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A COLLECTION

OF

THE ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1913

‘ CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
1914

[*Price five annas and six pies*] .

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TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1913.

- I. An Act to amend the Indian Extradition Act, 1903
- II. " to consolidate and amend the law constituting the office of Official Trustee.
- III. " to consolidate and amend the law relating to the office and duties of Administrator General.
- IV. " for settling certain properties belonging to Sir Currimbhoy Ebrahim, Baronet, so as to accompany and support the title and dignity of a Baronet lately conferred on him by His Majesty King George V to hold to him and the heirs male of his body lawfully begotten, and to be begotten, and for other purposes connected therewith
- V. " to prohibit the importation, manufacture and sale of matches made with white phosphorus
- VI. " to declare the rights of Mussalmans to make settlements of property by way of "wakf" in favour of their families, children and descendants.
- VII. " to consolidate and amend the law relating to Trading Companies and other Associations.
- VIII. " to further amend the Indian Penal Code and the Code of Criminal Procedure, 1898

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CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
8, HASTINGS STREET

TABLE SHOWING EFFECT OF LEGISLATION

*IN THE
GOVERNOR GENERAL'S COUNCIL

DURING 1913

Serial No	Enactments affected	Repeals	Amendments	Repealing or Amending Act,
<i>Acts of the Governor-General in Council</i>				
1	The Societies Registration Act, 1860 (XXI of 1860)	..	In sections 1 and 18 the words "registrar of joint stock companies" shall be construed to mean the registrar under the Indian Companies Act, 1913	[¹] Act VII of 1913, s 288
2	Indian Penal Code (Act XLV of 1860)	.	<p>In section 40, after the word and figures "Chapter IV," the word, figure and letter "Chapter VA" was inserted.</p> <p>After Chapter V, the following Chapter was inserted, namely —</p> <p style="text-align: center;">"CHAPTER VA</p> <p style="text-align: center;">CRIMINAL CONSPIRACY</p> <p>Definition of 180 A. When two or criminal con- more persons agree to do, spiracy or cause to be done,—</p> <p>(1) an illegal act, or</p> <p>(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy</p> <p>Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof</p> <p><i>Explanation.</i>— It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object</p>	Act VIII, of 1913, s 2 <i>ibid</i> , s 3

[¹] Act VII of 1913 will come into force on 1st April 1914.

1	2	3	4	5
Serial No	Enactments affected	Repeals	Amendments	Repealing or Amending Act

Acts of the Governor-General in Council—contd

2	Indian Penal Code (Act XLV of 1860) — <i>contd</i>		120 B (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, transportation or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence (2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both	Act VIII of 1918, s. 8
3	Official Trustees Act, 1864 (XVII of 1864)	So much as has not already been repealed		Act II of 1918, s. 38 and Schedule.
4	Administrator General's Act, 1874 (II of 1874)	So much as has not been repealed		Act III of 1918, s. 60 and Schedule.
5	Sea Customs Act, 1878 (VIII of 1878)		To section 18, the following clause was added, namely — “(g) matches made with white phosphorus”	Act V of 1918, s. 8
6	Administrator General's Act, 1881 (IX of 1881)	So much as has not been repealed.		Act III of 1918, s. 60 and Schedule.
7	Indian Companies Act, 1882 (VI of 1882)	So much as has not been repealed		[1] Act VII of 1918, s. 290 and Fourth Schedule
8	Indian Companies Act (1882) Amendment Act, 1887 (VI of 1887)	The whole		[1] 1882
9	Probate and Administration Act, 1890 (II of 1890)	So much of the title and preamble as relates to the Official Trustees Act, 1864, and sections 1 to 8 So much of the title and preamble as relates to the Administrator General's Act, 1874, and sections 10 to 15.		Act II of 1918, s. 33 and Schedule. Act III of 1918, s. 60 and Schedule.

[1] Act VII of 1918 will come into force on 1st April 1914

1	2	3	4	5
Serial No.	Enactments affected	Repeals.	Amendments.	Repealing or Amending Act

Acts of the Governor-General in Council—contd.

10	Amending Act, 1891 (XII of 1891) ; "	So much as relates to Act II of 1874. So much of the Second Schedule as relates to the Indian Companies Act, 1882		Act III of 1913, s 50 and Schedule. [¹] Act VII of 1913, s. 290 and Fourth Schedule.
11	Indian Companies (Memorandum of Association) Act, 1895 (XII of 1895).	The whole		[¹] <i>Ibid</i>
12	Code of Criminal Procedure, 1898 (Act V of 1898)		In section 195, sub section (g), before the words "the abetment," the words "criminal conspiracies to commit such offences and to" were inserted. After section 196 the following section was inserted, namely— "196A. No Court shall take cognizance of the offence of criminal Prosecution for certain classes of conspiracy punishable under section 120B of the criminal conspiracy Indian Penal Code, [²] (1) in a case where the object of the conspiracy is to commit either an illegal act other than an offence, or a legal act by illegal means, or an offence to which the provisions of section 195 apply, unless upon complaint made by order or under authority from the Governor General in Council the Local Government or some officer empowered by the Governor General in Council in this behalf, or (2) in a case where the object of the conspiracy is to commit any non-cognizable offence, or a cognizable offence not punishable with death, transportation or rigorous imprisonment for a term of two years or upwards unless the Local Government, or a Chief Presidency Magistrate or District Magistrate empowered in this behalf by the Local Government has, by order in writing, consented to the institution of the proceedings	Act VIII of 1913, s 4. Act VIII of 1913, s 5.

[¹] Act VII of 1913 will come into force on 1st April, 1914.
[²] Act XLV of 1900.

1	2	3	4	5
Serial No.	Enactments affected	Repeals.	Amendments	Repealing or Amending Act.

Acts of the Governor-General in Council—contd

12 Code of Criminal Procedure 1898 (Act V of 1898)—
contd.

Provided that where the criminal conspiracy is one to which the provisions of sub section (3) of section 195 apply no such consent shall be necessary³³

Act VIII of 1913, s 5

In Schedule II, after the entries relating to Chapter V the following entries were inserted, namely —

Ibid, s 6.

“CHAPTER VA.
Criminal Conspiracy

1	1906	Any other criminal conspiracy.	Shall not arrest without a warrant	Summons	Detainable	Imprisonment of either description for six months and fine or both	8	Court of Session, when the offence which is the object of the conspiracy is a triable offence, by the Court in the case of all other offences Court of Session, Presidency Magistrate, District Magistrate of the first class.
2		Offence punishable by death, imprisonment or rigorous imprisonment for a term of two years or upwards.	May arrest without warrant, if arrest for the offence of the conspiracy may be made without warrant, but not otherwise	Summons	Detainable	Imprisonment of either description for six months and fine or both	7	The same punishment as that provided in section 195 in respect of the offence which is the object of the conspiracy
3		Offence punishable by death, imprisonment or rigorous imprisonment for a term of two years or upwards.	May arrest without warrant, if arrest for the offence of the conspiracy may be made without warrant, but not otherwise	Summons	Detainable	Imprisonment of either description for six months and fine or both	6	Not compoundable
4		Offence punishable by death, imprisonment or rigorous imprisonment for a term of two years or upwards.	May arrest without warrant, if arrest for the offence of the conspiracy may be made without warrant, but not otherwise	Summons	Detainable	Imprisonment of either description for six months and fine or both	5	According as a warrant or summons may be issued for the offence which is the object of the conspiracy
5		Offence punishable by death, imprisonment or rigorous imprisonment for a term of two years or upwards.	May arrest without warrant, if arrest for the offence of the conspiracy may be made without warrant, but not otherwise	Summons	Detainable	Imprisonment of either description for six months and fine or both	4	According as a warrant or summons may be issued for the offence which is the object of the conspiracy
6		Offence punishable by death, imprisonment or rigorous imprisonment for a term of two years or upwards.	May arrest without warrant, if arrest for the offence of the conspiracy may be made without warrant, but not otherwise	Summons	Detainable	Imprisonment of either description for six months and fine or both	3	According as a warrant or summons may be issued for the offence which is the object of the conspiracy

1	2	3	4	5
Serial No	Enactments affected	Repeals	Amendments	Repealing or Amending Act

Acts of the Governor-General in Council—contd

18	Indian Arbitration Act, 1899 (IX of 1899)	The second proviso to section 3 relating to the Indian Companies Act, 1882		[1] Act VII of 1913, s 290 and Fourth Schedule.
14	Indian Companies (Branch Register) Act, 1900 (IV of 1900).	The whole		[1] <i>Ibid</i>
15	Native Christian Administration of States Act, 1901 (VII of 1901)	In the preamble the words "to exempt them from are exempted," and section 4		Act III of 1913, s 60 and Schedule.
16	Administrator General and Official Trustees Act, 1902 (V of 1902)	So far as it refers to the office of Official Trustee, or Deputy Official Trustee. So far as it relates to Administrators General and Deputy Administrators General		Act II of 1913, s 38 and Schedule Act III of 1913, s 80 and Schedule
17	Indian Extradition Act, 1903 (XV of 1903)		In section 7, sub-section (1), after the words "such person is believed to be," the words "or if such person is believed to be in any Presidency town to the Chief Presidency Magistrate of such town" were inserted. In section 7, sub section (2), after the words "accused person when arrested shall" the words "be produced before the District Magistrate or Chief Presidency Magistrate, as the case may be, who shall record any statement made by him, such accused person shall then" were inserted. In section 7, sub-section (3), after the words "District Magistrate" the words "or Chief Presidency Magistrate" were inserted After section 8, the following section was inserted, namely— "8A. Notwithstanding anything contained in section 7, sub section (2) or in Government section 8, when	Act I of 1913, s 2 (1) <i>Ibid</i> , s 2 (2) <i>Ibid</i> , s 2 (3) <i>Ibid</i> , s. 3.

[1] Act VII of 1913 will come into force on 1st April, 1914.

1	2	3	4	5
Serial No	Enactments affected	Repeals	Amendments	Repealing or Amending Act

Acts of the Governor-General in Council—contd

17	Indian Extradition Act, 1908, (XV of 1908)—contd		an accused person arrested in accordance with the provisions of section 7 is produced before the District Magistrate or Chief Presidency Magistrate, as the case may be, and the statement (if any) of such accused person has been recorded, such Magistrate may, if he thinks fit, before proceeding further report the case to the Local Government and, pending the receipt of orders on such report, may detain such accused person in custody or release him on his executing a bond with sufficient sureties for his attendance when required."	Act I of 1913, s 3
18	Indian Companies (Amendment) Act, 1910 (IV of 1910).	The whole		[1] Act VII of 1913, s. 290 and Fourth Schedule

[1] Act VII of 1913 will come into force on 1st April, 1914.

ACT No. I OF 1913.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

[Received the assent of the Governor General on the 27th
February, 1913]

An Act to amend the Indian Extradition Act,
1903

WHEREAS it is expedient to amend the Indian
Extradition Act, 1903; It is hereby enacted
as follows:—

XV of 1908

1. This Act may be called the Indian Extradition (Amendment) Act, 1913. Short title.

XV of 1903

2. (1) In sub-section (1) of section 7 of the Indian Extradition Act, 1903, after the words "such person is believed to be" the words "or if such person is believed to be in any Presidency town to the Chief Presidency Magistrate of such town" shall be inserted. Amendment of section 7, Act XV, 1903.

(2) In sub-section (2) of the same section after the words "accused person when arrested shall" the words "be produced before the District Magistrate or Chief Presidency Magistrate, as the case may be, who shall record any statement made by him; such accused person shall then" shall be inserted.

(3) In sub-section (3) of the same section after the words "District Magistrate," the words "or Chief Presidency Magistrate" shall be inserted.

3. After section 8 of the said Act the following section shall be inserted, namely:— Addition of new section after section 8, Act XV, 1903

"8A Notwithstanding anything contained in section 7, sub-section (2) or in section 8, when an accused person arrested in accordance with the provisions of section 7 is produced before the District Magistrate or Chief Presidency Magistrate, as the case may be, and the statement (if any) of such accused person has been recorded, such Magistrate may, if he thinks fit, before

[Price one anna and three pies.]

Indian Extradition [ACT I, 1913]

before proceeding further report the case to the Local Government and, pending the receipt of orders on such report, may detain such accused person in custody or release him on his executing a bond with sufficient sureties for his attendance when required."

THE OFFICIAL TRUSTEES ACT, 1913.

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[Price Four annas]

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[ACT II, 1913] *Official Trustees.*

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ACT No. II OF 1913

[PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL]

(Received the assent of the Governor General on the 27th
February, 1913)

An Act to consolidate and amend the Law constituting the office of Official Trustee.

WHEREAS it is expedient to consolidate and amend the law constituting the office of the Official Trustee; It is hereby enacted as follows —

PART I

PRELIMINARY

1. (1) This Act may be called the Official Trustees Act, 1913. Short title, extent and commencement.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas, and applies also to all British and Indian subjects of His Majesty in the territories of Native States in India.

(3) It shall come into force on such date as the Governor General in Council, by notification in the Gazette of India, may direct

2. In this Act unless there is anything repugnant in the subject or context,— Interpretation clause

(1) "Government" means the Governor General in Council, so far as the Act relates to the Presidency of Bengal, and the Local Governments of Madras and Bombay, respectively, so far as the Act relates to those Presidencies :

(2) "High Court" means His Majesty's High Courts of Judicature at Fort William in Bengal, Madras and Bombay, respectively, in the exercise of their original civil jurisdiction .

(3) "Official

(3) "Official Gazette" means, in the case of the Presidency of Bengal, the Gazette of India, in the case of the Presidency of Madras, the Fort St George Gazette, and in the case of the Presidency of Bombay, the Bombay Government Gazette :

(4) "Prescribed" means prescribed by rules under this Act

(5) (a) "Presidency of Bengal" includes the territories for the time being under the government of the Governor of Fort William in Bengal in Council, the United Provinces of Agra and Oudh, the Provinces of the Punjab, Burma, Bihar and Orissa, the Central Provinces, Assam, the North-West Frontier Province, the Province of Delhi, Ajmer and Merwara, the Andaman and Nicobar Islands, and such of the territories of any Native State as the Governor General in Council may by notification in the Gazette of India direct,

(b) "Presidency of Bombay" includes the territories for the time being under the government of the Governor of Bombay in Council, the Province of British Baluchistan, and such of the territories of any Native State as the Governor General in Council may by notification in the Gazette of India direct,

(c) "Presidency of Madras" includes the territories for the time being under the government of the Governor of Fort St George in Council, the Province of Coorg, and such of the territories of any Native State as the Governor General in Council may by notification in the Gazette of India direct

(6) "Presidency" means any of the Presidencies mentioned in clause (5).

(Part I—Preliminary—Section 3 Part II—The
Office of Official Trustee—Sections 4-6)

3. For the purposes of this Act the High Court Extent of jurisdiction of High Courts. at a Presidency-town shall have jurisdiction throughout the Presidency

PART II

THE OFFICE OF OFFICIAL TRUSTEE

4. (1) In each of the Presidencies of Bengal, Official Trustees. Madras and Bombay, the Government shall appoint an Official Trustee.

(2) No person shall be appointed to the office of Official Trustee of any of the said Presidencies who is not—

- (a) a Barrister, or
- (b) an Advocate, Attorney or Vakil enrolled by a High Court, or
- (c) a person holding the office of Deputy Administrator General at the commencement of this Act

(3) The said Official Trustees shall be called respectively, the Official Trustee of Bengal, the Official Trustee of Madras and the Official Trustee of Bombay

5. The Government may appoint a Deputy or Appointment and powers of Deputy Official Trustee Deputies to assist the Official Trustee, and any Deputy so appointed shall, subject to the control of the Government and the general or special orders of the Official Trustee, be competent to discharge any of the duties and exercise any of the powers of the Official Trustee, and when discharging such duties or exercising such powers shall have the same privileges and be subject to the same liabilities as the Official Trustee.

6. The Official Trustee shall be a corporation Official Trustee to be corporation sole, to have perpetual succession and official seal, and to sue and be sued in his corporate name. sole by the name of the Official Trustee of the Presidency for which he is appointed and, as such Official Trustee, shall have perpetual succession and an official seal, and may sue and be sued in his corporate name

PART III

Official Trustees [ACT II,
(Part III—Rights, Powers, Duties and Liabilities
of Official Trustee—Sections 7-8)

PART III

* RIGHTS, POWERS, DUTIES AND LIABILITIES OF
OFFICIAL TRUSTEE

General
powers and
duties of
Official
Trustee.

7. (1) Subject to, and in accordance with, the provisions of this Act and the rules made thereunder, the Official Trustee may, if he thinks fit,—

- (a) act as an ordinary trustee;
- (b) be appointed trustee by a Court of competent jurisdiction.

(2) Save as hereinafter expressly provided, the Official Trustee shall have the same powers, duties and liabilities and be entitled to the same rights and privileges and be subject to the same control and orders of the Court as any other trustee acting in the same capacity

(3) The Official Trustee may decline, either absolutely or except on such conditions as he may impose, to accept any trust

(4) The Official Trustee shall not accept any trust under any composition or scheme of arrangement for the benefit of creditors, nor of any estate known or believed by him to be insolvent

(5) The Official Trustee shall not, save as provided by any rules made under this Act, accept any trust for a religious purpose or any trust which involves the management or carrying on of any business

(6) The Official Trustee shall not administer the estate of a deceased person, unless he is expressly appointed sole executor of, and sole trustee under, the will of such person.

(7) The Official Trustee shall always be sole trustee, and it shall not be lawful to appoint the Official Trustee to be trustee along with any other person

Official
Trustee may
with consent

8. (1) Any person intending to create a trust other than a trust which the Official Trustee is prohibited

*(Part III—Rights, Powers, Duties and Liabilities
of Official Trustee—Sections 9-10)*

prohibited from accepting under the provisions of this Act may by the instrument creating the trust and with the consent of the Official Trustee, appoint him by that name or any other sufficient description to be the trustee of the property subject to such trust

to be appointed trustee of settlement by grantor.

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by the Official Trustee

(2) Upon such appointment the property subject to the trust shall vest in such Official Trustee, and shall be held by him upon the trusts declared in such instrument

9. When the Official Trustee has by that name or any other sufficient description been appointed trustee under any will, the executor of the will of such testator or the administrator of his estate shall, after obtaining probate or letters of administration, notify in the prescribed manner the contents of such will to such Official Trustee; and, if such Official Trustee consents to accept the trust, then upon the execution by such executor or administrator of an instrument in writing transferring the property subject to the trust to the Official Trustee, such property shall vest in such Official Trustee, and shall be held by him upon the trusts expressed in the said will:

Appointment of Official Trustee as trustee by will.

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by the Official Trustee

10. (1) If any property is subject to a trust other than a trust which the Official Trustee is prohibited from accepting under the provisions of this Act, and there is no trustee within the local limits of the ordinary or extraordinary original civil jurisdiction of the High Court willing or capable to act in the trust, the High Court may on application make an order for the appointment of the Official Trustee by that name with his consent to be the trustee of such property

Power of High Court to appoint Official Trustee to be trustee of property.

(2) Upon

Official Trustees [ACT II,
(Part III—Rights, Powers, Duties and Liabilities
of Official Trustee—Sections 11-12)

(2) Upon such order such property shall vest in the Official Trustee and shall be held by him upon the same trusts as the same was held previously to such order, and the previous trustee or trustees (if any) shall be exempt from liability as trustees of such property save in respect of acts done before the date of such order

(3) Nothing in this section shall be deemed to affect the provisions of the Trustees' and Mortgagees' Powers Act, 1866, or the Indian Trusts Act, 1882

XXVIII of
1866
II of 1882

Power of private trustees to appoint Official Trustee to trustees of property.

11. (1) If any property is subject to a trust other than a trust which the Official Trustee is prohibited from accepting under the provisions of this Act, and all the trustees or the surviving or continuing trustee or trustees and all persons beneficially interested in the trust are desirous that the Official Trustee shall be appointed in the room of such trustee or trustees, it shall be lawful for such trustee or trustees, by an instrument in writing to appoint the Official Trustee by that name or any other sufficient description with his consent to be the trustee of such property.

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by him

(2) Upon such appointment such property shall vest in the Official Trustee and shall be held by him upon the same trusts as the same was held previously to such appointment, and the previous trustee or trustees shall be exempt from all liability as trustees of such property save in respect of acts done before the date of such appointment

Executor or administrator may pay to Official Trustee legacy, share, etc., of infant or lunatic

12. (1) If any infant or lunatic is entitled to any gift, legacy or share of the assets of a deceased person, it shall be lawful for the person by whom such gift is made, or executor or administrator by whom such legacy or share is payable or transferable, or any trustee of such gift, legacy or share, to transfer the same by an instrument in writing to the Official Trustee by that name or any other sufficient description with his consent :

Provided

(Part III—Rights, Powers, Duties and Liabilities of Official Trustee—Sections 13-15)

Provided that the consent of the Official Trustee shall be recited in the said instrument and that such instrument shall be duly executed by the Official Trustee.

(2) Any money or property transferred to the Official Trustee under this section shall vest in him and shall be subject to the same provisions as are contained in this Act as to other property vested in such Official Trustee

13. (1) No Official Trustee shall be required by any Court to enter into any bond or security on his appointment in any capacity under this Act

Official Trustee not to be required to give bond or security.

(2) No Official Trustee or Deputy Official Trustee shall be required to verify otherwise than by his signature any petition presented by him under the provisions of this Act, and if the facts stated in any such petition are not within the Official Trustee's personal knowledge, the petition may be verified and subscribed by any person competent to make the verification.

14. The entry of the Official Trustee by that name in the books of a company shall not constitute notice of a trust, and a company shall not be entitled to object to enter the name of the Official Trustee on its register by reason only that the Official Trustee is a corporation; and, in dealing with property, the fact that the person dealt with is the Official Trustee shall not of itself constitute notice of a trust

Entry of Official Trustee not to constitute notice of a trust

15. (1) The revenues of the Government of India shall be liable to make good all sums required to discharge any liability which the Official Trustee, if he were a private trustee, would be personally liable to discharge, except when the liability is one to which neither the Official Trustee nor any of his officers has in any way contributed or which neither he nor any of his officers could by the exercise of reasonable diligence have averted, and in either of those cases the Official Trustee shall not, nor shall the revenues of the Government of India, be subject to any liability

Liability of Government.

(2) Nothing

Official Trustees [ACT II,
(Part III—Rights, Powers, Duties and Liabilities
of Official Trustee—Section 16 Part IV—
Fees—Sections 17-18)

(2) Nothing in sub-section (1) shall be deemed to render the revenues of the Government of India or any Official Trustee appointed under this Act liable for anything done by or under the authority of any Official Trustee before the commencement of this Act

Notice of
suit not re-
quired in cer-
tain cases

16. Nothing in section 80 of the Code of Civil Procedure, 1908, shall apply to any suit against the Official Trustee in which no relief is claimed against him personally

PART IV.

FEES

Fees

17. (1) There shall be charged in respect of the duties of the Official Trustee such fees, whether by way of percentage or otherwise, as the Government may prescribe.

Provided that in the case of a trust accepted by the Official Trustee before the commencement of this Act the fees prescribed under this section shall not exceed the fees leviable in respect of such trust under the Official Trustees Act, 1864, as subsequently amended.

(2) The fees under this section may be at different rates for different properties or classes of properties or for different duties, and shall, so far as may be, be arranged so as to produce an amount sufficient to discharge the salaries and all other expenses incidental to the working of this Act (including such sum as Government may determine to be required to insure the revenues of the Government of India against loss under this Act)

Disposal of
fees

18. (1) All expenses which might be retained or paid out of the trust fund, if the Official Trustee were a private trustee, shall be so retained or paid, and any fees leviable under this Act shall be retained or paid in like manner as and in addition to such expenses

(2) The

(Part IV—Fees—Section 18. Part V—Audit—
Sections 19-20)

(2) The Official Trustee shall transfer and pay to such authority and in such manner and at such times as the Government may prescribe, all fees received by him under this Act, and the same shall be carried to the account and credit of the Government of India

PART V

AUDIT

19. (1) The accounts of the Official Trustee shall be audited at least once annually and at any other time if the Government so direct by the prescribed person and in the prescribed manner

Auditors to be appointed to examine Official Trustee's accounts, etc., and to report to Government

(2) The auditor shall examine such accounts, and shall forward to Government a statement thereof in the prescribed form, together with a report thereon and a certificate signed by him showing—

- (a) whether the accounts contain a full and true account of everything which ought to be contained therein, and
- (b) whether the books, which by any rules made under this Act are directed to be kept by the Official Trustee, have been duly and regularly kept, and
- (c) whether the trust funds and securities have been duly kept and invested and deposited in the manner prescribed by this Act or any rules made thereunder ;

or (as the case may be) that such accounts are deficient, or that the Official Trustee has failed to comply with this Act or the rules made thereunder, in such respects as may be specified in such certificate

20. (1) Every auditor shall have the powers of a Civil Court under the Code of Civil Procedure, 1908,

Auditor's power to summon witnesses and to call for documents

- (a) to summon any person whose presence he may think necessary to attend him from time to time, and

(b) to

Official Trustees

[ACT II,

(Part V—Audit—Sections 21-22. Part VI—Miscellaneous—Section 23)

- (b) to examine any person, on oath to be by him administered, and
- (c) to issue a commission for the examination on interrogatories or otherwise of any person, and
- (d) to summon any person to produce any document or thing, the production of which appears to be necessary for the purposes of such audit or examination

(2) Any person who, when summoned, refuses, or without reasonable cause neglects to attend or to produce any document or thing or attends and refuses to be sworn, or to be examined shall be deemed to have committed an offence within the meaning of, and punishable under, section 188 of the Indian Penal Code, and the auditor shall report every case of such refusal or neglect to Government ^{XLV of 1860.}

Costs of audit, etc., how paid,

21. The cost of and incidental to every such audit and examination shall be determined in accordance with rules made by the Government and shall be defrayed in the prescribed manner.

Right of beneficiary to inspection and copies of accounts

22. Every beneficiary under a trust which is being administered by the Official Trustee shall, subject to such conditions and restrictions as may be prescribed, be entitled, at all reasonable times, to inspect the accounts of such trust, and the report and certificate of the auditor and, on payment of the prescribed fee, to be furnished with copies thereof or extracts therefrom and nothing in the Indian Trusts Act, 1882, shall affect the provisions of this section ^{II of 1882.}

PART VI

MISCELLANEOUS

Transfer to Government of accumulations in the hands of Official Trustee

23. When any moneys payable to a beneficiary under a trust have been in the hands of any Official Trustee for a period of twelve years or upwards whether before or after the commencement of this Act in consequence of the Official Trustee having been unable

(Part VI—Miscellaneous.—Sections 24-28)

unable to trace the person entitled to receive the same, such moneys shall be transferred in the prescribed manner to the account and credit of the Government of India.

Provided that no such moneys shall be so transferred if any suit or proceeding is pending in respect thereof in any Court.

24. (1) If any claim is made to any moneys so transferred and such claim is established to the satisfaction of the prescribed authority, the Government of India shall pay to the claimant the amount in respect of which the claim is established

Mode of proceeding by claimant to recover money so transferred.

(2) If such claim is not established to the satisfaction of the prescribed authority, the claimant may, without prejudice to his right to take any other proceedings for the recovery of such moneys, apply by petition to the High Court against the Secretary of State for India in Council, and, after taking such evidence as it thinks fit, such Court shall make such order on the petition in regard to the payment of such moneys as it thinks fit, and such order shall be binding on all parties to the proceedings.

(3) The Court may further direct by whom all or any part of the costs of such proceedings shall be paid.

25. The High Court may make such orders as it thinks fit respecting any trust property vested in the Official Trustee, or the interest or produce thereof.

Power of High Court to make orders in respect of property vested in Official Trustee

26. Any order under this Act may be made, on the application of any person beneficially interested in any trust property or of any trustee thereof.

Who may apply for order under Act

27. Any order made by a High Court under this Act shall have the same effect as a decree.

Order of Court to have effect of a decree
General powers of administration

28. The Official Trustee may, in addition to and not in derogation of any other powers of expenditure lawfully exercisable by him, incur expenditure—

(a) on such acts as may be necessary for the proper care and management of any property belonging

ing

Official Trustees [ACT II,
(Part VI—Miscellaneous—Sections 29-30)]

ing to any trust administered by him; and
(b) with the sanction of the High Court on such religious, charitable and other objects and on such improvements as may be reasonable and proper in the case of such property

Transfer of trust property by Official Trustee to original trustee or any other trustee

29. (1) Nothing in this Act shall be deemed to prevent the transfer by the Official Trustee of any property vested in him to—

- (a) the original trustee (if any); or
- (b) any other lawfully appointed trustee; or
- (c) any other person if the Court so directs.

(2) Upon such transfer such property shall vest in such trustee, and shall be held by him upon the same trusts as those upon which it was held prior to such transfer, and the Official Trustee shall be exempt from all liability as trustee of such property except in respect of acts done before such transfer.

Provided that, in the case of any transfer under this section, the Official Trustee shall be entitled to retain out of the property any fees leviable in accordance with the provisions of this Act

Rules.

30. (1) The Government shall make rules for carrying into effect the objects of this Act and for regulating the proceedings of the Official Trustee in the discharge of his duties

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the accounts to be kept by the Official Trustee and the audit and inspection thereof,
- (b) the safe custody, and deposit of the funds and securities which come into the hands of the Official Trustee,
- (c) the remittance of sums of money in the hands of the Official Trustee in cases in which such remittances are required;

(d) the

(Part VI—Miscellaneous—Sections 30-31)

- (d) the statements, schedules and other documents to be submitted by the Official Trustee to Government or to any other authority and the publication of such statements, schedules or other documents ;
- (e) the realization of the cost of preparing any such statements, schedules or other documents ;
- (f) subject to the provisions of this Act, the fees to be paid thereunder and the collection and accounting for any fees so fixed ;
- (g) the manner in which and the person by whom the costs of and incidental to any audit under the provisions of this Act are to be determined and defrayed ;
- (h) the manner in which summonses issued under the provisions of section 20 are to be served and the payment of the expenses of any persons summoned or examined under the provisions of this Act and of any expenditure incidental to such examination ,
- (i) the acceptance by the Official Trustee of trusts for religious purposes and ~~trusts~~ which involve the management or carrying on of business ; and
- (j) any matter in this Act directed to be prescribed

(3) Rules made under the provisions of this section shall be published in the official Gazette, and shall thereupon have effect as if enacted in this Act

31. (1) Notwithstanding anything in the foregoing provisions of this Act, the Governor General in Council may, by notification in the Gazette of India,—

- (a) remove any of the territories included in the Presidency of Bengal from such
Presidency

Official Trustees [ACT II,
(Part VI—Miscellaneous—Section 31)]

Presidency and constitute the same into provinces for the purposes of this Act;

- (b) direct that for the purposes of this Act any of the territories of any Native State in India shall be included in any Province so constituted, and
- (c) appoint any person qualified in accordance with the provisions of sub-section (2) of section 4, or who holds office under Government to be an Official Trustee for any such Province, to be called the Official Trustee of the Province,

and subject to the provisions of this section the following consequences shall thereupon ensue, namely:—

- (i) the Official Trustee of a Province shall by that name have the like rights, powers, privileges and liabilities, and perform the like duties in the Province as the Official Trustee of the Presidency within which such territories were included had and performed as Official Trustee therein, and shall be deemed to be his successor in office
- (ii) the powers and duties of the Government under this Act shall, as regards the Province, be exercised and discharged by the Governor General in Council, or by such Local Government as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf, and the Gazette of the Government exercising and discharging such powers and duties shall be the official Gazette of the Province for the purposes of this Act
- (iii) the powers and duties assigned by the foregoing provisions of this Act to the

High

High Court shall be exercised and discharged in respect of such Province by such Court as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf :

- (iv) in the foregoing provisions of this Act, the word " Presidency " shall be deemed to include a province ; and
- (v) generally, the provisions of the foregoing sections with respect to the High Court and the provisions of this Act and of any other enactment for the time being in force with respect to the Official Trustee of a Presidency shall, in relation to a Province, be construed so far as may be to apply to the Court and the Official Trustee respectively appointed for the Province under this section

(2) Any proceeding which was commenced before the publication of the notification constituting the province and to or in which the Official Trustee of any Presidency within which any territories constituted into a Province are situate was a party or was otherwise concerned shall be continued as if the notification had not been published

(3) If by reason of the constitution of provinces for the purposes of this Act it appears to the Governor General in Council that any property vested in the Official Trustee of any Presidency should be vested in the Official Trustee of a Province, he may direct that the property shall be so vested, and thereupon it shall vest in the Official Trustee of the Province as fully and effectually for the purposes of this Act as if it had originally been vested in him under this Act

(4) If in accordance with the provisions of this section territories have been removed from the Presidency of Bengal and constituted a Province for the

Official Trustees [ACT II,
(Part VI.—Miscellaneous.—Sections 31-33)

purposes of this Act, the Governor General in Council may, by notification in the Gazette of India, direct that as regards the Presidency of Bengal excluding the territories so removed the powers and duties of the Government under the Act shall be exercised and discharged by the Local Government of Bengal, and that the official Gazette shall be the Calcutta Gazette.

(5) Upon the rescission of a notification constituting a Province under sub-section (1), the territories comprised therein shall again form part of the Presidency within which they were originally included, the office of Official Trustee for the Province shall determine and all properties vested in and all proceedings by or against such Official Trustee pending at the date of the rescission shall vest in and be carried on by or against such Official Trustee or Official Trustees as the Governor General in Council may direct.

Saving of provisions of Indian Registration Act, 1908
Repeals

32. Nothing contained in this Act shall be deemed to affect the provisions of the Indian Registration Act, 1908. XVI of 1908

33. The enactments specified in the Schedule are hereby repealed to the extent specified in the fourth column thereof:

Provided that any property subject to a trust by or in pursuance of any such enactment vested in any Official Trustee at the commencement of this Act shall be deemed to be vested in the Official Trustee under this Act to be held by him upon the same trusts as those upon which such property was held before such commencement.

THE SCHEDULE

1913.]

*Official Trustees.**(The Schedule. Enactments repealed)*

THE SCHEDULE.

ENACTMENTS REPEALED

(See section 33.)

Year	No	Short title	Extent of repeal.
1864 . .	XVII	The Official Trustees Act, 1864.	So much as has not already been repealed.
1890 . .	II	The Probate and Administration Act, 1890	So much of the title and preamble as relates to the Official Trustees Act, 1864 and sections 1 to 8.
1902 . .	V	The Administrators General and Official Trustees Act, 1902.	So far as it refers to the office of Official Trustee, or Deputy Official Trustee

THE ADMINISTRATOR GENERAL'S ACT, 1913.

(III of 1913.)

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[Price eight annas]

Administrator General [ACT III,

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ACT NO III OF 1913

PASSED BY THE GOVERNOR GENERAL OF INDIA
IN COUNCIL

(Received the assent of the Governor General on
the 27th February 1913)

An Act to consolidate and amend the law
relating to the office and duties of
Administrator General

WHEREAS it is expedient to consolidate and
amend the law relating to the office and
duties of Administrator General, It is hereby enacted
as follows —

PART I

PRELIMINARY

1 (1) This Act may be called the Administrator General's Act, 1913

Short title,
extent and
commencement

(2) It extends to the whole of British India, including the Sonthal Parganas and British Baluchistan, and applies also to all British and Indian subjects of His Majesty in the territories of Native States in India

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, direct

2 In this Act, unless there is anything repugnant in the subject or context,

Interpretation clause

(1) "assets" means all the property, moveable and immoveable, of a deceased person, which is chargeable with, and applicable to, the payment of his debts and legacies, or available for distribution among his heirs and next-of-kin :

(2) "exempted person" means an Indian Christian

tian, a Hindu, Muhammadan, Parsi or Buddhist, or a person exempted under section 332 of the Indian Succession Act, 1865 from the operation of that Act of 1865 Act :

(3) "Government" means the Governor General in Council, so far as the Act relates to the Presidency of Bengal and the Local Governments of Madras and Bombay respectively, so far as the Act relates to those Presidencies .

(4) "Indian Christian" means a Native of India who is or in good faith claims to be of unmixed Asiatic descent, and who professes any form of the Christian religion

(5) "Letters of Administration" includes any letters of administration, whether general or with a copy of the will annexed, or limited in time or otherwise

(6) "next-of-kin" includes widower or widow of a deceased person, or any other person who by law would be entitled to letters of administration in preference to a creditor or legatee of the deceased

(7) "Official Gazette" means, in the case of the Presidency of Bengal, the Gazette of India, and in the cases of the Presidencies of Madras and Bombay, the Fort St George and Bombay Government Gazettes, respectively :

(8) "Prescribed" means prescribed by rules under this Act .

(9) (a) "Presidency of Bengal" includes the territories for the time being under the government of the Governor of Fort William in Bengal in Council, the United Provinces of Agra and Oudh, the provinces of the Punjab, Burma, Bihar and Orissa, the Central Provinces, Assam, the North-West Frontier Province, the province of Delhi, Ajmer and Merwara, the Andaman and Nicobar Islands, and such of the territories of Native States

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Administrator General.

(Part I.—Preliminary Part II.—The Office of Administrator General)

States aforesaid as the Governor General in Council may, by notification in the Gazette of India, direct —

- (b) "Presidency of Bombay" includes the territories for the time being under the government of the Governor of Bombay in Council, the Province of British Baluchistan, and such of the territories of Native States aforesaid as the Governor General in Council may, by notification in the Gazette of India, direct :
- (c) "Presidency of Madras" includes the territories for the time being under the government of the Governor of Fort St George in Council, the province of Coorg, and such of the territories of Native States aforesaid as the Governor General in Council may, by notification in the Gazette of India, direct
- (10) "Presidency" means any of the Presidencies mentioned in clause (9)

PART II.

THE OFFICE OF ADMINISTRATOR GENERAL

3 (1) In each of the Presidencies of Bengal, Madras and Bombay, the Government shall appoint an Administrator General

Appointment and designation of the Administrators General in the three Presidencies

(2) No person shall be appointed to the office of Administrator General of any of the said Presidencies who is not—

- (a) a Barrister ; or
- (b) an Advocate, Attorney or Vakil enrolled by a High Court ; or
- (c) a person holding the office of Deputy Administrator General at the commencement of this Act

(3) The said Administrators General shall be called respectively the Administrator General of Bengal

(Part II—The Office of Administrator General.
Part III—Rights, Powers, Duties and Liabilities of the Administrator General)

Bengal, the Administrator General of Madras, and the Administrator General of Bombay

Appointment and powers of Deputy Administrators General

4. The Government may appoint a Deputy or Deputies to assist the Administrator General, and any Deputy so appointed shall, subject to the control of the Government and the general or special orders of the Administrator General, be competent to discharge any of the duties and to exercise any of the powers of the Administrator General, and when discharging such duties or exercising such powers shall have the same privileges and be subject to the same liabilities as the Administrator General

Administrator General to be a corporation sole, to have perpetual succession and official seal, and to sue and be sued in his corporate name

5. The Administrator General shall be a corporation sole by the name of the Administrator General of the Presidency for which he is appointed and, as such Administrator General, shall have perpetual succession and an official seal, and may sue and be sued in his corporate name

PART III.

RIGHTS, POWERS, DUTIES AND LIABILITIES OF THE ADMINISTRATOR GENERAL.

(a) Grants of Letters of Administration and Probate.

As regards Administrator General, High Court at Presidency-town to be deemed a Court of competent jurisdiction for the purpose of granting probate or letters of administration.

6. So far as regards the Administrator General of any Presidency, the High Court at the Presidency-town shall be deemed to be a Court of competent jurisdiction for the purpose of granting probate or letters of administration under any law for the time being in force wheresoever within the Presidency the estate to be administered is situate.

(Part III—Rights, Powers, Duties and Liabilities
of the Administrator General)

7. Any letters of administration which are granted after the commencement of this Act by the High Court at any Presidency-town, shall be granted to the Administrator General of the Presidency, unless they are granted to the next-of-kin of the deceased.

Administrator General entitled to letters of administration, unless granted to next-of-kin.

8. The Administrator General of the Presidency shall be deemed by all the Courts in the Presidency to have a right to letters of administration other than letters *pendente lite* in preference to that of—

Administrator General entitled to letters of administration in preference

(a) a creditor, or

(b) a legatee other than an universal legatee, or

(c) a friend of the deceased.

to creditor, non-universal legatee or friend

9. If any person, not being an exempted person, has died leaving within any Presidency assets exceeding the value of one thousand rupees,

When Administrator General is to administer estates of persons other than exempted persons

and if no person to whom any Court would have jurisdiction to commit administration of such assets has, within one month after his death, applied in such Presidency for probate of his will, or for letters of administration of his estate,

the Administrator General of the Presidency in which such assets are shall, subject to any rules made by the Government, within a reasonable time after he has had notice of the death of such person, and of his having left such assets, take such proceedings as may be necessary to obtain from the High Court at the Presidency-town letters of administration of the estate of such person

10. Whenever any person has died leaving assets within the local limits of the ordinary original civil jurisdiction of the High Court at a Presidency-town, the Court, on being satisfied that danger is to be apprehended of misappropriation, deterioration or waste of such assets unless letters of administration of the estate of such person are granted, may upon the application of the Administrator General or of any person interested in such assets or in the due administration

Power to direct Administrator General to apply for administration

(Part III—Rights, Powers, Duties and Liabilities
of the Administrator General)

tration thereof, make an order, upon such terms as to indemnifying the Administrator General against costs and other expenses as the Court thinks fit, directing the Administrator General to apply for letters of administration of the estate of such person :

Provided that, in the case of an application being made under this section for letters of administration of the estate of an exempted person, the Court may refuse to grant letters of administration, if it is satisfied that such grant is unnecessary for the protection of the assets, and in such case the Court shall make such order as to the costs of the application as it thinks fit

Power to direct Administrator General to collect and hold assets until right of succession or administration is determined.

11. (1) Whenever any person has died leaving assets within the local limits of the ordinary original civil jurisdiction of any of the said High Courts,

and such Court is satisfied that there is no person immediately available, who is legally entitled to the succession to such assets, or that danger is to be apprehended of misappropriation, deterioration or waste of such assets, before it can be determined who may be legally entitled to the succession thereto, or whether the Administrator General is entitled to letters of administration of the estate of such deceased person,

the Court may, upon the application of the Administrator General or of any person interested in such assets, or in the due administration thereof, forthwith direct the Administrator General to collect and take possession of such assets, and to hold, deposit, realize, sell or invest the same according to the directions of the Court, and in default of any such directions according to the provisions of this Act so far as the same are applicable to such assets

(2) Any order of the Court made under the provisions of this section shall entitle the Administrator General,

(a) to maintain any suit or proceeding for the recovery of such assets, and

(b) if

1913.]

Administrator General

(Part III.—Rights, Powers, Duties and Liabilities of the Administrator General)

- (b) if he thinks fit, to apply for letters of administration of the estate of such deceased person, and
- (c) to retain out of the assets of the estate any fees chargeable under rules made under this Act, and to reimburse himself for all payments made by him in respect of such assets which a private administrator might lawfully have made

12. If, in the course of proceedings to obtain letters of administration under the provisions of section 9, section 10, or section 11, any person appears and establishes his claim—

- (a) to probate of the will of the deceased; or
- (b) to letters of administration as next-of-kin of the deceased, and gives such security as may be required of him by law,

the Court shall grant probate of the will or letters of administration accordingly, and shall award to the Administrator General the costs of any proceedings taken by him, under those sections to be paid out of the estate as part of the testamentary or intestate expenses thereof

13. If, in the course of proceedings to obtain letters of administration under the provisions of section 9, section 10, or section 11, no person appears and establishes his claim to probate of a will or to grant of letters of administration as next-of-kin of the deceased, within such period as to the Court seems reasonable,

or if a person who has established his claim to a grant of letters of administration as next-of-kin of the deceased fails to give such security as may be required of him by law,

the Court may grant letters of administration to the Administrator General

14. Nothing in this Act shall be deemed to preclude

Administrator General [ACT III,

(Part III—Rights, Powers, Duties and Liabilities
of the Administrator General.)

tor General
not precluded
from applying
for letters
within one
month after
death

clude the Administrator General from applying to the Court for letters of administration in any case within the period of one month from the death of the deceased

(b) *Estates of Persons subject to the Army Act*

Act not to
affect Reg-
imental Debts
Act, 1893

15. Nothing in this Act shall be deemed to affect the provisions of the Regimental Debts Act, 1893

55 & 56 Vict.,
c. 57.

Letters of ad-
ministration
not necessary
in respect of
small estates
administered
by Administra-
tor General
in accordance
with the Reg-
imental Debts
Act, 1893

16. It shall not be necessary for the Administrator General to take out letters of administration of the estate of any deceased person which is being administered by him in accordance with the provisions of the Regimental Debts Act, 1893, if the value of such estate does not on the date when such administration is committed to him exceed rupees one thousand, but he shall have the same power in regard to such estate as he would have had if letters of administration had been granted to him

55 & 56 Vict.,
c. 57

Power to
grant Admi-
nistrator
General let-
ters limited to
purpose of
dealing with
assets in ac-
cordance with
the Regimen-
tal Debts Act,
1893

17. If the Administrator General applies, in accordance with the provisions of the Regimental Debts Act, 1893, for letters of administration of the estate of any person subject to the Army Act, the Court may grant to him letters of administration limited to the purpose of dealing with such estate in accordance with the provisions of the Regimental Debts Act, 1893

55 & 56 Vict.,
c. 57

55 & 56 Vict.,
c. 57

(c) *Revocation of Grants*

Recall of Ad-
ministrator
General's ad-
ministration,
and grant of
probate, etc.,
to executor or
next of kin

18. If an executor or next-of kin of the deceased, who has not been personally served with a citation or who has not had notice thereof in time to appear pursuant thereto establishes to the satisfaction of the Court a claim to probate of a will or to letters of administration in preference to the Administrator General,

real,

*(Part III — Rights, Powers, Duties and Liabilities
of the Administrator General)*

ral, any letters of administration granted in accordance with the provisions of this Act to the Administrator General may be revoked, and probate or letters of administration may be granted to such executor or next-of-kin as the case may be

Provided that no letters of administration granted to the Administrator General shall be revoked for the cause aforesaid, except in cases in which a will of the deceased is proved in the Presidency, unless the application for that purpose is made within six months after the grant to the Administrator General and the Court is satisfied that there has been no unreasonable delay in making the application, or in transmitting the authority under which the application is made

19. If any letters of administration granted to the Administrator General in accordance with the provisions of this Act are revoked, the Court may order the costs of obtaining such letters of administration, and the whole or any part of any fees which would otherwise have been payable under this Act, together with the costs of the Administrator General in any proceedings taken to obtain such revocation, to be paid to or retained by the Administrator General out of the estate :

Cost of obtaining administration, etc., may, on revocation, be ordered to be paid to Administrator General out of assets

Provided that nothing in this section shall affect the provisions of clause (c) of sub-section (2) of section 11

20. If any letters of administration granted to the Administrator General in accordance with the provisions of this Act are revoked, the same shall, so far as regards the Administrator General and all persons acting under his authority in pursuance thereof, be deemed to have been only voidable, except as to any act done by any such Administrator General or other person as aforesaid, after notice of a will or of any other fact which would render such letters void :

After revocation, letters granted to Administrator General to be deemed as to him to have been voidable only

Provided that no notice of a will or of any other fact which would render any such letters void shall affect

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affect the Administrator General or any person acting under his authority in pursuance of such letters unless within the period of one month from the time of giving such notice, proceedings are commenced to prove the will, or to cause the letters to be revoked, and such proceedings are prosecuted without unreasonable delay

Payments made by Administrator General prior to revocation

21 If any letters of administration granted to the Administrator General in accordance with the provisions of this Act are revoked, upon the grant of probate of a will, or upon the grant of letters of administration with a copy of the will annexed, all payments made or acts done by or under the authority of the Administrator General in pursuance of such letters of administration, prior to the revocation, which would have been valid under any letters of administration lawfully granted to him with a copy of such will annexed, shall be deemed valid notwithstanding such revocation.

(d) General

Administrator General's petition for grant of letters of administration

22. Whenever any Administrator General applies for letters of administration in accordance with the provisions of this Act, it shall be sufficient if the petition required to be presented for the grant of such letters states,

- (i) the time and place of the death of the deceased to the best of the knowledge and belief of the petitioner,
- (ii) the names and addresses of the surviving next-of-kin of the deceased if known,
- (iii) the particulars and value of the assets likely to come into the hands of the petitioner,
- (iv) particulars of the liabilities of the estate if known.

Probates or letters to be granted to Administrator General by

23 (1) All probates or letters of administration granted to any Administrator General shall be granted to him by that name, and all probates or letters of administration

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administration heretofore granted to the Ecclesiastical Registrar or to the Administrator General of any Presidency shall authorise the Administrator General of the same Presidency to act as executor or administrator, as the case may be, of the estate to which such probate or letters relate.

(2) All probates and letters of administration granted to the Ecclesiastical Registrar of any of the late Supreme Courts shall have the same effect in all respects as to any act hereafter done or required to be done under this Act as if they had been granted to the Administrator General

24. Probate or letters of administration granted by the High Court at any Presidency-town to the Administrator General of any Presidency shall have effect over all the assets of the deceased throughout such Presidency, and shall be conclusive as to the representative title against all debtors of the deceased and all persons holding such assets, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such assets to such Administrator General.

• Provided that the High Court may direct, by its grant, that such probate or letters of Administration shall have like effect throughout one or more of the other Presidencies

Whenever a grant is made by a High Court to the Administrator General with such effect as last aforesaid, the Court shall send to the other High Courts a certificate that such grant has been made, and such certificate shall be filed by the Courts receiving the same

25. (1) Any private executor or administrator may, with the previous consent of the Administrator General of the Presidency in which any of the assets of the estate, in respect of which such executor or administrator has obtained probate or letters of administration, has obtained probate or letters of administration, Transfer by private executor or administrator of interest under probate or letters.

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administration, are situate, by an instrument in writing under his hand notified in the official Gazette, transfer the assets of the estate vested in him by virtue of such probate or letters to the Administrator General by that name or any other sufficient description.

(3) As from the date of such transfer the transferor shall be exempt from all liability as such executor or administrator, as the case may be, except in respect of acts done before the date of such transfer, and the Administrator General shall have the rights which he would have had, and be subject to the liabilities to which he would have been subject, if the probate or letters of administration, as the case may be, had been granted to him by that name at the date of such transfer.

Distribut on
of assets

26. (1) When the Administrator General has given the prescribed notice for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets or any part thereof in discharge of such lawful claims as he has notice of

(2) He shall not be liable for the assets so distributed to any person of whose claim he had not notice at the time of such distribution.

(3) No notice of any claim which has been sent in and has been rejected or disallowed in part by the Administrator General shall affect him unless proceedings to enforce such claim are commenced within one month after notice of the rejection or disallowance of such claim has been given in the prescribed manner and unless such proceedings are prosecuted without unreasonable delay

(4) Nothing in this section shall prejudice the right of any creditor or other claimant to follow the assets or any part thereof in the hands of the persons who may have received the same respectively.

(5) In

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(5) In computing the period of limitation for any suit, appeal or application under the provisions of any law for the time being in force, the period between the date of submission of the claim of a creditor to the Administrator General and the date of the final decision of the Administrator General on such claim shall be excluded

27 (1) When the Administrator General has, so far as may be, discharged all the liabilities of an estate administered by him, he shall notify the fact in the official Gazette, and he may, by an instrument in writing, with the consent of the Official Trustee and subject to any rules made by the Government, appoint the Official Trustee to be the trustee of any assets then remaining in his hands

Appointment
of Official
Trustee as
trustee of
assets after
completion
of admini-
stration

(2) Upon such appointment such assets shall vest in the Official Trustee as if he had been appointed trustee in accordance with the provisions of the Official Trustees Act, 1913, and shall be held by him upon the same trusts as the same were held immediately before such appointment

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28. (1) The High Court at the Presidency-town may, on application made to it, give to the Administrator General of the presidency any general or special directions as to any estate in his charge or in regard to the administration of any such estate

Power for
High Court to
give directions
regarding
administ-
ration of estate.

(2) Applications under sub section (1) may be made by the Administrator General or any person interested in the assets or in the due administration thereof

29. (1) No Administrator General shall be required by any Court to enter into any administration-bond, or to give other security to the Court, on the grant of any letters of administration to him by that name

No security
nor oath to be
required from
Administrator
General.

(2) No Administrator General or Deputy Administrator General shall be required to verify, other-

Manner in
which petitions to be
verified by
Administrator
General and
his Deputy

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wise than by his signature, any petition presented by him under the provisions of this Act, and, if the facts stated in any such petition are not within the Administrator General's own personal knowledge, the petition may be subscribed and verified by any person competent to make the verification

Entry of
Administrator
General not to
constitute
notice of a
trust

(3) The entry of the Administrator General by that name in the books of a Company shall not constitute notice of a trust, and a Company shall not be entitled to object to enter the name of the Administrator General on its register by reason only that the Administrator General is a corporation and in dealing with assets the fact that the person dealt with is the Administrator General shall not of itself constitute notice of a trust.

Power to
examine on
oath.

30. The Administrator General may, whenever he desires, for the purposes of this Act, to satisfy himself regarding any question of fact, examine upon oath (which he is hereby authorised to administer) any person who is willing to be so examined by him regarding such question

(e) Grant of Certificates

In what case
Administrator
General may
grant certifi-
cates

31. Whenever any person has died leaving assets within any Presidency, and the Administrator General of such Presidency is satisfied that such assets, excluding any sum of money deposited in a Government Savings Bank, or in any Provident Fund to which the provisions of the Provident Funds Act, 1897, apply, did not at the date of death exceed in the whole one thousand rupees—in value, he may, after the lapse of one month from the death if he thinks fit, or before the lapse of the said month if he is requested so to do by writing under the hand of the executor or the widow or other person entitled to administer the estate of the deceased, grant to any person, claiming otherwise than as a creditor to be interested in such assets, or in the due administration thereof, a certificate under his hand entitling the

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the claimant to receive the assets therein mentioned left by the deceased, within the Presidency to a value not exceeding in the whole one thousand rupees.

Provided that no certificate shall be granted under this section—

- (a) where probate of the deceased's will or letters of administration of his estate has or have been granted, or
- (ii) in respect of any sum of money deposited in a Government Savings Bank or in any Provident Fund to which the provisions of the Provident Funds Act, 1897, apply

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32. If, in cases falling within section 31, no person claiming to be interested otherwise than as a creditor in such assets or in the due administration thereof obtains, within three months of the death of the deceased a certificate from the Administrator General under the same section, or probate of a will or letters of administration of the estate of the deceased, and such deceased was not an exempted person, or was an exempted person who has left assets within the ordinary original civil jurisdiction of the High Court, or within any area notified by the Government in this behalf in the official Gazette, the Administrator General may administer the estate without letters of administration, in the same manner as if such letters had been granted to him;

Grant of certificate to creditors and power to take charge of certain estates

and if he neglects or refuses to administer such estate, he shall, upon the application of a creditor, grant a certificate to him in the same manner as if he were interested in such assets otherwise than as a creditor,

and such certificate shall have the same effect as a certificate granted under the provisions of section 31, and shall be subject to all the provisions of this Act which are applicable to such certificate

Provided that the Administrator General may, before

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before granting such certificate, if he thinks fit, require the creditor to give reasonable security for the due administration of the estate of the deceased

Administrator
General not
bound to
grant
certificate
unless satisfied
of claimant's
title, etc

33. The Administrator General shall not be bound to grant any certificate under section 31 or section 32, unless he is satisfied of the title of the claimant and of the value of the assets left by the deceased within the presidency, either by the oath of the claimant, or by such other evidence as he requires

Effect of
certificate.

34. The holder of a certificate granted in accordance with the provisions of section 31 or section 32, shall have in respect of the assets specified in such certificate the same powers and duties, and be subject to the same liabilities as he would have had or been subject to if letters of administration had been granted to him.

Provided that nothing in this section shall be deemed to require any person holding such certificate,

- (a) to file accounts or inventories of the assets of the deceased before any Court or other authority, or
- (b) save as provided in section 32 to give any bond for the due administration of the estate

Revocation of
certificate.

35. The Administrator General may revoke a certificate granted under the provisions of section 31 or section 32 on any of the following grounds, namely.—

- (i) that the certificate was obtained by fraud or misrepresentation made to him,
- (ii) that the certificate was obtained by means of an untrue allegation of a fact essential in law to justify the grant though such allegation was made in ignorance or inadvertently.

Surrender of
revoked
certificate

36. (1) When a certificate is revoked in accordance

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of the Administrator General)*

ance with the provisions of section 35, the holder thereof shall, on the requisition of the Administrator General, deliver it up to such Administrator General, but shall not be entitled to the refund of any fee paid thereon.

(2) If such person wilfully and without reasonable cause omits to deliver up the certificate, he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both

37. The Administrator General shall not be bound to take out letters of administration of the estate of any deceased person on account of the assets in respect of which he grants any certificate, under section 31 or section 32, but he may do so if he revokes such certificate under section 35 or ascertains that the value of the estate exceeded one thousand rupees

Administrator General not bound to take out administration on account of assets for which he has granted certificate

38. Where a person not having his domicile in British India has died leaving assets in any Presidency and in the country in which he had his domicile at the time of his death, and proceedings for the administration of his estate with respect to assets in any such Presidency have been taken under section 31 or section 32, and there has been a grant of administration in the country of domicile with respect to the assets in that country,

Transfer of certain assets from British India to executor or administrator in country of domicile for distribution

the holder of the certificate granted under section 31 or section 32, or the Administrator General, as the case may be, after having given the prescribed notice for creditors and others to send in to him their claims against the estate of the deceased, and after having discharged, at the expiration of the time therein named, such lawful claims as he has notice of, may, instead of himself distributing any surplus or residue of the deceased's property to persons residing out of British India who are entitled thereto, transfer, with the consent of the executor or administrator, as the

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of the Administrator General.)

the case may be, in the country of domicile, the surplus or residue to him for distribution to those persons

(f) *Liability.*

Liability of
Government

39. (1) The revenues of the Government of India shall be liable to make good all sums required to discharge any liability which the Administrator General, if he were a private administrator, would be personally liable to discharge, except when the liability is one to which neither the Administrator General nor any of his officers has in any way contributed, or which neither he nor any of his officers could, by the exercise of reasonable diligence have averted, and in either of those cases the Administrator General shall not, nor shall the revenues of the Government of India, be subject to any liability.

(2) Nothing in sub-section (1) shall be deemed to render the Government of India or the Administrator General liable for anything done before the commencement of this Act, by or under the authority of the Administrator General.

Creditors' suit against Administrator General.

40. (1) If any suit be brought by a creditor against any Administrator General, such creditor shall be liable to pay the costs of the suit unless he proves that not less than one month previous to the institution of the suit he had applied in writing to the Administrator General, stating the amount and other particulars of his claim, and had given such evidence in support thereof as, in the circumstances of the case, the Administrator General was reasonably entitled to require

(2) If any such suit is decreed in favour of the creditor, he shall, nevertheless, unless he is a secured creditor, be only entitled to payment out of the assets of the deceased equally and rateably with the other creditors.

Notice of suit not required in certain cases.

41. Nothing in section 80 of the Code of Civil Procedure, 1908, shall apply to any suit against the Administrator General in which no relief is claimed against him personally.

PART IV

PART IV

FEES

42. (1) There shall be charged in respect of ^{Fees.} the duties of the Administrator General such fees, whether by way of percentage or otherwise, as may be prescribed by the Government

Provided that in the case of any estate, the administration of which has been committed to the Administrator General before the commencement of this Act, the fees prescribed under this section shall not exceed the fees leviable in respect of such estate under the Administrator General's Act, 1874, as ^{II of 1874.} subsequently amended

Provided further that in respect of the duties of the Administrator General under the ^{55 & 56 Vict,} ^{o 57} Regimental Debts Act, 1893, the fees prescribed in this section shall be determined in accordance with the provisions of that Act

(2) The fees under this section may be at different rates for different estates or classes of estates or for different duties, and shall so far as may be, be arranged so as to produce an amount sufficient to discharge the salaries and all other expenses incidental to the working of this Act (including such sum as Government may determine to be required to insure the revenues of the Government of India against loss under this Act)

43. (1) Any expenses which might be retained ^{Disposal of} ^{fees} or paid out of any estate in the charge of the Administrator General, if he were a private administrator of such estate, shall be so retained or paid and the fees prescribed under section 42 shall be retained or paid in like manner as and in addition to such expenses

(2) The Administrator General shall transfer and pay to such authority, in such manner and at such time as the Government may prescribe, all fees received by him under this Act, and the same shall be carried to the account and credit of the Government of India

PART V.

Administrator General [ACT III,
(Part V—Audit of the Administrator General's
Accounts)

PART V

AUDIT OF THE ADMINISTRATOR GENERAL'S
ACCOUNTS

Audit of
Administrator
General's
accounts.

44. The accounts of every Administrator General shall be audited at least once annually, and at any other time if the Government so direct, by the prescribed person and in the prescribed manner.

Auditors to
examine
accounts and
report to
Government

45. The auditors shall examine the accounts and forward to the Government a statement thereof in the prescribed form, together with a report thereon and a certificate signed by them showing—

- (a) whether they contain a full and true account of everything which ought to be inserted therein,
- (b) whether the books which by any rules made under this Act are directed to be kept by the Administrator General, have been duly and regularly kept, and
- (c) whether the assets and securities have been duly kept and invested and deposited in the manner prescribed by this Act, or by any rules made thereunder,

or (as the case may be) that such accounts are deficient, or that the Administrator General has failed to comply with this Act or the rules made thereunder, in such respects as may be specified in such certificate.

Power of
auditors to
summon and
examine
witnesses,
and to call
for
documents

46 (1) Every auditor shall have the powers of a Civil Court under the Code of Civil Procedure, v of 1908,

- (a) to summon any person whose presence he thinks necessary to attend him from time to time, and
- (b) to examine any person on oath to be by him administered; and
- (c) to issue a commission for the examination

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(*Part VI—Miscellaneous*)

on interrogatories or otherwise of any person; and

- (d) to summon any person to produce any document or thing the production of which appears to be necessary for the purpose of such audit or examination

(2) Any person who when summoned refuses, or without reasonable cause, neglects to attend or to produce any document or thing or attends and refuses to be sworn, or to be examined, shall be deemed to have committed an offence within the meaning of, and punishable under, section 188 of the Indian Penal Code, and the auditor shall report every case of such refusal or neglect to Government ¹⁸⁶⁰

47 The costs of and incidental to such audit and examination shall be determined in accordance with rules made by the Government, and shall be defrayed in the prescribed manner ^{Costs of audit, etc}

PART VI

MISCELLANEOUS

48 The Administrator General may, in addition to, and not in derogation of, any other powers of expenditure lawfully exerciseable by him, incur expenditure— ^{General powers of Administration}

- (a) on such acts as may be necessary for the proper care and management of any property belonging to any estate in his charge, and
- (b) with the sanction of the High Court at the Presidency-town on such religious, charitable and other objects, and on such improvements, as may be reasonable and proper in the case of such property

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Power of
person
beneficially
interested to
inspect
Administrator
General's
accounts, etc
and take
copies

49 Any person interested in the administration of any estate, which is in the charge of the Administrator General shall, subject to such conditions and restrictions as may be prescribed, be entitled at all reasonable times to inspect the accounts relating to such estate and the reports and certificates of the auditor, and on payment of the prescribed fee, to copies thereof and extracts therefrom

Power to
make rules

50 (1) The Government shall make rules for carrying into effect the objects of this Act and for regulating the proceedings of the Administrator General

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the accounts to be kept by the Administrator General and the audit and inspection thereof,
- (b) the safe custody, deposit and investment of assets and securities which come into the hands of the Administrator General,
- (c) the remittance of sums of money in the hands of the Administrator General, in cases in which such remittances are required,
- (d) subject to the provisions of this Act, the fees to be paid under this Act, and the collection and accounting for any such fees,
- (e) the statements, schedules and other documents to be submitted to the Government or to any other authority by the Administrator General, and the publication of such statements, schedules or other documents,
- (f) the realization of the cost of preparing any such statements, schedules or other such documents,

(g) the

- (g) the manner in which and the person by whom the costs of and incidental to any audit under the provisions of this Act are to be determined and defrayed,
- (h) the manner in which summonses issued under the provisions of section 46 are to be served and the payment of the expenses of any persons summoned or examined under the provisions of this Act and of any expenditure incidental to such examination, and
- (*) any matter in this Act directed to be prescribed

(3) All rules made under this Act shall be published in the official Gazette and, on such publication, shall have effect as if enacted in this Act

51 Whoever, during any examination authorised by this Act, makes upon oath a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding False evidence.

52. All assets in the charge of the Administrator General which have been in his custody for a period of twelve years or upwards whether before or after the commencement of this Act without any application for payment thereof having been made and granted by him shall be transferred, in the prescribed manner, to the account and credit of the Government of India : Assets unclaimed for twelve years to be transferred to Government.

Provided that this section shall not authorise the transfer of any such assets as aforesaid, if any suit or proceeding is pending in respect thereof in any Court

53. (1) If any claim is hereafter made to any part of the assets transferred to the account and credit of the Government of India under the provisions of this Act, or any Act hereby repealed, and if Mode of proceeding by claimant to recover principal money so transferred.

such

such claim is established to the satisfaction of the prescribed authority, the Government of India shall pay to the claimant the amount of the principal so transferred to its account and credit or so much thereof as appears to be due to the claimant

(2) If the claim is not established to the satisfaction of the prescribed authority, the claimant may, without prejudice to his right to take any other proceedings for the recovery of such assets, apply by petition to the High Court at the Presidency-town against the Secretary of State for India in Council, and such Court, after taking such evidence as it thinks fit, shall make such order in regard to the payment of the whole or any part of the said principal sum as it thinks fit, and such order shall be binding on all parties to the proceeding

(3) The Court may further direct by whom the whole or any part of the cost of each party shall be paid.

District Judge in certain cases to take charge of property of deceased persons, and to report to Administrator General,

54. (1) Whenever any person, other than an exempted person, dies leaving assets within the limits of the jurisdiction of a District Judge, the District Judge shall report the circumstance without delay to the Administrator General of the Presidency, stating the following particulars so far as they may be known to him —

- (a) the amount and nature of the assets,
- (b) whether or not the deceased left a will and, if so, in whose custody it is,
- (c) the names and addresses of the surviving next-of-kin of the deceased,

and, on the lapse of one month from the date of the death,

- (d) whether or not any one has applied for probate of the will of the deceased or letters of administration of his estate.

(2) The District Judge shall retain the assets under his charge, or appoint an officer under the provisions

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provisions of section 239 of the Indian Succession Act, 1865, to take and keep possession of the same until the Administrator General has obtained letters of administration, or until some other person has obtained probate or such letters or a certificate from the Administrator General under the provisions of this Act, when the assets shall be delivered over to the holder of such probate, letters of administration or certificate

Provided that the District Judge may, if he thinks fit, sell any assets which are subject to speedy and natural decay, or which for any other sufficient cause he thinks should be sold, and he shall thereupon credit the proceeds of such sale to the estate

(3) The District Judge may cause to be paid out of any assets of which he or such officer has charge, or out of the proceeds of such assets or of any part thereof, such sums as may appear to him to be necessary for all or any of the following purposes, namely —

- (a) the payment of the expenses of the funeral of the deceased and of obtaining probate of his will or letters of administration of his estate or a certificate, under this Act,
- (b) the payment of wages due for services rendered to the deceased within three months next preceding his death by any labourer, artizan or domestic servant,
- (c) the relief of the immediate necessities of the family of the deceased, and
- (d) such acts as may be necessary for the proper care and management of the assets left by the deceased,

and nothing in section 279, section 280 or section 281 of the Indian Succession Act, 1865, or in any other law for the time being in force with respect to rights of priority of creditors of deceased persons shall

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shall be held to affect the validity of any payment so caused to be made

Succession Act and Companies Act not to affect Administrator General, and saving of provisions of Presidency Police Acts as to petty estates

55. (1) Nothing contained in the Indian Succession Act, 1865, or the Indian Companies Act, 1882, shall be taken to supersede or affect the rights, duties and privileges of any Administrator General

(2) Nothing contained in the Indian Succession Act, 1865, or in this Act, shall be deemed to affect, or to have affected, any law for the time being in force relating to the moveable property under two hundred rupees in value of persons dying intestate within any of the Presidency-towns or in the town of Rangoon, which shall be or has been taken charge of by the police for the purpose of safe custody

Order of Court to be equivalent to decree Provision for administration by Consular Officer in case of death in certain circumstances of foreign subject.

56. Any order made under this Act by any Court shall have the same effect as a decree

57. Notwithstanding anything in this Act, or in any other law for the time being in force, the Governor General in Council may, by general or special order, direct that, where a subject of a foreign State dies in British India, and it appears that there is no one in British India, other than the Administrator General, entitled to apply to a Court of competent jurisdiction for letters of administration of the estate of the deceased, letters of administration shall, on the application to such Court of any Consular Officer of such foreign State, be granted to such Consular Officer on such terms and conditions as the Court may, subject to any rules made in this behalf by the Governor General in Council by notification in the Gazette of India, think fit to impose

Division of Presidency into Provinces

58. (1) Notwithstanding anything in the foregoing provisions of this Act, the Governor General in Council may, by notification in the Gazette of India,—

- (a) remove any of the territories included in the presidency of Bengal from such presidency, and constitute the same into provinces for the purposes of this Act;
- (b) direct

- (b) direct that for the proposes of this Act any of the territories of any Native State in India shall be included in any province so constituted; and
- (c) appoint any person qualified in accordance with the provisions of sub-section (2) of section 3, or who holds office under Government to be an Administrator General for any such Province to be called the Administrator General of the Province, and, subject to the provisions of this section, the following consequences shall thereupon ensue, namely:—

(*) the Administrator General of a Province shall by that name have the like rights, powers, privileges and liabilities, and perform the like duties, in the Province as the Administrator General of the Presidency within which such territories were included had and performed as Administrator General therein and shall be deemed to be his successor in office :

(**) the powers and duties of the Government under this Act shall, as regards the Province, be exercised and discharged by the Governor General in Council or by such Local Government as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf; and the Gazette of the Government exercising and discharging such powers and duties shall be the official Gazette of the Province for the purposes of this Act.

(***) the powers and duties assigned by the foregoing provisions of this Act to the High Court shall be exercised and discharged in respect of such Province by such Court as the Governor General in Council may, by notification

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notification in the Gazette of India, appoint in this behalf; and probate or letters of administration granted to the Administrator General of the Province by the Court so appointed shall have the same effect throughout the Province, or, if the Court so directs, throughout the Presidencies of Bengal, Bombay and Madras, or any part thereof, as probate or letters of administration granted to the Administrator General by the High Court at a Presidency-town would or might have had.

(v) in the foregoing provisions of this Act the word "Presidency" shall be deemed to include a Province, and the expression "Presidency-town" the place of sitting of the Court appointed by the Governor General in Council under clause (iii) of this sub-section

(v) generally, the provisions of the foregoing sections of this Act with respect to the High Court at a Presidency-town and the provisions of those sections or of any other enactment with respect to the Administrator General of a Presidency shall, in relation to a Province, be construed, so far as may be, to apply to the Court and Administrator General, respectively, appointed for the Province under this section

(2) Any proceeding which was commenced before the publication of the notification constituting the Province and, to or in which the Administrator General of any Presidency within which any of the territories constituted into a Province were situate was a party or, was otherwise concerned, shall be continued as if the notification had not been published.

(3) If, by reason of the constitution of Provinces for the purposes of this Act, it appears to the Governor General

General in Council that any property vested in the Administrator General of any Presidency should be vested in the Administrator General of a Province, he may direct that the property shall be so vested, and thereupon it shall vest in the Administrator-General of the Province as fully and effectually for the purposes of this Act as if probate or letters of administration had been granted to him originally.

(4) If in accordance with the provisions of this section territories have been removed from the Presidency of Bengal and constituted a Province for the purposes of this Act, the Governor General in Council may, by notification in the Gazette of India, direct that as regards the Presidency of Bengal excluding the territories so removed, the powers and duties of the Government under this Act shall be exercised and discharged by the Local Government of Bengal, and that the official Gazette shall be the Calcutta Gazette.

(5) Upon the rescission of a notification constituting a Province under sub-section (1), the territories comprised therein shall again form part of the Presidency within which they were originally included, the office of Administrator General of the Province shall determine and all properties vested in and all proceedings by or against such Administrator General pending at the date of the rescission shall vest in and be carried on by or against such Administrator General or Administrators General as the Governor General in Council may direct

59. Nothing in this Act shall be deemed to affect Saving of provisions of Indian Registration Act, 1908.
 XVI of 1908, the provisions of the Indian Registration Act, 1908.

60. The enactments specified in the Schedule are hereby repealed to the extent specified in the third column thereof.

Provided that any administration, by or in pursuance of any Act hereby repealed, committed to any Administrator General at the commencement of this Act shall be deemed to be committed to the Administrator General under this Act

Administrator General. * [ACT III, 1913]
(The Schedule — *Enactments repealed*)

THE SCHEDULE

ENACTMENTS REPEALED

(See section 60)

Number and year	Short title	Extent of repeal
II of 1874 . . .	The Administrator General's Act, 1874	So much as has not been repealed.
IX of 1881 . . .	The Administrator General's Act, 1881	Ditto
II of 1890 . . .	The Probate and Administration Act, 1890	So much of the title and preamble as relates to the Administrator General's Act, 1874, and sections 10 to 15
XII of 1891 . . .	The Amending Act, 1891.	So much as relates to Act II of 1874
VII of 1901 . . .	The Native Christian Administration of Estates Act, 1901	In the Preamble the words "to exempt them from . . . are exempted" and section 4.
V of 1902 . . .	The Administrators General and Official Trustees Act, 1902	So far as it relates to Administrators General and Deputy Administrators General

ACT NO. IV OF 1913.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN
COUNCIL

*(Received the assent of the Governor General on the
27th February, 1913)*

An Act for settling certain properties belonging to Sir Currimbhoy Ebrahim, Baronet, so as to accompany and support the title and dignity of a Baronet lately conferred on him by His Majesty King George V to hold to him and the heirs male of his body lawfully begotten, and to be begotten, and for other purposes connected therewith.

WHEREAS by Letters Patent King George V by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King Defender of the Faith Dated at Westminster the 20th day of July 1911 in the First Year of His Reign and by Warrant under the King's Sign Manual His said Majesty made known that He of His Special Grace certain knowledge and mere motion had erected appointed and created His trusty and well-beloved Sir Currimbhoy Ebrahim of Bombay Knight to the dignity state and degree of a Baronet and him the said Sir Currimbhoy Ebrahim for himself his heirs and successors he did erect appoint and create a Baronet of the United Kingdom of Great Britain and Ireland by the said Letters Patent to hold the said dignity state and degree of Baronet unto him the said Sir Currimbhoy Ebrahim and the heirs male of his body lawfully begotten and to be begotten and whereas the said Sir Currimbhoy Ebrahim is desirous of settling

[Price 1 anna 6 pie]

Sir Currimbhoy Ebrahim Baronetcy - [Act IV-

settling in perpetuity such property on himself and the heirs male of his body who may succeed to the title of Baronet conferred by the said Letters Patent as shall be adequate to support the dignity of the title conferred on him and them as aforesaid and whereas the said Sir Currimbhoy Ebrahim is seized of and otherwise well and sufficiently entitled to the hereditaments described in Part I of the First Schedule hereunder written situate in the Island of Bombay and the hereditaments described in Part II of the said First Schedule situate at Poona in the Presidency of Bombay and whereas the hereditaments particularly described in the Second Schedule hereunder written were respectively by the several leases particularly specified in the Third Schedule hereunder written demised unto the said Sir Currimbhoy Ebrahim his heirs executors administrators and assigns with the appurtenances thereof respectively to hold the same unto the said Sir Currimbhoy Ebrahim his heirs executors administrators and assigns from the respective days therein respectively mentioned for the respective terms thereby granted subject to the payment of the rents thereby respectively reserved and the performance and observance of the covenants on the part of the Lessee and conditions therein respectively contained and whereas the said Sir Currimbhoy Ebrahim is desirous of settling the said hereditaments and premises particularly described in the First and Second Schedules hereunder written (all which are assessed to be of the aggregate market value of Rupees (20,00,000) Twenty lakhs upon the trusts and for the purposes hereinafter declared and contained concerning the same premises and whereas the said Sir Currimbhoy Ebrahim is desirous that heirs male of his body to whom the said title of Baronet conferred by the said Letters Patent shall descend shall at the time of such descent upon them respectively take and bear the name of "Currimbhoy Ebrahim" in lieu of any other name or names whatever which they respectively may bear at the time of such descent on them respectively and he is also desirous that the Accountant-General, Bombay, the
Collector

1913] *Sir Currimbhoy Ebrahim Baronetcy*

Collector of Bombay, the Chief Presidency Magistrate of Bombay all for the time being and the person in the actual enjoyment of the title of Baronet conferred by the said Letters Patent for the time being shall be the Trustees of the said hereditaments and premises and be likewise the Trustees for carrying into execution the general purposes and powers and provisions of this Act with relation to the said hereditaments and premises and whereas the said Sir Currimbhoy Ebrahim is desirous of settling the said hereditaments and premises so intended to be settled by him as aforesaid for the purposes of supporting the dignity of the said Baronetcy upon the trusts and for the purposes hereinafter limited and declared concerning the same and whereas it is expedient that the said trusts should be declared and the said purposes should be effected by an Act of the Council of the Governor General for making laws and regulations; It is hereby enacted as follows —

1 This Act may be called "The Sir Currimbhoy Ebrahim Baronetcy Act, 1913" Short title

2 Arthur Montagu Brigstoke, Esqr, the Accountant General of Bombay, Edward Little Sale, Esqr, the Collector of Bombay, Arthur Henry Southcote Aston, Esqr, the Chief Presidency Magistrate of Bombay, and the said Sir Currimbhoy Ebrahim, Baronet and ~~their~~ successors, the Accountant-General of Bombay, the Collector of Bombay, the Chief Presidency Magistrate of Bombay, all for the time being and the heir male of the body of the said Sir Currimbhoy Ebrahim to whom the said title and dignity of Baronet conferred by the said Letters Patent shall for the time being descend shall be and they are hereby created a Corporation with perpetual succession and a common seal under the style and title of "The Trustees of the Sir Currimbhoy Ebrahim Baronetcy" and the said Arthur Montagu Brigstoke, Esqr, Edward Little Sale, Esqr, Arthur Henry Southcote Aston, Esqr, and Sir Currimbhoy Ebrahim Bait and their said successors (hereinafter styled "the Corporation") shall be and they are hereby

Incorporation of Trustees

Sir Currimbhoy Ebrahim Baronetcy [Act IV

hereby constituted as such Corporation the Trustees for executing the trusts powers and purposes of this Act

Heirs of Sir
Currimbhoy
Ebrahim shall
take his
name

3 The heirs male of the body of the said Sir Currimbhoy Ebrahim to whom the said title and dignity shall descend pursuant to the limitations of the Letters Patent whereby the said title and dignity have been granted shall take upon themselves respectively the names of "Currimbhoy Ebrahim" in lieu and place of any other name or names whatever, and such heirs male severally and successively shall be called by the names of "Currimbhoy Ebrahim" and by these names shall name style and write themselves respectively upon all occasions whatever

Devolution of
interest where
beneficiary
refuses,
neglects or
discontinues
to use the
names
"Currimbhoy
Ebrahim"

4 In case any person to whom for the time being the said title of Baronet shall have descended shall for the space of one whole year thereafter or being then under age shall for the space of one whole year after he shall attain the age of eighteen years refuse or neglect to use the names of "Currimbhoy Ebrahim" as hereinbefore enacted or in case any such person having so used these names shall for the space of one whole year discontinue to use the said names then in any or either of the said cases the estate or interest in the said hereditaments and premises hereby settled and in the hereditaments and moneys which shall hereafter become vested in the said Corporation by virtue of this Act upon the trusts and for the purposes herein declared and contained, of the person who shall so refuse or neglect to use or having used shall so discontinue to use the said names shall during the remainder of his natural life be suspended and that during any and every such suspension the benefits and trusts hereby created for the heir male of the body of the said Sir Currimbhoy Ebrahim who shall use these names shall devolve on and belong to the heir male of the body of the said Sir Currimbhoy Ebrahim who would have succeeded to the said title of Baronet conferred by the said Letters Patent on the said Sir Currimbhoy Ebrahim in case the heir male of the body of the said Sir Currimbhoy Ebrahim so refusing or neglecting to use or discontinuing to use

use the said name had departed this life, and if there shall not be at such time any such male heir of the body of the said Sir Currimbhoy Ebrahim then the hereditaments and premises hereby settled as also the hereditaments and moneys which shall hereafter become vested in the said Corporation by virtue of this Act shall be retained by the said Corporation and accumulated for the benefit of the male issue of the said Baronet that may subsequently be born and succeed to the said title and in default of any such male issue the whole of the said property shall devolve upon such person as would be entitled to the same if there had been a total failure of issue male of the said Sir Currimbhoy Ebrahim

5. Immediately upon the passing of this Act by force and virtue thereof the hereditaments and premises particularly described in the First Schedule hereunder written shall be vested in the said Corporation upon the trusts and for the purposes and with and subject to the powers provisions and declarations hereinafter declared and expressed and the hereditaments and premises particularly described in the Second Schedule hereunder written shall be vested in the said Corporation for all the respective residues of the respective terms granted by the said leases respectively to come and unexpired at the date of the passing of this Act upon the trusts and for the purposes and with and subject to the powers provisions and declarations hereinafter declared and expressed that is to say upon trust to permit the said Sir Currimbhoy Ebrahim for and during the term of his natural life and from and immediately after his decease to permit during the respective terms of their natural lives the successive male heirs of the body of the said Sir Currimbhoy Ebrahim who shall succeed to the title of Baronet conferred by the said Letters Patent (if he or they shall so desire) to use and occupy free of rent as their residence the hereditaments and premises particularly described in the Second part of the First Schedule hereunder written and also to use and occupy as his residence free of rent any one of the said hereditaments and premises particularly described

Vesting of settled property and trusts in respect thereof

Sir Currimbhoy Ebrahim Baronetcy [ACT IV

in the First part of ~~The~~ First and in the Second Schedules hereunder written and to demise all or any of the ~~remaining~~ hereditaments and premises for any term of years not exceeding seven years to take effect in possession within three months from the date of the lease

Payment of
rates, taxes,
&c., by
Corporation

6. Out of the income of the premises particularly described in the First and the Second Schedules hereunder written (other than the premises which shall for the time being be used and occupied as a residence by the said Sir Currimbhoy Ebrahim or the heir male of his body to whom the said title of Baronet conferred by the said Letters Patent shall have descended) the said Corporation shall pay the rents and perform and observe the covenants by the Lessee and conditions by and in the said several indentures of lease reserved and contained and pay all rates taxes assessments dues and duties in respect of the said hereditaments and premises particularly described in the First and Second Schedules hereunder written and all buildings and erections standing thereon respectively and defray the cost of all ordinary repairs required for the purpose of maintaining such buildings in a habitable condition and of insuring the same against fire and all other outgoings of every nature whatsoever

Raising of
the "Sinking
Fund" and
the "Repairs
Fund"

7. The said Corporation shall out of the income referred to in section 6 hereof remaining after making the payments in the same section mentioned, form for the purposes hereinafter mentioned two funds to the credit of one of which (hereinafter referred to as the "Sinking Fund") the said Corporation shall carry every six months an amount which shall be equal to 00 61 per cent calculated on the said sum of Rupees (20,00,000) Twenty Lacs and in the event of other hereditaments being vested in the said Corporation upon the trusts and for the purposes by and in this Act declared and contained under and by virtue of the provisions of section 25 of this Act on the aggregate of the said sum of Rupees (20,00,000) Twenty Lacs and the value of the additional hereditaments so vested and to the credit of the other of which (hereinafter

(hereinafter referred to as the "Repairs Fund") the said Corporation shall carry every six months an amount which shall be equal to 3 7/2 per cent calculated on a Capital sum of Rupees (2,00,000) Two Lacs until such fund shall amount to the sum of Rupees (2,00,000) Two Lacs

8. The residue of the income referred to in section 6 hereof remaining after the payments mentioned in the same section are made and after the several sums are carried to the credit of the said Sinking Fund and the said Repairs Fund respectively as provided in section 7 hereof shall be paid to the said Sir Currimbhoy Ebrahim and the heir male of his body who shall for the time being have succeeded to and be in the enjoyment of the title of Baronet conferred by the said Letters Patent and shall be of full age for his own absolute use and benefit.

Payment of the residue of the income to the Baronet for the time being

9. The sums which shall from time to time under the provisions of this Act be set aside for the formation respectively of the Sinking Fund and the Repairs Fund (as also the interest of the securities in which the same respectively shall be invested) shall be invested by the said Corporation in or on any stocks funds or other securities of or the principal and interest of which is guaranteed by the Government of the United Kingdom of Great Britain and Ireland or the Government of India and the said Corporation shall be at liberty as often as the same shall be necessary or thought proper by them to alter vary and change such stocks funds and securities for others of the same or like nature

Investment of sums set apart for formation of Funds.

10. When and as often as the said Sinking Fund shall amount to the sum of Rs (20,00,000) Twenty Lacs and in the event of additional hereditaments having been vested in the said Corporation upon the trusts and for the purposes by and in this Act declared and contained under and by virtue of the provisions of section 25 of this Act to the sum which shall be equal to the said sum of Rs (20,00,000) Twenty Lacs and the value of the additional hereditaments so vested the said Corporation

Devolution of properties mentioned in Schedule II on full amount of Sinking Fund being raised.

Corporation shall by force and virtue of this Act be divested of the hereditaments which shall then be vested in the said Corporation by force and virtue of this Act, and such of them as shall be of a freehold tenure shall by force and virtue of this Act become vested absolutely and such of them as are of a leasehold tenure shall become vested for all the residues then unexpired of the several terms for which the same may be demised by the respective leases relating to them for his own use and benefit in the heir male of the body of the said Sir Currimbhoy Ebrahim who shall then have succeeded him in the title of Baronet conferred by the said Letters Patent

Investment
of Sinking
Fund -

11. When and as often as the said Sinking Fund shall amount to the said sum of Rs (20,00,000) Twenty Lacs and in the event of such further hereditaments having been added as mentioned in the last section to the sum which shall represent the aggregate of the said sum of Rs (20,00,000) Twenty Lacs and the value of such additional hereditaments, the said Corporation shall with all convenient despatch invest the same in the purchase of land and hereditaments situate in the Presidency of Bombay of a freehold or of a leasehold tenure provided that in the event of the purchase of premises of a leasehold tenure the leases in respect of such premises shall be renewable in perpetuity reserving a nominal rent and without any onerous conditions and covenants on the part of the Lessee

Income of
Sinking Fund
to be added
to Fund in
certain cases

12 From and after the time that the capital of the said sinking Fund shall amount to the said sum of Rs (20,00,000) Twenty Lacs, and, in the event mentioned in section 10 hereof, to the sum which shall represent the aggregate of the said sum of Rs (20,00,000) Twenty Lacs and the value of the additional hereditaments so vested as aforesaid, the income thereof or of such part thereof shall not be so invested as aforesaid shall be credited to the said Sinking Fund and invested as directed by section 9 hereof and shall not form part of the capital sum on which the same accrues.

13. The said Repairs Fund shall be applied by and at the discretion of the said Corporation to the extraordinary structural repair of the buildings or building standing upon the said hereditaments and premises particularly described in the First and Second Schedules hereunder written or upon any other the hereditaments which may by virtue and operation of this Act at any time become vested in the said Corporation

Application of Repairs Fund.

14. If and so soon as any part of the said Repairs Fund shall have been applied for any of the purposes mentioned in section 13 hereof the same shall be made up again to the said sum of Rs 2,00,000 by setting aside and carrying to the credit thereof every six months out of the income of the hereditaments and premises which shall at any such time be vested in the said corporation by virtue of this Act remaining after making the payments mentioned in section 6 hereof an amount which shall be equal to 3 72 per cent calculated on a Capital sum of Rs (2,00,000) Two Lacs and also by setting aside and carrying to the credit of such fund the income of the part thereof which shall not have been so applied as directed by section 13 hereof until such fund shall again amount to the said sum of Rs 2,00,000

Repairs Fund to be kept up to the sum of Rs 2,00,000

15. As often as the said Repairs Fund shall amount to the said sum of Rs 2,00,000 and so long as the same or any part thereof is not applied to any of the purposes to which it is directed by section 13 hereof to be applied the income thereof shall be applied in defraying the cost of all ordinary repairs which may be required to the hereditaments which may for the time being be vested in the said Corporation by force and virtue of this Act and all outgoings in respect of such premises

Application of income of Repairs Fund.

16. The said Corporation shall be at liberty to sell the said premises particularly described in the First and Second Schedules hereunder written and also any other hereditaments for the time being vested in them by force and virtue of this Act or any of them with the consent of the person entitled to and in the actual enjoyment of the title of Baronet conferred by the said

Power of Corporation to sell or exchange the premises described in the Schedule.

said Letters Patent and with the approval of the Governor of Bombay in Council to be notified by a Resolution of the Government of Bombay published in the Bombay Government Gazette and also with the like consent and approval to exchange them or any of them for other lands and hereditaments in the Presidency of Bombay of a freehold or leasehold tenure and upon any such exchange to give or receive any money for equality of exchange, provided always that the leases if any, in respect of the premises proposed to be taken in exchange are renewable in perpetuity reserving a nominal rent without any onerous covenants on the part of the lessee and conditions

Powers of Corporation as regards sale or exchange.

17. Any such sale as aforesaid may be made either by public auction or private contract and the said Corporation shall be at liberty to make any stipulations as to title or evidence or commencement of title or otherwise in any conditions of sale or contract for sale or exchange of the hereditaments proposed to be sold or exchanged and may buy in or rescind or vary any contract for sale or exchange

Investment of sale proceeds

18. In the event of a sale of any of the hereditaments for the time being vested in the said Corporation by force and virtue of this Act or an exchange thereof the net sale-proceeds or the moneys received for equality of exchange shall with all convenient despatch be invested in the purchase of lands and hereditaments of a freehold or leasehold tenure in the Presidency of Bombay. Provided always that in the event of the purchase of premises of a leasehold tenure the leases in respect of such premises are renewable in perpetuity reserving a nominal rent without any onerous covenants on the part of the lessees and conditions Until so invested the same shall be invested in any of the securities mentioned in section 9 hereof and the income hereof shall be applied as directed by sections 6 and 7 hereof

Vesting of lands and hereditaments in Corporation

19. The lands and hereditaments so to be purchased as directed by section 11 hereof and the lands and hereditaments which may be taken in exchange

change under the liberty in that behalf reserved to the said Corporation by section 16 hereof or which may be purchased under the liberty in that behalf reserved to the said Corporation by sections 18 and 26 hereof shall from and immediately after the completion of the purchase or exchange vest in the said Corporation upon the trusts and for the purposes by and in this Act declared and contained of and concerning the said hereditaments and premises particularly described in the First and Second Schedules hereunder written or such of them as may then be subsisting and capable of taking effect and subject to the powers provisions and declarations in this Act contained concerning the same in the same manner and to the same effect as if such hereditaments had been expressly vested by this Act in the said Corporation upon the trusts and for the purposes in this Act declared and contained

20. The said Corporation, during the minority of any heir male of the body of the said Sir Currumbhoy Ebrahim for the time being entitled to and in the enjoyment of the title of Baronet conferred by the said Letters Patent, shall pay and apply, for and towards the maintenance education and benefit of such Baronet during his minority, so much only of the income of the hereditaments which shall be vested in them for the purposes and upon the trusts by and in this Act declared and contained, which by section 8 hereof is directed to be paid to the heir male of the body of the said Sir Currumbhoy Ebrahim entitled to and in the enjoyment of the title of Baronet conferred by the said Letters Patent who shall be of full age, as the said Corporation shall in their discretion think proper, and shall from time to time invest the residue thereof upon the securities specified in section 9 hereof, and shall upon such Baronet attaining his age of majority pay over assign and transfer to him or as he shall direct and for his absolute benefit such investments and all accumulations thereof, and in the event of the death of such Baronet before attaining his age of majority the said Corporation shall stand possessed of such investments and the accumulations

Application
of income dur-
ing minority
of Baronet.

Sir, Currimbhoy Ebrahim Baronetcy [Act IV

lations thereof upon trust for the heirs of such Baronet absolutely

Power of Baronet to appoint jointures in lieu of maintenance and other claims

21 It shall be lawful for the said Sir Currimbhoy Ebrahim, and for any heir male of his body on whom the title of Baronet conferred by the said Letters Patent shall from time to time descend of full age, and when in the actual enjoyment of the said title and who shall not refuse or neglect or discontinue to use for the period hereinbefore in that behalf mentioned the said names of "Currimbhoy Ebrahim" as hereinbefore enacted, either before or after his marriage with any woman or women, by any deed or will (but subject and without prejudice to the annuity or annuities if any which shall then be subsisting and payable by virtue of any appointment made under and in pursuance of this present power) to limit and appoint unto any woman or women whom he shall marry for her or their life or lives and for her or their maintenance or jointure or jointures, in bar of any legal or customary right to maintenance or any other claim whatsoever, any annuity or annuities not exceeding in all the sum of Rs 10,000 to commence and take effect immediately after the decease of the Baronet limiting or appointing the same to be issuing and payable out of the said income payable under this Act for his own absolute use and benefit to the heir male of the body of the said Sir Currimbhoy Ebrahim on whom the said title of Baronet conferred by the said Letters Patent shall have descended and who shall be of full age and to be paid and payable by equal half-yearly payments the first of such half-yearly payments to be made on the first half-yearly day after the decease of the Baronet who shall have appointed such annuity, Provided always that in case any person on whom such title shall descend shall have refused or neglected to use the said names of "Currimbhoy Ebrahim" or shall discontinue to use such names for a year during his life every such limitation and appointment either previously or afterwards made shall be and become inoperative and invalid and no such annuity thereby created or appointed shall take effect and be payable

22 Provided

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22 Provided always that such income as aforesaid shall not at one and the same time be subject to the payment of more than the yearly sum of Rs 20,000 for or in respect of any jointure or jointures which shall be made in pursuance of the power hereinbefore contained, so that if by virtue of or under the same power the said income would in case this present provision had not been inserted be charged at any one time with a greater yearly sum for jointures in the whole than the yearly sum of Rs 20,000 the yearly sum which shall occasion such excess or such part thereof as shall occasion the same shall during the time of such excess abate and not be payable.

Limit of total amount of such jointures chargeable on income

23 If any heir male of the body of the said Sir Currimbhoy Ebrahim shall succeed to the title of Baronet conferred by the said Letters Patent while he is still a minor under the age of Eighteen years and shall thereafter die without attaining the age of majority leaving a widow him surviving the said Corporation shall out of the said income during the minority of such widow apply for and towards the maintenance education and benefit of such widow while she continues to be a widow such sum not exceeding Rs 500 per month as the said Corporation in their discretion think proper and shall after such widow shall attain her age of majority and so long as she continues to be a widow pay to her for her own absolute use and benefit the yearly sum of Rs. 10,000 payable half-yearly the first of such half-yearly payments to be made on the 1st half-yearly day after she shall attain her age of majority

Provision for widow of Baronet dying under age.

24 In estimating for the purposes of section 22 hereof the total amount payable out of the said income for jointure the amount directed to be paid by section 23 hereof shall be deemed to be a jointure settled under section 21 hereof

Amount payable under section 23 to be deemed a jointure, for purposes of section 22

25 If at the time when the said Sinking Fund shall first amount to the sum of Rs (20,00,000) Twenty Lacs (but not afterwards) the heir male of the body of the said Sir Currimbhoy Ebrahim who shall then have

Vesting in Corporation of lands and hereditaments other than those described in the Schedule.

have succeeded to the said title of Baronet conferred by the said Letters Patent shall be desirous of vesting in the said Corporation other lands and hereditaments upon the trusts and for the purposes herein declared and contained concerning the said hereditaments and premises particularly described in the First and Second Schedules hereunder written and subject to the powers provisions and declarations herein contained, and for that purpose and with that intent shall at his own expense vest in the said Corporation such lands hereditaments and premises, then the said Corporation may with the previous consent of the Governor of Bombay in Council notified as aforesaid, accept such lands hereditaments and premises and the same shall thenceforth be held by the said Corporation upon the same trusts and for the same purposes and subject to the same powers provisions and declarations as are by and in this Act declared and contained with regard to the said hereditaments and premises particularly described in the First and Second Schedules hereunder written or upon such of them as shall then be subsisting and capable of taking effect in the same manner and to the same effect as if such hereditaments had been expressly vested by this Act in the said Corporation upon the trusts and for the purposes in this Act declared and contained. Provided always that the total value of the additional premises so vested in the said Corporation shall not exceed Rs (20,00,000) Twenty Lacs Provided also that if at such date the person who shall then have succeeded to the said title be a minor under the age of 18 years then he shall be entitled to exercise the liberty hereby reserved at any time before the expiration of one year after he shall have attained his age of majority

Application of insurance moneys in respect of properties destroyed or damaged by fire

26. In case any of the hereditaments which shall at any time be vested in the said Corporation shall be destroyed or damaged by fire, the moneys received in respect of such insurance shall, in case the premises so destroyed or damaged are any of the hereditaments and premises particularly described in the Second Schedule hereunder written, or are comprised in any indenture of lease, be applied in accordance with the provisions

provisions in that behalf contained in the lease by which the same are demised, and in case of any other premises be applied either in rebuilding or reinstating the premises so destroyed or damaged by fire, or, upon the application of the person for the time being entitled to and in the enjoyment of the said title of Baronet and with the consent of the Governor of Bombay in Council notified as aforesaid, may be laid out in the purchase of other hereditaments in the Presidency of Bombay of a freehold or of a leasehold tenure, provided that the leases in respect of such premises are renewable in perpetuity reserving a nominal rent without any onerous covenants on the part of the lessee and conditions. In the event of such purchase the hereditaments so purchased shall immediately from and after the completion of the purchase thereof vest in the said Corporation upon the trusts and for the purposes by and in this Act declared and contained of and concerning the hereditaments and premises particularly described in the First and Second Schedules hereunder written or such of them as may then be subsisting and capable of taking effect and subject to the powers provisions and declarations in this Act contained concerning the same in the same manner and to the same effect as if such hereditaments had expressly been vested by this Act in the said Corporation upon the trust and for the purposes in this Act declared and contained. Until such insurance moneys shall be so laid out the said Corporation shall invest the same in one or more of the securities specified in section 9 hereof and the income thereof shall be applied as the income of the premises so destroyed or damaged.

27. Upon failure and in default of heirs male of the body of the said Sir Currimbhoy Ebrahim to whom the same title of Baronet may descend ^{Ultimate trust in favour of heirs on extinction of Baronety} the said Corporation shall stand possessed of the said hereditaments and premises particularly described in the First Schedule hereunder written and of any other hereditaments of a freehold tenure and of the funds which may then be vested in them by virtue and operation of this Act upon trust for the heirs of the last Baronet absolutely and shall also stand possessed

of the said hereditaments and premises particularly described in the Second Schedule hereunder written or such of them as may then be still vested in the said Corporation and any other hereditaments of a leasehold tenure which may then be vested in the said Corporation by virtue of this Act upon trust for the heirs of the last Baronet for all the then residues of the terms granted by the leases by which the same are demised.

Reimburse
ment of ex-
penses of Cor-
poration

28 It shall be lawful for the said Corporation out of any moneys which shall come to their hands by virtue of the trusts and provisions of this Act to retain and reimburse themselves all costs expenses and damages which they shall or may sustain expend or disburse in or about the execution of the trusts powers and provisions herein contained or in relation thereto.

Management
of heredita-
ments vest-
ed in Corpora-
tion

29 The actual management of the hereditaments for the time being vested in the said Corporation including the collection of rents and carrying out repairs shall be in the hands of the person in the actual enjoyment for the time being of the said title of Baronet conferred by the said Letters Patent being of full age, subject nevertheless to the control and supervision of the said Corporation

Saving of
existing
rights

30 Saving Always to the King's Most Excellent Majesty, his heirs and successors and to all and every other person and persons bodies politic and corporate and his her and their respective heirs executors and administrators and successors and every of them (other than and except the said Sir Currumbhoy Ebrahim his devisees and heirs and assigns) all such estate right title interest claim and demand whatsoever of into out of or upon the said hereditaments and premises particularly described in the First and Second Schedules hereunder written or any part or parts thereof respectively as they every or any of them had before the passing of this Act and would could or might have had held or enjoyed in case this Act had not been passed.

The

THE FIRST SCHEDULE

PART I

First —All that piece or parcel of land or ground with the message tenement or bungalow standing thereon situate lying and being on the Western side of Pedder Road Cumballa Hill near Mahalaxmi in the Island of Bombay in the Sub-District of the Registrar of Bombay and containing by admeasurement two thousand one hundred and forty-seven square yards or thereabouts be the same little more or less and bounded as follows that is to say on or towards the North by a loose stone Gudya and beyond that the vacant land of Trimbuck Jugonnath on or towards the East by the Government Ground and beyond that by the said Pedder Road on or towards the West and South by a loose stone Gudya and beyond that by the vacant land belonging to Nowroji Jehangir Gamadia registered by the Collector of Land Revenue under Old No 616 New No 2861 Old Survey No 81 New Survey Nos 7075, 7113, 7119 and assessed by the Municipality under Street Nos 102, 112 Ward No. 3494

Secondly —All that piece of Government ground with the message or dwelling house standing thereon situate on the East side of Shamjee Hassajee Street now called Samuel Street in the Registration Sub-district of Bombay containing by admeasurement two hundred and eighteen square yards or thereabouts assessed under Ward B No 1667 and Street 165—167 and registered in the books of the Collector of Land Revenue under Old No 1023 and New No 6751 Old Survey No. 198 and New Survey No 2788 and bounded on the East by a Sweeper's passage on the West by Shamji Hassaji Street or Samuel Street on the North by the property formerly of Khan Mahomed Habibbhoy but now of Ebrahim Hassam and on the South by the property formerly of Cassum Natha but now of Currimbhoy Ebrahim

All

PART II.

All that piece or parcel of vacant land or ground situate lying and being in the Civil Lines of Poona in the Registration Sub-District of Haveli containing by admeasurement three acres twenty-eight Gunthas and forty-one square yards being equal to seventeen thousand nine hundred and forty-nine square yards or thereabouts being portion of land registered in the Books of the Collector under Old Survey No 94 and the New No 126 and which said land is bounded as follows that is to say on or towards the East partly by the land belonging to K B Dastoor Hoshang Jamaspa and partly by the road leading from Bund garden to the City on or towards the West by the land belonging to Narayan bin Raghoji Dhala on or towards the North by the property of Hari Rowji and on or towards the South by the road leading to Record Hall and beyond that by the property of Desai Hari Prasad together with bungalow and buildings standing thereon.

THE SECOND SCHEDULE.

First —All that piece of land situate on the Wodehouse Road Estate of the Improvement Trust at the junction of the Wodehouse Road and Colaba Causeway on the Esplanade in the City and Island and Sub-Registration District of Bombay which has been computed to contain an area of three thousand four hundred and seventy six square yards or thereabouts and which is bounded on the West by Wodehouse Road aforesaid on the East by Colaba Causeway on the North by the junction of the said two roads and on the South by the land known as Plots Nos 11A and 11C on the said Improvement Trust Estate which said piece of land is known as Plot No 11B Wodehouse Road and which said premises are assessed by the Collector of Land Revenue under New Survey No 9561 and are assessed by the Municipality under Ward No 886 (1-3) Street Nos 16, 16B together with the buildings now erected and built thereon and known as Hotel Majestic.

Secondly:

Secondly —All that piece of Leasehold Land situate on the East side of a New Road on the Esplanade in the City and Island and Sub-Registration District of Bombay which has been computed to contain the total area of one thousand five hundred and seventeen square yards or thereabouts and which is bounded on the North by a passage on the East by vacant land of the Bombay Improvement Trust on the South by Plot No 6 Wellington Lines and on the West by a New Road and which said piece of land is known as Plot No 7 Wellington Lines and which premises are assessed by the Collector of Land Revenue under part of New Survey Nos 90562 and 90563 and are assessed by the Municipality under Ward No 1301 (7) Street No 3 together with the buildings and premises erected and built thereon and which premises are known as Meher Mansions

Thirdly —All that piece of Land situate on the East side of a New Road on the Esplanade in the City and Island and Sub-Registration District of Bombay which has been computed to contain a total area of one thousand and five hundred square yards or thereabouts and which is bounded on the North by Plot No 4 Wellington Lines on the East by the land of the Bombay Improvement Trust proposed to be laid out as a central garden on the South by Plot No. 2 Wellington Lines and on the West by the New Road aforesaid which said piece of land is known as Plot No 3 Wellington Lines and which said premises are assessed by the Collector of Land Revenue under New Survey No 9562 and are assessed by the Municipality under Ward No 1301 (4) Street No 3 B Together with the buildings and premises now erected and built thereon

Fourthly :—All that piece of Leasehold Land situate on the Colaba reclamation in the Lower Colaba Division of A Ward in the City and Island and Sub-Registration District of Bombay which piece of land has been computed to contain a total area of two thousand four hundred and forty-nine square yards or thereabouts be the same more or less and which is bounded on the North-East by Fazal Road on the South-East by a 10 Feet Road and on the South-West

Sir Currimbhoy Ebrahim Baronetcy. [ACT IV, 1913]

by Plots Nos 5 and 6 belonging to Fazalbhoy Currimbhoy Ebrahim and on the North-West by Cuffe Parade which said piece of land is known as Plots Nos 6 and 7 on the Colaba Reclamation and which said premises are assessed by the Collector of Land Revenue under New Survey No 9765 and are assessed by the Municipality under Ward Nos 120, 225 (11) Street No 12 J Together with all buildings and premises now erected and built thereon

Fifthly:—All that piece of land situate on the Colaba Reclamation in the Lower Colaba Division of A Ward in the City and Island and Sub-Registration District of Bombay which piece of land has been computed to contain a total area of 2,452 square yards or thereabouts and bounded on the North-East by Plots Nos 6—7 on the South-East by a 40 Feet Road on the South-West by Khatolo Road and on the North-West by Cuffe Parade which said piece of land is known as Plots Nos 5—6 on the Colaba Reclamation and which said premises are assessed by the Collector of Land Revenue under New Survey No 9765 and are assessed by the Municipality under Ward No 225 (10) Street No 12 I Together with all buildings and premises now erected and built thereon

ACT No. V OF 1913.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

[Received the assent of the Governor General on the 7th
March, 1913]

An Act to prohibit the importation, manufacture and sale of matches made with white phosphorus.

WHEREAS it is expedient to prohibit the importation, manufacture and sale of matches made with white phosphorus; It is hereby enacted as follows—

1. (1) This Act may be called the White Phosphorus Matches Prohibition Act, 1913.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of British India; and

(3) It shall come into force on the first day of July, 1913, with the exception of section 6, which shall come into force on the first day of July, 1914

2. In this Act, "white phosphorus" means the substance commonly known as white or yellow phosphorus

Definition

VII of
1873.

3. To section 18 of the Sea Customs Act, 1878, the following clause shall be added, namely:—

Prohibition of importation by addition to section 18, Act VIII of 1878.

"(g) matches made with white phosphorus"

4. (1) No person shall use white phosphorus in the manufacture of matches

Prohibition of use of white phosphorus in manufacture of matches.

(2) Any

[Price one anna and three pies]

White Phosphorus [ACT V, 1913]

(2) Any person who uses, or permits the use by any person under his control of, white phosphorus in the manufacture of matches, shall be punishable with fine which may extend to two hundred rupees

Power of
Inspector of
Factories to
take samples
of material
used in
manufacture

5. (1) Every person who manufactures matches shall allow an Inspector of Factories appointed under the Indian Factories Act, 1911, at any time to take XII of 191 for analysis sufficient samples of any material in use, or mixed for use, in such manufacture :

Provided that any such person may, at the time the sample is taken, and on providing the necessary appliances, require the Inspector to divide the sample so taken into two parts, and to mark, seal and deliver to him one part

(2) Any person who refuses to permit any such Inspector of Factories as aforesaid to take a sample, in accordance with the provisions of sub-section (1), shall be punishable with fine which may extend to two hundred rupees

Prohibition
of sale

6. (1) No person shall sell, or offer or expose for sale, or have in his possession for the purposes of sale, any matches made with white phosphorus

(2) Any person who contravenes the provisions of sub-section (1) may, on complaint to a Presidency Magistrate, Sub-divisional Magistrate or Magistrate of the first class, be ordered to forfeit any such matches in his possession, and any matches so forfeited shall be destroyed or otherwise dealt with as the Magistrate may direct

ACT No. VI OF 1913.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

[Received the assent of the Governor General on the
7th March, 1913]

An Act to declare the rights of Mussalmans to make settlements of property by way of "wakf" in favour of their families, children and descendants

WHEREAS doubts have arisen regarding the validity of wakfs created by persons professing the Mussalman faith in favour of themselves, their families, children and descendants and ultimately for the benefit of the poor or for other religious, pious or charitable purposes; and whereas it is expedient to remove such doubts; It is hereby enacted as follows—

1. (1) This Act may be called the Mussalman Wakf Validating Act, 1913 Short title and extent.

(2) It extends to the whole of British India

2. In this Act unless there is anything repugnant in the subject or context, Definitions.

(1) "Wakf" means the permanent dedication by a person professing the Mussalman faith of any property for any purpose recognized by the Mussalman law as religious, pious or charitable

(2) "Hanafi Mussalman" means a follower of the Mussalman faith who conforms to the tenets and doctrines of the Hanafi school of Mussalman law.

3. It shall be lawful for any person professing the Mussalman faith to create a wakf which in all other respects is in accordance with the provisions of Mussalman law, for the following among other purposes.— Power of Mussalmans to create certain wakfs.

(a) for the maintenance and support wholly or partially of his family, children or descendants, and

(b) where
1

[Price one anna and three pies]

Mussalman Wakf Validating. [ACT VI, 1913]

- (b) where the person creating a wakf is a Hanafi Mussalman, also for his own maintenance and support during his lifetime or for the payment of his debts out of the rents and profits of the property dedicated

Provided that the ultimate benefit is in such cases expressly or impliedly reserved for the poor or for any other purpose recognised by the Mussalman law as a religious, pious or charitable purpose of a permanent character

Wakfs not to be invalid by reason of remoteness of benefit to poor, etc.

4. No such wakf shall be deemed to be invalid merely because the benefit reserved therein for the poor or other religious, pious or charitable purpose of a permanent nature is postponed until after the extinction of the family; children or descendants of the person creating the wakf.

Saving of local and sectarian custom

5. Nothing in this Act shall affect any custom or usage whether local or prevalent among Mussalmans of any particular class or sect

ACT No. VIII OF 1913.

[PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL]
(Received the assent of the Governor General on the 27th
March, 1913)

An Act to further amend the Indian Penal Code
and the Code of Criminal Procedure, 1898 .

WHEREAS it is expedient further to amend the
Indian Penal Code and the Code of Criminal XLV of 1860.
Procedure, 1898; It is hereby enacted as follows :— V of 1898.

Short title.

1. This Act may be called the Indian Criminal
Law Amendment Act, 1913

Amendment
of section 40,
Indian Penal
Code.

2. In section 40 of the Indian Penal Code, after XLV of 1860.
the word and figures " Chapter IV ", the word, figure
and letter " Chapter VA " shall be inserted

Insertion of
new Chapter
in the Indian
Penal Code.

3. After Chapter V of the said Code, the follow-
ing Chapter shall be inserted, namely :—

" CHAPTER VA

CRIMINAL CONSPIRACY.

Definition of
criminal con-
spiracy.

120A When two or more persons agree to do,
or cause to be done,—

(1) an illegal act, or

(2) an act which is not illegal by illegal means,
such an agreement is designated a criminal con-
spiracy :

Provided that no agreement except an agree-
ment to commit an offence shall amount to a crimi-
nal conspiracy unless some act besides the agree-
ment is done by one or more parties to such agreement in
pursuance thereof.

Explanation.—It is immaterial whether the ille-
gal act is the ultimate object of such agreement, or
is merely incidental to that object.

120B. (1)

[*Proce one anna and esa ptes*]

120B (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, transportation or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence

Punishment of criminal conspiracy

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both "

V of 1898

4. In section 195, sub-section (3), of the Code of Criminal Procedure, 1898, before the words "the abetment", the words "criminal conspiracies to commit such offences and to" shall be inserted

Amendment of section 195, Code of Criminal Procedure, 1898.

V of 1898

5. After section 196 of the Code of Criminal Procedure, 1898, the following section shall be inserted, namely—

Insertion of new section 196A in Code of Criminal Procedure, 1898

XLV of 1860.

"196A No Court shall take cognizance of the offence of criminal conspiracy punishable under section 120B of the Indian Penal Code,

Prohibition for certain classes of criminal conspiracy

(1) in a case where the object of the conspiracy is to commit either an illegal act other than an offence, or a legal act by illegal means, or an offence to which the provisions of section 196 apply, unless upon complaint made by order or under authority from the Governor General in Council, the Local Government or some officer empowered by the Governor General in Council in this behalf, or

(2) in a case where the object of the conspiracy is to commit any non-cognizable offence, or a cognizable offence not punishable with death, transportation or rigorous imprisonment for a term

of two

of two years or upwards unless the Local Government, or a Chief Presidency Magistrate or District Magistrate empowered in this behalf by the Local Government has, by order in writing, consented to the institution of the proceedings

Provided that where the criminal conspiracy is one to which the provisions of sub-section (3) of section 195 apply no such consent shall be necessary.

Amendment
of Schedule
II of the
Code of Crimi-
nal Proce-
dure, 1898

6. In Schedule II of the Code of Criminal Procedure, 1898, after the entries relating to Chapter V of 1898. the entries contained in the Schedule hereto annexed shall be inserted.

SCHEDULE
" CHAPTER VA.
Criminal Conspiracy

1	2	3	4	5	6	7	8
120B.	Criminal conspiracy to commit an offence punishable with death, transportation or rigorous imprisonment for a term of two years or upwards.	May arrest without warrant if arrest for the offence which is the object of the conspiracy may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence which is the object of the conspiracy	According as the offence which is the object of the conspiracy is bailable or not.	Not compoundable.	The same punishment as that provided for the abetment of the offence which is the object of the conspiracy.	Court of Session when the offence which is the object of the conspiracy is triable exclusively by such Court in the case of all other offences Court of Session, Presidency Magistrate or Magistrate of the first class
	Any other criminal conspiracy.	Shall not arrest without a warrant.	Summons	Bailable.	Ditto	Imprisonment of either description for six months and fine or both.	Presidency Magistrate or Magistrate of the first class."