than Rs. 750</td> <td>the tax shall be Rs. 10</td> </tr> <tr> <td>" " " " " "</td> <td>750 " " " "</td> <td>15</td> </tr> <tr> <td>" " " " " "</td> <td>1,000 " " " "</td> <td>20</td> </tr> <tr> <td>" " " " " "</td> <td>1,250 " " " "</td> <td>25</td> </tr> <tr> <td>" " " " " "</td> <td>1,500 " " " "</td> <td>30</td> </tr> <tr> <td>" " " " " "</td> <td>1,750 " " " "</td> <td>35</td> </tr> <tr> <td>" " " " " "</td> <td>2,000 " " " "</td> <td>40</td> </tr> </table> <p>(b) if the annual income is assessed at Rs. 2,000 or upwards,—five pies in the rupee on the income.</p>	Any source of income not included in Part I, Part II or Part III of this schedule.	not less than Rs. 500 but less than Rs. 750	the tax shall be Rs. 10	" " " " " "	750 " " " "	15	" " " " " "	1,000 " " " "	20	" " " " " "	1,250 " " " "	25	" " " " " "	1,500 " " " "	30	" " " " " "	1,750 " " " "	35	" " " " " "	2,000 " " " "	40
Any source of income not included in Part I, Part II or Part III of this schedule.	not less than Rs. 500 but less than Rs. 750	the tax shall be Rs. 10																					
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" " " " " "	1,750 " " " "	35																					
" " " " " "	2,000 " " " "	40																					
<p>2. Any salary, annuity, pension or gratuity paid by the Government, or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf, to or on behalf of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty.</p>																							
<b>PART II.</b>																							
<b>PROFITS OF COMPANIES.</b>																							
Profits of a company	Five pies in the rupee on the whole of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then on the whole of the nett profits so made during the year ending on the said thirty-first day of March.																						
<b>PART III.</b>																							
<b>INTEREST ON SECURITIES.</b>																							
Interest becoming due on or after the first day of April, 1886, and payable in British India, on—	Five pies in the rupee on such interest, unless the owner of the security produces a certificate signed by the Collector that his annual income from all sources is less than Rs. 500, in which case no deduction shall be made from the interest, or unless he produces a like certificate that his income from all sources is less than Rs. 2,000, in which case the rate shall be four pies in the rupee.																						
(a) promissory notes, debentures, stock or other securities of the Government of India, (including securities of the Government of India whereon interest is payable out of British India by draft on any place in British India), or																							
(b) bonds or debentures charged by the Imperial Parliament on the revenues of India, or																							
(c) debentures or other securities for money issued by or on behalf of a local authority or company.																							

### THE THIRD SCHEDULE.

#### FORM OF PETITION.

(See section 25.)

To the Collector of

The day of 188 .

The petition of A. B. of

SHEWETH as follows—

1.—Under Act No. II of 1886, your petitioner has been assessed in the sum of rupees for the year commencing the first day of April 188 .

2.—Your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits and the place or places at which such income or profits accrues or arise*] for the year ending the day of last were rupees [as will appear from the documents of which a list is presented herewith.\*]

3.—Such income and profits actually accrued and arose during a period of months and days [*here state the exact number of months and days in which the income and profits accrued and arose*].

4.—During the said year your petitioner had no other income or profits.

Your petitioner therefore prays that he may be assessed accordingly [*or that he may be declared not to be chargeable under the said Act*].

(Signed) A. B.

*Form of Verification.*

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) A. B.

\* These words are to be inserted if the petitioner relies on documents. The list, if the petitioner so wishes, may be presented in a sealed envelope.

S. HARVEY JAMES,

Offg. Secretary to the Government of India."

## LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill for imposing a tax on income derived from sources other than agriculture was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January 1886:—

We, the undersigned, Members of the Select Committee to which the Bill for imposing a tax on

From the Officiating Secretary to the Government of Bengal, No. 31, dated the 7th January 1886.

Telegram from the Financial Secretary to the Government of Bombay, dated the 11th January 1886.

Telegram from the Chief Commissioner of Assam, dated the 11th January 1886.

Telegram from the Resident, Hyderabad, dated 9th January 1886.

Telegram from the Secretary to the Government of the Punjab, dated the 9th January 1886.

Telegram from the Chief Secretary to the Government of Madras, dated the 11th January 1886.

Note by A. Smith, Esq., Commissioner, Presidency Division, Bengal.

From the Secretary to the Government of the North-Western Provinces and Oudh, No. 5—XIII-101-2, dated the 9th January 1886.

Telegram from the Secretary to the Chief Commissioner, Central Provinces, dated the 11th January 1886.

Letter from James L. Mackay, Esq., to the Hon'ble R. Steel, No. 17, dated the 13th January 1886.

Letter from H. B. H. Turner, Esq., to the Hon'ble R. Steel, dated the 13th January 1886.

Memorandum by Dosabhai Framji, Esq., C.S.I., Presidency Magistrate, Bombay.

Letter from the Secretary, Indian Jute Manufacturers' Association, dated the 13th January 1886.

Telegram from the Chief Commissioner, Ajmer-Merwara, dated the 15th January 1886.

From the Officiating Secretary, Board of Revenue, Lower Provinces, No. 34 B., dated the 16th January 1886.

Letter from the Secretary to the Bengal Chamber of Commerce, dated the 16th January 1886.

Memorial from the Managers, Agents and Secretaries of the leading Life Assurance Companies carrying on business in India, dated the 16th January 1886.

Telegram from the Bombay Chamber of Commerce, dated 19th January 1886.

income derived from sources other than agriculture was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report.

2. We have provided in section 1 that the Act shall come into force on the first day of April next. During the time which elapses between the passing of the Bill and that date, the Government will be able to prepare and issue its rules, and Collectors to make such arrangements for the assessment of the tax as they can make without calling in aid the provisions of the Act.

It is important that Collectors should know as soon as possible what incomes will be assessable, and that the Government should at once be in a position to frame the necessary rules for assessment.

3. In section 5 we have, with advertence to section 24 (section 23 of the Bill as introduced), inserted a clause (clause (c)) excepting from liability to the tax the whole of the annual value of buildings which landholders and agriculturists own and occupy on, or in the immediate neighbourhood of, the land they hold and cultivate, and which are necessary to them in the exercise of their vocation as landholders and agriculturists. Thus, while a landholder will be exempt from the tax in respect of the annual value of the homestead (if any) appurtenant to his land, he will be assessable in respect of any other house he may own and occupy.

4. We have inserted in the same section a further clause (clause (g)), based on the English law, excepting from liability to the tax any portion, not exceeding one-sixth, of his income which a person pays either to the Government or to a company in respect of life-insurance or deferred annuity.

5. Clause (e) of section 5 (clause (c) of that section in the Bill as introduced) is based on a similar clause in Act VIII of 1872. The exemption appears to us to be sufficient to cover educational endowments, and does not, as has been suggested, open a door to the evasion of the Act by colourable gifts to idols or any like device.

6. We have omitted sub-section (2) of the same section in the Bill as introduced. There appears to us not to be sufficient ground for making, between official salaries and other incomes, the distinction which was proposed in that sub-section.

7. By the new sub-section (2) appended to section 5, we have made it clear that a salaried manager of land is not exempt from the tax by reason only of the income of his employer being exempt therefrom.

8. We have ascertained that companies and some other private employers are much opposed to that provision of the Bill as introduced which imposed on them the duty of deducting the tax from the salaries of their employes. To the argument that there was such a provision in force in the years 1869-72, they reply that the provision was then a fruitful cause of misunderstanding and disagreement between them and their subordinates. Under these circumstances it appears to us that companies ought not to be compelled to collect the tax. We have therefore modified section 8 of the Bill, and empowered the Collector, by a new section (section 9), to enter into an arrangement with any private employer, on terms to be mutually agreed on, for the collection, by the employer of the tax payable by his employes.

9. Section 10 of the Bill as introduced followed the Acts of 1869 and 1872 in making special provision for the taxation of shipping companies. It has been stated, and we have satisfied ourselves, that the provision was unworkable and, in practice, inoperative. It has therefore been omitted from section 11, and the second schedule, of the Bill as amended by us: and we have added to section 5 a special exception (clause (d)), in favour of shipping companies incorporated or registered out of British India and having their principal places of business out of India and their ships ordinarily engaged in sea-going traffic out of Indian waters.

10. To section 18 (section 17 of the Bill as introduced) we have added clauses empowering the Local Government to authorise the Collector in any specified town or place to publish general notices inviting tax-payers to make returns of their income, and in any presidency-town to serve special notices on individual tax-payers inviting them to make such returns.

11. In section 24 (section 23 of the Bill as introduced) we have provided for houses occupied by their owners being assessed at five-sixths, instead of nine-tenths, of their annual value. We have thus reverted to the principle of section 132 of Act XXXII of 1860.

12. We have so modified section 27 (section 26 of the Bill as introduced) as to require the Commissioner to call for the record in the case of a petition for the revision of any assessment of two hundred and fifty rupees or upwards.

13. In section 30 (section 29 of the Bill as introduced) we have provided for the continuance of the summary process of recovery described in section 24 of the Bengal License Act, 1880.

14. In sub-section (5) of the same section we have provided that no proceedings for the recovery of any sum payable under the Act shall be commenced after the expiration of three months from the last day of the year in respect of which the sum is payable. The section as amended by us is more restrictive on the revenue-authorities than the corresponding section of the Bengal License Act, 1880, and less so than the corresponding section of the Northern India License Act, 1878.

15. In section 31 provision has been made, as in Act XXXII of 1860, for composition of the tax.

16. Seeing that provision is made in Chapter IV for revision of assessment, we think that section 32, sub-section (1), of the Bill as introduced should be omitted, and that section 31 of that Bill may also be omitted, as being likely, by suggesting the disturbance of settled assessments, to create irritation with which the additional revenue raised under the section would be incommensurate.

17. In section 38 of the Bill as amended by us (section 37 of the Bill as introduced) we have provided for rules being made for securing secrecy in regard to information furnished in documents relating to incomes of assesseees.

18. We have deemed it desirable to specify more particularly than in section 40 of the Bill as introduced the information which may be required by a Collector for the purposes of the Act. We have, therefore, for that section substituted sections 41 to 45 of the Bill as amended.

19. We have modified section 46 (section 41 of the Bill as introduced) by providing that the delivery of a letter duly posted shall only be presumed, and we have required the letter to be registered.

20. From the first column of Part III of the second schedule to the Bill as introduced we have omitted the clause relating to stock of, or shares in, guaranteed railway companies. The clause is unnecessary, as all railway companies will be assessed on their nett earnings. We have, however, provided in new clause (c) of Part III for the recovery, in the manner prescribed in section 13, of the interest on debentures issued by companies.

21. The publication ordered by the Council has been made as follows:—

<i>In English.</i>			
<i>Gazette.</i>			<i>Date.</i>
<i>Gazette of India</i> ...	...	...	5th, 9th and 16th January, 1886.
<i>Fort St. George Gazette</i> ...	...	...	20th January 1886.
<i>Bombay Government Gazette</i> ...	...	...	14th January 1886.
<i>Calcutta Gazette</i> ...	...	...	13th and 20th January, 1886.
<i>North-Western Provinces and Oudh Government Gazette</i> ...	...	...	16th January 1886.
<i>Central Provinces Gazette</i> ...	...	...	16th January 1886.

22. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

A. COLVIN.  
C. P. ILBERT.  
T. C. HOPE.  
V. N. MANDLIK.\*  
PEARI MOHAN MUKERJI. †  
J. W. QUINTON.  
ROBERT STEEL.  
W. W. HUNTER.

*The 22nd January 1886.*

\* I differ from the majority on sections 1, 5, clause (d), and section 24. I think the Bill should terminate in one or two years; I think clause (d), section 5, should be modified or left out, and section 24 should be made applicable only to houses in principal towns and cities.

V. N. MANDLIK.

† I sign this Report with reservation of opinion on the following provisions, namely, (1) "and in each subsequent year" in section 4; (2) clause (j) of section 5; and (3) section 24.

PEARI MOHAN MUKERJI

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th January 1886, and was promulgated for general information in the *Gazette of India* on the 30th January 1886 :—

**Act No. IV of 1886.**

*An Act to amend section 265 of the Indian Contract Act, 1872.*

WHEREAS it is expedient to amend section 265 of the Indian Contract Act, 1872; it is hereby enacted as follows :—

1. For section 265 of the said Act the following shall be substituted, namely :—
- New section substituted for section 265, Indian Contract Act.

“ 265. Where a partner is entitled to claim a dissolution of partnership, or where a partnership has terminated, the Court may, in the absence of any contract to the contrary, wind up the business of the partnership, provide for the payment of its debts and distribute the surplus according to the shares of the partners respectively.”

2. In section 213 of the Code of Civil Procedure, 1882, repeal of part of section 213, Act XIV, 1882. the words and figures from and including the word “ applications ” to the end of the section are hereby repealed.

S. HARVEY JAMES,  
Offg. Secretary to the Government of India.

**LEGISLATIVE DEPARTMENT.**

The following Report of the Select Committee on the Bill to amend section 265 of the Indian Contract Act, 1872, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 22nd January 1886 :—

WE, the undersigned, Members of the Select Committee to which the Bill to amend section 265 of the Indian Contract Act, 1872, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

2. We have so framed the new section which it is proposed to substitute for section 265 as to make it a declaration of law consistent with the form of plaint No. 113 scheduled to the Code of Civil Procedure, and to show that a partner may apply to have the partnership wound up not only after its termination but also when he is entitled to claim a dissolution.

3. We have not overlooked the difficulties pointed out by Mr. Justice Field and others as to the valuation and place of trial of suits under this section; but those difficulties, not being limited to suits of this class, should, we think, be considered separately and with care.

4. The publication ordered by the Council has been made as follows :—

*In English.*

<i>Gazette.</i>	<i>Date.</i>
Gazette of India ... ..	21st and 28th February, and 7th March 1885.
Fort Saint George Gazette ... ..	10th March 1885.
Bombay Government Gazette ... ..	26th February, and 5th and 12th March 1885.
Calcutta Gazette ... ..	25th February, and 4th and 11th March 1885.
North-Western Provinces and Oudh Government Gazette ... ..	28th February, and 7th and 14th March 1885.
Punjab Government Gazette ... ..	12th, 19th and 26th March 1885.
Central Provinces Gazette... ..	28th February, and 7th and 14th March 1885.
British Burma Gazette ... ..	14th, 21st and 28th March 1885.
Assam Gazette... ..	14th and 28th March 1885.
Coorg District Gazette ... ..	1st May 1885.

*In the Vernaculars.*

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras ...	Kánarese ...	23rd June 1885.
Bombay ...	Maráthí } Guzaráthí }	26th March 1885.
	Kánarese...	28th May 1885.
Bengal ...	Bengali ...	17th, 24th and 31st March 1885.
	Hindí ...	24th and 31st March, and 7th April 1885.
	Uriya ...	9th, 16th and 23rd April 1885.
North-Western Provinces and Oudh ...	Urdu ...	14th, 21st and 28th March 1885.
Punjab ...	Urdu ...	23rd and 30th March, and 6th April 1885.
Central Provinces	Hindí ...	4th, 11th and 18th April 1885.
British Burma	Burmese ...	18th and 25th April, and 2nd May 1885.
Assam ...	Bengalí ..	4th April 1885.

5. We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

(Signed) C. P. ILBERT.  
 " S. C. BAYLEY.  
 " V. N. MANDLIK.  
 " H. ST. A. GOODRICH.  
 " G. H. P. EVANS.  
 " J. W. QUINTÓN.

*The 20th January 1886.*

S. HARVEY JAMES,  
 Officiating Secretary to the Government of India.





# Bombay Government Gazette.

Published by Authority.

THURSDAY, 18<sup>TH</sup> MARCH 1886.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 8th March 1886, and was promulgated for general information in the *Gazette of India* on the 13th March 1886:—

Act. No. VI. of 1886.

#### THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL, 1886.

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37. Procedure for making and publication of rules.

*An Act to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.*

WHEREAS it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons, for the more effectual registration of those births and deaths and of the marriages registered under Act III of 1872 or the Indian Christian Marriage Act, 1872, and of certain marriages registered under the Parsi Marriage and Divorce Act, 1865, and for the establishment of general registry offices for keeping registers of those births, deaths and marriages;

And whereas it is also expedient to provide for the authentication and custody of certain existing registers made otherwise than in the perform-

XV of 1872.

XV of 1865.

ance of a duty specially enjoined by the law of the country in which the registers were kept, and to declare that copies of the entries in those registers shall be admissible in evidence;

It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Act may be called the Births, Deaths and Marriages Registration Act, 1886; and

(2) It shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, directs.

(3) Any power conferred by this Act to make rules or to issue orders may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

2. This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions.

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

“sign” includes mark, when the person making the mark is unable to write his name:

“prescribed” means prescribed by a rule made by the Governor General in Council under this Act; and

“Registrar of Births and Deaths” means a Registrar of Births and Deaths appointed under this Act.

4. Nothing in this Act, or in any rule made under this Act, shall affect any law heretofore or hereafter passed providing for the registration of births and deaths within particular local areas.

5. All powers conferred by this Act may be exercised from time to time as occasion requires.

## CHAPTER II.

## GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

6. (1) Each Local Government—

(a) shall establish a general registry office, for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under Act III of 1872 (*to provide a form of marriage in certain cases*), or the Indian Christian Marriage Act, 1872, or, beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at

XV of 1872

*The Births, Deaths and Marriages Registration Act, 1886.**(Chapters II & III.—General Registry Offices, &c.—Registration of Births and Deaths.—Sections 7-16.)*

XV of 1865. Bombay, under the Parsi Marriage and Divorce Act, 1865, as may be sent to it under this Act, or under any of the three last-mentioned Acts as amended by this Act; and

(b) may appoint to the charge of that office an officer, to be called the Registrar General of Births, Deaths and Marriages, for the territories under its administration:

(2) Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, establish two general registry offices and appoint two Registrars General of Births, Deaths and Marriages for the territories under his administration; one of such general registry offices and of such Registrars General being established and appointed for Sindh and the other for the other territories under the administration of the Governor of Bombay in Council.

7. Each Registrar General of Births, Deaths and Marriages shall cause

Indexes to be kept at general registry office. indexes of all the certified copies of registers

XV of 1872. sent to his office under this Act, Act III of 1872, the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1865, as amended by this Act, to be made and kept in his office in the prescribed form.

XV of 1865.

8. Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which the indexes relate shall be given to all persons applying for them.

9. A copy of an entry given under the last foregoing section shall be certified by the Registrar General of Births, Deaths and Marriages, or by any officer authorised in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

10. Each Registrar General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars of Births and Deaths in the territories for which he is appointed.

Copies of entries to be admissible in evidence.

Superintendence of Registrars by Registrar General.

## CHAPTER III.

## REGISTRATION OF BIRTHS AND DEATHS.

## A.—Application of this Chapter.

11. (1) The persons whose births and deaths shall, in the first instance, be registrable under this chapter are the following, namely:—

(a) in British India, the members of every race, sect or tribe to which the Indian Succession Act, 1865, applies, and in respect of which an order under section 332 of that Act is not for the time

X of 1865.

being in force, and all persons professing the Christian religion;

(b) in the dominions of Princes and States in India in alliance with Her Majesty, British subjects being members of a like race, sect or tribe or professing the Christian religion:

(2) But the Local Government, by notification in the official Gazette, may, with the previous approval of the Governor General in Council, extend the operation of this chapter to any other class of persons either generally or in any local area.

## B.—Registration Establishment.

12. The Local Government may appoint, either by name or by virtue of their office, so many persons as it thinks necessary to be Registrars of Births and Deaths for such local areas within the territories under its administration as it may define and, if it sees fit, for any class of persons within any part of those territories.

13. The Governor General in Council may, by notification in *Gazette of India*, appoint, either by name or by virtue of their office, so many persons as he thinks necessary to be Registrars of Births and Deaths for such local areas within the dominions of any Prince or State in India in alliance with Her Majesty as he may define and, if he sees fit, for any class of persons within any part of those dominions.

14. Every Registrar of Births and Deaths shall be deemed a public servant within the meaning of the Indian Penal Code.

15. (1) The Local Government or the Governor General in Council, as the case may be, may suspend, remove or dismiss any Registrar of Births and Deaths.

(2) A Registrar of Births and Deaths may resign by notifying in writing to the Local Government or to the Governor General in Council, as the case may be, his intention to do so, and, on his resignation being accepted by the Local Government or the Governor General in Council, he shall be deemed to have vacated his office.

16. (1) Every Registrar of Births and Deaths shall have an office in the local area, or within the part of the territories or dominions for which he is appointed.

(2) Every Registrar of Births and Deaths to whom the Local Government may direct this subsection to apply shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar General of Births, Deaths and Marriages may direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office, his name, with the addition of Registrar of Births and Deaths for the local area or class for which he is appointed, and the days and hours of his attendance.

Office and attendance of Registrar.

Power for Governor General in Council to appoint Registrars for Native States.

Power for Local Government to appoint Registrars for its territories.

Power to remove Registrars.

Power for Governor General in Council to appoint Registrars for Native States.

Power for Local Government to appoint Registrars for its territories.

Power for Governor General in Council to appoint Registrars for Native States.

Power for Local Government to appoint Registrars for its territories.

XLV of 1860.

*The Births, Deaths and Marriages Registration Act, 1886.*

*(Chapter III.—Registration of Births and Deaths.—Sections 17-24.)*

17. (1) When any Registrar of Births and Deaths to whom the Local Government may direct this section to apply, not being a Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay, is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, or such other officer as the Local Government appoints in this behalf shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(2) When any such Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(3) The Registrar General of Births, Deaths and Marriages shall report to the Local Government all appointments made by him under this section.

18. The Local Government shall supply every Registrar of Births and Deaths with a sufficient number of register books of births and of register books of deaths, and shall make suitable provision for the preservation of the records connected with the registration of births and deaths.

*C.—Mode of Registration.*

19. Every Registrar of Births and Deaths, on report of notice of a birth or death within the local area or among the class for which he is appointed, shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book.

Provided that—

- (a) if he has reason to believe the notice to be in any respect false, he may refuse to register the birth or death until he receives an order from the Judge of the District Court directing him to make the entry and prescribing the manner in which the entry is to be made; and
- (b) he shall not enter in the register the name of any person as father of an illegitimate child unless at the request of the mother and of the person acknowledging himself to be the father of the child.

20. Any of the following persons may give notice of a birth, namely:

- (a) the father or mother of the child;
- (b) any person present at the birth;
- (c) any person occupying, at the time of the birth, any part of the house wherein the child was born and having knowledge of the child having been born in the house;
- (d) any medical practitioner in attendance after the birth and having personal knowledge of the birth having occurred;
- (e) any person having charge of the child.

21. Any of the following persons may give notice of a death, namely:—

- (a) any relative of the deceased having knowledge of any of the particulars required to be registered concerning the death;
- (b) any person present at the death;
- (c) any person occupying, at the time of the death, any part of the house wherein the death occurred and having knowledge of the deceased having died in the house;
- (d) any person in attendance during the last illness of the deceased;
- (e) any person who has seen the body of the deceased after death.

22. (1) When an entry of a birth or death has been made by the Registrar of Births and Deaths under section 19, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar.

(2) Until the entry has been so signed, the birth or death shall not be deemed to be registered under this Act.

(3) When the birth of an illegitimate child is registered, and the mother and the person acknowledging himself to be the father of the child jointly request that that person may be registered as the father, the mother and that person must both sign the entry in the register in the presence of the Registrar.

23. The Registrar of Births and Deaths shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

24. (1) Every Registrar of Births and Deaths in British India shall send to the Registrar General of Births, Deaths and Marriages for the territories within which the local area or class for which he is appointed is situate or resides, at the prescribed intervals, a true copy, certified by him

*The Births, Deaths and Marriages Registration Act, 1886.*

(Chapters III & IV.—Registration of Births and Deaths.—Amendment of Marriage Acts.—Sections 25-30.)

in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals :

Provided that, in the case of Registrars of Births and Deaths who are clergymen of the Churches of England, Rome and Scotland, the Registrar may, if so directed by his ecclesiastical superior, send the certified copies in the first instance to that superior, who shall send them to the proper Registrar General of Births, Deaths and Marriages.

In this sub-section, "Church of England" and "Church of Scotland" mean the Church of England and the Church of Scotland as by law established respectively; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

(2) The provisions of sub-section (1) shall apply to every Registrar of Births and Deaths in the dominions of any Prince or State in India in alliance with Her Majesty, with this modification, that the certified copies referred to in that sub-section shall be sent to such one of the Registrars General of Births, Deaths and Marriages as the Governor General in Council, by notification in the *Gazette of India*, appoints in this behalf.

25. (1) Every Registrar of Births and Deaths shall, on payment of the prescribed fees, at all reasonable times allow searches to be made in the register books kept by him, and give a copy of any entry in the same.

(2) Every copy of an entry in a register book given under this section shall be certified by the Registrar of Births and Deaths, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

26. Notwithstanding anything in section 19, the Governor General in Council may make rules authorizing Registrars of Births and Deaths, on conditions and in circumstances to be specified in the rules, to register births and deaths occurring outside the local areas or classes for which they are appointed.

*D.—Penalty for false information.*

27. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Act, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or both.

*E.—Correction of Errors.*

28. (1) If it is proved to the satisfaction of a Registrar of Births and Deaths that any entry of a birth or death in any register kept by him under this

Act is erroneous in form or substance, he may, subject to such rules as may be made by the Governor General in Council with respect to the conditions and circumstances on and in which errors may be corrected, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction.

(2) If a certified copy of the entry has already been sent to the Registrar General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS.

29. After section 13 of Act III of 1872 (to provide a form of marriage in certain cases), the following section shall be inserted :—

"13A. The Registrar shall send to the Registrar General of Births, Deaths and Marriages for the territories within which his district is situate, at such intervals as the Governor General in Council, from time to time, directs, a true copy certified by him, in such form as the Governor General in Council, from time to time, prescribes, of all entries made by him in the said marriage-certificate book since the last of such intervals."

30. In the Indian Christian Marriage Act, XV of 1872, the following amendments shall be made, namely :—

- (a) at the end of section 3 the words "Registrar General of Births, Deaths and Marriages" means a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886," shall be added;
- (b) for the words "Secretary to the Local Government", wherever they occur, and for the words "Secretary to a Local Government" in section 79, the words "Registrar General of Births, Deaths and Marriages" shall be substituted;
- (c) for the words "at such places as the Local Government directs" in section 62, the words "in the office of the Registrar General of Births, Deaths and Marriages for the territories of the Local Government by which the person who keeps the register-book was licensed" shall be substituted; and

*The Births, Deaths and Marriages Registration Act, 1886.*

(Chapters V & VI.—Special Provisions as to certain existing Registers.—Rules.—Sections 31-36).

(d) in section 81, after the words "Registrar General of Births, Deaths and Marriages" the words "in England" shall be added.

XV of 1865.

Addition of new section after section 8 of the Parsi Marriage and Divorce Act 1865.

31. After section 8 of the Parsi Marriage and Divorce Act, 1865, the following section shall be inserted, namely:—

"8A. Every Registrar, except the Registrar appointed by the Chief Justice of the High Court of Judicature at Bombay, shall at such intervals as the Governor General in Council from time to time directs, send to the Registrar General of Births, Deaths and Marriages for the territories administered by the Local Government by which he was appointed a true copy certified by him, in such form as the Governor General, from time to time, prescribes, of all certificates entered by him in the said register of marriages since the last of such intervals."

Transmission of certified copies of certificates in marriage-register to Registrar General of Births, Deaths and Marriages.

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

32. If any person in British India, or in the dominions of any Prince or State in India in alliance with Her Majesty, has for the time being the custody of any register or record of birth, baptism, naming, dedication, death or burial of any persons of the classes referred in section 11, sub-section (1), or of any register or record of marriage of any persons of the classes to which Act III of 1872 or the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1865, applies, and, if such register or record has been made otherwise than in performance of a duty specially enjoined by the law of the country in which the register or record was kept, he may, ~~within one year from the date on which this Act comes into force~~, send the register or record to the office of the Registrar General of Births, Deaths and Marriages for the territories within which he resides, or, if he resides within the dominions of any such Prince or State as aforesaid, to such one of the Registrars General as aforesaid as the Governor General in Council, by notification in the *Gazette of India*, from time to time, directs in this behalf.

XV of 1872.

XV of 1865.

\* at any time before the 1st day of April 1891. I. Act XV of 1890.

33. (1) The Governor General in Council may appoint so many persons as he thinks fit to be Commissioners for examining the registers or records sent to the Registrar General of Births, Deaths and Marriages under the last foregoing section.

(2) The Commissioners so appointed shall hold office for such period as the Governor General in

Council, by the order of appointment, or any subsequent order, directs.

34 (1) The Commissioners appointed under the last foregoing section shall enquire into the state, custody and authenticity of every such register or record as may be sent to the Registrar General of Births, Deaths and Marriages under section 32,

and shall deliver to the Registrar General a descriptive list or descriptive lists of all such registers or records, or portions of registers or records, as they find to be accurate and faithful.

(2) The list or lists shall contain the prescribed particulars and refer to the registers or records, or to the portions of the registers or records, in the prescribed manner.

(3) The Commissioners shall also certify in writing, upon some part of every separate book or volume containing any such register or record, or portion of a register or record, as is referred to in any list or lists made by the Commissioners, that it is one of the registers or records, or portions of registers or records, referred to in the said list or lists.

35. (1) Subject to the payment of the prescribed fees the descriptive list or lists of registers or records delivered by the Commissioners to the Registrar General of Births, Deaths and Marriages shall be, at all reasonable times, open to inspection by any person applying to inspect it or them, and copies of entries in those registers or records shall be given to all persons applying for them.

(2) A copy of an entry given under this section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer or person authorised in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, baptism, naming, dedication, death, burial or marriage to which the entry relates.

add 35A - I. Act XVI of 1890.

CHAPTER VI.

RULES.

36. In addition to any other power to make rules impliedly or expressly conferred by this Act, the Governor General in Council may make rules—

- (a) to fix the fees payable under this Act;
- (b) to prescribe the forms required for the purposes of this Act;
- (c) to prescribe the time within which, and the mode in which, persons authorized under this Act to give notice of a birth or death to a Registrar of Births and Deaths must give the notice;

*The Births, Deaths and Marriages Registration Act, 1886.**(Chapter VI.—Rules.—Section 37.)*

- (d) to prescribe the registers to be kept, and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Act, and the intervals at which they are to send to the Registrar General of Births, Deaths and Marriages true copies of the entries of births and deaths in the registers kept by them;
- (e) to prescribe the particulars which the descriptive list or lists to be prepared by the Commissioners appointed under Chapter V are to contain, and the manner in which they are to refer to the registers or records, or portions of registers or records to which they relate; and
- (f) to prescribe the custody in which those registers or records are to be kept; and

(g) generally to carry out the purposes of this Act.

37. (1) The Governor General in Council shall, before making rules under this Act, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of persons likely to be affected thereby.

(2) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(3) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(4) Every rule made under this Act shall be published in the *Gazette of India*, and the publication in the *Gazette of India* of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th February, 1886:—

**LEGISLATIVE DEPARTMENT.**

We, the undersigned, Members of the Select Committee to which the Bill to provide for the volun-

- From Bábú Behary Lal Chandra, Krishnaghur, dated 28th January, 1885 [Paper No. 1].
- From Officiating Registrar, High Court, Calcutta, No. 919, dated 19th March, 1885, and enclosure [Papers No. 2].
- From Officiating Secretary to Chief Commissioner, Assam, No. 557, dated 6th April 1885, and enclosure [Papers No. 3].
- From Chief Secretary to Government, Madras, No. 944, dated 9th April, 1885, and enclosures [Papers No. 4].
- From Under-Secretary to Government, Bombay, No. 1406, dated 18th April, 1885, and enclosures [Papers No. 5].
- From Officiating Secretary to Government, Punjab, No. 409, dated 20th April, 1885, and enclosure [Papers No. 6].
- Extract, paragraph XIV, from the Proceedings of the Meerut Association, No. 20, dated 8th March, 1885 [Paper No. 7].
- From Officiating Secretary to Chief Commissioner, British Burma, No. 334—11S.S., dated 17th April, 1885, and enclosures [Papers No. 8].
- From Under-Secretary to Government, Bombay, No. 1452, dated 23rd April, 1885, and enclosures [Papers No. 9].
- From Secretary to Chief Commissioner, Coorg, No. 112—131, dated 21st April, 1885 [Paper No. 10].
- From Under-Secretary to Government, Bombay, No. 1575, dated 29th April, 1885 and enclosures [Papers No. 11].
- From Chief Commissioner, Ajmer-Merwara, No. 442, dated 29th April, 1885, and enclosure [Papers No. 12].
- From Officiating Secretary to Government, Punjab, No. 500, dated 13th May, 1885, and enclosure [Papers No. 13].
- From Secretary for Berar to Resident, Hyderabad, No. 171 G., dated 16th May, 1885 [Paper No. 14].
- From Under-Secretary to Government, Bombay, No. 1829, dated 18th May, 1885, and enclosure [Papers No. 15].
- From Secretary to Government, Bengal, No. 514, dated 16th May, 1885, and enclosures [Papers No. 16].
- From Secretary to Government, North Western Provinces and Oudh, No. 629—VII-23-18, dated 10th June, 1885, and enclosures [Papers No. 17].
- From Assistant Secretary to Chief Commissioner Central Provinces, No. 2445—118, dated 30th June, 1885 [Paper No. 18].

tary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths, and Marriages, and for certain other purposes, was referred, have considered the Bill and the papers noted on the margin and have now the honour to submit this our Report.

2. We have, on the advice of a leading member of the Parsi community at Bombay, proposed to extend to the scattered Parsi communities resident beyond the local limits of the ordinary original civil jurisdiction of the High Court at Bombay the same provisions for the more effec-

tual registration of marriages as were proposed by the Bill to be conferred on the classes to whom Act III of 1872 and the Indian Christian Marriage Act, 1872, apply.

3. By section 11, sub-section (2), we propose to enable Local Governments, with the previous sanction of the Governor General in Council, to extend the operation of the chapter respecting the registration of births and deaths to any classes of the community which may be desirous of taking advantage of the provisions of that chapter.

4. By sections 12 and 13 we have proposed to enable Local Governments in British India, and the Governor General in Council in States in India in alliance with Her Majesty, to appoint Registrars of Births and Deaths for classes of persons as well as for local areas. It will thus be practicable to appoint ministers of religion to be Registrars of Births and Deaths for their own congregations only, without imposing on them duties for which they might have neither leisure nor inclination.

5. In section 14 we have provided that every Registrar of Births and Deaths shall be deemed to be a public servant. This provision appears to us to render it unnecessary to retain section 24 of the Bill as introduced.

6. By section 19 we have provided that if a Registrar of Births and Deaths has reason to believe any notice given to him to be in any respect false he may refuse to register the birth or death until he receives an order from the District Court directing him to make the entry and prescribing the manner in which the entry is to be made.

In the same section and in section 22, sub-section (3), we have reproduced the provisions of section 7 of the Statute 37 and 38 Vic., cap. 88.

7. In sections 20 and 21 we have classified, in a modified form, the persons authorized to give notices of births and deaths.

8. We have provided in section 24 that clergymen who may become Registrars of Births and Deaths shall send certified copies of the entries in their registers direct to the Registrar General unless they are required by their ecclesiastical superiors to transmit the copies through them.

9. By section 26 we have proposed to empower the Governor General in Council to make rules authorising Registrars of Births and Deaths, on conditions and in circumstances to be specified in the rules, to register births and deaths occurring outside the local areas or classes for which they have been appointed. Events occurring in the course of journeys, or in places for which Registrars of Births and Deaths have not been appointed, may by those rules be made registrable.

10. We have made fine an alternative punishment for the offence made punishable under section 27.

11. To section 36 we have added a clause enabling the Governor General in Council to make rules as to the custody of registers and records sent to the Registrar General under section 32.

12. The other amendments of the Bill are unimportant and do not call for special remark.

13. In regard to the argument which has been urged in some of the papers before us that the existing registers of certain religious bodies are admissible in evidence, we are informed that the legal value of those registers has been questioned by high authority, on the ground that they are not maintained under any special injunction of law, or in the ordinary course of business, within the meaning of the Indian Evidence Act, 1872.

14. As regards the working of the proposed Act we understand that existing machinery will, so far as possible, be utilised, and that expenses will be defrayed from fees payable under the Act.

15. Other objections taken to the Bill are (a) that some Registrars may object to the provisions of section 16, sub-section (2) and (b) that difficulties may result from the requirement of section 22, sub-section (1), that the person giving notice of a birth or death must sign the entry in the register in the presence of the Registrar. As regards the first of these objections we observe that section 16, sub-section (2), will not apply to all Registrars, but only to those to whom the Local Government applies the sub-section. As regards the second objection the risk of difficulties arising may be diminished, if not removed, by provision being made, in the rules under clause (c) of section 36, for an enlargement under certain circumstances of the time within which notices may be given of births and deaths.

16. The publication ordered by the Council has been made as follows :—

		<i>In English.</i>	
	<i>Gazette.</i>		<i>Date.</i>
Gazette of India	...	...	17th, 24th and 31st January 1885.
Fort Saint George Gazette	...	...	10th February, 1885.
Bombay Government Gazette	...	...	22nd and 29th January, and 5th February, 1885.
Calcutta Gazette	...	...	21st and 28th January, and 4th February, 1885.
North-Western Provinces and Oudh Government Gazette	...	...	20th and 31st January, and 7th February, 1885.
Punjab Government Gazette	...	...	29th January, and 5th and 12th February, 1885.
Central Provinces Gazette	...	...	24th and 31st January, and 7th February, 1885.
British Burma Gazette	...	...	7th, 14th and 21st February, 1885.
Assam Gazette	...	...	7th, 14th and 21st February, 1885.
Coorg District Gazette	...	...	2nd March, 1885.

		<i>In the Vernacular.</i>	
<i>Province.</i>		<i>Language.</i>	<i>Date.</i>
Madras...	...	Telugu	31st March, 1885.
	...	Kanarese	8th April, 1885.
	...	Tamil	5th May, 1885.
	...	Hindustáni	12th May, 1885.
	...	Malayalam	2nd June, 1885.
Bombay	...	Maráthi	23rd April, 1885.
	...	Gujaráthi	
Bengal...	...	Kanarese	30th May, 1885.
	...	Bengalí	3rd, 10th and 17th February, 1885.
	...	Hindí	17th and 24th February, and 3rd March, 1885.
Punjab...	...	Uriya	12th, 19th and 26th February, 1885.
	...	Urdu	2nd, 9th and 16th March, 1885.
Central Provinces	...	Maráthi	2nd, 9th and 16th May, 1885.
British Burma	...	Burmese	21st and 28th March, and 4th April, 1885.
Assam	...	Bengalí	21st February, 1885.

17. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

(Signed) C. P. ILBERT.  
 ( " ) S. C. BAYLEY.  
 ( " ) PEÁRI MOHAN MUKERJI.  
 ( " ) H. ST. A. GOODRICH.  
 ( " ) ROBERT STREET.  
 ( " ) W. W. HUNTER.

The 5th February, 1886.

S. HARVEY JAMES,  
 Offg. Secretary to the Government of India.



## LEGISLATIVE DEPARTMENT.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 8th March 1886, and was promulgated for general information in the *Gazette of India* on the 13th March 1886:—

## Act No. VII of 1886.

An Act to amend the Indian Registration Act, 1877.

WHEREAS it is expedient to amend the Indian Registration Act, 1877, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement. 1. (1) This Act may be called the Indian Registration Act, 1886; and

(2) It shall come into force at once.

I of 1877. Addition to section 17 of Act III of 1877. 2. After clause (f) of section 17 of the Indian Registration Act, 1877, the following clause shall be inserted, that is

to say:—

“(ff) any debenture issued by any such company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures, or”.

Addition to sections 17 and 89, and amendment of section 58, of same Act. 3. (1) After clause (l) of section 17 of the same Act the following clause shall be added, that is to say:—

“(m) orders granting loans under the Agriculturists' Loans Act, 1884, and instruments for securing the repayment of loans made under that Act.”

(2) In section 58 of the same Act, for the words “or a copy of a certificate under the Land Improvement Act, 1871, sent by the Collector to be registered,” or, where the Land Improvement Loans Act, 1883, is in force, for the words “or a copy of an order under the Land Improvement Loans Act, 1883, sent by the Collector to be re-

gistered,” there shall be substituted the following words, namely:—

“or a copy sent to a registering officer under section 89”.

(3) After the second paragraph of section 89 of the same Act the following paragraph shall be added, that is to say:—

“Every officer granting a loan under the Agriculturists' Loans Act, 1884, shall send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1.”

Further addition to section 17 of same Act. 4. After clause (m) of section 17 of the same Act as amended by this Act the following clause shall be added, that is

to say:—

“(n) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage.”

Amendment of section 50 of same Act. 5. In the second paragraph of section 50 of the same Act, “(ff)” shall be inserted between “(j)” and “(g)”, and for the word and letter “and (l)” the letters and word “(l), (m) and (n)” shall be substituted.

Addition to section 90, and amendment of section 91, of same Act. 6. (1) After clause (d) of section 90 of the same Act the following clause shall be inserted, that is to say:—

“(e) notices given under section 74, or section 76, of the Bombay Land-revenue Code, 1879, of relinquishment of occupancy by occupants, or of alienated land by holders of such land”.

(2) In section 91, for the word and letter “and (c)” the letters and word “(c) and (e)” shall be substituted.

(3) The said Act shall be construed as if the amendments made in it by this section had been made at the time the Act came into force.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend the Indian Registration Act, 1877, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th February, 1886:—

## LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Indian Registration Act, 1877, was referred, have considered the Bill and the papers noted on the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, Assam, No. 1223, dated 22nd July, 1885 [Paper No. 1].  
From Officiating Secretary to Chief Commissioner, Central Provinces, No. 3004-140, dated 8th August, 1885, and enclosure [Papers No. 2].  
From Registrar, High Court, Calcutta, No. 2344, dated 13th August, 1885 [Paper No. 3].  
From Secretary to Chief Commissioner, Coorg, No. 895-123, dated 13th August, 1885 [Paper No. 4].  
From Chief Secretary to Government, Madras, No. 2349, dated 7th August, 1885, and enclosure [Papers No. 5].

From Secretary for Berár to Resident, Hyderabad, No. 6—B.-C., dated 19th August, 1885 [Paper No. 6].  
 From Secretary to Government, North-Western Provinces and Oudh, No. 848—VII-144-13, dated 1st September 1885 [Paper No. 7].  
 From Chief Secretary to Government, Bengal, No. 966 P. D., dated 29th August, 1885, and enclosures [Papers No. 8].  
 Endorsement by Chief Secretary to Government, Madras, No. 2134, dated 21st August 1885, and enclosure [Papers No. 9].  
 From Under Secretary to Government, Bombay, No. 7268, dated 8th September, 1885 [Paper No. 10].  
 From Registrar, High Court, Calcutta, No. 2705, dated 18th September, 1885, and enclosure [Papers No. 11].  
 From Officiating Secretary to Government, Punjab, No. 1430 S., dated 21st September, 1885, and enclosures [Papers No. 12].  
 From Officiating Secretary to Chief Commissioner, British Burma, No. 131—25 L., dated 8th October, 1885, and enclosure [Papers No. 13].  
 From Mr. P. V. Krishnaswami Ayer, First Grade Pleader, Trichinopoly, No. 389, dated 29th November, 1885 [Paper No. 14].  
 Circular from Secretary to Government of India, Legislative Department, Nos. 1581—36, dated 13th October, 1885, with replies [Papers No. 15].  
 From Chief Secretary to Government, Bengal, No. 273 P., dated 23rd January, 1886, and enclosures [Papers No. 16].

2. The Bill as introduced has been approved by the authorities to whose criticism it was submitted. Some suggestions for the further amendment of the Act have been made; but, as the revision of the law relating to registration is understood to be under the consideration of the Government of India, we have deemed it advisable not to deal with them generally in this Bill. On one suggestion, however, we have deemed it necessary to act at once. It was that the law should declare receipts for payments of mortgage-money to be optionally, and not compulsorily, registrable. In connection with this suggestion we have considered the case reported at I. L. R. 6 All. 335, and the cases there cited, and the replies of Local Governments and High Courts to a letter addressed to them by the Government of India on the subject of those cases. The authorities to whom the letter was addressed are almost unanimously of opinion that on grounds of convenience, receipts for payment of mortgage-money ought not to be compulsorily registrable. We concur in that opinion, and have added to the Bill a clause (section 4) excepting from the operation of clauses (b) and (c) of section 17 of the Act (i) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, whether the endorsement does or does not purport to extinguish the mortgage, and (ii) any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage. In so framing the clause we have, as regards endorsements, followed the course recommended by the High Court at Bombay, and, as regards other receipts, the general tenor of the opinions expressed by the authorities whom the Government of India has consulted.

3. The amendments which the Bill renders it necessary to make in section 50 of the Act have been made in a separate clause (section 5).

4. The publication ordered by the Council has been made as follows:—

		<i>In English.</i>		
	<i>Gazette.</i>			<i>Date.</i>
Gazette of India	...	...	...	13th, 20th and 27th June 1885.
Fort Saint George Gazette	...	...	...	30th June 1885.
Bombay Government Gazette	...	...	...	18th and 25th June, and 2nd July 1885.
Calcutta Gazette	...	...	...	24th June, and 1st and 8th July 1885.
North-Western Provinces and Oudh Government Gazette	...	...	...	20th and 27th June, and 4th July 1885.
Punjab Government Gazette	...	...	...	18th and 25th June, and 2nd July 1885.
Central Provinces Gazette	...	...	...	20th and 27th June, and 4th July 1885.
British Burma Gazette	...	...	...	4th, 11th and 18th July 1885.
Assam Gazette	...	...	...	4th, 11th and 18th July 1885.
Coorg District Gazette	...	...	...	1st August 1885.
Sindh Official Gazette	...	...	...	2nd July 1885.

		<i>In the Vernaculars.</i>		
<i>Province.</i>	<i>Language.</i>			<i>Date.</i>
Madras	Tamil	...	...	31st July 1885.
	Telugu	...	...	Ditto.
	Hindustáni	...	...	Ditto.
	Kánarese	...	...	7th August 1885.
Bombay	Malayalam	...	...	Ditto.
	Maráthi	...	...	16th July 1885.
	Gujaráthi	...	...	Ditto.
	Kánarese	...	...	Ditto.
Bengal	Sindhi	...	...	16th July 1885.
	Bengali	...	...	14th, 21st and 28th July 1885.
	Hindi	...	...	11th, 18th and 25th August 1885.
Punjab	Urdu	...	...	27th July, and 3rd and 10th August 1885.
Central Provinces	Maráthi	...	...	8th, 15th and 22nd August 1885.
British Burma	Burmese	...	...	18th and 25th July, and 1st August 1885.
Coorg	Kánarese	...	...	1st September 1885.

5. We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

(Signed) C. P. ILBERT.  
 ( " ) S. C. BAYLEY.  
 ( " ) V. N. MANDLIK.  
 ( " ) G. H. P. EVANS.  
 ( " ) ROBERT STEEL.  
 ( " ) W. W. HUNTER.

The 5th February 1886.

S. HARVEY JAMES,  
 Offg. Secretary to the Government of India.

## LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th March 1886, and was promulgated for general information in the *Gazette of India* on the 13th March 1886 :—

## Act No. X of 1886.

*An Act to amend the Code of Criminal Procedure, 1882, and certain other Acts.*

X of 1882. WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882, and certain other Acts; It is hereby enacted as follows :—

*Code of Criminal Procedure, 1882.*

X of 1882. 1. In the last paragraph of section 31 of the Code of Criminal Procedure, 1882, for the words "any sentence of imprisonment for a term exceeding three years" the words "any sentence of imprisonment for a term exceeding four years, and any sentence of transportation," shall be substituted.

2. For section 34 of the same Code the following shall be substituted, namely :—

"34. The Court of a District Magistrate, specially empowered under section 30, may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding four years, and any sentence of transportation, shall be subject to confirmation by the Sessions Judge."

3. After section 55 of the same Code, and after section 56 thereof, the following shall be added, namely :—

"This section applies to the police in the towns of Calcutta and Bombay."

4. In sections 88 and 514 of the same Code, after the words "District Magistrate" the words "or Chief Presidency Magistrate" shall be inserted.

5. In section 110 of the same Code, for the words "Sub-divisional Magistrate or Magistrate of the first class specially empowered in this behalf by the Local Government" the words "or Sub-divisional Magistrate, or a Magistrate of the first class specially empowered in this behalf by the Local Government" shall be substituted.

6. In section 162 of the same Code the word "shall" shall be inserted before the words "be used".

7. In section 173 of the same Code, the following shall be substituted for the second paragraph, namely :—

"Where a superior officer of police has been appointed under section 158, the report shall, in any cases in which the Local Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police-station to make further investigation."

8. In section 266 of the same Code, for the word and figures "section 307" the words and figures "sections 276 and 307" shall be substituted.

9. For the second paragraph of section 269 of the same Code the following shall be substituted, namely :—

"When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for such of those offences as are triable by jury, and by the Court of Session, with the aid of the jurors as assessors, for such of them as are not triable by jury."

10. For section 398 of the same Code the following shall be substituted, namely :—

"398. (1) Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

(2) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, or to a sentence of transportation or penal servitude for an offence punishable with imprisonment, and the person undergoing the sentence is after its execution to undergo a further substantive sentence, or further substantive sentences, of imprisonment, transportation or penal servitude, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences."

11. (1) For the third paragraph of section 401 of the same Code the following shall be substituted, namely :—

"If any condition on which a sentence has been suspended or remitted is, in the opinion of the Governor General in Council or of the Local Government, as the case may be, not fulfilled, the Governor General in Council or the Local Government may cancel the suspension, or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any police-officer without warrant and remanded to undergo the unexpired portion of the sentence."

(2) After the third paragraph of the same section the following shall be inserted, namely:—

“The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will.”

12. After section 475 of the same Code the following sections shall be inserted, namely:—

“475A. The Governor General in Council may direct that any person whom the Local Government has ordered under this chapter to be confined in a lunatic asylum, jail or other place of safe custody, shall be removed from the place where he is confined to any lunatic asylum, jail or other place of safe custody in British India.

“475B. The Local Government may empower the officer in charge of the jail in which a person is confined under the provisions of section 466 or section 471 to discharge all or any of the functions of the Inspector General of Prisons under section 472, section 473 or section 474.”

13. (1) For the first sentence of section 495 of the same Code the following shall be substituted, namely:—

“Any Magistrate inquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of police below a rank to be prescribed by the Local Government in this behalf with the previous sanction of the Governor General in Council.”

(2) After the last sentence of the same section the following shall be added, namely:—

“An officer of police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted.”

14. In section 510 of the same Code, for the word “the” before the words “Chemical Examiner” where those words first occur, the word “any” shall be substituted.

15. After section 541 of the same Code the following shall be inserted, namely:—

“541A. (1) If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.

(2) When a person is removed to a criminal jail under sub-section (1), he shall, on being released therefrom, be sent back to the civil jail, unless either—

“(a) three years have elapsed since he was removed to the criminal jail, in which

case he shall be deemed to have been discharged from the civil jail under section 342 of the Code of Civil Procedure; or

“(b) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under section 341 of the Code of Civil Procedure.”

16. After section 558 of the same Code the following section shall be added, namely:—

“559. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property.”

17. In Schedule II of the same Code, between the two lines of entries against section 211 of the Indian Penal Code, the following shall be inserted, namely:—

Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
“If offence charged be punishable with imprisonment for seven years.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for seven years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class.

18. In the same Schedule, for section 225A and the line of entries against that section the following shall be substituted, namely:—

Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
“225A Omission to apprehend, or sufferance of escape, on part of public servant in cases not otherwise provided for— (a) in case of intentional omission or sufferance, Shall not arrest without warrant. (b) in case of negligent omission or sufferance. Ditto Summons. Ditto Ditto					Imprisonment of either description for three years, or fine, or both. Simple imprisonment for two years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first or second class.
“225B Resistance or obstruction to lawful apprehension, or escape, or rescue, in cases not otherwise provided for. May arrest without warrant. Warrant. Ditto Ditto					Imprisonment of either description for six months, or fine, or both.	Ditto

XIV of 1882

XIV of 1882

XLV of 1860.

## LEGISLATIVE DEPARTMENT.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor General on the 12th March, 1886, and was promulgated for general information in the *Gazette of India* on 13th March 1886 :—

## Act No. XI. of 1886.

THE INDIAN TRAMWAYS ACT,  
1886.

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*The Indian Tramways Act, 1886.**(Preliminary.—Orders authorising the Construction of Tramways.—Sections 1-4.)*

*An Act to facilitate the construction and to regulate the working of Tramways.*

WHEREAS it is expedient to facilitate the construction and to regulate the working of tramways; It is hereby enacted as follows:—

*Preliminary.*

Short title and commencement. 1. (1) This Act may be called the Indian Tramways Act, 1886; and

(2) It shall come into force at once.

Local extent. 2. (1) It extends in the first instance to the whole of British India, except the territories administered by the Governor of Fort Saint George in Council, the Governor of Bombay in Council, and the Lieutenant-Governor of Bengal.

(2) But the Governor of Fort Saint George in Council, the Governor of Bombay in Council or the Lieutenant-Governor of Bengal may, by notification in the official Gazette, extend this Act to the whole or any part of the territories under his administration.

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

(1) "local authority" means a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund:

(2) "road" means the way of a road, street, thoroughfare, passage or place along, or across which a tramway authorised under this Act is, or is intended to be, laid, and includes the surface soil and sub-soil of a road, and the footway, berms, drains and ditches of a road, and any bridge, culvert or causeway forming part of a road:

(3) "road-authority", in relation to a road, means—

(a) if a local authority maintains and repairs the road, then that authority;

(b) if a local authority does not maintain and repair the road, and the road is neither vested in Her Majesty nor maintained and repaired by the Government, then the person in whom the road is vested; and

(c) if a local authority does not maintain and repair the road, and the road is vested in Her Majesty or maintained and repaired by the Government, then the Local Government:

(4) "circle", in relation to a local authority or road-authority, means the area within the control of that authority:

(5) "tramway" means a tramway, or any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway:

(6) "order" means an order authorising the construction of a tramway under this Act, and

includes a further order substituted for, or amending, extending or varying, that order:

(7) "promoter" means a local authority or person in whose favour an order has been made, and includes a local authority or person on whom the rights and liabilities conferred and imposed on the promoter by this Act and by the order and any rules made under this Act, as to the construction, maintenance and use of the tramway, have devolved:

(8) "undertaking" includes all moveable and immoveable property of the promoter suitable to and used by him for the purposes of the tramway:

(9) "carriage", in the case of a tramway on which steam-power or any other-mechanical power is used, includes an engine worked on the tramway for the purpose of producing that power:

(10) "toll" includes any charge leviable in respect of the use of a tramway:

(11) "lessee" means a person to whom a lease has been granted of the right of user of a tramway and of demanding and taking the authorised tolls:

(12) "District Magistrate" includes an officer empowered by the Local Government by name or by virtue of his office to discharge within any local area all or any of the functions of a District Magistrate under this Act:

(13) "District Court" means a principal Civil Court of original jurisdiction, and includes a High Court having ordinary original civil jurisdiction:

(14) "Collector" means the chief officer in charge of the revenue-administration of a district, and includes an officer empowered by the Local Government by name or by virtue of his office to discharge within any local area the functions of a Collector under this Act; and

(15) "prescribed" means prescribed by rules made by the Local Government under this Act.

*Orders authorising the Construction of Tramways.*

4. (1) The Local Government may make an order authorising the construction of a tramway in a circle on application made—

(a) by the local authority of the circle, with the consent of the road-authority of any road or part of a road which is to be traversed by the tramway, and of which the local authority is not itself the road-authority; or

(b) by any person with the consent of the local authority of the circle, and of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not the road-authority:

Provided that, if any part of the proposed tramway is to traverse land which is not included within the limits of a municipality or of a cantonment, the Local Government shall not make

*The Indian Tramways Act, 1886.**(Orders authorising the Construction of Tramways.—Sections 5-7.)*

the order without the previous sanction of the Governor-General in Council.

(2) A local authority shall not make an application for an order, or be deemed to consent to an application being made by any person for an order, unless the making of the application or the giving of the consent has been approved by the local authority in manner prescribed.

5. When it is proposed to lay a tramway in two or more circles, and authority not necessary in a local authority or road-certain cases. authority having control in either or any of the circles does not consent thereto, or attaches conditions to its consent, the Local Government may, nevertheless, make an order authorising the construction of the tramway in the circle, or by the order impose on the promoter any conditions which it deems fit, if, after considering the reasons of the authority for withholding its consent or attaching the conditions thereto, it is satisfied that the construction of the tramway in the circle is expedient, or, as the case may be, that the conditions attached by the authority to its consent ought not to be imposed.

6. (1) The Local Government on receiving an application shall consider it, and, if satisfied as to the propriety of proceeding thereon, publish in the official Gazette, and in such other manner as it deems sufficient for giving information to persons interested, a draft of a proposed order authorising the construction of the tramway.

(2) A notice shall be published with the draft stating that any objection or suggestion which any person may desire to make with respect to the proposed order will, if submitted to the Local Government on or before a date to be specified in the notice, be received and considered.

(3) If, after considering any objections or suggestions which may have been made with respect to the draft on or before the date so specified, the Local Government is of opinion that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, it may make an order accordingly.

(4) Every order authorising the construction of a tramway shall be published in the official Gazette in English, and in the other prescribed language or languages, if any; and that publication shall be conclusive proof that the order has been made as required by this section.

7. (1) An order made under section 6 shall empower the promoter therein specified to construct and maintain the tramway therein described in the manner therein provided, and shall specify the time within which the tramway shall be commenced and the time within which it shall be completed and opened for public traffic.

(2) The order may also provide, in manner consistent with this Act, for all or any of the following, among other matters, that is to say:—

(a) a period before the expiration of which the tramway shall not be commenced,

and the conditions subject to which the local authority, when it is not itself the promoter, may, within that period, elect to be substituted in the place of the promoter in respect of the undertaking or of so much thereof as is within its circle; and the limits of time within which, and the terms upon which, the local authority may, after the tramway has been constructed, require the promoter to sell to it the undertaking or so much thereof as is within its circle;

(b) the acquisition by the promoter of land for the purposes of the tramway, and the disposal by him of land which has been acquired but is no longer required for those purposes;

(c) the conditions subject to which roads may be opened and broken up for the purposes of the construction or maintenance of the tramway or any part thereof, and the method of, and materials to be used in, the re-instating of the roads, and the approval of the method and materials by the Local Government or the road-authority before the commencement of the work;

(d) the conditions on which the tramway may be constructed over a bridge or across a railway or tramway when the carriageway over the bridge is to form part of the tramway or when the tramway is to cross a railway or another tramway on the level;

(e) the space which shall ordinarily intervene between the outside of the carriageway on either side of a road whereon the tramway is to be constructed and the nearest rail of the tramway, and the conditions on which a smaller space may be permitted;

(f) the gauge of the tramway; the rails to be used, and the mode in which and the level at which they shall be laid and maintained; and the adoption and application by the promoter of such improvements in the rails, and in their situation, and in the sub-structure upon which they rest, as the Local Government may from time to time require;

(g) the portion of the road or roads traversed by the tramway to be kept in repair by the promoter, the maintenance by the promoter to the satisfaction of the Local Government or the road-authority, or both, of that portion of the road or roads; and the liability of the promoter, on the requisition of the Local Government, from time to time to adopt and apply such improvements in the tramway as the Local Government may consider necessary or desirable for the safety or convenience of the public, and to alter the position or level of the tramway to suit future alterations in the road or roads;

*The Indian Tramways Act, 1886.*

*(Orders authorising the Construction of Tramways.—Sections 8-9.)*

- (h) the application of material excavated by the promoter in the construction or maintenance of the tramway ;
- (i) the provision of such crossings, passing-places, sidings, junctions and other works, in addition to those specified in or authorised by the order, as may from time to time be necessary or convenient to the efficient working of the tramway ;
- (j) the powers which may from time to time be exercised by the Local Government, the local authority, the road-authority or any person in respect of sewers, drains, telegraph-lines, gas-pipes, water-pipes or other things in or on land occupied by the tramway ; the notice (if any) to be given of the intended exercise of those powers ; the manner in which the powers shall be exercised ; and the extent to which the tramway and the traffic thereon may be interfered with in the exercise thereof ;
- (k) the conditions subject to which the promoter may from time to time interfere with, or alter or require the alteration of the position of, drains (not being sewers or main drains), telegraph-lines, gas-pipes, water-pipes or other things as aforesaid ;
- (l) the provision of a temporary tramway in place of a part of a tramway which has been removed, or of which the use has been discontinued, by reason of the execution of any work affecting a road along which the part of the tramway was laid, or by reason of the use of the road being interrupted by floods or other cause ;
- (m) the motive power to be used on the tramway, and the conditions on which steam-power or any other mechanical power may be used ;
- (n) the nature, dimensions, fittings, appliances and apparatus of the carriages to be used on the tramway, and the inspection and examination thereof by officers of the Local Government or the local authority, and the liability of the promoter or lessee, on the requisition of the Local Government, from time to time, to adopt and apply such improvements in the carriages and in the fittings, appliances and apparatus, as the Local Government may consider necessary or desirable for the safety or convenience of the public ;
- (o) the traffic which may be carried on the tramway, the traffic which the promoter or lessee shall be bound to carry, and the traffic which he may refuse to carry ; the tolls to be leviable by the promoter or lessee, and the periodical revision thereof by the Local Government ; and the regulation of the traffic and of the levy of the tolls ;
- (p) the use of the tramway free of toll by the local authority, with its own carriages, for specified purposes, during specified hours, with power to the local authority to make such sidings and other works as may be necessary for communication between its premises and the tramway ;
- (q) the conditions subject to which the promoter may transfer the undertaking, or any part thereof, by sale, mortgage, lease, exchange or otherwise ; and the conditions subject to which the local authority may be the transferee ;
- (r) the performance by the Local Government or by the local authority or road-authority of any work required by the Act or the order to be done by the promoter ; and
- (s) the penalty to be incurred by the promoter or lessee for failure to observe any condition or direction contained in the order, and the application of the penalty when recovered.
- (3) The Local Government may, in providing in the order for the acquisition of land for the purposes of a tramway of which the promoter is not a company, direct that land may be acquired for the promoter under the provisions of the Land Acquisition Act, 1870, in the same manner and on the same conditions as it might be acquired for the purposes of the tramway if a company were the promoter.
- (4) The order shall imply the condition—
- (a) in the case of a tramway of which a local authority is the promoter, that a lease thereof shall be granted only in manner by this Act provided ; and
- (b) in the case of a tramway of which a local authority is not the promoter, that a lease thereof shall be only of the right of user and of demanding and taking the authorised tolls, and shall not confer or impose on the lessee any of the powers or duties of the promoter in respect of the construction or maintenance of the tramway.
8. (1) The Local Government may, on the application of the promoter, revoke, amend, extend or vary the order by a further order.
- (2) An application for a further order shall be made in the same manner and subject to the same conditions as an application for an order.
- (3) The Local Government may, in its discretion, either grant or reject the application.
- (4) If it grants the application, it shall make the further order in the same manner as an order, except that no addition to, or modification of, the rights, powers and authorities asked for in the application, or restriction or condition with respect thereto, shall be made or imposed by the further order without the consent in writing of the promoter.
9. (1) Subject to, and in accordance with, the provisions of this Act, the Local Government may, on a joint application, or on two or more separate applications make an order empowering two or more local authorities, respectively, jointly to construct the whole, or separately to construct parts, of a tramway, and
- Power to authorise joint work by local authorities.



*The Indian Tramways Act, 1886.**(Orders authorising the Construction of Tramways.—Construction and Maintenance of Tramways.—Traffic on Tramways.— Sections 10-16).*

jointly or separately to own the whole or parts thereof.

(2) All the provisions of this Act which relate to the construction of tramways shall extend and apply to the construction of the whole and the separate parts of the tramway, and the form of the order may be adapted to the circumstances of the case.

10. (1) If a promoter authorised by an order Cessation of powers given to construct a tramway— by an order.

- (a) does not within the time specified in the order substantially commence the construction of the tramway, or
- (b) having commenced the construction, suspends it without a reason sufficient in the opinion of the Local Government to warrant the suspension, or
- (c) does not within the time specified in the order complete the tramway and open it for public traffic,

the following consequences shall ensue:—

- (i) the powers given by the order to the promoter for constructing the tramway and otherwise in relation thereto shall, unless the Local Government, by special direction in writing, prolongs the time or condones the suspension, cease to be exercised except as to so much of the tramway as is then completed:
- (ii) as to so much of the tramway as is then completed the Local Government may either permit, or refuse to permit, the powers given by the order to continue;
- (iii) if the Local Government refuses to permit the powers to continue, then so much of the tramway as is then completed may be dealt with, under the provisions of this Act relating to the discontinuance of tramways, as a tramway of the working whereof the discontinuance has been proved to the satisfaction of the Local Government.

(2) A notification published by the Local Government in the official Gazette to the effect that on a date specified in the notification the construction of a tramway had not been substantially commenced or a tramway had not been completed and opened for public traffic, or that the construction of a tramway had been suspended without sufficient reason, shall, for the purposes of this section, be conclusive proof of the matter stated therein.

*Construction and Maintenance of Tramways.*

11. A tramway shall be constructed and Mode of formation of maintained in the manner tramway. provided by the order.

12. A tramway, or portion or extension of, or Inspection of tramway shall not be opened for before opening. addition to, a tramway, public traffic until an engineer appointed in this behalf by the Local Government has inspected it and certified it to be fit for such traffic.

IV.—16-6

13. Subject to the provisions of any order for Agreement between road- the time being in force authority and promoter as with respect to the mat- to repair of roadway. ters mentioned in section 7, sub-section (2), clause (g), the road-authority and the promoter may from time to time enter into agreements as to the keeping in repair of the whole or a part of a road traversed by a tramway, and as to the proportion to be paid by either of them of the expense of keeping the road or part in repair.

*Traffic on Tramways.*

14. (1) The promoter of a tramway shall, sub- Rights of promoters and subject to the provisions of the public over tramways. sub-section (2) and to the other provisions of this Act and of the order, have the exclusive use of the tramway for carriages with flange-wheels or other wheels suitable to run on the rail described in the order as the rail to be used on the tramway:

Provided that nothing in this Act or in the order or any rule made under this Act shall affect the right of any person authorised to use a tramway or railway to pass across a tramway constructed under this Act with carriages having wheels suitable to run on the rail thereof.

(2) The public shall have a right to pass along or across any part of a road along or across which a tramway is constructed, whether on or off the tramway, with carriages not having flange-wheels or other wheels suitable to run on the rail of the tramway: provided—

- (a) that this sub-section shall not apply where the tramway is constructed on land the right to the exclusive possession of which has been acquired by the promoter; and
- (b) that the Local Government may by an order authorise the construction of a tramway on any part of a road with rails raised above the surface of the road, if it is satisfied that the convenience of the public will not be injuriously affected thereby.

15. (1) The promoter or lessee may demand Tolls leviable by pro- and take, in respect of moter or lessee. the tramway, tolls not exceeding the limits specified in or determinable under the order, or, if the order contains no provision in this behalf, then such sums as may from time to time be fixed by the promoter or lessee with the previous sanction of the Local Government.

(2) A list of all the tolls authorised to be levied shall be exhibited, in such languages as the District Magistrate may direct, in a conspicuous place inside and outside each of the carriages used upon the tramway.

16. (1) A person shall not be entitled to carry, Carriage of dangerous or or to require to be carried, offensive goods. on a tramway constructed under this Act, any goods of a dangerous or offensive nature.

(2) A person taking such goods with him on the tramway shall, before entering the carriage, give notice of their nature to the servant of the promoter or lessee in charge of the carriage.

*The Indian Tramways Act, 1886.**(Licenses to use Tramways.—Discontinuance of Tramways.—Sections 17-20.)*

(3) A person sending such goods by the tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the servant of the promoter or lessee with whom he leaves them for the purpose of their being sent by the tramway.

(4) Any servant of the promoter or lessee may refuse to carry upon the tramway a parcel which he suspects to contain goods of a dangerous or offensive nature, and, if any such parcel has been received for the purpose of being carried upon the tramway, may stop the transit thereof until he is satisfied as to the nature of its contents.

(5) Where a servant of the promoter or lessee refuses under sub-section (4) to carry a parcel which has been received for the purpose of being carried upon the tramway, he shall, as soon as may be, give notice of his refusal to the consignor or consignee if he refuses at a time when neither of them is present.

*Licenses to use Tramways.*

17. If, at any time after a tramway or part of a tramway has been for three years opened for public traffic in a circle, the local authority of the circle represents in writing to the Local Government that the public is deprived of the full benefit of the tramway or of the part thereof, the Local Government may, if after considering any statement which the promoter or lessee or both may desire to make, and after such further enquiry as it deems necessary it is satisfied as to the truth of the representation, grant a license to any person to use the tramway conformably to this Act and to the order and the rules made under this Act, subject to the following provisions, namely:—

- (a) the license shall be for a period not less than one year or more than three years from the date of the license, but the Local Government may in its discretion renew it;
- (b) the license shall be to use the whole of the tramway for the time being opened for public traffic, or such part or parts of the tramway as the Local Government, having regard to the cause for granting the license, thinks fit;
- (c) the license shall specify the number of carriages which the licensee shall run upon the tramway, the mode in which, and times at which, the carriages shall be run, the tolls to be paid to the promoter or lessee by the licensee for the use of the tramway, and the tolls, being those for the time being leviable by the promoter or lessee, which the licensee may demand and take for the use of his carriages;
- (d) the licensee and his officers and servants shall permit one person, duly authorised for that purpose by the promoter or lessee, to travel free of toll in or upon each carriage of the licensee run upon the tramway for the whole or any part of a journey;
- (e) any provision of this Act, or of the order or rules made under this Act, relating to the

functions of a servant of a promoter or lessee shall be construed, so far as may be, as referring to a servant of the licensee; and

- (f) the Local Government may revoke, alter or modify the license for any cause sufficient in its opinion to warrant the revocation, alteration or modification thereof.

18. A licensee shall, on demand, give to an officer or servant authorised in that behalf by the promoter or lessee an exact account in writing, signed by the licensee, of the number of passengers, or number or quantity of goods, conveyed by any and every carriage used by him on the tramway.

*Discontinuance of Tramways.*

19. If it is proved to the satisfaction of the Local Government, at any time after the opening of a tramway for public traffic, that the working of the tramway, or any part thereof, has been practically discontinued, for the space of three months, without a reason sufficient, in the opinion of the Local Government, to warrant the discontinuance, the Local Government, if it thinks fit, may, by notification in the official Gazette, declare that the powers of the promoter and of the lessee, if any, in respect of the tramway or the part thereof of which the working has been so discontinued, shall, from the date of the notification, be at an end; and thereupon the said powers shall cease and determine, except in so far as they may be purchased by a local authority in manner by this Act provided.

20. (1) Where a notification has been published under section 19, the road-authority may, at any time after the expiration of two months from the date of the notification, remove the tramway or part of the tramway of which the working has been so discontinued, and use the materials thereof in re-instating the road.

(2) The promoter shall pay to the road-authority the cost incurred by that authority in removing the tramway or the part thereof and in re-instating the road.

(3) The cost shall be certified by an officer of the road-authority, and his certificate, countersigned by the District Magistrate, shall be conclusive proof as to the cost incurred.

(4) If the promoter does not pay the amount so certified within one month after the delivery to him of the certificate or of a copy thereof, the road-authority may, without any previous notice to the promoter and without prejudice to any other remedy which it may have for the recovery of the amount, sell and dispose of such materials of the tramway or part thereof removed as it has not used in re-instating the road, either by public auction or by private sale, and for such sum or sums, and to such person or persons, as it thinks fit, and may, out of the

*The Indian Tramways Act, 1886.**(Insolvency of Promoter.—Purchase of Tramways.—Working of Tramways owned by Local Authorities.—Rules.—Sections 21-24.)*

proceeds of the sale, pay and reimburse itself the amount of the cost aforesaid and of the expenses of the sale, and shall pay over the residue (if any) of the proceeds of the sale to the promoter.

*Insolvency of Promoter.*

21. (1) If, at any time after the opening of a tramway in a circle for public traffic, it appears to the road-authority or local authority of the circle that the promoter of the tramway is insolvent, so that he is unable to maintain the tramway, or to work it with advantage to the public, and either of those authorities makes a representation to that effect to the Local Government, the Local Government may, if after considering any statement which the promoter may desire to make, and after such further enquiry as it deems necessary, it is satisfied as to the truth of the representation, declare, by notification in the official Gazette, that the powers of the promoter shall, at the expiration of six months from the publication of the notification, be at an end; and the powers of the promoter shall cease and determine at the expiration of that period, except in so far as they may be purchased by a local authority in manner by this Act provided.

(2) Where a notification has been published under sub-section (1), the road-authority may, at any time after the expiration of six months from the date thereof, remove the tramway in the same manner, and subject to the same provisions as to the payment of the cost of the removal, and to the same remedy for recovery of the cost, in every respect as in cases of removal under section 20.

*Purchase of Tramways.*

22. (1) Where the promoter of a tramway in a circle is not the local authority, the local authority, with the previous sanction of the Local Government, may—

- (a) within such limits of time as may be specified in this behalf in the order, or
- (b) if a time was not specified in the order, then within six months after the expiration of a period of twenty-one years from the date of the order, and within six months after the expiration of every subsequent period of seven years, or
- (c) within two months after the publication of a notification under section 19 or within six months after the publication of a notification under section 21,

by notice in writing, require the promoter to sell to the local authority his undertaking or the part thereof which is within the circle of the local authority and thereupon the promoter shall sell the same upon the terms specified in the order, or, if the terms were not specified in the order, then upon the terms of paying the then value of the undertaking or of the part thereof, exclusive of any allowance for past or future profits of the

undertaking or any compensation for compulsory sale or other consideration whatsoever.

(2) A requisition shall not be made under sub-section (1) unless the making thereof has been approved by the local authority in manner prescribed.

(3) When a sale has been made under this section, all the rights, powers and authorities of the promoter in respect of the undertaking or part thereof sold, or, where a notification has been published under section 19 or section 21, all the rights, powers and authorities of the promoter previous to the publication of the notification in respect of the undertaking or part thereof sold, shall be transferred to the authority to whom the undertaking or part has been sold, and shall vest in, and may be exercised by, that authority in the same manner as if the tramway had been constructed by it under an order made under this Act.

(4) Subject to, and in accordance with, the preceding provisions of this section, two or more local authorities may jointly purchase an undertaking or so much thereof as is within their circles.

*Working of Tramways owned by Local Authorities.*

23. (1) When a local authority has under the lease of, or working authority of an order completed, tramway by local authority, or has authority, under the provisions of this Act or of an order acquired possession of a tramway, it may, by a lease to be approved by the Local Government, let to any person the right of user of the tramway and of demanding and taking the authorised tolls.

(2) On the determination of a lease the local authority may from time to time let the right for such further term and on such conditions as the Local Government may approve.

(3) Every lease made under this section shall imply a condition of re-entry if at any time after the making thereof it is proved to the satisfaction of the Local Government that the lessee has practically discontinued the working of the tramway leased, or of any part thereof, for the space of one month without a reason sufficient, in the opinion of the Local Government, to warrant the discontinuance.

(4) Notice of the intention of the local authority to make a lease shall be given in manner prescribed.

(5) If the local authority cannot by means of a lease obtain what it deems to be a fair rent for the tramway, it may itself, with the previous sanction of the Local Government and for such term as the Local Government directs, place and run carriages upon the tramway, and demand and take the authorised tolls in respect of the use of the carriages.

*Rules.*

24. (1) In addition to any other power to make rules, make rules expressly or by implication conferred by this Act, the Local Government may make rules consistent with this Act—

*The Indian Tramways Act, 1886.**(Rules.—Sections 25-26.)*

- (a) as to the form in which an application for an order shall be made;
- (b) as to the costs to be paid by an applicant in respect of an order, and the time when, and the place where, those costs shall be paid;
- (c) as to the payment of money or lodgment of securities, by way of deposit, by the applicant for an order before the order is published under section 6, sub-section (4), or a further order is made under section 8; the investment of money so paid; the disposal of interest or dividends from time to time accruing due on money or securities so paid, lodged or invested; the application of the money or securities or the produce thereof to the discharge of any liability incurred by the promoter; and the forfeiture, repayment or return of the money or securities;
- (d) as to the plans and sections of any works to be deposited by applicants for orders or by promoters;
- (e) for regulating the use of steam-power or any other mechanical power on a tramway;
- (f) as to any matter specified in section 7, sub-section (2), clauses (c), (d), (e), (j) and (k), as a matter which may be provided for in an order, when that matter has not been so provided for, or has not, in the opinion of the Local Government, been effectually so provided for;
- (g) as to the periodical submission, by promoters, lessees and licensees, of accounts of traffic and receipts to the Local Government or as that Government directs, and as to the forms in which those accounts are to be submitted;
- (h) as to the accidents of which report is to be made to the Local Government or as that Government directs;
- (i) as to any matter respecting which rules may be made under this section by a local authority or a promoter or lessee; and,
- (j) generally, as to any other matter or thing in respect of which it may seem to the Local Government to be expedient to make rules for carrying out the purposes of this Act.
- (2) A local authority may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Act and with the order and any rules made by the Local Government under this Act, for regulating—
- (a) the rate of speed to be observed in travelling upon a tramway within the circle of the local authority;
- (b) the use of animal power on the tramway;
- (c) the distances at which carriages using the tramway are to be allowed to follow one after the other;
- (d) the stopping of carriages using the tramway, and the notice to be given to the public of their approach;
- (e) the manner in which carriages using the tramway after sunset and before sunrise are to be lighted;
- (f) the traffic on roads along or across which the tramway is laid;
- (g) the number of passengers which may be carried in any carriage;
- (h) the licensing and control of drivers, conductors and other persons having charge of the carriages of the promoter or lessee or a licensee; and,
- (i) generally, the mode of use of the tramway.
- (3) The promoter or lessee of a tramway may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Act and with the order and any rules made under this Act—
- (a) for preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to him; and
- (b) for regulating the travelling in any carriage belonging to him.
- (4) The Local Government may cancel any rule made by a local authority or by a promoter or lessee under this section.
25. The authority making any rule under section 24 may direct that a breach of it shall be punishable with fine which may extend—
- (a) if the authority making the rule is the Local Government, to two hundred rupees, and
- (b) if that authority is a local authority or a promoter or lessee, to twenty rupees; and when the breach is a continuing breach, with a further fine which may extend—
- (c) if the authority making the rule is the Local Government, to fifty rupees, and
- (d) if that authority is a local authority or a promoter or lessee, to five rupees, for every day after the first during which the breach continues.
26. (1) Every authority having power to make rules under any section of this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.
- (2) The publication shall be made, in the case of rules made by the Local Government, in such manner as may in its opinion be sufficient for giving information to persons interested, and, in the case of rules made by a local authority or by a promoter or lessee, in manner prescribed.
- (3) There shall be published with the draft a notice specifying a date, not earlier than the expiration of one month after the date of publication, at or after which the draft will be taken into consideration.
- (4) The authority shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.
- (5) The publication in the official Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

The following Report of the Select Committee on regulate the working of Tramways was presented to the the purpose of making Laws and Regulations on the 5th

are few and unimportant, and do not call for special Council has been made as follows :-  
In English.

LEGISLATIVE D

WE, the undersigned, Members of the Select Co

- No. 1]. From Secretary to Chief Commissioner, Coorg, No. 1573-4
- No. 2]. From Secretary for Berar to Resident, Hyderabad, No. 58
- From Chief Commissioner, Ajmer-Merwara, No. 215 C., dat
- From Registrar, High Court, Calcutta, No. 3303, dated 23
- From Secretary to Government, North-Western Provinc
- 31st December, 1885, and enclosure [Papers No. 5].
- From Officiating Assistant Secretary to Chief Commissio
- 7th January, 1886 [Paper No. 6].
- From Under-Secretary to Government, Bombay, No. 62,
- [Papers No. 7].
- From Secretary to Chief Commissioner, Assam, No. 6 T. arathi
- From Acting Chief Secretary to Government, Madras, Parese
- ures [Papers No. 9].
- Memorandum by J. Kincaid, Esq., M.C.I.E. [Paper No. a
- From Under-Secretary to Government, Bombay, No. 3
- From Officiating Secretary to Government, Panjab, N
- [Papers No. 12].
- From Officiating Secretary to Chief Commissioner, Bri
- 1886, and enclosures [Papers No. 13].
- From Officiating Under-Secretary to Government, B
- enclosures [Papers No. 14].

- ... 31st October, and 7th and 14th November, 1885.
- ... 18th November, 1885.
- ... 5th, 12th and 19th November, 1885.
- ... 11th, 18th and 25th November, 1885.
- ... 7th, 14th and 21st November, 1885.
- ... 5th, 12th and 19th November, 1885.
- ... 7th, 14th and 21st November, 1885.
- ... 21st and 28th November, 1885.
- ... 21st November, 1885.
- ... 1st December, 1885.
- ... 10th December, 1885.

Vernaculars.

Date.

... 17th December, 1885.

... 23rd and 30th January, and 6th February, 1886.

so altered as to require re-publication, and we

pear to have been understood. In the case ( difficult to say whether the line ought to object of the proviso is to give the Govern to particular cases or classes of cases, to as belonging.

3. By section 5 we have empowered imposed by a local authority with respect to which is to be laid in two or more circles.

4. In sections 17 and 21 we have pr state his case before the Local Govern mines the powers of the promoter under t

5. By clauses (g) and (h) of sub-sec to make rules as to the periodical submis of which report is to be made.

6. By clause (e) of sub-section make rules as to the manner in which c be lighted.

7. By section 27 we have made cedent to the institution by a privi licensee for breach of any provision o tion of a tramway.

8. By section 35 we have prov under section 523 of the Code of settled, on the application of either promoter on the one hand and th the local authority for an undertaki section 22, the referee shall be the shall lie to the High Court from t

9. To section 45 we have amend the Local Authorities Law

10. By section 47 of the ways of which the construction t constructed, after the passing ' Act.

11. By section 48 we hav is excluded from the circle of

12. By section 49 we hav to enable the Governor Gene worked by any mechanical p

(Signed)

C. P. ILBERT.

S. C. BAYLEY.

T. C. HOPE.

H. ST. A. GOODRICH.

ROBERT STEEL.

V. N. MANDLIK.

S. HARVEY JAMES, Offg. Secretary to the Government of India.

of the cost

Want sufficient

of the cost working,

44. V

Power to ex municipal taxat

exempt the a workshops, promoter, less thinks fit, from within those lim

45. (1) The

Application by 'thorities of local fund mways.

trusted shall, notw tment respecting may be applied, l of the Local Go enses incidental and functions wh d by a local auth

*The Indian Tramways Act, 1886.**(Settlement of Differences.—Recovery of Tolls.—Savings.—Sections 35-39.)**Settlement of Differences.*

35. (1) If any difference arises between the promoter or lessee on the one hand and the Local Government, or the local authority, or the road-authority, or a person having the charge of any sewers, drains, telegraph-lines, gas-pipes, water-pipes, or other things in or on land occupied by the tramway, on the other hand, with respect to any interference or control exercised or claimed to be exercised by, or on behalf of, either party by virtue of this or any other Act, or of the order or the rules made under this Act, or with respect to the propriety of, or the mode of, the execution of any work, or with respect to any compensation to be made by or to the promoter or lessee, or or the question whether any work is such as ought reasonably to satisfy the Local Government or the road-authority or both, or with respect to any other subject or thing regulated by, or comprised in, this Act or the order or the rules made under this Act, and not otherwise expressly provided for therein, the matter in difference shall, except where the parties elect to proceed under section 523 of the Code of Civil Procedure, be settled, on the application of either party, by a referee.

(2) Where the difference is—

- (a) between the promoter or lessee on the one hand and the Local Government, either as such or as the road-authority, on the other, or
- (b) between the promoter on the one hand and the local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22,

the referee shall be the District Court within the jurisdiction of which the tramway is situate, or, where the tramway is within the jurisdiction of more than one District Court, the District Court within the jurisdiction of which the greater part of the tramway is situate.

(3) In other cases, the referee shall be appointed by the Local Government.

(4) Except where the referee is the District Court, the powers and procedure of the referee may be prescribed.

(5) In the case of a difference between a promoter on the one hand and a local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22, an appeal shall lie to the High Court from the award of the referee as from an original decree of the District Court.

(6) In the case of every other difference the award of the referee shall be final.

*Recovery of Tolls.*

36. Any of the following moneys, namely, any rent due to a local authority from a lessee, any penalty recoverable from a promoter or lessee under an order, any sum payable by a promoter

Recovery of moneys due from promoters and, in certain cases, from lessees.

or lessee under an award of a referee, the cost of the performance under this Act by the Local Government or by a local authority or road-authority of any work required by this Act or by an order to be done by a promoter, and the cost incurred by a road-authority in removing a tramway and re-instating a road under this Act, may, without prejudice to any other remedy that the authority to which the money is due may have by suit or otherwise, be recovered by that authority, on application made in this behalf to the Collector, as if the sum due were an arrear of land revenue due by the promoter or lessee or his surety (if any):

Provided that nothing in this section shall authorise the arrest of the promoter or lessee or his surety in execution of any process issued by the Collector.

37. (1) If a licensee fails to pay on demand the tolls due for the use of a tramway, the promoter or lessee to whom the tolls are due may, without prejudice to the remedy which he may have by suit, apply to a Magistrate to recover the amount of the tolls, and the Magistrate may, after giving notice to the licensee if possible and allowing him an opportunity of being heard, proceed to recover the amount by distress and sale of any carriages or other moveable property of the licensee which may be found on the tramway or on premises connected therewith.

(2) When a licensee has failed to pay on demand the tolls due from him, the promoter or lessee to whom the tolls are due may seize any carriage or other moveable property of the licensee on the tramway or on premises connected therewith, and detain the same for forty-eight hours unless the tolls are sooner paid.

(3) When application is made to a Magistrate under sub-section (1), he may make an interim order of distraint pending his final decision.

38. Any toll due to a promoter, lessee or licensee from a passenger may be recovered either by suit or, on application to a Magistrate having jurisdiction within any local area in which any part of the tramway is laid, by distress and sale of any moveable property belonging to the passenger within the local limits of the jurisdiction of the Magistrate.

*Savings.*

39. (1) Notwithstanding anything contained in this Act or in an order or any rule made under this Act, a promoter shall not acquire any right other than that of user only over a road along or across which he lays a tramway, nor shall anything contained in this Act or in an order or any rule made under this Act, exempt the promoter of a tramway, or any other person using the tramway, from the payment of such charges as may lawfully be levied in respect of the use of a road or bridge along or across which the tramway is laid.

(2) The Local Government may, if it thinks fit, fix rates at which a promoter, lessee or licensee may compound for the charges payable in respect of the use of a road or bridge.

Promoter to have right of user only.

*The Indian Tramways Act, 1886.**(Savings.—Supplemental Provisions—Sections 40-50.)*

40. (1) Nothing in this Act or in an order or any rule made under this Act, shall take away or abridge any power which a road-authority, local authority or other person has by law to break up, widen, alter, divert or improve a road, railroad or tramway along or across which a tramway is laid.

*Saving of power over roads traversed by tramways*

(2) The road-authority, local authority or other person executing any work referred to in sub-section (1) shall not be liable to pay to a promoter, lessee or licensee any compensation for injury done to a tramway by the execution of the work or for loss of traffic occasioned by the reasonable use of any power lawfully exercised for the execution thereof.

41. Nothing in this Act or in an order or any rule made under this Act, shall affect the powers of a local authority or of a Magistrate or police-officer to regulate the passage of traffic along or across a road along or across which a tramway is laid; and the authority, Magistrate or officer aforesaid may exercise its or his powers as well on as off the tramway and with respect as well to the traffic of a promoter, lessee or licensee as to the traffic of other persons.

*Saving of power of local authority and police to regulate traffic on roads.*

*Supplemental Provisions.*

42. A promoter, lessee or licensee shall be answerable for all injuries happening through his act or default, or through the act or default of any person in his employment, by reason or in consequence of any of his carriages or works, and shall save harmless all authorities and persons collectively and individually, and their officers and servants, from all damages and costs in respect of injuries so happening.

*Promoters, lessees and licensees to be responsible for all injuries.*

43. For the purposes of this Act, want of funds shall not be deemed to be a sufficient reason for the suspension of the construction, or the discontinuance of the working, of a tramway by a promoter or lessee.

*Want of funds not a sufficient reason for default.*

44. When a tramway is constructed under this Act within the limits of a municipality, the Local Government may exempt the animals, plant, rolling-stock, yards, workshops, engine-sheds and depôts of the promoter, lessee or licensee, for such period as it thinks fit, from all or any municipal taxes leviable within those limits.

*Power to exempt from municipal taxation.*

45. (1) The fund to or with the control or management of which the local authority of a municipality, cantonment or district is entitled or entrusted shall, notwithstanding anything in any enactment respecting the purposes to which that fund may be applied, be applicable, subject to the control of the Local Government, to the payment of expenses incidental to the exercise of the powers and functions which may be vested in or exercised by a local authority under this Act.

*Application by local authorities of local funds to tramways.*

(2) The fund shall also be applicable, with the previous sanction of the Local Government, to a guarantee of the payment of interest on money to be applied, with the concurrence in writing of the local authority, within the limits of the local area under its control, to any of the purposes to which the fund might be applied by the local authority under sub-section (1).

46. The Local Government may, with the consent of the local authority and road-authority and existing tramways, extend any part of this Act, or any rules made under this Act, either with or without modification, to the whole or any part of a tramway constructed, or authorised by the Local Government to be constructed, before the passing of this Act, and may withdraw any part of the Act or any rules so extended.

47. (1) A tramway of which the construction has not been authorised by the Local Government before the passing of this Act shall not after the passing of this Act be constructed for public traffic in any place to which this Act extends, except in pursuance of an order made under this Act.

(2) A person constructing a tramway in contravention of sub-section (1) of this section, or after the passing of this Act maintaining or using for public traffic, otherwise than in pursuance of an order made under this Act, a tramway which was not constructed, or authorised by the Local Government to be constructed, before the passing of this Act,

shall be liable, on the complaint of the Local Government or local authority, to double the penalty to which a promoter acting otherwise than in accordance with an order is liable under section 27.

48. If at any time a local area comprising a tramway to which this Act or any part thereof or any rule thereunder applies ceases to be included in the circle of a local authority, the functions of that authority under this Act or the part thereof or the rule thereunder, and under the order (if any), shall, in respect of that local area, devolve on the Local Government or, if that Government so directs, on the local authority of the circle in which the tramway has been included.

49. In section 54 of the Indian Railway Act, IV. of 1879, the word "tramway" shall have the meaning assigned to it by section 3 of this Act.

Explanation and amendment of section 54 of Railway Act.

1879, the word "tramway" shall have the meaning assigned to it by section 3 of this Act.

(2) In the same section of that Act, after the words "by steam" the words "or other mechanical power" shall be added.

50. All powers conferred by this Act on a Local Government may be exercised from time to time as occasion requires.

Powers of Local Government exercisable from time to time.

S. HARVEY JAMES,

Offg. Secy. to the Govt. of India.

The following Report of the Select Committee on the Bill to facilitate the construction and to regulate the working of Tramways was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March, 1886 :—

### LEGISLATIVE DEPARTMENT.

- WE, the undersigned, Members of the Select Committee to which the Bill to facilitate the construction and to regulate the working of Tramways was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.
2. The object of the proviso to section 4, sub-section (f), of the Bill does not appear to have been understood. In the case of lines extending beyond municipal limits, it is often difficult to say whether the line ought to be treated as a tramway or as a light railway, and the object of the proviso is to give the Government of India an opportunity of determining, with reference to particular cases or classes of cases, to which of the two categories such lines ought to be treated as belonging.
3. By section 5 we have empowered the Local Government to modify conditions sought to be imposed by a local authority with respect to the construction within its circle of part of a tramway which is to be laid in two or more circles.
4. In sections 17 and 21 we have provided for an opportunity being given to the promoter to state his case before the Local Government either grants licenses under the former section or determines the powers of the promoter under the latter section.
5. By clauses (g) and (h) of sub-section (1) of section 24 we have enabled the Local Government to make rules as to the periodical submission of statistics relating to tramways, and as to the accidents of which report is to be made.
6. By clause (e) of sub-section (2) of the same section we have empowered local authorities to make rules as to the manner in which carriages using the tramway after sunset and before sunrise are to be lighted.
7. By section 27 we have made the previous sanction of the District Magistrate a condition precedent to the institution by a private person of criminal proceedings against a promoter, lessee or licensee for breach of any provision of the Act or of any direction of an order authorizing the construction of a tramway.
8. By section 35 we have provided that, except where the parties to a difference elect to proceed under section 523 of the Code of Civil Procedure, the matter in difference between them shall be settled, on the application of either party, by a referee, and that, where the difference is between the promoter on the one hand and the local authority on the other with respect to the sum to be paid by the local authority for an undertaking which that authority has required the promoter to sell under section 22, the referee shall be the District Court. We have also provided that, in that case, an appeal shall lie to the High Court from the award of the District Court.
9. To section 45 we have added a sub-section supplementary to Act XV of 1885 (*an Act to amend the Local Authorities Loan Act, 1879*).
10. By section 47 of the Bill we have proposed that, in places to which the Act extends, tramways of which the construction has not been authorised before the passing of the Act shall not be constructed, after the passing of the Act, otherwise than in pursuance of an order made under the Act.
11. By section 48 we have made provision for cases in which a local area comprising a tramway is excluded from the circle of one local authority and included in that of another.
12. By section 49 we have proposed so to amend section 54 of the Indian Railway Act, 1879, as to enable the Governor General in Council to apply that Act or any portion thereof to a tramway worked by any mechanical power.



13. The other amendments of the Bill are few and unimportant, and do not call for special notice.

14. The publication ordered by the Council has been made as follows :—

		<i>In English.</i>		
	<i>Gazette</i>			<i>Date.</i>
Gazette of India...	...	...	...	31st October, and 7th and 14th November, 1885.
Fort Saint George Gazette ...	...	...	...	18th November, 1885.
Bombay Government Gazette ...	...	...	...	5th, 12th and 19th November, 1885.
Calcutta Gazette ...	...	...	...	11th, 18th and 25th November, 1885.
North-Western Provinces and Oudh Government Gazette ...	...	...	...	7th, 14th and 21st November, 1885.
Punjab Government Gazette ...	...	...	...	5th, 12th and 19th November, 1885.
Central Provinces Gazette ...	...	...	...	7th, 14th and 21st November, 1885.
British Burma Gazette ...	...	...	...	21st and 28th November, and 5th December, 1885.
Assam Gazette ...	...	...	...	21st November, 1885.
Coorg District Gazette ...	...	...	...	1st December, 1885.
Sindh Official Gazette ...	...	...	...	10th December, 1885.

		<i>In the Vernaculars.</i>		
<i>Province.</i>		<i>Language.</i>		<i>Date.</i>
Bombay	...	...	Maráthi ...	} 17th December, 1885.
			Gujaráthi ...	
			Kanarese ...	
			Sindhi ...	
North-Western Provinces and Oudh	...	...	Urdu ...	23rd and 30th January, and 6th February, 1886.

15. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

(Signed) C. P. ILBERT.  
 ( " ) S. C. BAYLEY.  
 ( " ) T. C. HOPE.  
 ( " ) H. ST. A. GOODRICH.  
 ( " ) ROBERT STEEL.  
 ( " ) V. N. MANDLIK.

The 5th March, 1886.

S. HARVEY JAMES,  
 Offg. Secretary to the Government of India.

## LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th March, 1886, and was promulgated for general information in the *Gazette of India* on the 13th March 1886.

## Act No. XII of 1886.

## THE PETROLEUM ACT, 1886.

## CONTENTS.

*Preliminary.*

## SECTION.

1. Short title, commencement and local extent.
2. Repeal.
3. Definitions.
4. Matters supplemental to the definitions.

*Dangerous Petroleum.*

5. Dangerous petroleum in quantities exceeding forty gallons.
6. Dangerous petroleum in quantities not exceeding forty gallons.
7. Vessels containing dangerous petroleum to be labelled.

*Petroleum generally.*

8. Power for Local Government to make rules as to importation and refining of petroleum.
9. Procedure after petroleum has been discharged or landed.
10. Possession and transport of petroleum.
11. Power to make rules as to possession and transport.
12. Power to inspect and require dealer to sell samples.
13. Notice to be given when officer proposes to test samples.
14. Certificate as to result of testing.

*Penalties.*

15. Penalty for illegal importation, possession or transport of petroleum.
16. Penalty for keeping, transporting, selling or exposing for sale petroleum in contravention of section 7.
17. Penalty for refusing to comply with section 12.
18. Confiscation of petroleum.
19. Jurisdiction.

*Test-apparatus.*

20. Model test-apparatus.
21. Verification of test-apparatus.

*Miscellaneous.*

22. Power to Local Government to exempt petroleum from operation of this Act.
23. Power to apply this Act to other fluids.
24. Power to limit operation of enactments relating to municipalities.
25. Power to revoke or vary notifications.
26. Procedure for making and publication of rules.

## THE SCHEDULE.

*An Act to regulate the importation, possession and transport of Petroleum and other fluids of a like nature.*

WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other fluids of a like nature; It is hereby enacted as follows:—

*Preliminary.*

1. (1) This Act may be called the Petroleum Act, 1886; and

(2) It shall come into force on such day as the Governor General in Council, by notification in the *Gazette of India*, appoints.

(3) The provisions of this Act relating to dangerous petroleum, and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may from time to time, by notification in the official *Gazette*, direct.

(4) Any power conferred by this Act to make rules or issue orders may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

2. (1) On and from the day on which this Act comes into force, the *Repeal* *Petroleum Act, 1881,* shall be repealed: VIII of 1881.

(2) But all notifications issued, rules made, licenses granted, powers conferred and certificates given under that Act shall, so far as may be, be deemed to have been issued, made, granted, conferred and given under this Act.

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

(1) "petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffin oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum; but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer:

(2) "dangerous petroleum" means petroleum having its flashing point below seventy-six degrees of Fahrenheit's thermometer: Provided that, when all or any of the petroleum on board a ship, or in the possession of a dealer, is declared by the master of the ship or the consignee of the cargo, or by the dealer, as the case may be, to be of one uniform quality, the petroleum shall not be deemed to be dangerous if the samples selected from the petroleum have their flashing points, on an average, at or above seventy-three degrees of Fahrenheit's thermometer, and if no one of those samples has its flashing point below seventy degrees of that thermometer:

*The Petroleum Act, 1886.**(Dangerous Petroleum.—Petroleum generally.—Sections 4-8.)*

(3) "import" means to bring into British India by sea or land,

and "importation" means the bringing into British India as aforesaid :

(4) "transport" means to remove from one place to another within British India ; and

(5) "ship" includes anything made for the conveyance by water of human beings or property.

4. (1) The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested in accordance with the directions in the schedule to this Act with an apparatus which has been stamped and certified as provided by this Act within a period of five years immediately preceding the date on which the apparatus is used for the testing; and after the corrections (if any) which the certificate declares are to be applied to the results of the testing have been made.

(2) Notwithstanding anything in the definitions of "import", "importation" and "transport", the Local Government, with the previous sanction of the Governor General in Council, may from time to time, by notification in the official Gazette, declare—

(a) that petroleum imported into its territories from any part of British India, by sea or across intervening territory not being part of British India, shall, for all or any of the purposes of this Act, be deemed to be transported ; and

(b) that petroleum transported into its territories from any place in British India shall, for all or any of those purposes, be deemed to be imported ;

and thereupon the provisions of this Act, and of the rules made under this Act, with respect to transport and import, respectively, shall apply to petroleum so imported or transported.

*Dangerous Petroleum.*

5. (1) No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Local Government granted as next hereinafter provided.

(2) Every application for such a license shall be in writing, and shall declare—

(a) the quantity of the petroleum which it is desired to import, transport or possess, as the case may be ;

(b) the purpose for which the applicant believes that the petroleum will be used ; and

(c) that petroleum other than dangerous petroleum cannot be used for that purpose.

(3) If the Local Government sees reason to believe that the petroleum will be used for that purpose, and that no petroleum other than danger-

ous petroleum can be used for the purpose, it may grant the license for the importation, transport or possession (as the case may be) of the petroleum, absolutely or subject to such conditions as it thinks fit.

6. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license ;

Provided that nothing in this section shall apply in any case when the quantity of the petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and the petroleum is placed in separate glass, stone-ware or metal vessels, each of which contains not more than a pint and is securely stopped.

Vessels containing dangerous petroleum to be labelled.

*7. Dangerous petroleum—*

(a) which is kept at any place after seven days from the date on which it is imported, or

(b) which is transported, or

(c) which is sold or exposed for sale,

shall be contained in vessels having attached thereto a label in conspicuous characters stating the description of the petroleum, with the addition of the words "highly inflammable" and with the addition—

(d) in the case of a vessel kept, of the name and address of the consignee or owner ;

(e) in the case of a vessel transported, of the name and address of the sender ; and

(f) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

*Petroleum generally.*

8. (1) The Local Government, with the previous sanction of the Governor General in Council, may make rules consistent with this Act to regulate the importation of petroleum, and in particular—

(a) to determine the ports at which only petroleum may be imported ;

(b) to ascertain the quantity and description of any petroleum on board any ship ;

(c) to determine the places at which, and the conditions on and subject to which petroleum may be discharged into boats, landed, transhipped or stored ;

(d) to provide for the selection by an officer appointed by the Local Government in this behalf, and for the delivery to him, either after or before petroleum has been landed, of samples of all petroleum landed or intended to be landed ;

(e) to provide, in the case of each consignment which is stated to be of one uniform quality, for the number of samples to be selected, and for the averaging of the results of the testing of those samples ;

(f) to provide, where the results of the testing of the samples raise a doubt as to the uniformity of the quality of the petro-

*The Petroleum Act, 1886.**(Petroleum generally.—Sections 9-13.)*

leum in any such consignment, for the division of the consignment into lots, and for the selection and testing of samples of each lot, and for the treatment of the lot in accordance with the results of the testing of those samples ;

(g) to fix fees for the sampling and testing of petroleum ; and

(h) to fix fees for the storage of petroleum unless a body of port commissioners or other like body is empowered in that behalf.

(2) The Local Government, with the previous sanction of the Governor General in Council, may, with respect to any petroleum produced within its territories, make rules—

- (a) to define the limits of the places where the petroleum is to be refined ;
- (b) to provide for the testing of the petroleum at or near those places ; and
- (c) to prevent the removal from those limits, otherwise than under the provisions of this Act applicable to dangerous petroleum, of petroleum which has not satisfied the tests prescribed by the rules.

9. (1) Petroleum discharged into boats or Procedure after petro- landed in accordance leum has been discharged with rules made under or landed. section 8, sub-section (1), shall not be removed from the boats or places in or at which it is stored until the samples selected therefrom in accordance with those rules have been tested by an officer appointed by the Local Government in this behalf in the manner described in the schedule to this Act with an apparatus which has been stamped and certified as provided by this Act, and until the officer has given a certificate that the petroleum is not dangerous petroleum.

(2) If the officer after testing the samples refuses to give the certificate in respect of any petroleum, the Local Government may permit the consignee, within a time to be fixed by the Local Government in this behalf,—

- (a) to rectify the petroleum,
- (b) to apply for a license to import the petroleum as dangerous petroleum, or
- (c) to re-export the petroleum.

(3) If the consignee does not within the time fixed under sub-section (2) avail himself of the permission granted under that sub-section, the petroleum may be disposed of as the Local Government directs.

(4) Notwithstanding anything in the foregoing portions of this section, the Local Government in its discretion may, where the officer has refused the certificate, direct that the petroleum be re-tested by another officer appointed by it in this behalf, and may, if that officer advises that the petroleum is not dangerous petroleum, authorise its removal from the boats or places in or at which it is stored.

10. No quantity of petroleum exceeding five hundred gallons shall be kept by any one person or on the same premises

Possession and transport of petroleum.

or shall be transported except under, and in accordance with the conditions of, a license granted under this Act.

11. (1) The Local Government, with the previous sanction of the Governor General in Council, may make rules consistent with this Act as to the granting of licenses to possess or transport petroleum in cases where such licenses are by law required.

(2) The rules may provide for the following among other matters, that is to say :—

in the case of licenses to possess petroleum—

(a) the nature and situation of the premises for which they may be granted, and

(b) the inspection of the premises and the testing of petroleum found thereon ;

in the case of licenses to transport petroleum—

(c) the manner in which the petroleum is to be packed, the mode and time of transit, and the route by which it is to be taken, and

(d) the stoppage and inspection of it during transit ;

in the case of both such licenses—

(e) the authority by which the license may be granted ;

(f) the fee to be charged for it,

(g) the quantity of petroleum it is to cover ;

(h) the conditions which may be inserted in it ;

(i) the time during which it is to continue in force ; and

(j) the renewal of the license.

(3) The Governor General in Council may make rules consistent with this Act as to the granting of licenses to transport petroleum from any part of British India to any other part of British India in cases where such licenses are by law required ; and those rules may provide, among other matters, for those mentioned in sub-section (2) as matters for which rules made by a Local Government with respect to licenses to transport petroleum may provide.

12. Any officer specially authorized by name

Power to inspect and or by virtue of his office require dealer to sell sam- in this behalf by the pies. local Government may

require any dealer in petroleum to show him any place and any of the vessels in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of the petroleum on payment of the value of the samples.

13. When any such officer has, in exercise

of the powers conferred by section 12, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to the dealer informing him that he is about to test the sample or cause it to be tested with the apparatus and in the manner described in the schedule to this Act, at a time and place to be fixed in the notice, and that the dealer or his agent may be present at the testing.

Notice to be given when officer proposes to test samples.

*The Petroleum Act, 1886.**(Petroleum generally.—Penalties.—Test-apparatus.—Miscellaneous.—Sections 14-23.)*

14. On any such testing, if it appears to the officer or other person so testing that the petroleum from which the sample has been taken is or is not dangerous petroleum, the officer or other person may certify the fact; and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession the petroleum was found, and shall, until the contrary is proved, be evidence of the fact stated therein; and a certified copy of the certificate shall be given free of charge to the dealer at his request.

*Penalties.*

15. Any person who, in contravention of this Act or of any rules made under this Act, imports, possesses or transports any petroleum, and any person who otherwise contravenes any such rules or any condition contained in a license granted under this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

16. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not labelled as prescribed by section 7, shall be punished with fine which may extend to five hundred rupees.

17. Any dealer in petroleum who refuses or neglects to show to any Officer authorized under section 12 any place or any of the vessels in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of the petroleum on payment of the value of the samples, shall be punished with fine which may extend to two hundred rupees.

18. In any case in which an offence under section 15 or section 16 has been committed, the convicting Magistrate may direct that—

- (a) the petroleum in respect of which the offence has been committed, or
- (b) where the offender is importing or transporting, or is in possession of, any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing or transporting or is in possession of, shall, together with the tins or other vessels in which it is contained, be confiscated.

19. The criminal jurisdiction under this Act shall, in the towns of Calcutta, Madras and Bombay, be exercised by a Presidency Magistrate, and elsewhere by a Magistrate of the first class, or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

*Test-apparatus.*

20. A model of the apparatus for testing petroleum under this Act, Model test-apparatus. constructed in accordance with the description contained in the schedule to this Act, shall be deposited in the office of the Chemical Examiner to Government, Calcutta, and be marked with the words "Model test-apparatus."

21. (1) The Chemical Examiner shall, on payment of such fee (if any) as the Governor General in Council may, from time to time, by notification in the Gazette of India, prescribe, compare with the said model test-apparatus and verify every apparatus for testing petroleum which is submitted to him for the purpose.

(2) If any apparatus for testing petroleum, when compared and verified as provided by subsection (1), is found correct, or correct subject to certain corrections to be applied to the results of the tests, the Chemical Examiner shall stamp the same with a special number, and with the date of the verification, and shall further give a certificate in writing under his hand, in a form to be prescribed by the Governor General in Council, to the effect that on the date aforesaid the apparatus was compared and verified by him and found to be correct, or correct subject to certain specified corrections to be applied to the results of the tests.

(3) A certificate granted under this section shall, until the contrary is proved, be conclusive proof of the matters stated therein.

(4) The Chemical Examiner shall keep a register, in a form to be prescribed by the Governor General in Council, of the certificates granted under this section.

(5) Subject to the payment of such fees as the Governor General in Council may, by notification in the Gazette of India, prescribed in this behalf, the said model test-apparatus shall be at all reasonable times open to inspection by any person desiring to inspect it.

*Miscellaneous.*

22. The Local Government may, from time to time, by notification in the official Gazette, exempt petroleum from the operation of all or any of the provisions of this Act; or of all or any of the rules made under this Act, any petroleum which has its flashing point at or above one hundred and twenty degrees of Fahrenheit's thermometer and is imported as ordinary cargo and in quantity not exceeding that specified in the notification.

23. The Governor General in Council may, from time to time, by notification in the Gazette of India, apply the whole or any portion of this Act to any inflammable fluid other than petroleum, and may by the notification fix, in substitution for the quantities of petroleum fixed by sections 5, 6 and 10, the quantities of the fluid to which those sections shall apply.

*The Petroleum Act, 1886.**(Miscellaneous.—Sections 24-26.—The Schedule.)*

24. The Governor General in Council may, from time to time, by notification in the Gazette of India and in the local official Gazette, limit, in any manner he deems fit, the operation of any enactment for the time being in force relating to municipalities in any local area or to any particular municipality, and the exercise of any power conferred by any such enactment, in so far as the enactment relates to the possession or transport of petroleum.

25. A notification made under this Act may be revoked or varied by the authority making it by a notification published in the same manner as the notification so revoked or varied.

26. (1) An authority making rules under this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(2) The publication shall be made in such manner as the Governor General in Council, from time to time, by notification in the Gazette of India, prescribes.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken in consideration.

(4) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(5) A rule made under this Act shall not take effect if it is made by the Governor General in Council until it has been published in the Gazette of India, and if it is made by the Local Government until it has been published in the local official Gazette.

(6) The publication in the Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

(7) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

## THE SCHEDULE.

*"I.—Nature of the Test-apparatus.*

The apparatus consists of the following parts:—

- (1) the oil-cup;
- (2) the cover, with slide, test-lamp, and clockwork arrangement for opening and closing the holes in the cover and for dipping the test-flame;
- (3) the water-bath or heating vessel;
- (4) the tripod stand, with jacket and spirit lamp for heating the water-bath;
- (5) the thermometer for indicating the temperature of the oil in the oil-cup;
- (6) the thermometer for indicating the temperature of the water in the water-bath;

(7) the thermometer for indicating the temperature of the oil before it is poured into the oil-cup;

(8) the dropping bottle, or *pipette* for replenishing the test-lamp; and

(9) a barometer standardised at the Meteorological Office of the province or at any other place appointed by the Local Government.

The oil-cup is a cylindrical flat-bottomed vessel, made of gun-metal or brass, and tinned or silvered inside. A gauge is fixed to the inside of the cup to regulate the height to which it is to be filled with the sample under examination.

The cup is provided with a close fitting overlapping cover which carries the thermometer, the test-lamp, and the adjuncts thereto. The test-lamp is suspended upon two supports by means of trunnions, which allow it to be easily inclined to a particular angle and restored to its original position. The socket in the cover, which is to hold a round bulb thermometer for indicating the temperature of the oil during the testing operation, is so adjusted that the bulb of the latter is always inserted in a definite position below the surface of the liquid.

The cover is provided with three holes, one in the centre and two smaller ones close to the sides. These are closed and opened by means of a pivoted slide. When the slide is moved so as to uncover the holes, the suspended lamp is caught by a projection fixed on the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. As the slide moves back so as to cover the holes, the lamp returns to its original position. Upon the cover, in front of and in a line with the nozzle of the lamp, is fixed a white bead, the diameter of which represents the size of the test-flame to be used.

The water-bath or heating vessel is so constructed that, when the oil-cup is placed in position in it, an air-space or air-chamber intervenes between the two; consequently, in applying the test under ordinary circumstances, the heat is transmitted gradually to the oil from the hot water through the air-space. The water-bath is fitted with a socket for receiving a long bulb thermometer, to indicate the temperature of the water. It is also provided with a funnel, an overflow-pipe and two handles.

The water-bath rests upon a tripod stand, which is fitted with a copper cylinder or jacket, so that the bath is surrounded by an enclosed air-space, which retains and regulates the heat. One of the legs of the stand serves as a support for a spirit-lamp, which is attached to it by a small swing bracket.

The clockwork arrangement, by which during the operation of testing the slide is withdrawn, and the test-flame dipped into the cup and raised again as the slide is replaced, is provided with a ratchet key for setting it in action for each test, and with a trigger for starting it each time that the test-flame is applied.

*The Petroleum Act, 1886.**(The Schedule.)**II.—Directions for drawing the Sample and preparing it for Testing.*

1. *Drawing the sample.*—In all cases the testing officer or some person duly authorised by him shall personally superintend the drawing of the sample from an original unopened tin or other vessel.

An opening sufficiently large to admit of the oil being rapidly poured or syphoned from the tin or other vessel shall be made.

Two bottles, each of the capacity of about 40 fluid ounces, are to be filled with the oil. One of these, the contents of which is intended to be preserved for reference in case of need, is to be carefully corked, the cork being well driven home, cut off level with the neck, and melted sealing-wax worked into it. The other bottle may be either stoppered or corked.

2. *Preparing the sample for testing.*—About ten fluid ounces of the oil, sufficient for three tests, are transferred from the bottle into which the sample has been drawn to a pint flask or bottle, which is to be immersed in water artificially cooled until a thermometer, introduced into the oil, indicates a temperature not exceeding 50° Fahrenheit.

*III.—Directions for preparing and using the Test-apparatus.*

1. *Preparing the water-bath.*—The water-bath is filled by pouring water into the funnel until it begins to flow out at the overflow-pipe. The temperature of the water at the commencement of each test, as indicated by the long bulb thermometer, is to be 130° Fahrenheit, and this is attained in the first instance by mixing hot and cold water, either in the bath or in a vessel from which the bath is filled, until the thermometer, which is provided for testing the temperature of the water, gives the proper indication; or the water is heated by means of the spirit-lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

2. *Preparing the test-lamp.*—The test-lamp is fitted with a piece of cylindrical wick of such thickness that it fills the wick-holder, but may readily be moved to and fro for the purpose of adjusting the size of the flame. In the body of the lamp, upon the wick, which is coiled within it, is placed a small tuft of cotton wool, moistened with petroleum, any oil not absorbed by the wool being removed. When the lamp has been lighted, the wick is adjusted by means of a pair of forceps until the flame is of the size of the bead fixed on the cover of the oil-cup; should a particular test occupy so long a time that the flame begins to get smaller, through the supply of oil in the lamp becoming exhausted, three or four drops of petroleum are allowed to fall upon the tuft of wool in the lamp from the dropping bottle or pipette provided for that purpose. This can be safely done without interrupting the test.

3. *Filling the oil-cup.*—The oil-cup having been previously cooled, by placing it bottom downwards in water at a temperature not exceeding 50° Fahrenheit, is to be rapidly wiped dry, placed on

a level surface in a good light, and the oil to be tested is poured in very slowly, without splashing, until its surface is level with the point of the gauge which is fixed in the cup. The round bulb thermometer is inserted into the lid of the cup, care being taken that the projecting rim of the collar touches the edge of the socket; the test-lamp, prepared as already described, is placed in position, and the cover is then put on to the cup and pressed down so that its edge rests on the rim of the cup.

4. *Application of the test.*—The water-bath, with its thermometer in position, is placed in some locality where it is not exposed to currents of air, and where the light is sufficiently subdued to admit of the size of the entire test-flame being compared with that of the bead on the cover. The cup is carefully lifted without shaking it, and placed in the bath, the test-lamp is lighted, and the clockwork wound up by turning the key. The thermometer in the oil-cup is now watched, and when the temperature has reached 56° Fahrenheit the clockwork is set in motion by pressing the trigger.

If no flash takes place the clockwork is at once re-wound, and the trigger pressed at 57° Fahrenheit, and so on, at every degree rise of temperature, until the flash occurs, or until a temperature of 95° Fahrenheit has been reached.

If the flash takes place at any temperature below 77° Fahrenheit the temperature at which it occurs is to be recorded. The fresh portions of the sample are then to be successively tested in a similar manner and the results recorded. If no greater difference than 2° Fahrenheit exists between any two of the three recorded results, each result is to be corrected for atmospheric pressure, as hereafter described, and the average of the three corrected results is the flashing point of the sample. In the event of there being a greater difference than 2° Fahrenheit between any two of the results, the series of tests is to be rejected and a fresh series, of three, similarly obtained, and so on until a sufficiently concordant series is furnished, when the results are to be corrected and the average taken in the manner already described.

No flash which takes place within eight degrees of the temperature at which the testing is commenced shall be accepted as the true flashing point of the sample tested. In the event of a flash occurring at or below 64° when the test is applied in the manner above described, the next testing shall be commenced ten degrees lower than the temperature at which the flash had been previously obtained (that is to say, at 54°, or thereunder), and this procedure shall be continued until the results of three consecutive tests do not show a greater difference than 2°.

If a temperature of 76° Fahrenheit has been reached without a flash occurring, the application of the test-flame is to be continued at every degree rise of temperature until a temperature of 95° Fahrenheit has been reached. If no flash has occurred up to this point, and if the petroleum is

The Petroleum Act, 1886.

(The Schedule.)

declared to be imported subject to the provisions of the Act, the tests shall not be continued, and the testing officer shall certify that the petroleum has a flashing point over 95° and is not dangerous. But if the petroleum is oil ordinarily used for lubricating purposes and is declared to have its flashing point at or above 200° degrees, or is oil to which a notification of the Local Government exempting it from the operation of the Act will be applicable in the event of the flashing point being found to be at or above 120°, the test shall be continued as follows:—The oil-cup is to be removed from the water-bath, and the temperature of the water in the water-bath is to be reduced to 95° Fahrenheit by pouring cold water into the funnel (the hot water escaping by the overflow-pipe). The air-chamber is then to be filled to a depth of 1½ inches with water at a temperature of about 95° Fahrenheit, the oil-cup is to be replaced in the water-bath and the spirit-lamp attached to the water-bath is to be lighted and placed underneath. The test-flame is then to be again applied, from 96° Fahrenheit, at every degree rise of temperature as indicated by the thermometer in the oil-cup until a flash takes place or until a temperature of 200° Fahrenheit or 120° Fahrenheit, as the case may be, has been reached. If during this operation the test-flame appears to diminish in size, the lamp is to be replenished in the manner prescribed at (2) without interrupting the test.

If a flash occurs at any temperature between 76° and 200° Fahrenheit, the temperature at which it occurs, subject to correction for atmospheric pressure, is the flashing point of the sample.

In repeating a test a fresh sample of oil must always be used, the tested sample being thrown away, and the cup must be wiped dry from any adhering oil and cooled, as already described, before receiving the fresh sample.

5. Correction for atmospheric pressure.—As the flashing point of an oil is influenced by changes in atmospheric pressure to an average extent of 1.6° Fahrenheit for every inch of the barometer, a correction of the observed flashing point may become necessary. The height of the barometer must therefore be determined at the time of making the test for the flashing point. The true height of the barometer for the purpose of the test shall be considered to be the height of the column of mercury measured at 32° Fahrenheit, which is supported by the air pressure at the time of the experiment; that is, the actual height of the barometer at the time of observation duly corrected for any error of the instrument and for its temperature if necessary. For the purpose of applying the correction to the flashing point of the oil obtained by the test, a table is appended to this schedule, giving the flashing points of oils ranging from 65° to 80° Fahrenheit, under pressure ranging from 27 to 31 inches of mercury.

The table is used in the following manner:—

Example.—An oil has given a flashing point of 71°, the barometer being at 28.6 inches; take the nearest number to 71° in the vertical column headed 28.6. This number is 70.8. Substitute for this the number in the same horizontal line in the column headed 30 (the normal height of the

barometer). The substituted number, that is, the true flashing point of the oil, is 73°.

Table for correction of Flashing Points indicated by the Test for Variations in Barometric Pressure on either side of Thirty Inches.

		Barometer in Inches.																					
		27	27.2	27.4	27.6	27.8	28	28.2	28.4	28.6	28.8	29	29.2	29.4	29.6	29.8	30	30.2	30.4	30.6	30.8	31	
60.2	60.5	60.8	61.2	61.5	61.8	62.1	62.4	62.8	63.1	63.4	63.7	64	64.4	64.7	65	65.3	65.6	66	66.3	66.6	66.9	67.3	67.6
	61.2	61.5	61.8	62.2	62.5	62.8	63.4	63.8	64.1	64.4	64.7	65	65.4	65.7	66	66.3	66.6	67	67.3	67.6	67.9	68.3	68.6
62.2	62.5	62.8	63.2	63.5	63.8	64.1	64.4	64.8	65.1	65.4	65.7	66	66.4	66.7	67	67.3	67.6	68	68.3	68.6	68.9	69.3	69.6
63.2	63.5	63.8	64.2	64.5	64.8	65.1	65.4	65.8	66.1	66.4	66.7	67	67.4	67.7	68	68.3	68.6	69	69.3	69.6	69.9	70.3	70.6
64.2	64.5	64.8	65.2	65.5	65.8	66.1	66.4	66.8	67.1	67.4	67.7	68	68.4	68.7	69	69.3	69.6	70	70.3	70.6	70.9	71.3	71.6
65.2	65.5	65.8	66.2	66.5	66.8	67.1	67.4	67.8	68.1	68.4	68.7	69	69.4	69.7	70	70.3	70.6	71	71.3	71.6	71.9	72.3	72.6
66.2	66.5	66.8	67.2	67.5	67.8	68.1	68.4	68.8	69.1	69.4	69.7	70	70.4	70.7	71	71.3	71.6	72	72.3	72.6	72.9	73.3	73.6
67.2	67.5	67.8	68.2	68.5	68.8	69.1	69.4	69.8	70.1	70.4	70.7	71	71.4	71.7	72	72.3	72.6	73	73.3	73.6	73.9	74.3	74.6
68.2	68.5	68.8	69.2	69.5	69.8	70.1	70.4	70.8	71.1	71.4	71.7	72	72.4	72.7	73	73.3	73.6	74	74.3	74.6	74.9	75.3	75.6
69.2	69.5	69.8	70.2	70.5	70.8	71.1	71.4	71.8	72.1	72.4	72.7	73	73.4	73.7	74	74.3	74.6	75	75.3	75.6	75.9	76.3	76.6
70.2	70.5	70.8	71.2	71.5	71.8	72.1	72.4	72.8	73.1	73.4	73.7	74	74.4	74.7	75	75.3	75.6	76	76.3	76.6	76.9	77.3	77.6
71.2	71.5	71.8	72.2	72.5	72.8	73.1	73.4	73.8	74.1	74.4	74.7	75	75.4	75.7	76	76.3	76.6	77	77.3	77.6	77.9	78.3	78.6
72.2	72.5	72.8	73.2	73.5	73.8	74.1	74.4	74.8	75.1	75.4	75.7	76	76.4	76.7	77	77.3	77.6	78	78.3	78.6	78.9	79.3	79.6
73.2	73.5	73.8	74.2	74.5	74.8	75.1	75.4	75.8	76.1	76.4	76.7	77	77.4	77.7	78	78.3	78.6	79	79.3	79.6	79.9	80.3	80.6
74.2	74.5	74.8	75.2	75.5	75.8	76.1	76.4	76.8	77.1	77.4	77.7	78	78.4	78.7	79	79.3	79.6	80	80.3	80.6	80.9	81.3	81.6
75.2	75.5	75.8	76.2	76.5	76.8	77.1	77.4	77.8	78.1	78.4	78.7	79	79.4	79.7	80	80.3	80.6	81	81.3	81.6	81.9	82.3	82.6

S. HARVEY JAMES,  
Offg. Secretary to the Government of India.



The following Report of the Select Committee on the Bill to amend the Petroleum Act, 1881, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March, 1886 :—

### LEGISLATIVE DEPARTMENT.

WE, the undersigned Members of the Select Committee to which the Bill to amend the Petroleum

Act, 1881, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

2. On the general question of standards and the definition of dangerous petroleum, we adhere to the scheme laid down in section 3 of the Bill. But Dr. Warden and Mr. Pedler suggest that the lowest standard for lubricating oils (the attainment of which would exempt them from the operation of the Act) should be fixed at 200° instead of 250° as in the present Act. It is, they explain, practically impossible with the Abel apparatus to test up to 250°. They consider the limit of 150°, which is proposed in some of the papers, too low for this country, and believe 200° would meet all reasonable requirements. In this view we concur. We are also of opinion that Local Governments should be empowered to exempt from the operation of the Act and rules oil certified to be over 120° when imported as ordinary cargo and in limited quantities.

3. We consider that section 4 of the Bill should be omitted. Messrs. Warden and Pedler point out that the drawback of the fragility of glass for carriage is frequently more than counterbalanced by its impermeability. It is very difficult in this country to get tin or metal vessels made which shall be thoroughly impervious to highly volatile oil.

4. It is suggested by the Bombay Government and other authorities that it should be made clear that conveyance by sea from one part of British India to another is "transport" and not "import" within the meaning of the Act. We are of opinion that some discretion in the matter should be left to the Local Governments. It would be unsafe, for instance, at present to admit freely to Calcutta oil brought up from Burma. Experience has shown that in Burma refining is not yet thoroughly understood, and the local testing is not at present very trustworthy. The Local Governments in India should have power to treat such oil as foreign oil until its quality generally improves. On the other hand, there is no reason why foreign oil once properly tested should be re-tested on arrival at a second port. We have taken power for the Local Governments of territories, such as Burma and Assam, in which oil is or is likely to be produced, to appoint testing officers at or near refineries, and to prevent the removal from the refineries of oil which does not satisfy the tests otherwise than under the regulations for the control of dangerous petroleum.

5. Turning now to the question of the method of sampling cargoes, we concur with the Bombay Government and other authorities in thinking that it should be open to the Local Government by rule to provide for sampling either before or after landing; to prescribe the number of samples to be taken from a cargo or consignment or any part thereof; to provide, when the first test is unsatisfactory, or when doubt is felt as to the uniformity of quality in the cargo, for the landing and sorting of the cargo in lots, or its delivery into boats, each of a certain capacity; and for the sampling of each lot or boat-load, and its ultimate treatment in accordance with the results of the test in each case.

When a doubtful cargo has to be landed and stacked, substantial fees should be levied, as much additional work is thrown upon Government officers.

6. With reference to the objections taken by some Bombay officers to the provisions of the schedule requiring that the sample tin should be tapped in presence of the testing officer, we observe that Messrs. Warden and Pedler both attach importance to this, as all manipulation and airing of the oil tends to raise its flashing point, and the drawing of oil for testing purposes should in any case be under the control of a responsible officer of the testing department. They consider that in most cases the selection of one case from a cargo of oil certified before arrival to be ordinary petroleum is sufficient, if care is taken to get the samples from below, and thus to defeat any attempt at "facing" the cargo. The number of samples taken at Bombay appears to be unduly large, and has given rise to the objection that to convey them to the Chemical Examiner's laboratory would be an arduous task. We have so amended the Schedule, Part II, paragraph 1, as to provide that the testing officer or some person duly authorized by him shall superintend the drawing of the sample.

7. In revising the Bill we have had regard to the practice which obtains in Bombay of allowing delivery into cargo-boats pending the result of testing, and to the suggestion of the Bengal Government that the Local Government should have the power in special cases to order further tests in such manner as it may deem expedient.

Act, 1881, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

2. On the general question of standards and the definition of dangerous petroleum, we adhere to the scheme laid down in section 3 of the Bill. But Dr. Warden and Mr. Pedler suggest that the lowest standard for lubricating oils (the attainment of which would exempt them from the operation of the Act) should be fixed at 200° instead of

8. As regards the suggestion of the Bombay Government that a second standard apparatus should be maintained at Bombay, it appears to us to be highly important to secure uniformity in the tests throughout India. To this end there should be but one absolute and ultimate standard, and this can most conveniently be maintained in Calcutta.

9. We are of opinion that the Chemical Examiner should stamp any apparatus sent to him not only with a special number but also with the date of his verification of the apparatus, and further that he should give a certificate in writing under his hand, in a form to be laid down by the Governor General in Council, to the effect that the apparatus has been compared and verified by him on a given date and been found to be correct, or correct subject to certain specified corrections to be applied to the results of tests.

10. The Chemical Examiner should also keep a register of verifications.

11. Messrs. Warden and Pedler suggest that in the Schedule, Part I, provision be made for "a barometer standardised at the Meteorological Office of the province, or at any other place appointed by the Local Government." We have accepted the suggestion.

12. With respect to the changes in the Schedule, Part III, proposed by Dr. Lyon, Messrs. Warden and Pedler are inclined to hold that Sir F. Abel has in a paper before us sufficiently met Dr. Lyon's difficulty, and they believe that in practice no difficulty is likely to arise of the kind Dr. Lyon puts forward. They have, however, suggested, and we have acted on the suggestion, that all possible objection would be removed if it were provided that no flashing point obtained should be accepted unless it be at least 8° above the temperature at which the testing commenced.

13. Messrs. Warden and Pedler are of opinion that it is unnecessary in the case of ordinary petroleum to continue the tests when no flash has been obtained up to 95° Fahrenheit. It is only in the case of petroleum for which exemption from the Act is claimed that the test need be continued in the manner laid down in the fourth paragraph of the rules for "application of the test." We have modified that paragraph accordingly.

14. In the Schedule, Part III, paragraph 5, we have pointed out that the height of the barometer must be determined at the time of making the test for the flashing point.

15. We are advised not to accept the suggestion made from Burma to adopt Hewmann's apparatus in preference to Abel's.

16. We have had regard to the remarks of the Bombay Government with reference to the repeal of the municipal laws affecting petroleum, and to giving power to Port Trusts to regulate their own fees for the storage of petroleum.

17. Having thus amended the Bill we have deemed it advisable to consolidate it and the Petroleum Act of 1881, and, in doing so, have taken the opportunity (a) to enhance the penalty for keeping, transporting, selling or exposing for sale dangerous petroleum in contravention of the Act, and (b) to empower the Governor General in Council to make rules as to the transport of petroleum from any part of British India to any other part.

18. The other alterations we have made in consolidating the Bill and the Act are few and unimportant and do not call for notice.

19. The publication ordered by the Council has been made as follows:—

		<i>In English.</i>		
	<i>Gazette.</i>			<i>Date.</i>
Gazette of India	...	...	...	14th, 21st and 28th March, 1885.
Fort Saint George Gazette	...	...	...	8th April, 1885.
Bombay Government Gazette	...	...	...	26th March, and 2nd and 9th April, 1885.
Calcutta Gazette	...	...	...	1st and 8th April, 1885.
North-Western Provinces and Oudh Government Gazette	...	...	...	28th March, and 4th and 11th April, 1885.
Punjab Government Gazette	...	...	...	9th, 16th and 23rd April, 1885.
Central Provinces Gazette	...	...	...	4th, 11th and 18th April, 1885.
British Burma Gazette	...	...	...	11th, 18th and 25th April, 1885.
Assam Gazette	...	...	...	4th, 11th and 18th April, 1885.
Coorg District Gazette	...	...	...	1st May, 1885.

		<i>In the Vernaculars.</i>		
<i>Province.</i>	<i>Language.</i>			<i>Date.</i>
Madras	Kánarese	...	...	16th June, 1885.
	Telugu	}	...	23rd June, 1885.
	Malayalam		...	30th June, 1885.
	Tamil	...	...	17th July, 1885.
Bombay	Hindustáni	...	...	4th June, 1885.
	Gujaráthi	}	...	11th June, 1885.
	Maráthi		...	28th April, 1885.
Bengal	Kánarese	...	...	21st May, 1885.
	Bengali	...	...	9th June, 1885.
	Uriya	...	...	18th and 25th May, and 1st June, 1885.
Punjab	Hindi	...	...	20th and 27th June, and 4th July, 1885.
Central Provinces	Urdu	...	...	
	Maráthi	...	...	

20. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended and consolidated with the Act of 1881.

(Signed) C. P. IBBERT.  
 ( " ) S. C. BAYLEY.  
 ( " ) J. W. QUINTON.  
 ( " ) H. ST. A. GOODRICH.  
 ( " ) ROBERT STEEL.

The 5th March 1886.

S. HARVEY JAMES,  
 Offg. Secretary to the Government of India.

THE



# Bombay Government Gazette

Published by Authority.

THURSDAY, 25<sup>TH</sup> MARCH 1886.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th March, 1886, and was promulgated for general information in the *Gazette of India* on the 20th March 1886 :—

Act No. XIII of 1886.

#### THE INDIAN SECURITIES ACT, 1886.

##### CONTENTS.

###### SECTION.

1. Short title and commencement.
2. Repeal.
3. Definitions.
4. Notice of trust not receivable.
5. Right of survivors of joint payees of Government securities.
6. Prohibition of indorsements on allonges to Government securities.
7. Holding of Government securities by holders for the time being of public offices.
8. Transfer and discharge of certificates and coupons.
9. Indorser of Government security not liable for amount thereof.
10. Impression of signature on Government securities.
11. Issue of renewed securities.
12. Issue of duplicate securities.

IV.—16

###### SECTION.

13. Period after which the Government is released from liability in respect of original security.
14. Power of Governor General in Council to make rules.
15. Publication of drafts and rules.

*An Act to consolidate and amend the law relating to Government Securities.*

WHEREAS it is expedient to consolidate and amend the law relating to Government securities; It is hereby enacted as follows :—

Short title and commencement. 1. (1) This Act may be called the Indian Securities Act, 1886; and

(2) It shall come into force on the first day of April, 1886.

(3) The power conferred on the Governor General in Council by section 7, sub-section (1), may be exercised at any time after the passing of this Act; but a notification issued in exercise of that power shall not take effect until the Act comes into force.

2. (1) On and from the day on which this Act comes into force, the Indian Securities Act, 1881, and the Indian Securities Act, 1885, shall be repealed.

III of 1881.  
XIX of 1885.

(2) But any authority conferred, notification issued, list published or rule or order made under either of those Acts shall, so far as may be, be deemed to have been conferred, issued, published or made under this Act.

## Definitions.

## 3. In this Act—

(1) "Government security" includes promissory notes, debentures, stock-certificates and all other securities issued by the Government of India or by any Local Government in respect of any loan contracted either before or after the passing of this Act, but does not include a stock-note or a currency-note; and

(2) "prescribed" means prescribed by rules made by the Governor General in Council.

4. No notice of any trust in respect of any Government security shall be receivable by the Government.  
Notice of trust not receivable.

5. (1) Notwithstanding anything in the Indian Contract Act, 1872, section 45, when a Government security is payable to two or more persons jointly and either or any of them dies, the security shall be payable to the survivor or survivors of those persons.  
IX of 1872. Right of survivors of joint payees of Government securities.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the security jointly payable to him or them and the deceased.

(3) This section shall apply whether the death of the person to whom the security was jointly payable occurred or occurs before or after this Act comes into force.

6. Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, the holder of a Government security shall not be said to indorse the security, or be called the indorser thereof, if, when he signs the same for the purpose of negotiation, he inscribes his signature for that purpose elsewhere than on the back of the security itself.  
XXVI of 1881. Prohibition of indorsements on allonges to Government securities.

7. (1) In the case of any public office to which the Governor General in Council may, from time to time, by notification in the Gazette of India, declare this sub-section to apply, a Government security may be made or indorsed payable to or to the order of the holder for the time being of the office by the name of the office.  
Holding of Government securities by holders for the time being of public offices.

(2) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder for the time being of the office to the succeeding holder for the time being of the office on and from the date on which the latter takes charge of the office.

(3) When the holder for the time being of the office indorses to a third party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the name of the office.

(4) A writing on a Government security now or heretofore standing in the name of the holder of a public office, whereby the security has been or was made or indorsed payable to or to the order of the holder of the office for the time being, shall not be deemed to be or to have been invalid by reason only of the payee or indorsee being the holder for the time being of a public office by the name of the office.

(5) This section applies as well to an office of which there are two or more joint holders as to an office of which there is a single holder.

8. (1) Whenever the Governor General in Council has issued, in respect of any loan, a certificate declaring the bearer thereof to be entitled to the portion of the loan therein expressed, or a coupon for any amount payable as interest on any portion of the loan, the title to the certificate or coupon may be transferred as if the certificate or coupon were a promissory note payable to bearer.  
Transfer and discharge of certificates and coupons.

(2) On payment, by or on behalf of the Government, to the bearer of the certificate or coupon, of the amount expressed therein, at or after the date on which it becomes due, the Government shall be discharged as if the certificate or coupon were a promissory note payable to bearer.

9. A person shall not, by reason only of his having indorsed a Government security, be liable to pay any money due, either as principal or as interest, thereunder.  
Indorser of Government security not liable for amount thereof.

10. (1) The signature of the officer of the Government of India authorized to sign Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Governor General in Council may direct, on the securities.  
Impression of signature on Government securities.

(2) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the officer.

11. A person claiming to be entitled to a Government security as payable to him under an indorsement may, on satisfying the prescribed officer of the justice of his claim and paying the prescribed fee and delivering the security duly receipted to the prescribed officer, obtain from the officer a renewed security issued payable to himself.  
Issue of renewed securities.

12. (1) When a Government security is alleged to have been wholly or partly lost or destroyed, and a person claims to be the person to whom but for the loss or destruction it would be payable, he may, on application to the prescribed officer, and on producing proof to his satisfaction of the loss or destruction and of the justice of the claim, obtain from him an order for—  
Issue of duplicate securities.

- (a) the payment of interest in respect of the security said to be lost or destroyed pending the issue of a duplicate security; and
- (b) the issue of a duplicate security payable to the applicant.

(2) An order shall not be passed under sub-section (1) until after the issue of the prescribed notification of the loss or destruction and after the expiration of the prescribed period, nor until the applicant has given the prescribed indemnity against the claims of all persons deriving title under the security lost or destroyed.

(3) A list of the securities in respect of which an order is passed under sub-section (1) shall be published in the Gazette of India at such times as the Governor General in Council may, from time to time, direct.

13. When a renewed security has been issued under section 11, or a duplicate security has been issued under section 12, the Government shall be discharged from all liability in respect of the original security of which the renewed or duplicate security has been issued—

- Period after which the Government is released from liability in respect of original security.
- (a) in the case of a renewed security, after the lapse of six years from the date of the issue of the renewed security;
- (b) in the case of a duplicate security, after the lapse of six years from the date of the publication under section 12, sub-section (3), of the list in which the security is first mentioned, or from the date of the last payment of interest on the original security, whichever date is the later.

14. The Governor General in Council may, from time to time, make rules to precribe—

- (a) the manner in which payment of interest in respect of Government securities is to be recorded and acknowledged;
- (b) the circumstances in which Government securities must be renewed before further payment of interest thereon can be claimed;

- (c) the fees to be paid in respect of applications under sections 11 and 12;
- (d) the form in which securities delivered for renewal are to be receipted;
- (e) the officer who is to exercise all or any of the powers and perform all or any of the duties prescribed by sections 11 and 12;
- (f) the proof which is to be produced by persons applying for duplicate securities;
- (g) the form and mode of publication of the notification mentioned in section 12, and the period after which interest may be paid or a duplicate security may be issued under that section;
- (h) the nature and amount of the indemnity to be given by a person applying under section 12 for the payment of interest or the issue of a duplicate security; and,
- (i) generally, all matters connected with the grant of renewed and duplicate securities.

15. (1) The Governor General in Council shall, before making rules under section 14, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of the public.

(2) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(3) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(4) Every rule made under section 14 shall be published in the Gazette of India, and the publication in that Gazette of a rule purporting to be made under that section shall be conclusive proof that it has been duly made.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend the law relating to Government securities was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 12th March, 1886:—

#### LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill to amend the law

relating to Government Securities was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

Telegram from Chief Commissioner, Coorg, dated 17th February, 1886 [Paper No. 1].

From Secretary for Berar to Resident, Hyderabad, No. 43G., dated 13th February, 1886 [Paper No. 2].

From Under-Secretary to Chief Commissioner, Central Provinces, No. 549-33, dated 15th February, 1886 [Paper No. 3].

Telegram from Secretary to Government, North-Western Provinces and Oudh, dated 19th February, 1886 [Paper No. 4].

From Officiating Secretary to Government, Bengal, No. 605, dated 19th February, 1886, and enclosures [Paper No. 5].

Telegram from Chief Commissioner, Ajmer-Merwara, No. 326C., dated 21st February, 1886 [Paper No. 6].

From Acting Chief Secretary to Government, Madras, No. 421, dated 17th February, 1886, and enclosures [Paper No. 7].

Telegram from Secretary to Government, Bombay, dated 22nd February, 1886 [Paper No. 8].

From Officiating Secretary to Chief Commissioner, Assam, No. 373, dated 16th February, 1886 [Paper No. 9].

Telegram from Chief Commissioner, British Burma, dated 27th February, 1886 [Paper No. 10].

From Under-Secretary to Government, Bombay, No. 544, dated 1st March, 1886 [Paper No. 11].

to apply not only to an office of which there is a single holder but to an office of which there are two or more joint holders.

3. We consider it desirable that the law relating to Government securities should be consolidated. We have, therefore, proposed to repeal the Indian Securities Acts of 1881 and 1885, and to embody the substance of them and of the Bill in a single enactment.

4. The publication ordered by the Council has been made as follows:—

*In English.*

<i>Gazette.</i>	<i>Date.</i>
Gazette of India ...	6th, 13th and 20 February, 1886.
For Saint George Gazette ...	12th February, 1886.
Bombay Government Gazette ...	11th February, 1886.
Calcutta Gazette ...	10th, 17th and 24th February, 1886.
North-Western Provinces and Oudh Government Gazette ...	13th, 20th and 27th February, 1886.
Punjab Government Gazette...	18th and 25th February, and 4th March, 1886.
Central Provinces Gazette ...	13th, 20th and 27th February, 1886.
British Burma Gazette ...	6th March, 1886.
Assam Gazette ...	6th March, 1886.

*In the Vernaculars.*

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bengal ...	Bengali	16th February, 1886.
North-Western Provinces and Oudh...	Urdu	13th, 20th and 27th February, 1886.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that the Bill, as amended by us and consolidated with the Acts of 1881 and 1885, be passed.

(Signed) A. COLVIN.  
 ( " ) C. P. ILBERT.  
 ( " ) G. H. P. EVANS.  
 ( " ) ROBERT STEEL.  
 ( " ) V. N. MANDLIK.

*The 9th March, 1886.*

S. HARVEY JAMES,  
 Offg. Secretary to the Government of India.

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 30<sup>TH</sup> SEPTEMBER 1886.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 24th September 1886, and is hereby promulgated for general information:—

#### Act No. XVIII of 1886.

*An Act to amend Act XXXVI of 1858.*

WHEREAS it is expedient to amend Act XXXVI. of 1858 (*an Act relating to Lunatic Asylums*); It is hereby enacted as follows:—

New section inserted after section 6. 1. After section 6 the following shall be inserted, namely:—

“ 6 A. (1) Where a person found wandering at large who is deemed to be a lunatic, or where a person believed to be dangerous by reason of lunacy, is apprehended and sent to the Magistrate or the Commissioner of Police, or where, on report or information that a person deemed to be a lunatic is not under proper care and control or is cruelly treated or neglected, the Magistrate or the Commissioner of Police sends for him and then determines to proceed as prescribed in section 4 of this Act, the Magistrate or the Commissioner of Police, on the request of the medical officer,

may, by order in writing, authorise the detention of the supposed lunatic for such time, not exceeding ten days, as, in the opinion of the Magistrate or the Commissioner of Police, may be necessary to enable the medical officer to form an opinion on the question whether or not the supposed lunatic is a person with respect to whom a certificate in the form A in the schedule to this Act ought to be signed.

“(2) If the Medical officer certifies further detention than has been authorised under subsection (1) to be necessary to enable him to form his opinion on that question, the Magistrate or the Commissioner of Police may from time to time, by order in writing, authorise such further detention as he deems to be necessary:

“Provided that a supposed lunatic shall not be detained for the purpose of this section for a longer time than fourteen days from the date on which the first order authorising his detention for that purpose is made.

“(3) The Executive Government may from time to time make rules as to the place of detention, and the care and treatment, of supposed lunatics detained under this section.”

2. To section 9 the words “Subject to the provisions of any enactment for the time being in force,” shall be prefixed.

Amendment of section 9.

New sections to follow section 17.

3. After section 17 the following shall be inserted, namely:—

“17A. When an Executive Government has not established within its limits a public asylum for the reception and detention of lunatics under this Act, the Governor-General in Council may from time to time appoint an asylum established in British India beyond those limits to be an asylum to which a Magistrate or Judge exercising jurisdiction within those limits may send lunatics as to an asylum established under this Act for the division in which his jurisdiction is situate.

*This is not cancelled*

17B. The Governor-General in Council may from time to time, by order, direct, with respect to any part of British India which is not annexed to a presidency or, being annexed to the presidency of Fort William, Fort Saint George or Bombay, is situated at a greater distance than three hundred miles from Calcutta, Madras or Bombay, respectively, that any lunatic asylum in British India named in the order shall be deemed for that part to be a lunatic asylum at the presidency for the purposes of this Act.”

(17c) S. HARVEY JAMES,  
Offg. Secretary to the Government of India.

The following Report on the Select Committee on the Bill to amend Act XXXVI of 1858 was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th September 1886:—

#### LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill to amend Act XXXVI of 1858 was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

2. The Bill as introduced was approved by the authorities to whom it was referred, but further amendments of the Act were proposed by the Governments of Bengal and the Punjab.

From Officiating Assistant Secretary to Chief Commissioner, Central Provinces, No. 182—9, dated 21st January 1886 [Paper No. 1].  
From Secretary for Berar to Resident, Hyderabad, No. 14G., dated 19th January 1886 [Paper No. 2].  
From Secretary to Chief Commissioner, Assam, No. 224, dated 27th January 1886 [Paper No. 3].  
From Officiating Secretary to Chief Commissioner, British Burma, No. 534—4L., dated 29th January 1886 [Paper No. 4].  
From Chief Commissioner, Ajmer-Merwara, No. 294C., dated 3rd February 1886 [Paper No. 5].  
From Under-Secretary to Government, Bombay, No. 522, dated 9th February 1886, and enclosures [Papers No. 6].  
From Acting Chief Secretary to Government, Madras, No. 355, dated 9th February 1886, and enclosures [Papers No. 7].  
From Secretary to Government, North-Western Provinces and Oudh, No. 334—VI-590-6, dated 19th February 1886, and enclosure [Papers No. 8].  
From Registrar, High Court, Calcutta, No. 502, dated 23rd February 1886 [Paper No. 9].  
From Secretary to Chief Commissioner, Coorg, No. 288—12, dated 1st March 1886 [Paper No. 10].  
From Officiating Secretary to Government, Bengal, No. 1604, dated 1st April 1886 [Paper No. 11].  
From Secretary to Government, Punjab, No. 319, dated 19th March 1886, and enclosures [Papers No. 12].

3. The former Government drew attention to the absence of any provision authorising the detention of supposed lunatics for observation, and the latter to the inconvenience ensuing from the provision which requires lunatics who are not natives of the country to be sent in all cases to an asylum at the presidency.

4. It appeared to us that express provision ought to be made for the detention of supposed lunatics. As a matter of practice they are detained, for in many cases the medical officer is not in a position to form an opinion on the question whether or not a person is a lunatic until he has had the person under observation for some days. The detention is probably legal where it is authorised by the Magistrate (I. L. R. 9 Cal. 341), but it is desirable that there should be no room for doubt as to the legality of a practice which is in fact absolutely necessary. We considered it desirable, however, before submitting our Report, to consult Local Governments, and we therefore circulated a draft clause proposing, in accordance with the advice of the Surgeon-General, a period of ten days as the maximum term of detention for purposes of observation. We have now, after considering the replies to our circular, proposed to extend the term to fourteen days, and to authorise Local Governments to make rules as to the place of detention, and the care and treatment, of supposed lunatics.

5. The proposal of the Punjab Government with respect to the establishment of asylums at other places than the presidency-towns for lunatics who are not natives of the country was referred by us to other Local Governments, and has been approved by them. We have provided, therefore, that the Governor-General in Council may, with respect to any part of British India which is not annexed to a presidency, or is more than three hundred miles from a presidency-town, direct that any lunatic asylum named in the order shall be deemed for that part to be a lunatic asylum at the presidency for the purposes of the Act.

6. Section 9 of the Act empowers the visitors of a lunatic asylum to order the discharge of any person detained in the asylum. As the Code of Criminal Procedure, 1882, and the Prisoners Act, 1871, reserve that power in certain cases to other authorities, we have proposed to prefix to that section an express saving of the provisions of other enactments.



7. The publication ordered by the Council has been made as follows :—

*In English.*

	<i>Gazette.</i>	<i>Date.</i>
Gazette of India	...	26th December 1885, and 2nd and 9th January 1886.
Port Saint George Gazette	...	13th January 1886.
Bombay Government Gazette	...	7th, 14th and 21st January 1886.
Calcutta Gazette	...	6th January 1886.
North-Western Provinces and Oudh Government Gazette.	...	2nd, 9th and 16th January 1886.
Punjab Government Gazette	...	7th, 14th and 21st January 1886.
Central Provinces Gazette	...	2nd, 9th and 16th January 1886.
British Burma Gazette	...	16th, 23rd and 30th January 1886.
Assam Gazette	...	16th, 23rd and 30th January 1886.
Coorg District Gazette	...	1st February 1886.
Sindh Official Gazette	...	4th February 1886.

*In the Vernaculars.*

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay	Maráthi	25th January 1886.
	Gujaráthi	26th January 1886.
	Kanarese	27th January 1886.
	Sindhi	11th February 1886.
Bengal	Bengali	26th January 1886.
	Hindi	26th January 1886.
	Uriya	4th February 1886.

8. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

(Signed) C. P. ILBERT.

( „ ) S. C. BAYLEY.

( „ ) J. W. QUINTON.

*The 10th September 1886.*

S. HARVEY JAMES,  
Offg. Secretary to the Government of India.

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 28<sup>TH</sup> OCTOBER 1886.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd October 1886, and was promulgated for general information in the *Gazette of India* on the 23rd October 1886 :—

ACT No. XXIII OF 1886.

*An Act to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882.*

WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Acts, 1879 to 1882; It is hereby enacted as follows :—

1. (1) This Act may be called the Dekkhan Agriculturists' Relief Act, 1886; and it and the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886.

(2) This Act shall come into force on the first day of January 1887.

2. In this Act, unless there is something repugnant in the subject or context,—

“section” means a section, and “chapter” a chapter, of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, and the Dekkhan Agriculturists' Relief Act, 1882.

3. To section 1 the following shall be added after the word “Ahmadnagar”, namely :—

“but may from time to time be extended wholly or in part by the Local Government, with the previous sanction of the Governor-General in Council, to any other district or districts in the Presidency of Bombay.”

4. To section 2 the following shall be added, Addition to section 2. namely :—

“5th.—‘Lease’ shall be deemed to include a counterpart, kabuliyat, an undertaking to cultivate or occupy and an agreement to lease.

“6th.—‘Standing crops’ shall be deemed to include garden-produce attached to trees or to the soil.”

5. In section 3, clause (y), the word “and” shall be substituted for the word “or” where the latter word occurs between the word “foreclosure” and the word “sale”.

6. In section 12, for the words “the Court shall, if the amount of the creditor's claim is disputed, enquire”, the following shall be substituted, namely :—

“the Court, if the amount of the creditor's claim is disputed, shall examine both the plaintiff and the defendant as witnesses, unless, for reasons to be recorded by it in writing, it deems it unnecessary so to do, and shall enquire.”

7. In section 22, for the words “No agriculturist's immoveable property shall be attached or sold” the following shall be substituted, namely :—

XVII of 1879.  
XXIII of 1881.  
XXII of 1882.

"Immoveable property belonging to an agriculturist, other than his standing crops, shall not be attached or sold".

**8.** To section 40 the following shall be added, namely:—

"A Conciliator empowered by the Local Government in this behalf may, instead of inviting, direct the person against whom the application is made to attend at the time and place either first or subsequently fixed.

"If an applicant, or a person against whom an application is made, fails to be present or attend at the time and place specified in a direction proceeding from a Conciliator under this section, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code.

XLV of 1860.

**9.** To the proviso to section 56 the following shall be added, namely:—

III of 1877.

"or to any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act."

**10.** (1) The last twenty-two words of the second paragraph of section 58, from "and a certified copy" to "more than one", are repealed.

Amendment of, and addition to, section 58.

(2) In the third paragraph of the same section, the words "and each such copy" are repealed.

(3) After the same section the following shall be added, namely:—

"A certified copy of any entry in the register shall be granted by the Village Registrar, free of charge, on the application of any party to the instrument to which the entry relates, or of his agent or representative, and the copy shall be admissible as evidence of the contents of the instrument."

**11.** After Chapter VIII and section 63 the following shall be inserted, namely:—

New chapter and section to follow Chapter VIII and section 63.

#### CHAPTER VIII A.

"REGISTRATION OF INSTRUMENTS REFERRED TO IN SECTION 17 OF THE INDIAN REGISTRATION ACT, 1877.

**63A.** (1) When an agriculturist intends to execute any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act, he

III of 1877.

Mode of execution by agriculturists of instruments required to be registered under Act III of 1877.

shall appear before the Sub-Registrar within whose sub-district the whole or some portion of the property to which the instrument is to relate is situate, and the Sub-Registrar shall write the instrument, or cause it to be written, and require it to be executed, and attest it and, if the executant is unable to read the instrument, cause it to be further attested, and otherwise act, in accordance with the procedure prescribed for a Village-Registrar by sections 57 and 59 of this Act, and shall then register the instrument in accordance with the provisions of the Indian Registration Act, 1877.

"(2) An instrument to which sub-section (1) applies shall not be effectual for any purpose referred to in section 49 of the Act last-mentioned unless it has been written, executed and attested in the manner provided in that sub-section.

**12.** (1) In section 72, for the words "under this Act", where they first occur, the words "of the description mentioned in section 3, clause (w)," shall be substituted.

(2) In the same section, the words "not being merely a surety for the principal debtor" are repealed.

(2) For the proviso to the same section the following shall be substituted, namely:—

"Provided that nothing in this section shall—

(i) apply to a suit for the recovery of money from a person who is a surety merely of the principal debtor if the principal debtor was not, at the time when the cause of action arose, an agriculturist, or

(ii) revive the right to bring any suit which would have been barred by limitation if it had been instituted immediately before this Act comes into force."

**13.** Notwithstanding anything in the last foregoing section of this Act, the period of limitation for any suit which

may be instituted within two years from the coming into force of this Act, and to which, if this Act had not been passed, section 72 of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, would have applied, shall be the period prescribed by that section.

XVII of 1877 of 1881.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st October 1886:—

#### LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Mr. P. R. Desai, Pleader, District Court, Sátara, dated 30th August 1886 [Paper No. 1].

Memorandum by Mr. P. R. Desai, Pleader, District Court, Sátara, dated 9th September 1886 [Paper No. 2].

From Acting Under Secretary to Government, Bombay, No. 64P., dated 7th October 1886, and enclosures [Papers No. 3].

2. We have, on the suggestion of the Governor of Bombay in Council, defined the expression "standing crops," and so amended section 58 that, while the whole of an instrument will be copied by the Village-Registrar into his register, it will not be incumbent on him to deliver a certified copy of the instrument, or of the copy of it in the register to the parties except on their application.

3. We have corrected, in section 3, clause (y), a misprint which has been brought to our notice by the Officiating Special Judge.

4. We have added to the Bill a section in the terms of section 19, Act XXII, 1882, in order that persons having claims of the description mentioned in section 3, clause (x) may not be prejudiced by the application of the special rules of limitation prescribed in section 72 being restricted to suits of the description mentioned in section 3, clause (w).

5. The publication ordered by the Council has been made as follows :—

*In English.*

<i>Gazette.</i>		<i>Date.</i>
Gazette of India	... ..	21st and 28th August, and 4th September 1886.
Bombay Government Gazette	... ..	26th August 1886.

*In the Vernacular.*

<i>Province.</i>		<i>Language.</i>		<i>Date.</i>
Bombay	... ..	Maráthi...	...	16th September 1886.

6. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

(Signed) T. C. HOPE.  
 „ C. P. ILBERT.

*The 19th October 1886.*

S. HARVEY JAMES,  
 Officiating Secretary to the Government of India.

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The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 22nd October 1886, and is hereby promulgated for general information :—

**Act No. XXIV of 1886.**

*An Act to extend the Glanders and Farcy Act, 1879, to the Bombay Presidency.*

WHEREAS it is expedient that the Glanders and Farcy Act, 1879, should extend to the territories XX of 1879 administered by the Governor of Bombay in Council ; It is hereby enacted as follows :—

1. The words "the Governor of Bombay in Council" in section 1 of the Glanders and Farcy XX of 1879 Act, 1879, are hereby repealed.

S. HARVEY JAMES,

Officiating Secretary to the Government of India.

Bombay Acts for  
the year  
1886.

Acts passed by the  
Council of  
India in Bombay  
for  
1886.

THE



# Bombay Government Gazette.

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FRIDAY, 19TH FEBRUARY 1886.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 9th February 1886, and the assent of His Excellency the Viceroy and Governor General on the 18th February 1886, and is published for general information :—

#### Bombay Act No. I. of 1886.

*An Act to remove certain doubts in the construction of Section 9B of the Bombay Municipal Acts of 1872 and 1878.*

[First publication.]

Sec. III of  
1872 and IV.  
1878.

WHEREAS doubts are entertained as to the power of Government, in rules framed by it under Section 9B of the Bombay Municipal Acts of 1872 and 1878, to divide the city of Bombay, for the purposes of elections by ratepayers of members of the Municipal Corporation of the said city, into wards and to restrict the right of persons qualified to vote at any such election to voting in one ward and for one candidate only, and it is expedient to remove such doubts; It is enacted as follows :—

1. No rule which purports to have been framed by Government under the said section, either before or after the date when this Act comes into force, shall be deemed to have been, or to be invalid merely by reason :

Rules providing for ratepayers' elections by wards not to be deemed invalid.

(a) that it divides the city of Bombay into wards and distributes the thirty-

two members of the said Corporation to be elected at a ratepayers' election amongst the said wards and requires that the number of the said members so allotted to each such ward shall be returned for the prescribed ward only; or

(b) that it contemplates the entry by the Municipal Commissioner of the names of persons qualified to vote at ratepayers' elections in the list to be prepared by him under Section 9D of the said Acts in one or more wards; or

(c) that it prescribes the ward in which each person qualified to vote at ratepayers' elections shall exercise that right and restricts such person's right to voting at elections of members for the one ward so prescribed and for one candidate only at each such election.

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

H. BATTY,

Under Secretary to Government.

*Bombay Castle, 19th February 1886.*



THE



# Bombay Government Gazette.

Published by Authority.

SATURDAY, 28TH AUGUST 1886.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 7th August 1886, and the assent of His Excellency the Viceroy and Governor General on the 25th August 1886, and is published for general information:—

#### Bombay Act No. II. of 1886.

*An Act to enable the Municipal Corporation of the City of Bombay to raise increased revenue from Town-duties.*

[First publication.]

WHEREAS it is expedient to enable the Municipal Corporation of the City of Bombay to increase their revenue from town-duties, with effect from the first day of October 1886, and for this purpose to amend the Schedule B. annexed to the Bombay Municipal Acts of 1872 and 1878; It is enacted as follows:—

Bo. III. of 1872 and IV of 1878.

1. On and from the first day of October, 1886, the following schedule shall be deemed to be substituted for the Schedule B. annexed to the said Acts (namely):—

New Schedule substituted for Schedule B to Bombay Acts III of 1872 and IV of 1878.

#### “SCHEDULE B. (Referred to in Section 114.) TOWN-DUTIES.

Articles liable to Duty.	Maxima rate leviable.
(1) Grain of all sorts ...	6 annas per candy.
(2) Wines and Spirits ...	4 do. per imperial gallon.
(3) Beer ...	$\frac{1}{2}$ anna per do.
(4) Petroleum, as defined in the Petroleum Act, 1886.	$\frac{1}{2}$ do. per do.
(5) Sugar, Molasses and Goor. ...	8 annas per hundred-weight.
(6) Ghee ...	10 do. per Bombay maund.
(7) Timber, excluding Railway sleepers. ...	$2\frac{1}{2}$ per cent. on market value.
(8) Fire-wood ...	2 annas per candy.”

XII of 1886.

2. Notwithstanding anything contained in the said Acts, as amended by the Bombay Municipal Acts Amendment Act, 1882—

Bo. VI of  
1882.

The Municipal Corporation may impose new rates of town-duties with effect from 1st October 1886.

(a) it shall be lawful for the said Corporation, by resolution at a special general meeting held at any time within one month from the date when this Act comes into force, to fix with reference to the said substituted schedule, the articles on which and the rates

at which town-duties shall be levied for the half-year commencing on the first day of October, 1886, and

(b) any resolution so made by the said Corporation shall have effect, during the said half-year, in supersession of the resolution made by the said Corporation in the month of January, 1886, fixing, under sections 67 and 115 of the said Acts, as so amended, the rates at which and the articles on which town-duties shall be leviable for the year 1886-87.

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

A. SHEWAN,

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

*Poona, 28th August 1886.*



# Bombay Government Gazette.

Published by Authority.

SATURDAY, 25TH SEPTEMBER 1886.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 28th July 1886, and the assent of His Excellency the Viceroy and Governor General on the 9th September 1886, and is published for general information:—

#### Bombay Act No. III. of 1886.

Bo. X. of 1886. *An Act to amend the Bombay General Clauses Act, 1866, and to shorten the language of the enactments of the Governor of Bombay in Council.*

(The assent of the Governor-General of India to this Act was first published by the Governor of Bombay on the 25th September 1886.)

Bo. X. of 1886. Whereas it is expedient to amend the Bombay General Clauses Act, 1866, and to make other provisions for shortening the language of the enactments of the Governor of Bombay in Council, and for explaining their meaning; It is enacted as follows:—

1. This Act may be cited as "The Bombay General Clauses Act, 1886." Short Title.
2. The Acts of the Governor of Bombay in Council mentioned in Schedule A are repealed to the extent specified in the third column of the said schedule.

The words quoted in the fourth column of Schedule B from the enactments made by the Governor of Bombay in Council respectively mentioned in the previous

columns of the said schedule are repealed, and, where such intention is expressed in the said schedule, the words contained in the fifth column thereof shall be deemed to be substituted respectively for the words so repealed.

3. In this Act and in all Regulations and Acts made by the Governor of Bombay in Council, unless there be something repugnant in the subject or context:—

- (1) words importing the masculine gender include females;
- (2) words in the singular include the plural, and *vice versa*;

- (3) "person" includes a company or association or body of individuals, whether incorporated or not;  
 "Person."
- (4) "year" and "month" mean, respectively, a year and a month reckoned according to the British calendar;  
 "Year" and "Month."
- (5) "British India" means the territories for the time being vested in Her Majesty by the Statute 21 and 22 Victoria, Chapter 106 (*an Act for the better Government of India*), other than the settlement of Prince of Wales' Island, Singapore and Malacca;  
 "British India."
- (6) "presidency of Bombay" means the territories within British India for the time being under the administration of the Governor of Bombay in Council;  
 "Presidency of Bombay."
- (7) "city of Bombay" means the area within the local limits for the time being of the ordinary original civil jurisdiction of the Bombay High Court of Judicature;  
 "City of Bombay."
- (8) "Her Majesty" includes Her heirs and successors to the Crown;  
 "Her Majesty."
- (9) "Government of India" means the Governor General of India in Council, or, during the absence of the Governor General of India from his Council, the President in Council, or the Governor General of India alone, in respect of the powers which may be lawfully exercised by them or him respectively;
- (10) "Government" means the Governor of Bombay in Council;  
 "Government."
- (11) "Commissioner" means, in Sind, the Commissioner in Sind, and elsewhere the Commissioner of a division appointed under the Bombay Land Revenue Code, 1879, or any other law for the time being in force in this behalf;
- (12) "Collector" means, in the city of Bombay, the Collector of Bombay, and elsewhere, the chief local officer in charge of the revenue administration of a district;  
 "Collector."
- (13) "Magistrate" means any person exercising magisterial powers under the Code of Criminal Procedure; <sup>Act X. 1882.</sup>  
 "Magistrate."
- (14) "imprisonment" means imprisonment of either description as defined in the Indian Penal Code; <sup>Act XLV. 1860.</sup>  
 "Imprisonment."
- (15) "to abet" means to abet within the meaning of that term as defined in the Indian Penal Code. <sup>Act XLV. 1860.</sup>  
 "To abet."
- (16) "immoveable property" includes land, benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;  
 "Immoveable property."
- (17) "moveable property" means property of every description, except immoveable property;  
 "Moveable property."
- (18) "vessel" means anything made for the conveyance by water of human beings or of property;  
 "Vessel."
- (19) in every case in which a person is by law allowed to affirm or to declare instead of swearing, "oath" includes an affirmation, and "affidavit" includes a declaration, and to "swear" includes to affirm or declare;
- (20) "writing" and "written" include printing, lithography, photography, engraving, and every other mode in which words or figures can be expressed on paper or on any substance;  
 "Writing," "written."
- (21) "chapter", "part", "section", "Chapter", "Part", and "schedule" mean, respectively, a chapter, part or section of, and a schedule annexed to, the enactment in which the word occurs;
- (22) "from" and "to", when used with reference to a series of days or other periods of time, respectively, exclude and include the first and the last of the days or other periods in such series.
4. For the purpose of expressing that a law relative to the chief or superior of an office shall apply to Official chiefs and subordinates.

to the deputies or subordinates lawfully executing the duties of such office in the place of their superior, it shall be sufficient to prescribe the duty of the superior.

5. For the purpose of indicating the relation of a law to the successors of any functionaries, or of corporations having perpetual succession, it shall be sufficient to express its relation to the functionaries or corporations.

6. For the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, it shall be sufficient to mention the official title of the officer at present executing such functions, or that of the officer by whom the functions are commonly executed.

7. No provision of any Regulation or Act which has been repealed shall be deemed to be revived by any enactment of the Governor of Bombay in Council, unless such intention is expressly stated in the enactment.

8. The repeal of any Regulation or Act by any enactment of the Governor of Bombay in Council shall not, unless a contrary intention is expressed, be deemed to affect anything done or any offence committed or any fine or penalty incurred or any proceeding commenced before the repealing enactment came or comes into force.

9. Whenever in any enactment of the Governor of Bombay in Council or in any rule passed under any such enactment it is directed that any order, notification or other matter shall be notified or published, such notification or publication shall, unless the enactment otherwise provides, be deemed to be duly made if it is published in the *Bombay Government Gazette*.

10. Whenever in any Act of the Governor of Bombay in Council no time is mentioned at which the same shall come into force, such Act shall be deemed to have come into force or shall come into force, as the case may

be, upon the first publication by the Governor of Bombay of the assent of the Governor General of India thereto.

In every such Act the date of the said publication shall be printed either above or below the title of the Act and shall form part of such Act.

11. Whenever by any enactment of the Governor of Bombay in Council, Government is empowered to extend or apply an Act or any provision of an Act to any place in, or to any portion

of the presidency of Bombay, the Government may, in any order extending or applying such Act or provision, or in a subsequent order, notify the time at which the same shall come into force in the place or portion of the presidency to which it is so extended or applied;

and, unless it is otherwise provided in the Act, Government may, by notification in the *Bombay Government Gazette*, from time to time postpone the time at which the Act or provision shall come into force in such place or portion of the presidency, or cancel the order for extending or applying the same to such place or portion of the presidency:

Provided that no order postponing the time at which an Act or provision shall come into force, or cancelling an order for extending or applying the same, shall be made after the Act or provision has actually come into force in the place or portion of the presidency to which such order relates.

12. The provisions of sections sixty-three and sixty-eight to seventy, both inclusive, of the Indian Penal Code shall be deemed to apply to every fine imposed under any enactment of the Governor of Bombay in Council, unless a contrary intention is expressed in the enactment or appears from the subject or context.

13. Sections three to twelve, both inclusive, apply to all enactments of the Governor of Bombay in Council now in force or which shall hereafter at any time be in force.

*Determination of the time at which Acts or provisions of Acts extended or applied by Government to certain places, &c., are to come into force.*

*Publication of orders and notifications in the Bombay Government Gazette to be deemed to be due publication.*

*Commencement of Acts in which no time for their coming into force is expressly mentioned.*

Act XLV. of 1860.

## SCHEDULE A.

*Acts of the Governor of Bombay in Council repealed.*

Number and year.	Subject or Short Title.	Extent of repeal.
IV. of 1862	Markets and Fairs	Section 11.
VI. of 1862	Relief of Ahmedabad Talukdars.	Section 21, cls. (2) and (3).
I. of 1863	Registry of Vessels on Indus.	Section 18.
II. of 1863	Summary Settlement of claims to exemption from land-revenue.	Section 16, cl. (a).
V. of 1863	Gas Company	So much of section 28 as relates to words importing the singular or the plural number or the masculine gender; and the definitions, in the same section, of the words "person" and "Magistrate."
VII. of 1863	Summary Settlement of claims to exemption from land-revenue.	Section 32, cl. (a).
III. of 1865	Avoiding of Wagers	Section 5.
VII. of 1866	Hindu Heirs' Relief Act.	The latter part of section 7, commencing with and inclusive of the words "and unless."
VIII. of 1866	Sale of Poisons	In section 2, the definitions of the words "month" and "person."
X. of 1866	General Clauses Act	The whole Act.
VI. of 1867	Sanitary regulation of city of Bombay.	Section 15.
VII. of 1867	Bombay District Police Act.	In section 1 the definitions of "Magistrate of the district" and "Magistrate."
II. of 1871	Duties on Non-agricultural classes.	In section 1 the definition of "Collector."
VI. of 1873	Bombay District Municipal Act.	In section 3 the definitions of "Collector," "Magistrate of the district" and "Magistrate."
VII. of 1873	Salt revenue	In section 1 the definition of "vessel."
II. of 1876	Bombay City Land-revenue.	In section 3 the definition of "Collector."
III. of 1878	Bombay License Act	Section 2.
V. of 1878	Bombay Abkari Act	Section 57.
IV. of 1879	Karachi Vaccination Act.	Section 28.
V. of 1879	Bombay Land Revenue Code.	Section 3, cls. (22) and (23).
VI. of 1879	Bombay Port Trust Act.	Section 3, cl. (3).
I. of 1880	Khoti Settlement Act	Section 3, cl. (11).
I. of 1884	Bombay Local Boards Act.	Section 3, cl. (2).

## SCHEDULE B.

Verbal amendments made in the Regulations and Acts of the Governor of Bombay in Council.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<b>REGULATIONS.</b>				
XII. of 1827	19	1	"Magistrate"	"District Magistrate."
	"	6	"the Magistrate" (the first time the words occur).	"the District Magistrate."
	"	"	"the Magistrate" (the second time the words occur).	"any Magistrate."
	"	"	"ordinary"	"simple."
	"	"	"without labour"	"....."
	"	7	"Magistrate" (the first time the word occurs).	"District Magistrate."
	"	"	"Magistrate" (the second time the word occurs).	"Magistrate before whom proceedings against such individual are being held."
	"	8	"The Magistrate shall also."	"Any Magistrate may."
	20	...	"Magistrate"	"District Magistrate."
	27	2	"Magistrate" (each time the word occurs).	"District Magistrate."
"	"	"ordinary"	"simple."	
"	"	"without hard labour"	"....."	
37	1	"Magistrate"	"District or Sub-divisional Magistrate."	
XXII. of 1827	19	...	"the Magistrate"	"a Magistrate."
	21	1	"local"	"District."
	"	2	"Magistrate"	"District Magistrate."
	40	...	"Magistrate"	"District Magistrate."
	41	1	"local"	"District."
	42	1	"local"	"District."
XXV. of 1827	4	2	"Magistrate" (each time the word occurs).	"District Magistrate"
	7	...	"Magistrate"	"District Magistrate."
	<b>Acts.</b>			
I. of 1862	...	1	"annexed to this Act."	"....."
IV. of 1862	...	1	"the Magistrate" (the second time the words occur).	"a Magistrate of the first class."
	"	...	"calendar"	"....."
	"	6	"Magistrate"	"District Magistrate."
	"	...	"this Act"	"section four."
	"	...	"of Police"	"....."
	"	7	"of either kind"	"....."
	"	...	"calendar"	"....."
	10	...	"Magistrate"	"District Magistrate."
V. of 1862	...	3	"of Police"	"....."
VI. of 1862	...	8 and 9	"calendar" (each time the word occurs).	"....."
	21	...	"The following words and expressions."	"....."
	"	...	"shall have the meanings hereby assigned to them."	"....."
	"	...	"(that is to say)"	"....."
	I of 1863	...	6	"Justice of the Peace or person exercising the powers of a Magistrate within the province of Sind."
	12	...	Do,	Do.

Repealed by B  
act IV of 1890

## SCHEDULE B—continued.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<i>Acts—continued.</i>				
II. of 1863	11	...	"of this Act" ...	.....
	2	...	"of this Act" (the first time the words occur).	.....
	3, 4, 5, 7, 8, 10, 11 and 13.	...	"of this Act" (each time the words occur).	.....
	4, 5 and 11.	...	"calendar" (each time the word occurs).	.....
	5 and 11.	...	"collectorate or" (each time the words occur).	.....
	11	4	"collectorate" ..	"district."
III. of 1863	1 and 2	...	"collectorate" (each time the word occurs).	"district"
	1 and 2	...	"to this Act" (each time the words occur).	.....
V. of 1863	20	...	"of this Act" ...	.....
VI. of 1863	6, 9 and 11	...	"of this Act" (each time the words occur).	.....
	36	...	The last thirteen words of the section.	.....
VII. of 1863	6	...	"of this Act" (the first time the words occur).	.....
	7, 8, 9, 11, 12, 13 and 26.	...	"of this Act" (each time the words occur).	.....
	9	1 and 2	"collectorate or" (each time the words occur).	.....
	"	3, 4, 6 and 7	"collectorate" (each time the word occurs).	"district."
VII. of 1863	"	8	"calendar."	.....
	"	9	"Revenue"	.....
	9	9	"of the division"	.....
	12	...	"or Sub-Collector"	.....
III. of 1866	20	2	"annexed"	.....
	2	...	"of this Act" (the first time the words occur).	.....
VII. of 1866	3, 4 and 11	...	"either simple or rigorous" (each time the words occur).	.....
	"	...	"calendar" (each time the word occurs).	.....
	8 and 10	...	"of this Act" ...	.....
VIII. of 1866	6	...	"of this Act" ...	.....
VIII. of 1866	2	...	"to this Act annexed"	.....
	3, 4 and 13.	...	"annexed to this Act" (each time the words occur).	.....
	18 and 19.	...	"of this Act" (each time the words occur).	.....
	XII. of 1866	13	...	"or solemn affirmation"
XII. of 1866	14	...	"or solemn affirmations"	.....
	"	...	"or affirmed"	.....
	15	...	"annexed to this Act"	.....
XIII. of 1866	2, 3	...	"or affirmation" (each time the words occur in either section).	.....
III. of 1867	4	...	"the provisions of section 23 of";	.....
	"	...	"Magistrate" (the first time the word occurs);	"Magistrate of the first class."
	"	...	"and within the limits" and all the following words to the end of the section.	.....



SCHEDULE B—*continued.*

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
Acts— <i>continued.</i>				
	5	...	"exercise the powers of a Magistrate within the meaning and for the purpose of the Code of Criminal Procedure and when it shall have been so notified by the Government, he shall".	.....
	6	...	"the provisions of section 23 of";	.....
	"	...	"Subordinate Magistrate of the 1st or 2nd class";	"Magistrate of the second or third class."
	"	...	the last sixteen words of the section;	.....
	11	...	"with or without labour." ...	.....
	11, 12, 13, 18, 19, 20, 24 and 25.	...	"of this Act" (each time the words occur).	.....
III. of 1867	14	...	"be imprisoned without labour."	"simple imprisonment."
	"	...	"calendar"	.....
	17	...	"of this Act" (the second time the words occur).	.....
	21	...	"with or without hard labour."	.....
	23	...	"with or without hard labour."	.....
	"	...	"calendar"	.....
VI. of 1867	5, 9 and 10.	...	"of this Act" (each time the words occur).	.....
VII. of 1867	6	...	"full";	.....
	"	...	"Magistrate"	"Magistrate of the first class."
	7	...	"all or any of the powers of a Magistrate."	"magisterial powers."
	8, 29 and 34.	...	"of this Act" (each time the words occur).	.....
	25, 26 and 29.	...	"of either kind" (each time the words occur).	.....
	34	...	"full-power Magistrate"	"Magistrate of the first class."
	39	...	"calendar" (each time the word occurs).	.....
	44	...	"of Police"	.....
VIII. of 1867	3, 4, 5, 15 and 18.	...	"of Police" (wherever in the said sections those words follow the word "Commissioner").	.....
	5 and 9	...	"Police" (in each place in which the word precedes the word "Commissioner").	.....
	18	...	"of this Act"	.....
II. of 1868	17	...	"Revenue or Police"	.....
III. of 1869	8	...	"of this Act"	.....
II. of 1871	6	...	"hereto annexed"	.....
I. of 1872	6 and 7	...	"the Local" (each time these words occur).	.....
III. of 1872	2	Definition of "Magistrate."	"all persons exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure in force for the time being, as well as any."	"a."

## SCHEDULE B—continued.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<i>Acts—continued</i>				
V. of 1873	5	...	The last three words	.....
	8	...	"heretanto annexed"	.....
V. of 1873	9, 10, 23	...	"to this Act annexed"	.....
	and 24.	...	"of this Act" (each time the	.....
	22	...	words occur).	.....
		...	"of this Act" (the first time	.....
		...	the words occur).	.....
		...	"of either description"	.....
VI. of 1873	61, 74	...	"of this Act" (each time the	.....
	and 75.	...	words occur).	.....
VII. of 1873	30, 34,	...	"of this Act" (each time the	.....
	37, 38,	...	words occur).	.....
	56 and	...		.....
	60.	...		.....
	33	2	The last three words	.....
	49, 51, 52,	...	"of either description, as de-	.....
	54, 55.	...	defined in the Indian Penal	.....
		...	Code" (in each place in	.....
		...	which those words occur).	.....
	53	...	"of either description"	.....
	60	...	"or affirmation"	.....
I. of 1874	In the pre-	...	"to this Act"	.....
	amble.	...		.....
	4	...	The last three words	.....
	13	...	"of this Act" (the first time	.....
		...	the words occur).	.....
	14	...	"of this Act"	.....
	29	...	"calendar"	.....
II. of 1874	15, 33,	...	"of this Act" (each time the	.....
	35 and	...	words occur).	.....
	38.	...		.....
III. of 1874	3, 4, 6, 7,	...	"of this Act" (each time the	.....
	10, 11,	...	words occur).	.....
	12, 13,	...		.....
	21, 31,	...		.....
	37, 38,	...		.....
	39, 44,	...		.....
	47, 50,	...		.....
	53, 55,	...		.....
	59, 67,	...		.....
	73, 75,	...		.....
	76 and	...		.....
	83.	...		.....
	6	1	"Revenue" (each time the	.....
		...	word occurs).	.....
	20	...	"of this Act" (the first time	.....
		...	the words occur).	.....
	40	1	The last three words	.....
	73	2	"thereof"	.....
	74	...	"revenue"	.....
III. of 1874	74	...	"appointed under Regulation	.....
		...	V. of 1830, or other law in	.....
		...	force for the time being."	.....
	77	...	"empowered under the pro-	.....
		...	visions of Bombay Act I. of	.....
		...	1868."	.....
	"	...	"so empowered"	.....
	84	...	"Revenue"	.....
III. of 1875	7	...	"of either description"	.....
	"	...	"calendar"	.....

## SCHEDULE B—continued.

Enactment,			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<i>Acts—continued.</i>				
II. of 1876	14, 16, 18, and 33.	...	"of this Act" (each time these words occur).	.....
	16	...	"hereunto annexed"	.....
	31	...	"annexed to this A"	.....
III. of 1876	15	...	"of this Act"	.....
I. of 1877	3, 9, 16, 17, and 25.	...	"of this Act" (each time the words occur).	.....
	9, 10, 11, 14, 15, 17 and 18.	...	"hereto annexed" (each time the words occur).	.....
	12	(b)	"of this Act."	.....
	19	...	"of this Act" (the first time the words occur).	.....
	23	(b)	"of this Act"	.....
	20 and 24	...	"of either description within the meaning of the Indian Penal Code" (in each place in which these words occur).	.....
	28	...	"The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code shall apply to";	.....
V. of 1878	3	3	"and all such fines"	.....
	3	4	"means, in Sind, the Commissioner in Sind, and elsewhere a Commissioner of land-revenue, or if Government appoint any other officer to be a Commissioner for the purposes of this Act, such other officer."	"includes an officer appointed by Government to be a Commissioner for the purposes of this Act."
	3	4	"means a collector of land-revenue or."	"includes."
IV. of 1879	45 and 50	...	"of this Act" (each time the words occur).	.....
	3	...	The last three words.	.....
	9, 10, 11, 14, 15, 17 and 18.	...	"hereto annexed" (each time the words occur).	.....
	9, 16, 17, and 25.	...	"of this Act" (each time the words occur).	.....
	12	(b)	"of this Act"	.....
	19	...	"of this Act" (the first time the words occur).	.....
	20 and 24	...	"of either description within the meaning of the Indian Penal Code" (in each place in which the words occur).	.....
V. of 1879	23	(b)	"of this Act"	.....
	2	...	"hereto annexed"	.....
	3	2	"of this Act"	.....
	10, 13, 18, 38, 86, 87, 161 and 216.	...	"of this Act" (each time the words occur).	.....
	23	...	"to this Act"	.....
	214	(h)	"of this Act"	.....
	215	...	"of either description within the meaning of the Indian Penal Code."	.....

## SCHEDULE B—concluded.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<i>Acts—continued.</i>				
VI. of 1879	... 21 and 34	...	"of this Act" ...	.....
VII. of 1879	... 3	5	"means the head revenue officer of a district and."	.....
	57	...	"of this Act" ...	.....
	61 and 62	...	"of either description within the meaning of the said Code" (in each place in which these words occur).	.....
	67	...	"of the division"	.....
I. of 1880	... 3	7	"hereto annexed" ...	.....
	17 and 18	...	"of this Act" (each time the words occur).	.....
	33	(b)	"hereto annexed" ...	.....
I. of 1883	... 3, 5 and 8	...	"of this Act" (each time the words occur).	.....
	3	...	"annexed to this Act" ...	.....
II. of 1883	... In the preamble	...	"to this Act" ...	.....
	4	...	"to this Act" ..	.....
	17	...	"of this Act" (the first time the words occur).	.....
I. of 1884	... 2	...	"hereto annexed" ...	.....
II. of 1884	... 3	...	"hereto annexed" ...	.....
	3, 4 and 5	...	"of this Act" (each time the words occur).	.....

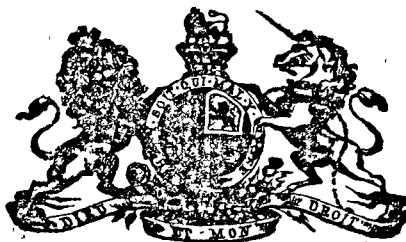
*By order of His Excellency the Right Honourable the Governor in Council,*

A. SHEWAN,

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

*Poona, 23rd September 1886.*

THE



# Bombay Government Gazette.

Published by Authority.

WEDNESDAY, 10<sup>TH</sup> NOVEMBER 1886.

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

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 27th August 1886, and the assent of His Excellency the Viceroy and Governor General on the 20th October 1886, and is published for general information :--

#### Bombay Act No. IV. of 1886.

*An Act to amend the Bombay Land Revenue Code, 1879.*

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 10th November 1886.)

Whereas, for the purpose of assuring to holders of unalienated land the full advantage of all improvements in their holdings effected by them or at their cost, it is expedient to define more clearly the conditions affecting the revision of land-revenue assessments and, with this object, to amend the Bombay Land Revenue Code, 1879: It is enacted as follows:

1. For the latter portion of section one hundred and six of the said Code, beginning with and inclusive of the words "A revised assess-

Amendment of section 106.

IV.—24

ment" the following words shall be substituted (namely):

"Provided that when a general classification of the soil of any area has been made a second time, or when any original classification of any area has been approved by the Governor in Council as final, no such classification shall be again made with a view to the revision of the assessment of such area."

2. For section one hundred and seven of the said Code the following section shall be substituted

Amendment of section 107.

(namely):

“107. In revising assessments of land-revenue  
 Conditions applicable to revisions of assessment, regard shall be had to the value of land and, in the case of land used for the purposes of agriculture, to the profits of agriculture:  
 “Provided that if any improvement has been effected in any land during

the currency of any previous settlement made under this Act, or under Bombay Act I. of 1865, by or at the cost of the holder thereof, the increase in the value of such land or in the profit of cultivating the same, due to the said improvement, shall not be taken into account in fixing the revised assessment thereof.”

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

A. SHEWAN,  
 Acting Secretary to the Council of the Governor of  
 Bombay for making Laws and Regulations.

*Bombay Castle, 5th November 1886.*

THE



# Bombay Government Gazette

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FRIDAY, 28<sup>TH</sup> JANUARY 1887.

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## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 9th November 1886, and the assent of His Excellency the Viceroy and Governor General on the 11th January 1887, and is published for general information :—

#### Bombay Act No. V. of 1886.

*An Act to amend Bombay Act III. of 1874.*

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 28th January 1887.)

Bom. III. of 1874. WHEREAS it is expedient to amend the Bombay Hereditary Offices Act, 1874, in manner hereinafter appearing; It is enacted as follows :

1. For section 5 of the said Act the following section shall be substituted (namely) :—

“ 5 (1). Without the sanction of Government it shall not be competent :  
Prohibition of alienation of watan and watan rights.

(a) to a watanár to mortgage, charge, alienate or lease, for a period beyond the term of his natural life, any watan, or any part thereof, or

any interest therein, to or for the benefit of any person who is not a watanár of the same watan ;

(b) to a representative watanár, to mortgage, charge, lease or alienate any right with which he is invested, as such, under this Act.

“ (2). In the case of any watan in respect of which a service commutation settlement has been effected, either under section 15 or before that section came into force, clause (a) of this section shall apply to such watan, unless the right of alienating the watan without the sanction of Government is conferred upon the watanárs by the

terms of such settlement or has been acquired by them under the said terms."

2. Every female member of a watan family other than the widow of the last male owner, and every person claiming through a female, shall be postponed, in the order of succession to any watan, or part thereof, or interest therein, devolving by inheritance after the date when this Act comes into force, to every male member of the family qualified to inherit such watan, or part thereof, or interest therein.

The interest of a widow in any watan or part thereof shall be for the term of her life or until her marriage only.

3. In section 10 of the said Act the words "or may pass" shall be inserted after the words "or have so passed."

4. The last portion of section 11 of the said Act commencing with the words "and shall either" is repealed.

5. After section 11 of the said Act the following section shall be inserted, namely:—

"11A. The Collector shall either summarily resume possession of all property to which an order of a court passed on receipt of his certificate under section 10, or his own declaration under section 11, relates, or assess it at the rate prescribed in clause 2 of section 9, as he may think fit, and the said property shall thenceforward revert to the watan."

6. In section 30 of the said Act the word "officiators" shall be substituted for the word "sharers."

7. In section 35 of the said Act the words "notice or" shall be inserted after the word "which."

8. For section 38 of the said Act the following section shall be substituted) namely:—

"38. Subject to the provisions of sections 45 and 46 Representative watan-dárs to serve for life or for fixed periods of five or ten years. be entitled to office for the following periods, respectively (namely):

(a) in cases falling under section 28 or section 29, clause 2, or section 30 or section 31, in which the representative watan-dárs are entitled to office contemporaneously, and in cases falling under section 27 or section 29, clause 1,

for life;

(b) in cases falling under section 28 or section 29, clause 2, or section 30 or section 31, in which the representative watan-dárs are entitled to office in successive periods,

for such period as the Collector shall in each case determine, the same being not less than five nor more than ten years.

9. For section 45 of the said Act the following section shall be substituted (namely):

"45. The Collector shall refuse to accept the service of any representative watan-dár or of any person nominated by a representative watan-dár to be his deputy, if such representative watan-dár or person:

- "(a) is under eighteen years of age;
- "(b) has not passed such educational test, if any, as Government think fit from time to time to prescribe in this behalf;
- "(c) has attained sixty years of age, except when such person's appointment or continuance in office is specially permitted by the Collector;
- "(d) is in the opinion of the Collector disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body;
- "(e) has been adjudged by the Collector after a summary inquiry held in accordance with the provisions relating to summary inquiries contained in the



Bom. V. of  
1879.

Bombay Land Revenue Code, 1879, to be of general bad character;

(f) has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf;

“(g) declines to forsake, whilst officiating, some other employment which is in the opinion of the Collector incompatible with the due discharge of the duties of the office.”

10. For section 46 of the said Act the following shall be substituted (namely):

“46. If a representative watandár whose duty it is to officiate, is, or at any time becomes unfit to officiate for any of the reasons set forth in the last preceding section, the Collector shall call upon him to appoint a deputy, or if he is disabled by lunacy or imbecility of mind, the Collector shall himself appoint a deputy.

“If a deputy so appointed becomes unfit to officiate for any of the reasons aforesaid, the Collector shall call upon the representative watandár to appoint another, or himself appoint another, as the case may be.

“A deputy appointed by a representative watandár may at any time be removed from office by the Collector at the request of the representative watandár, if, in the opinion of the Collector, there are good grounds for such request.”

11. In section 50 of the said Act, the word “general” shall be substituted for the word “known.”

12. For section 53 of the said Act the following section shall be substituted (namely):

“53. Except as is otherwise provided in the last preceding section and in section 56, and except as the Governor in Council shall by a general or special order from

time to time otherwise direct, every deputy appointed under this Act shall be a member of the same family to which the representative watandár whose duty it is to officiate, belongs, if there be a member of such family fit and willing to officiate.

“If a representative watandár declines to appoint as his deputy any such person as aforesaid, the appointment shall be made by the Collector.”

13. For section 60 of the same Act the following section shall be substituted (namely):

“60. When any representative watandár or any deputy or substitute appointed by him is convicted by a criminal court not inferior to a court of session of any offence in the discharge of his official duties, or of any of the offences specified in the second schedule or of the abetment of any such offence, and such conviction is not subsequently reversed or quashed, the Governor in Council may direct the forfeiture of the whole or of any part of the watan. Such forfeiture may be either absolute or for such period as the Governor in Council thinks fit.

14. For section 70 of the said Act the following section shall be substituted (namely):

“70. All records which have been or may be prepared by any watandár or by any officiator in an hereditary office in pursuance of the duties of the office, or by order of a superior officer or of the present or former Government, are hereby declared to be the property of Government, and the Collector may enforce their production or the production of any State records in the possession of a watandár or of an officiator, in accordance with the provisions of sections 25 and 26 of the Bombay Land Revenue Code, 1879.”

15. (1). In section 84 of the said Act the following words shall be inserted after the word “purpose,” viz: “or, so far as concerns any alienated village, on the holder or on any of the holders of such village or on any agent of the holder of such village.”

Bom. V. of  
1879.

(2) And the following paragraph shall be added to the said section, viz.:—

“Powers and duties conferred under this section shall be exercised or performed subject to such conditions, if any, in addition to those specified in this Act as the Governor in Council shall from time to

time think fit to prescribe, and any order conferring powers and duties under this section may at any time be cancelled by the Governor in Council.”

16. The following schedule shall be added to the said Act (namely):

“SECOND SCHEDULE.

*Offences referred to in Section 60.*

Description of Offence.	Sections of the Penal Code under which punishable.
“ (1) Every offence described in Chapter VI. of the Indian Penal Code ... ..	121, 121A, 122-124, 124A, 125-130.
“ (2) Causing disappearance of evidence of any offence committed or giving false information touching it to screen the offender, when the offence committed is a capital offence or punishable with transportation for life or imprisonment for ten years ...	201.
“ (3) Harboursing an offender, if such offender's offence be capital, or punishable with transportation or imprisonment for ten years .	212.
“ (4) Taking gift, &c., to screen an offender from punishment, if such offender's offence be capital, or punishable with transportation for life, or with imprisonment for ten years ... ..	213.
“ (5) Harboursing an offender who has escaped from custody, or whose apprehension has been ordered, if such offender's offence be capital, or punishable with transportation for life, or with imprisonment for ten years ... ..	216.”

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

A. SHEWAN,

Acting Under Secretary to Government.

*Bombay Castle, 26th January 1887.*



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## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 23rd October 1886, and the assent of His Excellency the Viceroy and Governor General on the 21st January 1887, and is published for general information :--

#### Bombay Act No. VI. of 1886.

#### THE KARA'CHI PORT TRUST ACT, 1886.

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 8th February 1887.)

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**Bombay Act No. VI of 1886.***An Act to vest the Port of Karáchi in a Trust.*

WHEREAS it is expedient to vest the port of Karáchi in a trust and to provide for the management of the affairs of the said port by trustees; It is enacted as follows:—

## I.—PRELIMINARY.

1. This Act may be called "The Karáchi Port Trust Act, 1886."
2. In this Act, unless there be something repugnant in the subject or context,
- (1) "port" means the port of Karáchi as defined for the purposes of this Act;
- (2) "high-water mark" means a line drawn through the highest points reached by ordinary spring-tides at any season of the year;
- (3) "low-water mark" means a line drawn through the lowest points reached by ordinary spring-tides at any season of the year;
- (4) "land" includes the bed of the sea below high-water mark, and also things attached to the earth or permanently fastened to anything attached to the earth;
- (5) "master," when used in relation to any vessel, means any person having for the time being the charge or control of such vessel;
- (6) the word "goods" includes wares and merchandise of every description;
- (7) "owner," when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale or custody of such goods; and when used in relation to any vessel, includes any part-owner, charterer, consignee, or mortgagee in possession thereof.

3. Government may, with the approval of the Governor General in Council, by notification in the *Bombay Government Gazette*:

- (a) define the limits of the port for the purpose of this Act, and
- (b) from time to time alter such limits.

Such limits may extend to any part of the navigable approaches to the port, and may include any wharves, tramways, warehouses, sheds and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance, and good government of the port, whether within or without high-water mark, and, subject to any rights of private property therein, any portion of the shore within fifty yards of high-water mark.

## II.—OF THE BOARD OF TRUSTEES.

*Constitution of Board.*

4. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a board to be called "The Trustees of the Port of Karáchi"; and such board, hereinafter referred to as "the board," shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.
5. The board shall consist of nine members of whom not less than two shall be natives of India residing in Karáchi.
6. Government shall from time to time appoint a person to be chairman of the board and may, if they think fit, from time to time appoint a person to be vice-chairman of the board. Any person so appointed may be a public officer or not.
- The chairman and, if any be appointed, the vice-chairman of the board, shall be trustees.
7. Of the rest of the trustees, one shall be the Manager, for the time being, of the North-Western Railway, or such officer of the said Railway as the said Manager shall from time to time appoint to act for him in this behalf, two shall be elected by the members for the

time being of the Karáchi Chamber of Commerce, and two shall be elected by the municipal commissioners of Karáchi from among their own number.

The remaining trustees shall be appointed by Government.

Any trustee elected or appointed under this section may be a public officer or not.

8. The election of trustees by the Karáchi Chamber of Commerce and by the municipal commissioners shall be conducted in such manner as shall from time to time be determined at a meeting of the members of the said chamber or of the said commissioners as the case may be, convened in accordance with the rules at the time in force in this behalf. The secretary to the said chamber and the President of the Municipality of Karáchi shall, respectively, make a return to the Commissioner of the name of every person so elected.

In the event of default being made by the chamber or by the municipal commissioners in electing any trustee under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for Government to appoint a person, and the person so appointed shall be deemed to be a trustee as if he had been duly elected by the chamber, or municipal commissioners, as the case may be.

9. The name of every person appointed by Government to be chairman or vice-chairman of the board, and the names of all trustees duly elected or appointed to the board shall be published in the *Bombay Government Gazette* and in the *Sind Official Gazette*.

10. The term of office of the first trustees shall commence on such date as shall be notified in this behalf by Government.

11. One of the first trustees elected by the chamber and one of the first trustees, other than the chairman, appointed by Government shall, unless they become in the meantime disqualified, hold office up to and inclusive of the thirty-first day of March next succeeding the date on which their term of office shall commence, the selection of the

said trustees being made by lot at such time and in such manner as the chairman of the board shall determine.

The rest of the first trustees, other than the chairman, shall, unless they become in the meantime disqualified, hold office until and inclusive of the thirty-first day of March next following the thirty-first day of March aforesaid.

In every other case every trustee, other than the chairman, shall, unless he becomes in the meantime disqualified, hold office for a term of two years.

The chairman shall hold office for a renewable period of five years, unless he becomes in the meantime disqualified for being a trustee, or is removed by Government.

12. The first election of trustees by the chamber and by the municipal commissioners shall be held on some day not later than a month previous to the date which shall be notified by Government under section 10, and the first appointment of trustees by Government shall be made on some day during the said month.

Elections of trustees by the chamber and by the municipal commissioners to succeed trustees whose term of office expires shall be held on some day not earlier than the fifteenth and not later than the last day of the month of February next preceding the first day of April from which the term of office of the new trustees is to commence; and appointments of such trustees by Government shall be made on some day in the month of March next preceding the said first day of April.

13. In the event of the death, resignation or disqualification of a trustee or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the trustee in whose place he is elected or appointed would have been entitled to hold it if the vacancy had not occurred.

If a trustee departs from Karáchi with an intention of being absent for a longer period than three months, or if a trustee shall have been absent from Karáchi for such period, a person shall be elected or

appointed as aforesaid to act for such trustee during his absence, or until he shall cease to be a trustee; and the person so acting shall be deemed for all the purposes of this Act to be a trustee.

14. A person who has already been a trustee on one or more occasions shall, if not disqualified under section 15, be again eligible at any time for election or appointment.

*Disqualifications of Trustees.*

15. No person shall be qualified to be a trustee:

(a) who, under any law for the time being in force, is an uncertificated bankrupt or an undischarged insolvent, or

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

(c) who has, directly or indirectly, any share or interest in any work done by order of the board, or in any contract or employment with, by, or on behalf of the board; or

(d) who has been sentenced by a criminal court to imprisonment or to whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order, which Government is hereby empowered to make, if it shall think fit, in this behalf; and any trustee who—

(e) becomes disqualified to cease to be a trustee.

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

shall cease to be a trustee, and his office shall thereupon become vacant:

Provided always that no trustee shall vacate his office by reason only of his—

(g) having a share in any joint-stock company which shall contract with or be employed by, or on behalf of, the board, or

(h) having a share or interest in any newspaper in which any advertisement

relating to the affairs of the board may be inserted, or

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

*Remuneration of Trustees.*

16. The chairman and the vice-chairman shall respectively receive such remuneration, if any, as Government shall from time to time determine.

Every trustee, other than the chairman and vice-chairman, shall be entitled to a fee of such amount not exceeding thirty rupees as shall from time to time be prescribed by Government for each meeting of the board at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof: provided that if more than one such meeting is held in any one week, no more than one fee shall be paid to any trustee for his attendance at all or any such meetings during that one week.

*Proceedings of Board.*

17. The following provisions shall be observed with respect to the proceedings of the board (namely)—

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

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

(a) that two ordinary meetings at least shall be held in every month;

(b) that the chairman may, whenever he thinks fit, and shall, upon the written request of not less than three trustees, call a special meeting;



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

(d) that every meeting shall be presided over by the chairman, if he is present at the time appointed for holding the same, and, if he is absent, by the vice-chairman or, in his absence, by such one of the trustees present as may be chosen by the meeting;

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

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

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

(3) The board may delegate any of their powers to committees consisting of such trustees as they think fit; any committee so formed shall conform to any instructions that may from time to time be given to them by the board, and the board may at any time discontinue or alter the constitution of any committee so formed.

(4) A committee may elect a chairman of their meetings, and, if no such chairman is elected, or, if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting.

(5) Committees may meet and adjourn as they think proper, but the chairman of the

board may, whenever he thinks fit, and shall, upon the written request of not less than two members of a committee, call a special meeting of such committee.

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

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

18. The chairman may, on behalf of the board, enter into any contract or agreement, whereof the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; but every other contract and agreement on behalf of the board shall be in writing, and shall be signed by the chairman and by two other trustees, and shall be sealed with the common seal of the board.

No contract or agreement not executed as aforesaid shall be binding on the board:

Provided that the signatures of the chairman and two other trustees may be engraved, lithographed or impressed by any mechanical process on coupons attached to debentures which the board is at any time authorized to issue under the Local Authorities Loan Act, 1879, or other law for the time being in force, and the signatures so engraved, lithographed or impressed shall have the same validity as if they were written in the proper handwriting of the chairman and other trustees.

19. The board may compound or compromise for or in respect of any claim or demand made against them, for such sum of money, or other compensation, as they shall deem sufficient.

The board may compound for claims against them.

promise for or in respect of any claim or demand made against them, for such sum

*The Chairman and Vice-chairman.*

Duties of chairman, and 20. The chairman shall—

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

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

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

The vice-chairman shall exercise such of the powers and perform such of the duties of the chairman as the chairman from time to time deposes to him.

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

*Strength of Staff.*

21. The board shall from time to time prepare and sanction a schedule of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees, and allowances which the board sanctions for each such officer or servant.

Until a schedule is prepared and sanctioned under this section, the staff of officers and servants maintained, on the day previous to the date notified by the Governor in Council under section 10, under the authority of Government, by the Karáchi Harbour Board and the officers and servants, if any, maintained on the

said day by Government at the cost of the provincial revenues for employment in the Karáchi harbour shall be deemed to be the staff sanctioned by the board under the foregoing provisions;

and all officers and servants holding any office on the said day under the said Karáchi Harbour Board and the officers and servants aforesaid, if any, so maintained by Government on the said day shall be deemed to have been appointed under this Act, and shall continue to hold the same offices, respectively, and to receive the same remuneration under the board, until it is otherwise directed under this Act:

Provisoos. Provided:

- (1) that artisans, porters, and labourers and mukádams of porters and labourers, and persons temporarily employed in the engineering department shall not be deemed to be officers or servants within the meaning of this section or of section 22, clauses (1) to (4), both inclusive, or of section 23;
- (2) that if an officer is lent to the board by Government, the board shall make such contributions, if any, on account of his pension and leave allowances as may be required by the rules in this behalf from time to time in force and shall not, except with the consent of Government, dispense with his further services at any time without giving the Government six months' previous notice;
- (3) that every officer and servant, if any, maintained by Government on the day aforesaid at the cost of the provincial revenues for employment in the Karáchi harbour shall, if he is entitled as a Government servant to pension and leave allowances, be deemed to be lent to the board on and from the date notified by the Governor in Council under section 10.

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

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

- (3) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;  
for fixing acting allowances;
- (4) for regulating the period of service of all such officers and servants;  
for regulating length of service;
- (5) for determining whether any of the said officers and servants and, if so, which of them, shall on retirement receive pensions, gratuities or compassionate allowances, and whether compassionate allowances shall be paid to the surviving relatives of any of the said officers and servants who are killed in the execution of their duty, and, if so, to which of them, and the conditions under which such pensions, gratuities or compassionate allowances shall be payable and the amount of the same;
- (6) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any provident fund which may be established by the board for the benefit of their officers and servants or which, with their approval, may be established by their officers and servants themselves:

Provided that no regulation framed by the board under clause (5) shall have validity, unless or until the same has been sanctioned by Government.

*Powers of Appointment, &c.*

23. Subject to the provisions of the said regulations and Appointments, &c., of the schedule for by whom to be made. the time being in force framed by the board under section 21, the power of appointing, promoting, suspending, dismissing for misconduct, fining, reducing or granting leave to the officers and servants of the board shall be exercised by the chairman in the case of officers and servants whose monthly salary does not exceed one hundred rupees, and in every other case by the board.

An appointment so made by the board shall not be held to be a contract or agreement within the meaning of Section 18.

IV.—8

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

Every order of the chairman dismissing for misconduct an officer or servant whose monthly salary exceeds thirty rupees shall be subject to the approval of the board.

24. Every order or regulation made by the board under Sanction of Commissioner when necessary. any of the three last preceding sections shall, so far as the same relates to any officer whose monthly salary is three hundred rupees or more, be subject to the previous sanction of the Commissioner.

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

*General Powers as to Property.*

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

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

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

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

27. The property specified in schedule A shall, upon and after the date notified by Government under section 10, vest in the board:

Transfer of Government property to the board.

Provided that—

(1) if any question arises between the Government and the board as to the boundaries of any portion of such property, Government may define and demarcate such boundaries, and the decision of Government in respect to such boundaries, when approved by the Governor General in Council, shall be conclusive;

(2) any portion of the land specified in the said schedule which shall be required by Government for a public purpose may be resumed by Government, with the approval of the Governor General in Council, without claim to compensation on the part of the board, except for buildings or other permanent structures erected thereon;

(3) the railway now under construction between the Bandar station and the Keamári station may be constructed by Government along the foreshore or on reclaimed land, and any other work which the Governor General in Council may consider necessary in the public interests may be executed by Government in or upon any of the property specified in the said schedule, without claim to compensation on the part of the board except for building or other permanent structures, which it shall be necessary to clear away for the purpose of such railway or work.

28. The loans specified in Schedule B, which have been contracted by the Karáchi Harbour Board and have not yet been discharged, and all other

Transfer to the board of the Karáchi Harbour Board's liabilities and claims.

debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, with or for the Karáchi Harbour Board, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the board;

and all sums of money due to the said Karáchi Harbour Board shall be deemed to be due to the board;

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

#### V.—OF THE POWERS AND DUTIES OF THE BOARD.

##### Works.

29. The works to be constructed and carried out by the board may include the following:—

(1) wharves, quays, stages, jetties, piers and docks, with all necessary and convenient arches, drains, landing-places, stairs, fences, roads, railways, and approaches;

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

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

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

(5) reclaiming, excavating, enclosing, and raising any part of the foreshore of the port vested in the board;

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

(7) procuring and employing steam-vessels for towing vessels into, out of, or within the port;

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

Provided always that no new work, the estimated cost of

which exceeds one thousand rupees, shall be commenced by the board, nor shall any

contract be entered into by the board in respect of any such new work, until a plan and estimate of such work shall have been submitted to the board and considered and approved by

them; nor shall any new work, the estimated cost of which exceeds fifty thousand rupees, be commenced until such plan and estimate shall have been submitted to, and approved by, Government.

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

31. The board may occupy or remove or alter any bathing-place or landing-place within the port, and prohibit the public from resorting to or using the same: Provided that the board shall provide for the use of the public such other bathing-places or landing-places, if any, as the Commissioner may direct.

*Landing and Shipping of Goods.*

32. The board shall, so far as the funds at their disposal will allow, provide and maintain wharves, quays, stages, jetties, piers, warehouses, sheds and appliances for the expeditious and convenient shipment and landing of goods in and from sea-going vessels within the port and for the storing of such goods, and shall by their servants land and ship all goods from and in any such vessel coming to any such wharf, quay, stage, jetty or pier, except where there is a lawful excuse for refusing to land or ship such goods, or such vessel is, under any enactment for the time being in force, not entitled to have her cargo shipped or discharged: Provided that—

(1) the board shall not be bound to land, ship or move any single article or package exceeding ten tons of twenty hundredweight in weight, except at such special charge as may be agreed on in respect of such article or package;

(2) the board may, by special agreement with the masters of vessels or the owners of goods, permit goods to be landed and shipped by others than the servants of the board; but every such permission shall be subject to the condition that the means to be employed and the appliances to be used by the said masters or owners for landing or shipping goods shall be subject to the approval of the board, whose duty it shall be to satisfy themselves that the said

means and appliances are at all times such and in such condition as not to endanger the lives or safety of the persons employed.

33. When any wharf, quay, stage, jetty or pier has been made and completed, with sufficient warehouses, sheds and appliances for landing or for shipping goods from and in sea-going vessels, the board may, with the previous sanction of the Commissioner, by a notification published in three consecutive numbers of the *Sind Official Gazette*, declare that such wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping, or for landing or for shipping, as the case may be, goods from and in sea-going vessels.

From and after such publication, the board may from time to time, when there is room at such wharf, quay, stage, jetty or pier, order to come alongside of such wharf, quay, stage, jetty or pier, for the purpose of landing and shipping goods, or for landing or for shipping the same, as the case may be, any sea-going vessel within the port which has not commenced to discharge cargo, or which, being about to take in cargo, has not commenced to do so. In making such order the board shall have regard, as far as possible, to the convenience of such vessel, and of the shippers, in respect of the use of any particular wharf, quay, stage, jetty, or pier.

34. When a sufficient number of wharves, quays, stages, jetties, piers, warehouses, sheds and appliances have been provided as aforesaid, the board may, with the previous sanction of the Commissioner, by an order published in three consecutive numbers of the *Sind Official Gazette*, direct that no goods shall be landed or shipped from or in any sea-going vessel within the port, save at such wharves, quays, stages, jetties and piers, and may, in like manner, alter, vary or revoke any such order: Provided that it shall be competent to the board at any time to exempt any specified vessel from the operation of any order made under this section.

35. The board may, in cases of emergency, or for any reason which appears to them sufficient, by notice in writing, order the master or owner of any vessel not to bring such

Sea-going vessels compelled to use wharves, &c.

Free landing-places to be provided.

Removal of bathing and landing-places.

Appliances for shipping, &c., for sea-going vessels.

If accommodation sufficient, all sea-going vessels compelled to use wharves, &c.

Power to order vessels not to come alongside of, or to be removed from, wharves, &c.

vessel alongside of, or to remove such vessel from, any wharf, quay, stage, jetty or pier belonging to the board, and, if such notice is not obeyed, the board may charge in respect of such vessel such sum as they think fit, not exceeding one hundred rupees for each day of twenty-four hours or portion of such day, during which such vessel remains at such wharf, quay, stage, jetty or pier :

Provided that in the case of a vessel ordered to be removed, such charge shall not commence to be made till after the expiry of thirty-six hours from the service of the board's notice on the master or owner of the vessel.

36. Notwithstanding anything contained in sections 33 and 34, the Commissioner may, by notification in the *Sind Official Gazette*, from time to time permit certain specified vessels or classes of vessels to discharge or ship cargo, or certain specified cargo or classes of cargo, at such part of the port, in such manner, during such period, subject to such payments and on such conditions, as he may think fit, and otherwise grant exemption from the provisions of such sections.

The Commissioner may also, by like notification, cancel or modify any such notification.

The Commissioner may also at any time require that any vessel belonging to or in the service of Her Majesty or the Government of India shall be permitted to come alongside of any wharf, quay, stage, jetty or pier belonging to the board in preference to all other vessels at the time in port : and it shall be incumbent on the board to give effect to any such requisition.

37. Whenever any goods are landed by the board from any vessel, the board shall, if so required, give to the master of such vessel a receipt in the form or to the effect set forth in schedule C., and may in any such receipt include all goods landed from such vessel during one day.

No master or owner of a vessel from which the goods in respect of which such receipt is given may have been landed shall be liable for any loss or damage to such goods which may occur after they have been so landed.

*Customs-wharves, &c.*

38. When Government appoint, under the provisions of any Act for the levy of sea-customs duties, any wharf, quay, stage, jetty, pier, warehouse or shed

provided under this Act for the use of sea-going vessels to be a wharf for the landing or shipping, or a warehouse for the storing of goods within the meaning of such Act, the board shall set apart, maintain and secure on or in such wharf, quay, stage, jetty, pier, warehouse or shed such portion thereof or place therein, or adjoining thereto, for the use of the officers of customs as the Commissioner approves or appoints in that behalf.

39. Notwithstanding that any wharf, quay, stage, jetty, pier, warehouse or shed or portion thereof has, under the provisions of the last section, been set apart for the use of the officers of customs, all dues, rates, tolls, charges and rents payable under this Act in respect thereof, or for the use thereof, or for the stowage of goods therein, shall be paid and be payable to the board or to such persons as they may appoint to receive the same.

*Erection of Wharves, &c., by private persons.*

40. Save as hereinafter provided, no person except the board shall make, erect or fix below high-water mark within the port any wharf, dock, quay, stage, jetty, pier, erection or mooring.

Any matter or thing so made, erected or fixed may be removed by the board, and the person who has so made, erected or fixed any such matter or thing shall be punished with fine, which may extend to one thousand rupees, and with a further fine which may extend to one hundred rupees for every day during which such matter or thing has been permitted to remain so made, erected or fixed after notice to remove the same has been given to him, and shall also be liable to pay all expenses which may have been incurred by the board in removing such matter or thing.

41. The board may, by an order in writing and subject to the conditions contained in the same, permit any person to make, erect or fix

Power to permit erection of private wharves, &c., within the port subject to conditions.

below high-water mark within the port any wharf, dock, quay, stage, jetty, pier, erection or mooring.

42. In case any wharf, dock, quay, stage, jetty, pier, erection or mooring is, after the date on which this Act comes into force, without the written consent of Government, made, erected or fixed below high-water mark without the limits for the time being of the port, and thereafter the limits of the port are extended so as to include the place in which such wharf, dock, quay, stage, jetty, pier, erection or mooring has been made, erected or fixed, the board may remove, fill up or destroy such wharf, dock, quay, stage, jetty, pier, erection or mooring without making any compensation therefor.

#### Rates.

43. The board shall frame and may alter—  
Scale of tolls and from time to time charges to be framed.

(a) a scale of tolls, dues, rates and charges for the landing and shipment of goods at the wharves, quays, stages, jetties and piers, and for the use of such wharves, quays, stages, jetties and piers, and for the storing and keeping of any goods stored in any premises belonging to the board, and for the removal of goods and for the use of any mooring;

(b) a scale of tolls for the use of the said wharves, quays, moorings, stages, jetties and piers, in case the board permit the goods to be landed or shipped by others than their own servants; and

(c) a scale of charges for any services to be performed by the board or their servants in respect of any vessel, or goods, or for the use of any works or appliances to be provided by the board.

Such scales or altered scales shall be submitted, through the Commissioner, to Government and, after approval or modification by Government, shall be published in the *Bombay Government Gazette* and the *Sind Official Gazette* and shall thereupon have the force of law: Provided that no such scale or altered scale shall be approved or modified by Government until a draft of the same and a notice specifying a date at or after which the draft will be submitted to Government shall have been published in the *Sind Official Gazette* and in such other manner as Government from time to time prescribe.

IV.—9

From the time when any scale framed under this section comes into force, the Bombay Landing and Wharfage Fees Act, <sup>Bom. VII. of 1882.</sup> shall be repealed so far as regards the port of Karachi.

44. The board may, in special cases, Tolls and charges with the previous may be remitted in sanction of Government, remit the whole or any portion of any toll, due, rate, or charge leviable under the last preceding section.

45. The tolls, dues, rates and charges prescribed under section 43 shall not be leviable in respect of any vessel employed by Government solely for the transport of troops nor in respect of the baggage or other effects of any troops landing or embarking at the port.

In lieu thereof, a toll shall be payable by Government to the board on all troops and all the families of troops landing or embarking at Karachi at the rate of one rupee per head.

46. For the amount of all tolls, dues, rates and charges leviable under this Act in respect of any goods, the board shall have a lien on such goods, and shall be entitled to seize and detain the same until such tolls, dues, rates and charges are fully paid.

Tolls, dues, rates and charges in respect of goods to be landed shall become payable immediately on the landing of the goods, and, in respect of goods to be removed from the premises of the board or to be shipped for export, shall be payable before the goods are removed or shipped.

The lien for such tolls, dues, rates and charges shall have priority over all other liens and claims, except a lien for freight, primage and general average, where such lien has been preserved in the manner hereinafter provided, and a lien for money payable to Her Majesty or the Secretary of State for India in Council under any law for the time being in force.

47. If the master or owner of any vessel, at or before the time of landing from such vessel of any goods at any wharf, quay, stage, jetty or pier, gives to the board notice in writing that such goods are to remain subject to a lien for freight, primage or general average of an amount to be mentioned in such notice, such goods shall continue liable, after the landing thereof, to such lien.

Such goods shall be retained either in the warehouses and sheds of the board, or, with the consent of the Chief Officer of Customs, in a public warehouse, at the risk and expense of the owner of the said goods, until the lien is discharged as hereinafter mentioned.

48. Upon the production to any officer appointed by the board in that behalf of a document purporting to be a receipt for, or a release from, the amount of such lien, executed by the person by or on whose behalf such notice has been given, the board may permit such goods to be removed without regard to such lien: Provided they shall have used reasonable care in respect to the authenticity of such document.

49. Whenever goods which have been landed have, without any default on the part of the board, been left for five clear days on or in any wharf or shed belonging to the board, the board may cause such goods to be removed either to any warehouse belonging to them, or, with the consent of the Chief Officer of Customs, to a public warehouse; and the removal to and detention in any such warehouse shall be at the risk and expense of the owner of the said goods.

Whenever any goods are so removed, the board shall give notice of such removal to the consignee of such goods or to his agent, if any, if such consignee's or agent's address be known, by letter sent by post to such address or left thereat; and shall also publish in the *Sind Official Gazette* and in two local newspapers notice of such removal, and shall specify therein the numbers, marks and descriptions of such goods so far as the same appear; and the consignee of such goods, in addition to the expenses of the removal of the same, shall be liable, in case the goods are removed to any warehouse of the board, to a charge for warehousing for the time during which the goods shall remain in the said warehouse.

If the goods are removed to a public warehouse, the said consignee shall be liable to the charges for warehousing goods in such public warehouse; and the said goods shall remain subject to all liens to which they would have been liable if they had remained in the possession of the board and shall be subject to the power of sale hereinafter given.

50. If the tolls, dues, rates and charges payable to the board under this Act in respect of any goods which have been landed are not paid, or if the lien for freight, primage or general average, where such notice as aforesaid has been given, is not discharged, the board may, and in the latter event, if required by or on behalf of the person claiming such lien for freight, primage or general average, shall, at the expiration of four months from the time when the goods were placed in their custody, sell by public auction the said goods, or so much thereof as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale.

Before making such sale at least ten days' notice of the same shall be given by publication thereof in the *Sind Official Gazette* and in two local newspapers.

If the address of the consignee of the goods or of his agent has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the board, or is otherwise known, notice shall also be given to the consignee of the goods or to his agent by letter delivered at such address or sent by post; but the title of a *bond fide* purchaser of such goods shall not be invalidated by reason of the omission to send such notice, nor shall any such purchaser be bound to enquire whether such notice has been sent:

Provided that, if such goods are of so perishable a nature as, in the opinion of the officer appointed by the board in that behalf, to render early or immediate sale necessary or advisable, the board may, within such period, being not less than twenty-four hours after the landing of the goods as they think fit, sell by public auction the said goods or such portion of them as aforesaid, in which event such notice, if any, shall be given to the consignee of the goods or his agent as the urgency of the case admits of.

51. The proceeds of every such sale shall be applied as follows:—

- (a) in payment of the expenses of the sale;
- (b) in payment, according to their respective priorities, of the liens and claims excepted in section 46 from the priority of the lien of the board;
- (c) in payment of the tolls, dues, rates and charges of landing, removing,



storing or warehousing the same, and of all other charges due to the board in respect thereof.

The surplus, if any, shall be paid to the importer or owner of the goods, or to his agent, on his applying for the same: Provided such application be made within one year from the sale, or reason be shown to the satisfaction of the board why such application was not so made, and, in case such application shall not be so made nor reason shown, such surplus shall be held by the board upon trust for the purposes of this Act.

52. If the master of any vessel in respect of which any tolls, dues, rates, charges, or penalties shall be payable under this Act, or any bye-laws made in pursuance hereof, refuses or neglects to pay the same, or any part thereof, on demand, it shall be lawful for the board to distrain or arrest of their own authority such vessel, and the tackle, apparel, or furniture belonging thereto, or any part thereof, and detain the same until the amount so due shall be paid.

And, in case any part of the said rates or penalties, or of the costs of the distress or arrest or of the keeping of the same, shall remain unpaid for the space of fifteen days next after any such distress or arrest shall have been so made, the board may cause the vessel, or other thing so distrained or arrested, to be sold, and with the proceeds of such sale may satisfy such tolls, dues, rates, charges or penalties and costs of sale remaining unpaid, rendering the surplus, if any, to the master of such vessel on demand.

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

54. The surplus, if any, of the moneys credited under section 47 of the Indian Ports Act, 1875, to the account of the Port Fund of Karachi, after defraying therefrom all expenses legally chargeable to the said account, shall be paid to the board.

#### Control of Pilots.

55. The board shall have the right and privilege of maintaining pilots for the navigation of vessels at the port, and shall be bound to provide a sufficient number of pilots for that purpose, and all fees for pilotage shall be paid to the board: Provided that no person shall be appointed to be a pilot by the board who is not for the time being authorized by Government, under the provisions of the Indian Ports Act, 1875, to pilot vessels.

XII. of 1875.

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

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

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

and shall enforce the observance of such bye-laws and regulations by the imposition of pecuniary penalties not exceeding two hundred rupees for each offence, or by suspension, or deprivation of appointment, or otherwise as to them may appear expedient: Provided that such bye-laws shall first have been approved by Government, and published in the manner directed by section 57.

#### Bye-laws.

56. The board may from time to time make bye-laws, consistent with this Act and with the Indian Ports Act, 1875,—

XII. of 1875.

(a) for regulating, declaring and defining the wharves, quays, stages, jetties and piers on and from which goods shall be landed from and shipped in vessels within the port;

(b) for the safe and convenient use of such wharves, quays, stages, jetties, piers and of landing-places, tramways, warehouses, sheds and other works in and adjoining the same;

(c) for regulating the reception and removal of goods within and from the premises of the board, and for declaring the procedure to be followed in taking charge of goods which may have been damaged before landing, or may be alleged to be so damaged;

(d) for settling the mode of payment of tolls, charges, dues and rates levied under this Act;

(e) for providing water for ships and for licensing and regulating water-boats within the port;

(f) for the removal of wrecks from the port and keeping clean the port, the foreshore and the works of the board, and for preventing filth or rubbish being thrown therein or thereon;

(g) for the guidance of persons employed by them under this Act, and generally for carrying out the purposes of this Act.

The board may also from time to time alter or revoke any bye-laws so made by them.

57. No bye-law, or alteration or revocation of a bye-law, shall have effect until the same shall have been approved by Government, and such approval shall have been published in the *Bombay Government Gazette*, and in the *Sind Official Gazette*; and no bye-law or alteration or revocation of a bye-law shall be approved by Government until a draft of the same and a notice specifying a date at or after which the draft will be submitted to Government shall have been published in the *Sind Official Gazette*, and in such other manner as Government from time to time prescribe, nor unless the said draft shall have been submitted for their approval through the Commissioner.

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

58. The board may, in the bye-laws made under section 56, prescribe such penalties as they shall deem fit for the infringement of the same: Provided that no penalty for any one infringement of a bye-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the board to the person guilty of such infringement.

59. The board shall cause the said bye-laws, and every scale of tolls, dues, rates and charges leviable by the board, to be printed in the English, Gujarati and Sindhi languages, and to be kept hung up in some conspicuous place at each of

the several wharves, quays, stages, jetties, piers, warehouses and sheds belonging to the board.

#### VI.—OF REVENUE AND EXPENDITURE.

##### *Management of Funds.*

60. All moneys raised by or paid to the board under this Act shall be kept in the bank which is at the time appointed to conduct the business of Her Majesty's treasury at Karachi.

No disbursement of such moneys or any part thereof shall be made except upon a cheque signed by the chairman or vice-chairman and one other trustee.

Payment of any sum in excess of five hundred rupees, if it relate to the Port Engineer's department, or of one hundred rupees, if it relate to any other department, shall be made by the board by means of a cheque signed as aforesaid and not in any other way.

Payments of sums not exceeding five hundred rupees each may be made on behalf of the board by the Port Engineer on account of any charge in his department, in cash, cheques for sums not in excess of five thousand rupees each, signed as aforesaid, being drawn from time to time in favour of the Port Engineer to cover such payments.

In every department other than that of the Port Engineer, sums not exceeding one hundred rupees each may be paid, by such officer as the board appoints for this purpose, in cash, cheques for sums not in excess of five hundred rupees each, signed as aforesaid, being drawn from time to time in favor of such officer to cover such payments.

61. The moneys belonging to the board shall be held by them in trust, and, except as is hereinafter provided, shall be applied by them in payment of the following charges (namely):—

(1) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the trustees and to the officers and servants appointed under this Act or lent to the board by Government, and the contributions, if any, payable to Government on account of the pension and leave allowances of any officer lent to the board by Government and the contributions, if any,

duly authorized to be made to any provident fund established by the officers and servants appointed under this Act;

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

(3) such sum as Government may from time to time require for the establishment and maintenance of police for the protection of the port and of the approaches thereto;

(4) the interest and instalments of capital due in respect of any loan that may have been raised by the board or for which it is liable;

(5) any charges for which the board may be liable under section 79 or section 80;

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

(7) any other charge which may be specially sanctioned by Government on the application of the board, or for which the board may be legally liable.

#### *Annual Estimates.*

62. The chairman shall, at a special meeting to be held in the month of January in each year, lay before the board an estimate of the income and of the expenditure of the board for the year commencing on the first day of April then next ensuing, in such detail and form as the board shall from time to time direct.

Such estimate shall be completed and printed, and a copy thereof sent by post, or otherwise, to each trustee, at least ten clear days prior to the meeting before which the estimate is to be laid.

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

64. The estimate, as sanctioned by the board, shall be submitted, through the Commissioner, to the Government, which may, if it thinks fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The board shall, if the estimate

is so returned by Government, forthwith proceed to amend the same, and shall re-submit the estimate so amended, through the Commissioner, to the Government.

65. Together with the said estimate, the board shall submit, through the Commissioner, to the Government, a list of the works which the board propose to execute during the year to which the estimate relates, showing the order in which the said works are to be executed and the date within which each of them will probably be completed or, in the case of any work which will not be completed within the year, the progress intended to be made therewith during the said year.

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

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

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

#### *Audit of Accounts.*

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

For the purposes of such audit and examination, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, you-

chers, and all other documents and papers which they may deem necessary, and may require any person holding, or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

The auditors shall be paid by the board such remuneration as Government shall determine; and, within fourteen days after the audit and examination of the accounts for any half-year shall have been completed, the auditors shall forward

a report upon the accounts for such half-year to the board, who shall cause the same to be published, together with an abstract of the accounts, in the *Bombay Government Gazette* and in the *Sind Official Gazette*.

#### Disposal of Balances.

69. The board may invest any balance remaining on the thirty-first day of March of each year in public securities and may from time to time sell the said securities, and either re-invest the proceeds in other such securities, or credit the same to the general funds of the board.

But the money so invested by the board shall not exceed such amount annually, or in the aggregate, as shall from time to time be prescribed by Government

In this section "public securities" means securities of the Government of India, Karachi Municipal debentures, and debentures or other securities issued by the Karachi Harbour Board or by the board.

#### VII.—PENALTIES.

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

XLV. of 1860.

Provided that nothing in this section shall apply to any person by reason only of his—

(a) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the board; or

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

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

71. Any person employed under this Act, not being a public servant within the meaning of section 21 of the Indian Penal Code, who shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or dis-service to any person with the board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant.

XLV. of 1860.

XLV. of 1860.

72. Whoever infringes any order issued under section 33 or 34 or any condition prescribed under section 36 or 41 shall be punished with fine which may extend to one hundred rupees; and, if the infringement be continuing, with a further fine which may extend to one hundred rupees for every day such order or condition is infringed.

73. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under section 68, shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

74. If it be found when goods are imported at, or exported from, any wharf, quay, stage, jetty or pier in the possession of the board, that the weight or quantity

For understating quantity or weight of goods, &c.

of such goods, or the tonnage of any vessel carrying such goods, has been, in the opinion of the board, intentionally understated in any document presented to any officer of the board for the purpose of enabling him to determine the tolls, dues, rates or charges payable in respect of the said goods or vessel, the consignee, in the case of goods imported, and the consignor, in the case of goods exported, shall be liable to pay to the board such sum not exceeding twice the proper tolls, dues, rates or charges on the weight or quantity of goods or amount of tonnage so understated as may be determined by the board, and the said sum shall, on the application of the board, be recoverable under the warrant of a magistrate as if it were a fine inflicted by such magistrate.

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

76. In case any damage or mischief is done to any wharf, dock, quay, jetty, stage, pier, or work constructed or acquired by the board under this Act by any vessel, through the negligence of the master thereof or of any of the mariners or persons employed therein, not being in the service of the board, any magistrate of the first class having jurisdiction at Karachi may, on the application of the board, and on declaration by them that payment for such damage or mischief has been refused or has not been made on demand, issue a summons to the master or owner of such vessel, requiring him to attend on a day and at an hour named in the summons to answer touching such damage or mischief.

If, at the time appointed in the summons and whether the person summoned appears or not, it is proved that the alleged damage was done through such negligence as aforesaid, and that the pecuniary amount of the same does not exceed two hundred rupees, the magistrate may issue his warrant of distress, under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores of the vessel may be seized and sold to cover the expenses of and attending the execu-

tion of the distress, and the pecuniary amount of damage as aforesaid, and such amount shall be paid to the board out of the proceeds of the distress :

Provided that if, at the time of the damage or mischief, the vessel was under the orders of a duly authorized officer belonging to the pilot service or to the harbour master's or port officer's department, the case shall not be cognizable by the magistrate under this section.

77. Except as is otherwise provided in sections 74 and 76, Cognizance of all offences against this Act or against any bye-law made under section 56 shall be cognizable by a magistrate.

All fines and damages recovered from any offender or by any distress under section 76 shall be paid to the board.

78. Prosecutions under this Act may be instituted by the board or by any person authorized by them in this behalf, and not otherwise.

#### VIII.—CONTROL.

79. Government may at any time order a survey and examination of any work of the board under this Act, or of the site thereof, and the cost of such survey or examination shall be borne and paid by the board.

80. If the board allow any work acquired or constructed by them under this Act to fall into disrepair, or do not complete any work commenced by them or duly estimated for and sanctioned, and do not, after notice given by Government in writing, proceed effectually to repair or complete such work to the satisfaction of Government, Government may cause such work to be restored, completed or constructed, and the cost thereof shall be borne and paid by the board.

81. If it shall at any time appear to Government that sufficient provision is not being made by the board to meet their liabilities, Government may require the board, by an order in writing, to increase, subject to its sanction and to the provisions of section 43, to such extent and for such period as shall appear necessary, the tolls, dues, rates and charges or any of them for the time being in force under the said section.

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

82. If at any time the Government is satisfied that the purposes intended to be accomplished under this Act have not been and are not likely to be properly accomplished by the board, the Government may, by notification in the *Bombay Government Gazette*, and in the *Sind Official Gazette*, give notice that, unless within six months the board take measures to the satisfaction of Government for properly accomplishing such purposes, the powers by this Act conferred on the board will, at the end of such period, be withdrawn and revoked.

On the expiration of the period aforesaid, Government may, if no such measures to its satisfaction have been taken by the board, with the approval of the Governor General in Council, declare such powers to be withdrawn or revoked, and thereupon such powers shall be withdrawn and revoked accordingly, and all the powers, rights and authorities and all the property vested by this Act in the board shall thereupon vest in Government.

#### IX.—MISCELLANEOUS.

83. All acts done and proceedings taken by the Karáchi Harbour Board before this Act comes into force, and all orders, rules and regulations relating to the port and to wharves, quays, stages, jetties, piers and landing places within the port made and issued before this Act comes into force, shall, whenever such acts, proceedings, orders, rules, or regulations would have been lawful if this Act had been in force, be deemed to have been respectively done, taken, made and issued under the provisions of this Act.

84. All fees and sums due on account of property for the time being vested in the board, and all arrears of tolls, charges, rates and dues imposed under this Act, may be recovered, in addition to the other modes hereinbe-

fore provided, upon a summary proceeding before a magistrate in the manner provided in the Code of Criminal Procedure, 1882, X. of 1882, for the recovery of fines.

85. No trustee shall be personally liable for any contract made or expense incurred by or on behalf of the board; but the funds from time to time in the hands of the board shall be liable for and chargeable with all contracts made in manner provided in this Act.

86. Every trustee shall be liable for any misapplication of money entrusted to the board to which he has been a party, or which happens through, or is facilitated by, the neglect of his duty.

87. No suit shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act, without giving to such person one month's previous notice in writing of the intended suit and of the cause thereof, nor after six months from the accrual of the cause of such suit; and in the case of a suit for damages, if tender of sufficient amends shall have been made before the suit was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender.

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

nor, if they should be appointed by Government under the Indian Ports Act, 1875, XII. of 1875, conservators of the port, for any mis-feasance, mal-feasance, or non-feasance of any deputy conservator, port officer or harbour master, or of any assistant or deputy of any such officer or of any person acting under the authority or direction of or in subordination to any such officer, assistant or deputy;

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

Provided that nothing in this section shall protect the board from a suit in respect of damage to, or loss of, goods landed or shipped by them or retained in their custody,

## SCHEDULE A.

(See Section 27.)

## PROPERTY VESTED IN THE BOARD.

I.—All the right, title and interest of the Secretary of State for India in Council in the following lands, buildings, workshops, piers, breakwaters, groynes, embankments, bridge, light-house, signal stations, jetty, quay, graving-dock, and railway lines, together with all the fittings and other appurtenances thereof (namely):—

Consecutive number of plots.	Name of Property.	Heretofore in charge of :	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
I.	Land at Manora occupied by Harbour Works' office, workshop, &c., together with the following buildings standing thereon, (namely) :	Port Engineer, Karáchi.	On the North by plot No. III., and the British India Steam Navigation Company's coal-shed and quarantine buildings. On the South by Persian Gulf telegraph ground and buildings. On the East by harbour. On the West by back-water and mangrove swamp.	24	4,547
	Bungalows, with out-houses (supervisors').	Do. ...	Cutchá pucka.		
	Harbour Works' office and peons' quarters.	Do. ...	Do.		
	Bungalow, with out-houses (superintendent of machinery's).	Do. ...	Pucka.		
	Do. do (clerks' and artificers').	Do. ..	Cutchá pucka.		
	Do. do (supervisor and clerks').	Do. ...	Do.		
	Do. do (accountants').	.....	Do.		
	Do. do (cashier and draftsmen's).	Port Engineer, Karáchi.	Do.		
	Do. do (overseers').	Do. ...	Do.		
	Workshop, chimney, smiths' and carpenters' sheds and engine-house	Do. ...	Includes workshop, engine, machinery and fittings, two pucka and remainder cutchá.		
	Store-room and office ...	Do. ...	Pucka.		
	Four lines for khalásis and maistry and boat-house.	Do. ...	Cutchá pucka.		
	Four store-godowns ..	Do. ...	3 cutchá and 1 pucka.		
	Chauki for Harbour Works' Police.	Do. ...	Pucka.		
	Quarters for engine-men.	Do. ..	Cutchá pucka.		
	Firewood compound ...	Do. ...	Pucka.		
	Line for Harbour Works' Police.	Do. ...	Do.		
	Bungalow, with out-houses (dredge engineer's).	.. ..	Cutchá pucka.		
	Do. do (store-keeper's).	Port Engineer, Karáchi.	Do.		
	Do. do (time-keeper's).	Do. ...	Do.		
	Do. do (supervisor's).	Do. ...	Pucka.		
	Tidal-instrument house.	Do. ...	Wood work.		

## SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of:	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
II.	Land occupied by Harbour Works' work-people's lines, together with the following buildings standing thereon, (namely):  Five lines for workmen. Five lines for carpenters and labourers. Line for sweepers ..	Port Engineer, Karachi.  Do. ... Do. ... Do. ...	On the North by plot No. 1. On the South by native dealers' and contractors' lines. On the East by open space and Persian Gulf telegraph premises. On the West by No. 2 Battery.  Kutchā. Kutchā puckā.  Do.	7	806
III.	Land occupied by Harbour Works (Khalāsi lines).	Do. ...	On the North by British India Steam Navigation Company's coal-shed. On the South by plot No. 1. On the East by harbour. On the West by back-water and mangrove swamp.	...	3,033
IV.	Land occupied by Harbour Works' quarry and reclaimed ground along shore between deep water point and the shore end of the break-water, together with the following buildings standing thereon, (namely):  Office and store-room of No. 1 Division with charging room. Line for workmen ...  Do. pointsmen ... Bungalow, with out-houses (dredge store and time-keeper's). Powder Magazine ...	Do. ...  Do. ... Do. ... Do. ... Do. ... Do. ...	On the North by harbour and Port Department's ground. On the South by Manora breakwater. On the East by harbour. On the West by plots Nos. V, VI and VII.  Puckā.  Kutchā puckā.  Do. Do.  Puckā.	17	4,038
V.	Former site for Harbour Works, temporary jail, and new quarry.	Do. ...	On the North by plot No. 6. On the South by Mr. D. McIver's plot. On the East by plots Nos. IV and VII, and St. Paul's church. On the West by the sea.	1	1,590
VI.	Plot of ground, with Harbour Works' wells.	Do. ...	On the North by Captain Bishop's bungalow (formerly Lieutenant A. W. Stiffe's). On the South by plot No. V. On the East by plot No. IV. On the West by open space and the sea.	...	1,069



SCHEDULE A—continued.

Consecutive number of plots.	Name of Property.	Heretofore in charge of :	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
VII.	Plot of ground with Harbour Works' bungalow, together with the following buildings standing thereon, (namely):	Port Engineer, Karáchi.	On the North by St. Paul's church. On the South by open space and Hindu temple. On the East by plot No. IV. On the West by plot No. V.	...	3,499
	Harbour Works' bungalow and out-houses (Port Engineer's).	Do. ...	.....		
VIII.	Land occupied by Port Department, together with the following buildings standing thereon, (namely):	Port Officer ...	On the North by Persian Gulf telegraph premises. On the South by plot No. IV. and open space. On the East by harbour. On the West by cemetery.	10	856
	Bungalow, without-houses (dredge foreman's).	Port Engineer, Karáchi.	Kutchá pucka.		
	Coal-shed (formerly boat-shed).	Port Officer ...	Kutchá.		
	Godown at Manora ...	Do. ...	Pucka.		
	Do. do. ...	Do. ...	Do.		
	Boat-shed (formerly coal-shed).	Port Officer ...	Pucka.		
	Four lines for lascars and sweepers.	Do. ...	Do.		
	Water-reservoirs, with service tanks for Port Department.	Do. ...	Do.		
	Firewood compound, Port Department.	Do. ...	Do.		
	European school with latrines.	Do. ...	Do.		
School mistress' quarters and out-houses.	Do. ...	Do.			
Reading-room ...	Do. ...	Kutchá pucka.			
IX.	Land occupied by fort, light-house, signal station, &c., together with the following buildings standing thereon, (namely):	Do. ...	On the North by plots Nos. X and XI. On the South by Manora breakwater. On the East by harbour. On the West by the sea.	3	2,967
	Light-house and light lascars' quarters and bastion godown.	Do. ...	Pucka.		
	Fort and Port Officer's quarters and out-houses.	Do. ...	Kutchá pucka.		
	Peons' quarters at fort.	Do. ...	Do.		
X.	Land occupied by out-houses near fort.	Do. ...	On the North by plot No. IV. On the South by plot No. IX. On the East by plot No. IV. On the West by plot No. XI.	...	4,501

## SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of :	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XI.	Land occupied by bungalow and out-houses, together with the following buildings standing thereon, (namely):	Port Officer ...	On the North by open space and plot No. IV. On the South by plot No. IX. On the East by plot No. X. On the West by plot No. X and open space and the sea.	...	4,046.
	Bungalow with out-houses and part of Master Attendant's quarters. ...	Do. ...	Kutchia.	...	
XII.	Land to the west of Napier Mole at its southern end, together with the following building standing thereon, (namely):	Port Engineer, Karachi.	On the North by new channel. On the South by plot No. XIV. On the East by China creek backwaters. On the West by plot No. XIII.	2	941
XIII.	Workmen's quarters, late new channel office.	Do. ...	Pucka.		
	Land to the west of Napier Mole between plot No. XII. and the Commissariat premises, together with the following building standing thereon, (namely):	D ...	On the North by new channel. On the South by plot No. XIV. On the East by plot No. XII. On the West by Commissariat yard.	4	1,408
XIV.	Office on ground occupied by Messrs. J. Cosser and Company.	Do. ...	Kutchia pucka.		
	Land to the east of Napier Mole and former railway embankment.	Do. ..	On the North by plots Nos. XII and XIII. On the South by Andrew road. On the East by China creek backwaters. On the West by Custom-pier.	25	2,773
XV.	Land to the east of Keamari Groyne.	Do. ...	On the North by North-Western Railway's Keamari station-ground. On the South by sea. On the East by China creek. On the West by Keamari groyne and harbour.	61	3,028
XVI.	Merewether Pier shore plots A, B, C, D., together with the following buildings standing thereon, (namely):	Port Officer ...	On the North by plot No. XVII. On the South by railway sheds and pier. On the East by railway ground. On the West by Merewether pier and harbour.	2	1,940
	Engine and boiler-house, chimney and accumulator tower.	Do. ...	Pucka.		
	Office for Pier Master ...	Do. ...	Do.		
	Goods-shed ...	Do. ...	Do.		

## SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of:	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XVII.	Land from Merewether pier to Customs-pier, together with the following building standing thereon, (namely):	Port Officer ...	On the North by Commissariat yard. On the South by plot No. XVI. On the East by plots Nos. XVIII and XIV. On the West by harbour.	1	3,710
XVIII.	Wooden office near Customs-pier.	Do. ...	Wood-work.		
	Land for Merewether Pier establishment on which the following buildings stand, (namely):	Do ...	On the North by plot No. XIV. On the South by Andrew road. On the East by open space. On the West by plot No. XVII.	1	3,130
	Pier Master's quarters and out-houses. Quarters for native establishment under Port Officer and Port Engineer.	..... .....	Pucka. Do.		
XIX.	Land to the east of Hindu temple at north end of Napier Mole bridge with the following building standing thereon, (namely):	Port Engineer, Karachi.	On the North by open space covered at high-water. On the South by new channel. On the East by open space. On the West by native jetty.	...	2,967
XX.	Peons' quarters near Hindu temple.	Do. ...	Pucka.		
	Land for Harbour Works 'new quarry' at Hands Hill, with the following building standing thereon, (namely):	Do. ...	On the North by open space and hills. On the South by open space and old quarry. On the East by open space. On the West by do.	46	3,249
XXI.	Peon's quarter at Hands Hill.	Do. ...	Pucka.		
	Land between China creek embankment and the sea.	Do. ...	On the North by China creek embankment. On the South by the sea. On the East by bare sand hills. On the West by sandy ridges.	90	769
XXII.	Anemometer-house, Manora, with chaukidar's house adjoining.	Do. ...	On ridge of west bank, Manora—Anemometer-house, pucka; chaukidar's, kutchu.	...	111
XXIII.	Powder Magazine on Manora Point.	Port Officer ...	On the North by open space. On the South by No. 1 Battery. On the East by fort. On the West by the sea.	...	99

## SCHEDULE A—continued.

Consecutive number of plots.	Name of property.	Heretofore in charge of:	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XXIV.	Powder Magazine near quarantine buildings.	Port Officer ...	On the North and South by sand crest running to Bhit village. On the East by harbour. On the West by Fullah creek.	...	100
XXV.	Bungalow with out-houses at Keamari.	Port Engineer, Karáchi.	Pucka. On the North by North-Western Railway's station-ground. On the South by Keamari Groyne. On the East by open space. On the West by North-Western Railway's sheds.	...	2,456
XXVI	Manora backwaters ...	Do. ...	Kutchu pucka. Extends from Manora Point on the west side of the entrance in S. by E. $\frac{1}{4}$ East direction for a length of 1,503 feet.	...	...
XXVII.	Keamari groyne ...	Do. ...	Runs in a slight curve about S.S.E. from west end of Keamari for a length of 7,548 feet.	...	...
XXVIII.	East pier ...	Do. ...	An extension of the groyne, total length 1,500 feet.	...	...
XXIX.	Napier Mole-bridge ...	Do. ...	An iron bridge on screw piles with a masonry abutment at either end. Length 1,200 feet in 30 spans of 40 feet each.	...	...
XXX	Native jetty and quay, together with the following buildings standing thereon, (namely):	Port Officer ...	Extends westward from north end of Napier Mole-bridge. The south wall is 1,400 feet in length.	5	...
	Chauki and store-room at native jetty.	Port Engineer, Karáchi.	Pucka.		
	Godown and native jetty.	Port Officer ...	Do.		
	Harbour Board office at native jetty.	Do. ...	Do.		
	Peons' quarter at jetty...	Do. ...	Do.		
	Goods shed do. ...	Do. ...	Do.		
	Do. do. ...	Do. ...	Do.		
	Do. do. ...	Do. ...	Do.		
	Do. do. ...	Do. ...	Do.		
XXXI.	China creek stoppage embankment.	Port Engineer, Karáchi.	An embankment 2,780 feet long.	...	...
XXXII.	Stone shipping-pier at Manora.	Do. ...	Situated at the northern limit of the plot of ground occupied by the office and workshops.	...	...
XXXIII.	Workshops' pier at Manora.	Do. ...	A wooden pier with fixed spur legs to lift twenty tons.	...	...
XXXIV.	Pilot pier, Manora ...	Port Officer ...	Wooden pier.	...	...
XXXV.	Coal-pier at Manora ...	Do. ...	.....	...	...
XXXVI.	Water- do. ...	Do. ...	.....	...	...
XXXVII.	Pier at deep water point, Manora.	Port Engineer.	Called Humby Pier.	...	...

## SCHEDULE A—continued.

Consecutive number of plots.	Name of Property.	Heretofore in charge of:	Boundaries and general description.	Approximate area.	
				Acres.	Square yards.
XXXVIII.	Merewether Pier at Keamari.	Port Officer ...	An iron screw-pile pier T headed and with hydraulic cranes.	...	...
XXXIX.	Customs-pier at Keamari.	Do. ...	Wooden pier.	...	...
XL.	Commissariat pier do.	Do. ...	.....	...	...
XLII.	Railway-lines at Manora and Keamari.	Port Engineer, Karachi.	.....	...	...
XLII.	Graving-dock at Manora.	Do. ...	.....	...	...
XLIII.	Layari Hard embankment and embankment in front of north wall of jetty.	Port Officer ...	.....	...	...

II.—The following vessels and boats, together with all the fittings, gear and other appurtenances thereof (viz.) :—

Consecutive No.	Name and description.	Heretofore in charge of:
1	Steam tug "Manora", 441 tons, 250 horse-power, paddle wheel.	Port Officer, Karachi.
2	"Nurbudda", cutter, 70 tons	Do.
3	Warp boat No. 1	Do.
4	Do. No. 2	Do.
5	"Keddimari", anchor boat	Do.
6	"Rose", steam barge	Do.
7	"Flirt", steam launch...	Do.
8	Bazar boat...	Do.
9	Cargo boat	Do.
10	Boat, cutter	Do.
11	Do.	Do.
12	Life-boat (White's)	Do.
13	Do.	Do.
14	"Jumbo", steam anchor hoy	Do.
15	Gig, 32 feet	Do.
16	Boat, 23 feet	Do.
17	Do.	Do.
18	Do.	Do.
19	Gig, small	Do.
20	Jolly-boat ...	Do.
21	"Billy," a crane barge...	Port Engineer, Karachi.
22	Boat, country, for surveying, 28 feet long	Do.
23	Do. do. 30½ "	Do.
24	Boat, anchor, 23½ feet ...	Do.
25	Do. 24½ feet ...	Do.
26	Do. 23 feet 9 inches	Do.
27	Do. 30 feet 6 inches	Do.
28	Life-boat, 27 feet	Do.
29	Do. 20 feet 9 inches	Do.
30	Boat, canoe, 23 feet 4 inches	Do.
31	Boat, cutter, 25 feet 3 inches	Do.
32	Jolly-boat, 18½ feet	Do.
33	Do. 22 feet 5 inches	Do.
34	Do. 16 feet 8 inches	Do.

Consecutive No.	Name and description.	Heretofore in charge of :
35	Boat, gig, 25 feet 5 inches ... ..	Port Engineer, Karáchi.
36	Do. 20 $\frac{3}{4}$ feet ... ..	Do.
37	Boat for diver's use, 30 $\frac{1}{4}$ feet .. ..	Do.
38	"Nearchus", steam dredger, 160 feet long, 65 horse-power nominal.	Do.
39	"Albuquerque", steam dredger, 160 feet long, 117 horse-power nominal.	Do.
40	"Dubba", steam dredger, 100 feet long, 25 horse-power nominal.	Do.
41	"Gizree", steam dredger, 100 feet long, 25 horse-power nominal.	Do.
42	"Sindi", steam hopper barge, 130 feet long, 50 horse-power nominal, to carry 400 tons.	Do.
43	"Baluchi", steam hopper barge, 130 feet long, 50 horse-power nominal, to carry 400 tons.	Do.
44	Sailing hopper barge, 90 feet, to carry 200 tons.	Do.
45	Hopper barge, under construction, 90 feet, to carry 200 tons.	Do.
46	Do. do. do. 90 feet, to carry 200 tons.	Do.
47	"Midge", steam launch, 28 feet long, No. 451, built by Mr. John Samuel White, Cowes.	Do.

III.—All other lands, buildings, harbour-works, railway-lines, machinery, plant, tools, furniture, vessels and boats, and other property whatsoever not hereinbefore particularly described, heretofore in the charge of the Port Officer of Karáchi, the Port Engineer of Karáchi, or of the Karáchi Harbour Board.

### SCHEDULE B.

(See Section 28.)

(1). *Loans raised by the Karáchi Harbour Board from the public with the sanction of the Governor General in Council and not yet discharged.*

Year in which taken up.	Amount taken up.	Rate of interest payable annually.
	Rs.	
Loan of 1880-81 ... ..	2,29,000	5 per cent.
„ 1882-83 ... ..	71,000	„
„ 1883-84 ... ..	2,88,500	„

(2). *Loans promised by the Governor General of India in Council to the Karáchi Harbour Board and which are in course of being taken up.*

Amounts of Loans.	Rate of interest payable annually.
(1) Rs. 7,11,500 (being ten lákhs, minus the amount of the loan of 1883-84 raised by the Board from the public).	4 $\frac{1}{2}$ per cent.
(2) Rs. 15,50,000 ... ..	„

SCHEDULE C.

(See Section 37.)

*Receipt for Goods by the Port Trust, Karachi.*

Landed, during the            day of            from the  
by the Port Trust, Karachi, the            noted in the margin; contents  
and state of the contents unknown.

NOTE.—If there be any apparent injury, this is to be stated.

For the Board,  
A. B.

the            Karachi,            }  
                 day of            }

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

A. SHEWAN,  
Acting Under Secretary to Government.

*Bombay Castle, 7th February 1887.*