



SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE,

CONTAINING

Acts and Bills of the Legislative Council of India.

Published by Authority.

THURSDAY, 29TH SEPTEMBER 1859.

Separate Paging is given to these Supplements, in continuation from one to the other, that the Acts and Bills may be collected into a separate Compilation.

Legislative Council of India.

3rd September 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 31st August 1859, and is hereby promulgated for general information:—

Act No. XX. of 1859.

An Act for the Suppression of Outrages in the District of Malabar, in the Presidency of Fort St. George.

Whereas in the District of Malabar, in the Presidency of Fort St. George, murderous outrages have been frequently committed by persons of the class called Moplas, the offenders in such outrages intending therein to sacrifice their own lives; and the general law of the country is not adequate to suppress such outrages; It is enacted as follows:—

I. Act XXIII. of 1854 (for the suppression of outrages in the District of Malabar, in the Presidency of Fort St. George), and Act V. of 1856 (to give effect to Act XXIII. of 1854 from the time of its promulgation in the District of Malabar, and to extend the application thereof in future) are hereby repealed, except as to acts done and proceedings taken before the issue of a proclamation under the provisions of Section II. of this Act.

II. It shall be lawful for the Governor in Council of Fort St. George, whenever he shall see fit, by a proclamation published in the Fort St. George Gazette, from time to time, to declare the whole or any part or parts of the District of Malabar to be subject to the operation of all or any of the following provisions:—

III. Any Mopla, who murders or attempts to murder any person, or who takes part in any outrage directed by Moplas against any persons wherein murder

is committed, or is attempted to be committed, or is likely to be committed; and any person who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same, or who, after having committed or having been accessory to any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him; or who shall join or assist or incite or encourage other persons to join or assist in such resistance,—shall, on conviction thereof, be liable not only to the punishment provided by law for the offence of which he may be convicted, but also to the forfeiture of all his property, of whatever kind, to Government, by the sentence of the Court by which he is tried; and whenever any person shall be killed in the act of committing any such offence as aforesaid, or being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the Court which would have had cognizance of the offence if the offender could have been brought to trial, to proceed, on the application of the Magistrate, to hold an inquest into the circumstances of the death of the offender; and, on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government.

Also the property of persons killed in committing outrages.

IV. All immovable property of the offender which shall be alienated after the passing of this Act, and before the commission of any offence specified in Section III., shall be forfeited in the same manner as if no such alienation had been made, unless the same shall have been made more than twelve months before the commission of the offence.

V. If any Mopla shall be sentenced to death for any capital offence punishable also with forfeiture of property under this Act, it

killed, may be burned or buried within the precincts of the Jail.

to direct the body of such offender to be burned or buried within the precincts of the Jail, as it shall see fit; and, in like manner, if any Mopla shall be killed in the act of committing any such offence as aforesaid, or, having committed any such offence as aforesaid, shall be killed in resisting a lawful attempt to apprehend him, it shall be lawful for the Magistrate to cause the body of the person so killed to be burned or buried within the precincts of the Jail, as the said Magistrate shall see fit.

VI. The Governor in Council shall have, with respect to the confinement or trial of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in him by any law regarding the confinement or trial of persons charged with or suspected of State offences; and the provisions of any such law shall be applicable to all cases in which the Governor in Council shall proceed under the authority of this Section.

VII. The Magistrate of the District may cause any Mopla or other person, against whom there are, in his judgment, grounds of proceeding under the last Section, to be apprehended; and after such inquiry as he may think necessary, may detain such Mopla or other person in safe custody, until he shall have received the orders of the Governor in Council, to whom in all such cases he shall report his proceedings without unnecessary delay.

VIII. If, with the previous consent of the Governor in Council, any person, against whom the Governor in Council shall think fit to proceed under Section VI., shall undertake, in consideration of the suspension of such proceedings, to depart within a specified period from within the limits of the Continent of India, or of any part thereof; and shall, in breach of his said undertaking, and without the permission of the Governor in Council, remain or return within such limits, he shall be liable to be punished with imprisonment, with or without hard labour, for a period which may extend to seven years, or with fine, or both.

IX. Whenever any such outrage as is specified in Section III. of this Act, the same being punishable under this Act, shall, after such proclamation as aforesaid, have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy such sum of money as the Governor in Council shall authorise, from all the Moplas within the umshum or the several umshums to which the perpetrator or perpetrators, or any one of such perpetrators of such outrages, shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, and also within the umshum in which the outrage shall have been committed; and the said Magistrate shall assess the proportions in which the said sum shall be payable upon the several heads of families of Moplas within such umshum or umshums, according to his judgment of their respective means; and the said Magistrate shall appropriate the sum so levied as follows: that is to say, in the first place, to the compensation of the parties aggrieved by such outrages, including therein compensation to the family of any person dying by any such outrage for the pecuniary loss occasioned or likely to be occasioned by such death; and, subject to such compensation, to the use of the Government.

X. Whenever any such outrage as is specified in Section III. of this Act, the same being punishable under this Act, shall have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate to call upon the Mopla inhabitants of the umshum or umshums to which the perpetrator or perpetrators or any one of such perpetrators of such outrage shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, or wherein any such perpetrator shall, after the perpetration of any such outrage, be found, to deliver up such perpetrator or perpetrators; and on the failure of such Mopla inhabitants to comply with such call so made upon them by the Magistrate, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy from such Mopla inhabitants such sum of money as the Governor in Council shall authorise, as prescribed in the last preceding Section of this Act; and all sums so levied shall be appropriated in the manner prescribed in that Section.

XI. All fines and pecuniary liabilities incurred under this Act may be levied by a Magistrate under summary process, in the same manner as the public revenue may be realised by a Collector; and no action shall lie in any Civil Court against the Magistrate in respect of any fine imposed, or any assessment made under this Act, or in respect of the levy of any portion of such fine from the person or persons upon whom the same shall have been assessed.

XII. It shall be lawful for the Governor in Council, by such proclamation as aforesaid, from time to time, to withdraw from the operation of the provisions of this Act any part or parts of the said District which he may previously have declared to be subject thereto; and, in like manner, as occasion shall require, to subject the same part or parts again to the operation of such provisions, or of any of them.

XIII. The provisions of this Act shall continue in force until the end of the year 1869.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

3rd September 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this day, and is hereby promulgated for general information:—

ACT No. XXI. OF 1859.

An Act for providing for the exercise of certain powers by the Governor General during his absence from his Council.

Whereas the Governor General in Council has declared that it is expedient that the Governor General should visit the North-Western Provinces of the Presidency of Fort William in Bengal, and other parts of India, unaccompanied by any Member of his Council; It is enacted as follows:—

I. During the absence of the Governor General from his Council, it shall be lawful for the Governor General alone to exercise all the powers which might be exercised by the Governor General in Council, in every case in which the said Governor General may think it expedient to exercise those powers.

II. All powers vested in the Governor General in Council, by any Act of the Government of India, may be lawfully exercised by the President in Council.

III. This Act shall commence from the day on which it shall be notified, by an order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid; and shall not continue in force for a longer period than seven months.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

3rd September 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this day, and is hereby promulgated for general information:—

ACT No. XXII. OF 1859.

An Act to amend Act I. of 1852 (for the Consolidation and Amendment of the Laws relating to the Customs under the Presidency of Bombay).

Whereas it is expedient to amend Act I. of 1852 (for the Consolidation and Amendment of the Laws relating to the Customs under the Presidency of Bombay); it is enacted as follows:—

I. Section XX. of Act I. of 1852, and so much of Schedule A annexed to the said Act as prescribes the rate of Duty to be charged on Salt imported by Sea into any Port of the Presidency of Bombay, are repealed.

II. All the provisions now in force of the above-mentioned Act which have reference to the Customs Duty now charged and leviable on Salt imported by Sea into any Port of the Presidency of Bombay, shall be taken to have reference to the Duty prescribed in the Schedule annexed to this Act.

III. Spirits exported from any Port within the British Territories in India, and imported at any Port subordinate to the Government of Bombay, shall be liable on importation to the same rate of Duty as the Governor in Council of Bombay may from time to time impose, under Act III. of 1852, or any future enactment, on Spirits manufactured within the Presidency of Bombay. Provided always that, if the said Spirits be accompanied by a document, signed by competent authority, certifying that a Duty whether of Customs or otherwise has been paid on the said Spirits within the British Territories in India, credit shall be allowed for the sum so paid in settling the Customs at the Port of import; and if such sum equal or exceed the full amount leviable on import, then the Spirits on which such Duty has been paid shall be admitted to free Duty.

IV. This Act shall be construed as part of the said Act I. of 1852; and any Act subsequent to Act I. of 1852 which refers to that Act, shall be construed to refer to that Act as hereby altered. And any Act which refers to Section XX. of Act I. of 1852 shall, as to all matters arising after the passing of this Act, have the same effect as if it referred to Section III. of this Act.

SCHEDULE.

Rate of Duty to be charged on Salt imported by Sea into any Port of the Presidency of Bombay, from any Port or place not subject to the Government of India, or from Aden, or from any Port or place in the Straits of Malacca:—

Salt not covered by a Pass. 1 Rupee per Indian Md.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

3rd September 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this day, and is hereby promulgated for general information:—

ACT No. XXIII. OF 1859.

An Act to alter the Rates of Duty on Goods Imported or Exported by Land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively.

Whereas it is expedient to fix the duties of Land

Preamble. Customs on goods passing into or from the Presidency of Fort Saint George or the Presidency of Bombay from or into Foreign Settlements on the line of Coast at the same rates as the duties of Sea Customs specified in Schedules A and B annexed to Act VII. of 1859; it is enacted as follows:—

I. Section VI. of Act VI. of 1844 (for revising the duties on imports and exports in the Presidency of Fort Saint George), and Section II. of Act XXIX. of 1857 (to make better provision for the collection of Land Customs on certain Foreign Frontiers of the Presidency of Bombay), are hereby repealed, except so far as they respectively relate to Salt or Opium, which shall remain subject to the same rates of duty, or shall be prohibited without a pass, as the case may be, as if this Act had not been passed.

II. Duties of Customs shall be levied on goods passing by land into or out of Foreign Settlements situate on the line of Coast within the limits of the Presidency of Fort Saint George, at the rates prescribed in Schedules A and B of Act VII. of 1859 (to alter the Duties of Customs on goods imported or exported by Sea). And all the provisions of Act VI. of 1844 now in force relating to the rates of duty mentioned or referred to by Section VI. of that Act, are hereby declared to apply to the rates of duty mentioned in Schedules A and B of the said Act VII. of 1859, as if such last-mentioned rates had been specially mentioned in that Section.

III. Duties of Customs shall be levied on goods passing by land into or out of Foreign Settlements situate on the line of Coast within the limits of the Presidency of Bombay, at the rates prescribed in Schedules A and B of the said Act VII. of 1859; and all the provisions of Act XXIX. of 1857 now in force, relating to the rates of duty referred to by Section II. of that Act, are hereby declared to apply to the rates of duty mentioned in Schedules A and B of the said Act VII. of 1859, as if such last-mentioned rates had been specially mentioned in that Section.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

6th September 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this day, and is hereby promulgated for general information:—

ACT No. XXIV. OF 1859.

An Act for the Better Regulation of the Police within the Territories subject to the Presidency of Fort St. George.

Whereas it is expedient to make the Police force throughout the Madras Presidency a more efficient instrument at the disposal of the Magistrate for the prevention and detection of crime, and to reorganise the Police Force, and improve the condition of the Village Police; it is enacted as follows:—

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

The word "Magistrate" shall include all persons, within their respective jurisdictions, exercising all or any of the powers of a Magistrate.

The word "Subordinate," as applied to Police functionaries, shall mean District Superintendents and their Assistants.

The word "Police" shall include General and Village Police, Cuttoobadies, Kavilgars, and all other persons, by whatever name known, who exercise any Police functions throughout the Madras Presidency.

The expression "General Police District" shall embrace all Districts to which the operation of this Act shall be extended.

The word "property" shall include any chattel, money, or valuable security.

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

Words importing the masculine gender shall include females.

The word "person" shall include company or corporation.

The word "month" shall mean calendar month.

The word "cattle" shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats, and swine.

II. The several Regulations and Acts mentioned in the Schedule hereunto annexed, are hereby repealed and amended, to the extent and in the manner therein set forth, within the limits of the General Police District, except so far as they repeal the whole or any part of any other Regulation or Act; and except as to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced before this Act shall come into operation; provided also, that nothing in this Section shall be construed to affect any judicial function or jurisdiction original or appellate, which, by any existing law, may be exercised by any of the Officers mentioned in the enactments above repealed.

III. Nothing contained in this Act shall affect the powers of appointment given to Magistrates by Section XL. of Regulation XI., 1816, of the Madras Code, or the jurisdiction or functions of Officers appointed under such powers, save only that no Officer so appointed shall be competent to exercise any of the functions or duties of Executive Police Officers.

IV. The superintendence of the Police throughout the General Police District shall vest in, and be exercised by, the Governor in Council, and, except as authorised by him under the provisions of this Act, no person, Officer, or Court shall be empowered to appoint, supersede, or control any Police functionary, any Regulation, Act, or usage to the contrary notwithstanding.

V. The administration of the Police throughout the General Police District shall be vested in an Officer to be styled the Inspector General of Police for the Presidency of Madras, and in such Subordinates as to the Governor in Council shall seem fit, who shall, from time to time, be appointed by the Governor in Council, and may be removed by the same authority, and who shall receive such salary as the Governor General of India in Council shall allow.

VI. All powers not inconsistent with the provisions of this Act which, up to the passing of this Act, belonged by law to the existing Police authorities, shall be vested in the Police authorities appointed under this Act. Provided always, that no Police functionary so appointed shall possess or exercise any judicial or revenue authority.

VII. The Inspector General of Police shall be appointed a Justice of the Peace; he shall also have the full powers of a Magistrate throughout the General Police District, but shall exercise these powers subject to such orders as may from time to time be issued by the Governor in Council. The Governor in Council may vest any District Superintendent of Police with all or any of the powers of a Magistrate within such limits as he may deem proper; but such Superintendent shall exercise the powers with which he shall be so invested only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and, as far as may be necessary, for the performance of the duties assigned to him by this Act.

VIII. The entire Police establishment of the Madras Constitution of the Force, purposes of this Act, be deemed to be one Police Force, and shall be formally enrolled, and shall consist of such number of Officers and men, and shall be otherwise constituted in such manner, as shall be, from time to time, ordered by the Governor in Council with the sanction of the Governor General of India in Council.

IX. The Inspector General may, from time to time, subject to the approval of the Governor in Council, frame such orders and regulations as he shall deem expedient, relative to the general government and distribution of the Force, the places of residence, the classification, rank, distribution, and particular service of the Members thereof; their inspection; the description of arms, accoutrements, and other necessaries to be furnished to them; to the collecting and communicating intelligence and information;

Inspector General to be appointed a Magistrate. To act as such under the orders of Government. District Superintendent may be appointed a Magistrate. In what cases he may act in that capacity.

Inspector General of Police appointed a Justice of the Peace; he shall also have the full powers of a Magistrate throughout the General Police District, but shall exercise these powers subject to such orders as may from time to time be issued by the Governor in Council. The Governor in Council may vest any District Superintendent of Police with all or any of the powers of a Magistrate within such limits as he may deem proper; but such Superintendent shall exercise the powers with which he shall be so invested only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and, as far as may be necessary, for the performance of the duties assigned to him by this Act.

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and all such other orders and regulations relative to the said Police Force as the said Inspector General shall, from time to time, deem expedient for preventing abuse or neglect, and for rendering such Force efficient in the discharge of all its duties.

X. The appointment of all Police Officers shall, under such rules as the Governor in Council shall, from time to time, sanction, rest with the Inspector General of Police and the Deputy Superintendents, who may, under such rules as aforesaid, at any time dismiss, suspend, or fine to any amount not exceeding one month's pay, any Police Officer whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

XI. Every person so appointed shall receive, on his enrolment, a certificate (A) under the seal of the Inspector General, by virtue of which he shall be vested with the powers, functions, and privileges of a Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Police Force, and shall thereupon be immediately surrendered to his superior Officer, or other person empowered to receive it.

XII. There shall be deducted from the pay of every Police Officer of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum after such rate as the Governor in Council shall direct, not being a greater rate than One Anna in the Rupee; which sum so deducted, and also the monies accruing from stoppages from the pay of Police Officers during absence from sickness or other cause, and fines imposed on Police Officers for misconduct, and from fines imposed by Magistrates and others upon drunken persons, or for assaults upon Police Officers, and all monies arising from the sale of worn or cast-off clothing or other articles supplied for the use of the Police, or from any other miscellaneous sources which shall be permitted by the Governor in Council, shall, from time to time, be invested in such manner and in such securities as the Governor in Council may direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes herein mentioned, shall be likewise invested as aforesaid, and accumulate, so as to form a Fund to be called "The Police Superannuation Fund," and shall be applied, from time to time, to the payment of superannuation or retiring allowances or gratuities, under such rules as may be passed by the said Governor in Council: provided always, that any Police Officer may be dismissed or removed without superannuation allowance; and that no Police Officer shall be entitled to any allowance from this Fund, or shall retain any right to a refund of any deduction made from his pay while he may have been a Police Officer.

XIII. It shall be lawful for the Inspector General of Police, or any District Superintendent, if they shall think fit, on the application of any person showing the necessity thereof, to depute any additional number of Police Officers to keep the peace at any place within the General Police District at the charge of the person making the application, but subject to the orders of the said Inspector General, or District Superintendent, and for such time as they shall think fit: provided always, that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector General, or District Superintendent, to require that the Officers so appointed shall be discontinued: such person shall be relieved from the charge of such additional Force from the expiration of such notice.

XIV. Whenever any Railway, Canal, or other Public Work shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector General that the appointment of an additional Police Force in such neighbourhood is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, it shall be lawful for the Inspector General, with the consent of the Governor in Council, to direct the employment of such additional Force, and to maintain the same so long as such necessity shall continue; and to make orders, from time to time, upon the Treasurer or other Officer having the control or custody of the funds of any Company carrying on such works, for the payment of the extra Force so rendered necessary as aforesaid.

XV. All monies paid in respect of such additional Force as is mentioned in the two last preceding Sections, shall be paid into a fund to be called "The General Police Fund," and shall be applied to the maintenance of the Police Force under such orders as the Governor in Council may pass; and all sums of money payable under those Sections shall be recoverable by suit in any competent Court, or by distress and sale of the goods of the defaulter under the warrant of a Magistrate.

XVI. When it shall appear that any tumult, riot, or outrage has taken place, or may be reasonably apprehended in any place, and that the ordinary Officers appointed for preserving the peace are not sufficient for its preservation, and for the protection of the inhabitants and the security of property in such place, it shall be lawful for any Police Officer not below the rank of Inspector to apply to the nearest Magistrate to appoint so many of the public or village servants, or residents of the neighbourhood, as such Police Officer may require, to act as special Police Officers, for such time and in such manner as he shall deem necessary; and it shall be the duty of such Magistrate at once to comply with such applications.

XVII. Every special Police Officer so appointed shall have the same powers, privileges, and protection, and be liable to all such duties and penalties, and be subordinate to the same authorities, as the ordinary Officers of Police.

XVIII. If any person, being appointed a special Police Officer as aforesaid, shall, without sufficient excuse, neglect, or refuse to serve as such, or to obey such lawful order or direction as may be given him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding Fifty Rupees for such neglect, refusal, or disobedience.

XIX. No Police Officer shall be at liberty to resign his office, or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the District Superintendent; or unless he shall have given to his superior Officer two months' notice in writing of his intention to do so: nor shall any such Police Officer engage in any employment or office whatever, other than his duties under this Act, unless expressly permitted to do so in writing under the seal of the Inspector General.

XX. From and after the passing of this Act, every person, not being, or having ceased to be, a duly enrolled Police Officer, who shall unlawfully assume any function or power belonging to the Police, and who shall not forthwith deliver up his certificate, and all the clothing, accoutrements, and appointments, and other necessaries which may have been supplied to him

for the execution of his duty; or who shall have in his possession any distinctive article of the dress or appointment directed to be worn exclusively by the Police Force, without being able to account satisfactorily for his possession thereof; or who shall put on the dress of any Police Officer, or any dress designed to represent it, or to be taken for it; or who shall otherwise personate the character, or act the part of any Police Officer for any purpose whatever,—shall, in addition to any other punishment to which he may be liable, for any offence committed under the assumed character, be liable, on conviction before a Magistrate, to a penalty not exceeding Two Hundred Rupees, or to imprisonment, with or without hard labour, for a period not exceeding Six Months, or both.

XXI. Every Police Officer shall, for all purposes in this Act contained, be considered to be always on duty, and shall have the powers of a Police Officer in every part of the General Police District. It shall be his duty to use his best endeavours and ability to prevent all crimes, offences, and public nuisances; to preserve the peace; to apprehend disorderly and suspicious characters; to detect and bring offenders to justice; to collect and communicate intelligence affecting the public peace; and promptly to obey and execute all orders and warrants lawfully issued to him.

XXII. It shall be the duty of every Police Officer, and he is hereby authorised, to arrest without warrant—

1. Any person who is charged on credible information, or whom he has reasonable ground to suspect of having been concerned in any grave or forcible crime or outrage.

2. Any person who is charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that, by reason of the recent commission of the offence, a warrant could not have been issued.

3. Any person committing, or attempting to commit, any breach of the peace in his view, and who refuses to desist on being required thereto.

4. Any person found injuring the public buildings, roads, tanks, and water channels, or committing any offence punishable by law: provided always that, where such offence is of a slight and petty nature, it shall not be necessary for the Police Officer to arrest, if, from the circumstances of the case, there is no reason to apprehend that the party will abscond.

5. Any vagrant whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed, or being about to commit, a crime; all persons whose name and residence is unknown, or whom he may find by night lying or loitering in any highway, road, or other place, and who, in either case, are unable to give a satisfactory account of themselves.

6. Any person who assaults, resists, or obstructs such Police Officer in the execution of his duty, or aids or excites others so to do.

7. All persons who, having been in legal custody, shall have escaped therefrom.

8. All persons who are charged with having done any injury or damage to the person or property of another, and who refuse to give

their name and residence, or who give one which there is ground to believe to be false, may be detained solely for the purpose of ascertaining such name and residence, with a view to future proceedings.

XXIII. Every person taken into custody by any Police Officer, without warrant, except persons detained for the mere purpose of ascertaining their name and residence, shall forthwith be delivered into the custody of the Police Officer in charge of a Station House, in order that such person may be secured until he can be brought before a Magistrate, to be dealt with according to law, or may give bail for his appearance before a Magistrate, if the Officer in charge shall deem it prudent to take bail as hereinafter mentioned: provided always that, where bail is not taken, the prisoner shall be brought before a Magistrate within twenty-four hours, unless circumstances render delay unavoidable.

Persons arrested without warrant to be taken to Station House until brought before Magistrate or bailed.

Proviso.

XXIV. Whenever any person shall be brought in custody, without a warrant, to any Station House, at a time when he cannot at once be sent before a Magistrate, and shall be charged with any bailable offence, or with any unbailable offence, of which it shall appear to the Officer in charge of the Station House that the prisoner is falsely accused, it shall be lawful for such Police Officer to release the accused on bail, or on his own recognisance, to appear before the Magistrate when required.

XXV. It shall be lawful for every Police Officer in charge of a Station, or other superior Officer of Police, to bind by recognisance any person to appear as prosecutor or as a witness before the Magistrate by whom any grave charge is being or is about to be investigated; and if any such prosecutor or witness shall refuse to execute such recognisance, it shall be competent to such Officer to forward the person in custody to the Magistrate's Court.

Superior Officer of Police may take recognisance for appearance of prosecutor or witness.

XXVI. Every recognisance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Magistrate at such time and place as may be required, and the time and place of appearance, and the sum thereby acknowledged, not exceeding One Thousand Rupees, shall be specified in the said recognisance, or in the condition thereof; and the Officer taking the recognisance shall return the same forthwith to the Magistrate present at the time and place when and where the party is bound to appear.

XXVII. If, from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination of any case, or the further examination of any witnesses, it shall be lawful for any Magistrate, from time to time, by his warrant, to remand the accused to the custody of any Police Officer, for such time as he shall deem necessary and reasonable, not exceeding eight clear days, to be secured in any Station House or Jail, or to be otherwise detained in custody, as to the said Magistrate shall appear expedient: provided always, that any such Magistrate may order such accused party to be brought before him at any time or place before the expiration of the time for which such accused party shall have been remanded; or may discharge such accused party on his recognisances, with or without sureties, conditioned for his appearance at the time and place appointed for such further examination.

Proviso.

XXVIII. It shall be lawful for any Police Officer

Entering drinking-shops,
&c. without a warrant.

without a warrant to enter
and inspect all drinking-
shops, gaming-houses, and

other resorts of loose and disorderly characters; all premises of persons suspected of receiving stolen property; any locality, vessel, boat, or conveyance in any part of which places he shall have just cause to believe that crime has been, or is about to be committed; or which he reasonably suspects to contain stolen property; and then and there to take all necessary measures for the effectual prevention and detection of crime; and to take charge of all property reasonably suspected to have been stolen, and of all articles or things which may serve as evidence of the crime supposed to have been committed.

XXIX. Every Police Officer, not below the grade of

Inspection of weights and
measures.

Inspector, shall be an In-
spector of weights and mea-
sures, and may enter any

shop or premises for the purpose of inspecting the weights and measures and instruments for weighing kept or used therein, and may seize any weight, measure, or instrument for weighing, which he may have reason to believe is false.

XXX. No Police Officer shall receive any complaint

Police Officer not to receive
complaints of petty offences.

of any petty offence; or
take into his custody any
person brought to him

accused of such petty offences, trespass, assault, quarrelling, or the like; and it shall be lawful for any Police Officer to refuse to receive any charge of an offence of a grave character, if he shall, on inquiry made of the complainant alone, see good grounds for

Proviso.

doubting its truth: provided
always that, if the charge

be not of such a nature as, under ordinary circumstances, would justify the Police Officer in refusing to receive it, the particular reasons for refusing it are to be recorded by such Officer at the time.

XXXI. It shall be lawful for any Police Officer to

Police Officers may lay in-
formations, &c.

lay any information before
the Magistrate, and to apply
for summons, warrant, search-

warrant, or such other legal process as may by law issue, and may be expedient under the circumstances, against any person committing an offence against any law or enactment, or against any regulation for the protection of the Revenue, or against any person committing or failing to remove any public nuisance or unwarrantable obstructions, keeping disorderly houses, harbouring thieves, disturbing the peace, obstructing the due course of justice, and the like, and to prosecute

Proviso.

such offenders up to final
judgment: provided always,

that any rewards, forfeitures, and penalties, or shares of rewards, forfeitures, or penalties, which by law are payable to informers, and all costs of prosecution which may by any enactment be awarded to the prosecutor, shall be paid into the "General Police Fund."

XXXII. From and after the passing of this Act,

All warrants, &c. to be
executed by members of the
Police Force.

all summonses, warrants,
search-warrants, warrants of
commitment for trial, or
orders for the escort and

conveyance of prisoners, and all other processes issued by any Officer in any criminal proceeding, shall be directed and delivered to Officers of the Police alone; and such processes shall be served and executed by them and none others.

XXXIII. Where any such warrant, order, or process

Warrant to be endorsed.

shall be directed or
delivered to any of the said

Officers, unless it be necessary for the due execution thereof that such warrant be executed without delay, the person receiving it shall deliver the same to any Officer authorised for that purpose, who shall take charge of it, and appoint by endorsement thereon one or more

Police Officers to execute the same or endorse it to any other Officer for a like purpose; and every Police Officer whose name shall be so endorsed thereon shall have the same powers, privileges, and protection as if the same

Proviso.

had originally been directed to him by name: provided also, that every such process shall be executed with all secrecy and despatch, and shall have full force in any part of the Madras Presidency, except within the limits of the Supreme Court, without further formality or local endorsement; and that all Police authorities shall everywhere be assisting in the execution of such process.

XXXIV. Every summons, notice, or other criminal

Service of summonses, &c.

process may be served on the party named personally, or be left with some adult male member of his family, or a copy thereof may be affixed on some conspicuous part of his usual place of abode; and any party failing or neglecting to obey such summonses or notice duly served, shall be liable, at the discretion of the Magistrate or Court that issued the process, to a penalty not exceeding Ten Rupees, unless such person shall be able to prove that he was prevented by unavoidable accident or other satisfactory cause from obeying such summons, notice, or the like.

XXXV. A Magistrate may, without issuing any

Warrant without summons.

summons, forthwith issue his warrant to bring before him any person charged with an offence cognisable by him, or whose attendance it may for any reason be necessary to enforce, whenever it shall appear probable that such person will not attend unless compelled so to do.

XXXVI. A Police Officer executing a warrant of

Notification of substance
of warrant.

arrest shall notify the sub-
stance of the warrant, and if
required so to do shall show
the warrant.

XXXVII. In making an arrest, the Police Officer

Warrant how to be executed.

executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

XXXVIII. After arrest, the prisoner shall not be

No unnecessary restraint.

subjected to any more re-
straint than such as may be
necessary to prevent his escape.

XXXIX. Any Police Officer authorised by a warrant

Breaking of outer door or
window.

to arrest a person accused of any offence for which a warrant may issue on complaint, may break open any outer or inner door or window of a dwelling-house, whether that of the person accused, or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

XI. If information be received that a person accus-

Breaking opening a Zena-
nah or female apartment.

ed of any offence for which a warrant may issue, has concealed himself in a Zannah or female apartment in the actual occupancy of women, the Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused; and if such person shall not deliver himself up, the Police Officer authorised to execute the warrant, may break open the Zannah, and execute the process intrusted to him, giving notice at the same time to any woman in the Zannah that she is at liberty to withdraw.

XLI. After arrest made, the Police Officer execut-

Party arrested to be
brought immediately to the
authority mentioned in the
warrant.

ing the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate or other authority described in the warrant.

XLII. No Police Officer shall offer to the person

No threat or promise, to compel disclosure by party arrested.

arrested any inducement, by threat or promise or otherwise, to make any disclosure.

But no Police Officer shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

XLIII. If any Police Officer shall at any time find

Police Officer may require assistance.

himself unable to effect an arrest, it shall be lawful for him to require any and every person present to assist and aid him in making the arrest; and any person who shall refuse or neglect to comply with such requisition shall be liable, on conviction

before a Magistrate, to a fine not exceeding Fifty Rupees, or to imprisonment for a period not exceeding Three Months, or both.

XLIV. Every Police Officer who shall be guilty of any

Penalties for neglect of duty, &c.

violation of duty or wilful breach of any lawful orders and regulations not punishable under Section X. of this Act; or who shall cease to perform the duties of his office without leave, or without having given two months' notice as provided by this enactment, or engage without authority in any employment other than his Police duty; or who shall maliciously and without probable cause prefer any false, vexatious, or frivolous charge or information against any individual; or who shall knowingly and wilfully and with evil intent exceed his powers; or shall be guilty of any wilful and culpable neglect of duty in not bringing any person, who shall be in his custody, without a warrant, before a Magistrate as hereinbefore provided; or who shall offer any unwarrantable personal violence to any person in his custody, — shall be liable, on conviction before a Magistrate, to a penalty not exceeding Three months' pay, or to imprisonment with or without hard labour not exceeding Three Months, or both.

XLV. Any Police Officer who shall on any pretext

Penalty for receiving unauthorised fees, &c.

or under any circumstance, directly or indirectly, collect or receive any fee, gratuity, diet-money, allowance, or recompense, other than he may be duly authorised by the Inspector General or other Officer acting under his order to collect or receive, shall, on conviction before a Magistrate, be liable to a penalty not exceeding Six months' pay, or to imprisonment with or without hard labour not exceeding Six Months, or both.

XLVI. Any Police Officer who shall, directly or

Penalty for extortion, &c.

indirectly, extort, exact, seek, or obtain any bribe or unauthorised reward or consideration, by any illegal threat, or pretence, or for doing or omitting or delaying to do any act which it may be his duty to do or to cause to be done, or for withholding or delaying any information which he is bound to afford or to communicate; or who shall attempt to commit any of the offences above said, or shall be guilty of cowardice, shall be liable, upon conviction before a Magistrate, to a fine not exceeding Twelve months' pay, or to imprisonment with or without hard labour not exceeding Twelve Months, or both: provided always, that nothing in the three last preceding Sections shall be deemed to preclude the Magistrate from committing for trial any cases of this nature too serious for his cognisance.

XLVII. If any person shall assault or resist any

Penalty for obstructing a Police Officer in the execution of his duty.

Police Officer in the execution of his duty; or shall aid or incite any other person so to do; or shall maliciously and without probable cause prefer any false or frivolous charge against any Police Officer; such person shall, on conviction of such offence before any Magistrate, be liable to a fine not exceeding Fifty Rupees, or to imprisonment with or without hard labour not exceeding Three Months, or both.

XLVIII. Any person who, in any street, road,

Certain duties of Police Officers. Obstructions and nuisances in roads.

thoroughfare, or passage, within the limits of any Town, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, or damage of the residents and passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding Fifty Rupees, or to imprisonment not exceeding Eight Days; and it shall be lawful for any Police Officer to take into custody without warrant any person who, within view, commits any such offence:—

First.—Any person who shall slaughter any cattle

Slaughtering cattle, furious riding, &c.

or clean any carcase in the streets; any person riding or driving any cattle recklessly and furiously, or training or breaking any horse or other cattle on or near any public road, to the danger of the passers:

Second.—Any person who wantonly or cruelly abuses or tortures any animal:

Cruelty to animals.

Third.—Any person who shall keep any cattle, or conveyance of any kind standing

Obstructing passengers.

in any road or street longer than is required for loading or unloading, or for taking up or setting down passengers; or who shall leave any conveyance in such a manner as to cause inconvenience or danger to the public:

Fourth.—Any person exposing goods for sale on

Exposing goods for sale on road.

the road so as to obstruct passengers:

Fifth.—Any person who throws or lays down any

Throwing dirt into street.

dirt, filth, rubbish, or any stones or building materials;

or who constructs any pial, cow-shed, stable, or the like, within the bounds of any thoroughfare; or who causes any offensive matter to run from any house, factory, dung-heap, or the like, into the street:

Sixth.—Any person found in any thoroughfare

Being found drunk in any thoroughfare.

drunk and riotous, or incapable of taking care of himself:

Seventh.—Any person who wilfully and indecently

Indecent exposure of person.

exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself in, or by the side of, or near any public street or thoroughfare; or by bathing or washing in any tank or reservoir, not being a place set apart for that purpose:

Eighth.—Any person who neglects to fence in or

Neglect to protect dangerous places.

duly to protect any well, tank, or other dangerous place or structure.

XLIX. The Superintendent and Superior Officers

Regulation of public processions, &c., and of carriages and persons at places of public resort.

of Police may, as occasion requires, direct the conduct of all assemblies and processions in the public roads, streets, or thoroughfares,

prescribe the routes by which, and the times at which, such processions may pass, keep order in the public roads, streets, thoroughfares, ghauts, and landing-places and all other places of public resort, and prevent obstructions on the occasion of such assemblies and processions, and in the neighbourhood of places of worship during the time of public worship, and in any case when the roads, streets, or thoroughfares, ghauts, or landing-places may be thronged, or may be liable to be obstructed; they may also regulate the use of music in streets, on the occasion of native festivals and ceremonies; and may direct all crowds of twelve or more persons to disperse, when they have reason to apprehend any breach of the peace; and every person opposing, or not obeying the orders so

Licences for use of music in streets.

issued as aforesaid, or violating the conditions of such licence, shall be liable to a fine not exceeding One Hundred Rupees: provided always, that nothing in this Section contained shall be deemed to interfere with the general control of the Magistrate over such matters.

L. In all cases of convictions under this Act, the Magistrate trying the case shall be restrained within the limits of his ordinary jurisdiction as to the amount of fine or imprisonment he may inflict: provided always, that such charges against Police Officers above the rank of a Private, shall only be adjudicated on by European functionaries, and that Village Watchers alone shall be liable to conviction by Heads of Villages.

LL. Nothing contained in this Act shall be construed to prevent any person from being prosecuted for any offence made punishable on conviction by this Act; or to prevent any person from being liable under any other Law, Regulation, or Act to any other or higher penalty or punishment than is provided for such offence by this Act: provided always, that no person shall be punished twice for the same offence.

LII. All fines and penalties imposed, and all sums of money recoverable under the authority of this Act, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate, in manner provided by Act II. of 1839.

LIII. All actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under the general Police powers hereby given, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action and of the cause thereof, shall be given to the defendant, or to the Superintendent or other superior Officer of the District in which the act was committed, one month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant; and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action: provided always, that no action shall in any case lie where such Officers shall have been prosecuted criminally for the same act.

LIV. When any action, prosecution, or proceeding shall be brought against any Police Officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate; and such plea shall be proved by the production of the warrant directing the act and purporting to be signed by a Magistrate; and the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate: and no proof of the signature of such Official shall be necessary, unless the Court shall see reason to doubt its being genuine: provided always, that any remedy which the party may have against the authority issuing such warrant, shall remain entire.

LV. This Act shall take effect in any and every such District as the Governor in Council shall appoint, by notification published in the Official Gazette.

SCHEDULE.

LVI. The following words in Section XXXVI. of Regulation IX., 1816, "The Officer entrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same, and to return an acknowledgment for the party;" and Section XLII.

Regulation XI. 1816, Sections III., IV., V., VI., VII., XI., XV., XVI., XVII., XVIII., XXI., XXII., XXIII., XXIV., XXV., XXVI., Clause 2, XXIX., XXXV., XXXVIII., XXXIX., XL., XLI., XLVIII., and LV.

Regulation IV. 1821, Section III.

So much of Clause 2, Section II. of Regulation IV. 1821, as declares that all Subordinate Officers of Police, of every description, shall be subject to the authority of the Tuhseeldars of their respective Districts.

So much of Section VII. of Regulation VI. 1831, as affects Village Watchers or other persons holding Village offices in the Police Department.

Act VII. of 1843, Sections XXXIX. and XL.

So much of Clause 4, Section XIII. of Regulation XI. 1816, as directs the Head of the Village to apprehend any person supposed to have committed a murder.

So much of Clause 1, Section XXVII. of Regulation XI. 1816, as directs the Head of the Village to make every exertion to apprehend any person accused or suspected of having committed the offences referred to in the said Clause.

FORM A.

A. B. has been appointed a Member of the Police Force under Act XXIV. of 1859, and is vested with the powers, functions, and privileges of a Police Officer.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

6th September 1859.

The following Bill was read a second time in the Legislative Council of India, on the 6th September 1859, and was referred to a Select Committee, who are to report thereon after the 10th of December next:—

A Bill to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability.

Whereas it is expedient to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability; It is enacted as follows:—

I. So much of Section II. of Act XIX. of 1857 (for the incorporation and regulation of Joint Stock Companies and other Associations either with or without Limited Liability of the Members thereof) as provides that nothing in that Act shall authorise any persons to form themselves into a Joint Stock Company or Association with Limited Liability for the purpose of Banking; and so much of Section XCIX. of the said Act as provides that no Company established for the purpose of Banking shall be registered under that Act as a Limited Company, are hereby repealed, subject to the following Proviso, that no Banking Company claiming to issue notes in India shall be entitled to Limited Liability in respect of such issue, but shall continue subject to unlimited Liability in respect thereof, and that, if necessary, the assets shall be marshalled for the benefit of the general creditors, and the shareholders shall be liable for the whole amount of the issue in addition to the sum for which they would be liable as Shareholders of a Limited Company.

Laws repealed.

II. Every existing Banking Company which shall

Existing Company before obtaining registration under this Act to give notice to Customers.

register itself as a Limited Banking Company, shall, at least thirty days previous to obtaining a certificate of Registration with Limited Liability, give notice that it is intended so to register the same to every person and partnership firm who shall have a Banking Account with the Company; and such notice shall be given either by delivering the same to such person or firm, or leaving the same or putting the same into the Post in a registered letter addressed to him or them at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company; and in case the Company shall omit to give any such notice as is hereinbefore required to be given, then, as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further, or otherwise, the certificate of registration with Limited Liability shall have no operation.

III. Every Limited Joint Stock Banking Company

Limited Banking Company to furnish a Statement.

shall, before it commences business, or, if a Banking Company at the time carrying on business with unlimited Liability, before it avails itself of the provisions of this Act, and also on the 1st day of February and 1st day of August in every year during which it carries on business, make a statement in the form contained in the Schedule hereto annexed, or as near thereto as circumstances will admit; such statement shall be in addition to the balance sheet required by the said Act to be made out and filed with the Registrar of Joint Stock Companies: a copy of such statement shall be put up in a conspicuous place in the Registered Office of the Company, and in every branch Office or place where the Banking business of the Company is carried on; and if default is made in due compliance with the provision of this Section, each Director shall be liable to a penalty not exceeding for every day during which such default continues, and such penalty shall be recovered in a summary manner.

IV. All such estate or interest in moveable and

Trust Property.

immovable property, and all such deeds, bonds, obligations, and rights as may belong to, or be vested in, any person or persons in trust for any Banking Company at the date of its Registration under this Act, or in trust for any other Company at the date of its Registration under the said Act XIX. of 1857, shall immediately on Registration vest in such Banking or other Company; but no merger shall take place of any estates by reason of their uniting in the Company under this Section, without the express consent of the Company, certified by some instrument under their common seal.

V. Any Banking Company consisting of seven or

Existing Banking Companies may register under this Act.

more persons having a capital of fixed amount, and divided into shares also of fixed amount, legally carrying on the business of Banking previously to the passing of this Act, may, at any time hereafter, with the assent of a majority of such of its Shareholders as may have been present in person, or, in cases where proxies are allowed by the regulations of the Company, by proxy at some General Meeting summoned for the purpose, register itself as a Company under this Act, and when so registered all such provisions contained in any Letters Patent or Deed of Settlement constituting or regulating the Company as are inconsistent with the said Act XIX. of 1857 or with this Act, shall no longer apply to the Company so registered; but such Registration shall not take away or affect any powers previously enjoyed by such Company of banking, issuing notes payable on demand, or of doing any other thing.

VI. The Registration under this Act of any Banking

Registration under this Act not to affect obligations incurred previously to Registration.

Company existing at the time of the passing of this Act, and hereby authorised to be registered, shall not affect or prejudice the liability

of such Company to have enforced against it or its right to enforce any debt or obligation incurred, or any contract entered into, by, to, with, or on account of such Company previously to such Registration; and all such debts, obligations, and contracts, shall be binding on the Company when so registered, and the other parties thereto, to the same extent as if such Registration had not taken place.

VII. Every person who, at or previously to the date

Saving of liabilities of persons holding shares before Registration under Act.

of the Registration under this Act of any Banking Company hereby authorised to be registered, may have

held shares in such Company shall, in the event of the same being wound up by the Court or voluntarily, be liable to contribute to the assets of the Company the same amount that he would, if this Act had not been passed, have been liable to pay to the Company, for or on account of any debt of the Company in pursuance of any action, suit, judgment, or other legal proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company.

VIII. All such actions, suits, and other legal pro-

Continuation of existing actions and suits.

ceedings as may, at the time of the Registration under this

Act of any Company hereby authorised to be registered, have been commenced by or against such Company or the Public Officer thereof, may be continued in the same manner as if such Registration had not taken place; nevertheless execution shall not issue against the effects of any individual Shareholder in, or member of, such Company, upon any judgment, decree, or order obtained against such Company in any action, suit, or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such judgment, decree, or order, an order may be obtained for winding-up the Company in manner directed by the said Act XIX. of 1857.

IX. All Companies registered under this Act shall

Winding-up.

be wound up in the manner directed by the said Act XIX. of 1857.

X. Nothing in this Act shall affect Act VI. of 1839

Act not to apply to Banks of Bengal, Madras, or Bombay.

(incorporating the Bank of Bengal), Act III. of 1840

(for the incorporation of a Bank at Bombay), or Act IX. of 1843 (for the incorporation of a Bank at Madras), or shall be deemed to apply to the several Banks of Bengal, Madras, and Bombay, incorporated by the said Acts respectively.

XI. This Act shall be deemed to be incorporated

Construction of Act.

with and to form part of the said Act XIX. of 1857.

SCHEDULE.

Form of Statement to be published by a Limited Joint Stock Banking Company.

The Liability of the Shareholders is limited.

The Capital of the Company is

divided into

Shares of

Rupees each.

The number of Shares issued is

Calls to the amount of

per Share have been made, under which the sum of Rupees has been received.

The Liabilities of the Company on the first day of January (or July) were—

| | |
|------------------------------------|-----------|
| | Rs. a. p. |
| Notes issued..... | |
| Deposits not bearing Interest..... | |
| Deposits bearing Interest..... | |
| Seven Day and other Bills..... | |
| Total.. | _____ |

The Assets of the Company on that day were—

| | |
|-------------------------------------|-------|
| Government Securities..... | |
| Bills of Exchange..... | |
| Loans on Mortgage..... | |
| Other Loans..... | |
| Bank Premises..... | |
| Other Securities, exclusive of..... | |
| unpaid Calls on Shares..... | |
| Total.. | _____ |

Dated the first day of _____ or
one thousand eight hundred and _____

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

30th August 1859.

The following Bill was read a second time in the Legislative Council of India on the 27th August 1859, and was referred to a Select Committee, who are to report thereon after the 3rd of December next:—

A Bill to prevent the Over-crowding of Vessels carrying Native Passengers in the Bay of Bengal.

Whereas it is necessary to prevent the over-crowding of Vessels carrying Native Passengers across the Bay of Bengal from and to Ports in the Presidency of Fort Saint George, and between such Ports and Ceylon, and from and to Chittagong and other Ports in the Province of Orissa ; It is enacted as follows:—

I. Act I. of 1857 is hereby repealed.

II. No Vessel shall carry Native Passengers from any Port or place under the Presidency of Fort St. George, or from Chittagong, or from any Port in the Province of Orissa, to any Port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon ; or from any Port or place on the Eastern Coast of the Bay of Bengal, or in the Straits of Malacca, to any Port or place under the Presidency of Fort St. George, or to Chittagong, or to any Port in the Province of Orissa, in a proportion greater than one passenger to every four tons of the burden of such Vessel, without a licence.

III. No Vessel shall be licensed to carry Passengers on any such voyage as aforesaid, in a proportion greater than one passenger to every ton of burden, nor unless the Vessel has space on a deck or platform under hatches reserved for the accommodation of the Passengers in the proportion of six superficial feet for every Passenger, with not less than five feet clear between the upper deck and the lower deck or platform ; except a Vessel proceeding in ballast from any part of the Coast of the Gulf of Manar or Palk's Strait to any Port or place in Ceylon, which may be licensed to carry a number of Passengers not exceeding the proportion of two and a half to every ton of her burden, provided that the whole of the space usually

allotted for cargo and not occupied by ballast, be kept for the accommodation of the Passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the Passengers on the deck or decks of the Vessel be not less than four superficial feet for each Passenger.

IV. The Master or Tindal of any Vessel which shall carry Native Passengers on any such voyage as aforesaid, without a licence, in a proportion exceeding that laid down in Section I., shall be liable to a fine not exceeding twenty Rupees for each Passenger in excess of such proportion.

V. The Master or Tindal of any licensed Vessel which shall carry on any such voyage a greater number of Passengers than is specified in the licence, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each Passenger in excess of such number, or for each Passenger who is not provided with accommodation agreeably to the licence.

VI. Passengers in a greater number than one Passenger to every four tons of the burden of any Vessel, shall not be shipped from the territories under the Government of Fort St. George, or from the Province of Orissa, for Ceylon, or the Eastern Coast of the Bay of Bengal, or the Straits of Malacca ; or from the Eastern Coast of the Bay of Bengal, or the Straits of Malacca, for the said territories or Province or for Chittagong, except from such Ports as shall be from time to time appointed by the local Government by an Order published in the Government Gazette, and in the Straits Settlement in such manner as the Governor shall notify ; and the Master or Tindal of any Vessel who shall take on board Passengers for such voyage from any other Port or place in a greater proportion to the burden of the Vessel than is above-mentioned, shall be liable to a fine not exceeding twenty Rupees for each Passenger embarked.

VII. It shall be at the discretion of the Collectors of Sea Customs for the Ports appointed for shipping Native Passengers, or such other persons as the local Government may from time to time appoint for the purpose, to grant licences to Vessels under this Act. Provided that such licences shall not be granted, except for Vessels within the exception in Section II. till the Vessels have been surveyed according to such directions as shall be given from time to time by such local Government. The licence shall describe the Vessel, her tonnage, and rig ; the number of her boats, anchors, and cables ; and what instruments for the purpose of navigation she is supplied with ; also the name of the owner and of the Master or Tindal, and the number and composition of the crew ; and shall specify the number of Passengers she may carry, and the space to be assigned for their accommodation.

VIII. The Master or Tindal of any Vessel licensed to carry Passengers from any Port in the territories under the Government of Fort St. George, or from Chittagong, or from any Port in the Province of Orissa, to any Port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca ; or from any Port on the Eastern Coast of the Bay of Bengal or the Straits of Malacca, to any Port or place in the territories under the Government of Fort St. George, or to Chittagong, or to any Port in the Province of Orissa, which shall proceed on such voyage, not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of the local Government published in the Government Gazette, and in the Straits Settlement in such manner as the Governor

Certain licensed Passenger Vessels to carry provisions according to appointed scale.

Exception as to licensed Vessels sailing in ballast from certain parts of the Coast of Ceylon.

shall notify, shall be liable to a fine not exceeding twenty Rupees for each Passenger in excess of the number fully supplied with provisions and water according to such scale.

IX. The Master or Tindal of any Vessel licensed to carry Passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every Passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every Passenger who has suffered privation thereby.

X. The Master or Tindal of any Vessel licensed to carry Passengers from any Port under the Government of Fort St. George to Ceylon, who shall proceed on such voyage without having laid in a supply of water and provisions for the Passengers according to a scale to be fixed by the Collector of Sea Customs for such Port, or such other person as the Government of Fort St. George may from time to time appoint for the purpose, which shall be hung up at the Custom House of the Port, shall be liable to a fine not exceeding one hundred Rupees.

XI. The Master or Tindal of any Vessel licensed to carry Passengers as hereinbefore provided, shall sign and deliver, in duplicate, to the principal Officer of Customs at the place of embarkation, or such other person as the local Government may, from time to time, appoint for the purpose, a list, according to the form annexed to this Act, of all Passengers to be conveyed in such Vessel; and such Officer, after satisfying himself of the correctness of the same, and that the number of Passengers authorised is not exceeded, shall countersign and return one such list to the Master or Tindal, to be produced to the proper Officer at the Port to which the Vessel is bound; and should any additional Passengers engage to proceed by such Vessel after such list has been so countersigned, the Master or Tindal may insert their names in the original list, obtaining the signature of the controlling Officer as before. The Officer in charge of the Customs may withhold the Port Clearance till this rule is complied with.

XII. If any Vessel, bringing Native Passengers into any Port or place whatsoever on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca, from any Foreign European Settlement situate on the line of coast within the limits of the Presidency of Fort St. George, shall have on board a greater number of Passengers than in the proportion prescribed in Section I. of this Act, the Master or Tindal of such Vessel shall be liable to a penalty of twenty Rupees for each Passenger in excess of such proportion.

XIII. The principal Officer in charge of the Customs at the Port of embarkation or of destination, or any person authorised by him, shall be at liberty at all times to enter and inspect any Passenger Vessel, and the fittings, provisions, and stores therein; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

XIV. If any Native Passenger in any Ship shall be landed at any Port or place other than the Port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall, for each

offence, be liable to a penalty not exceeding two hundred Rupees.

XV. Nothing in this Act contained shall take away or abridge any right of action which may accrue to any Native Passenger, or to any other person, in respect of the breach or non-performance of any contract made with the Master or Owner of the Ship or his Agent.

XVI. All offences against this Act shall be punishable in a summary manner by a Magistrate. If the person directed to pay any penalty is the Master or Owner of a Ship, and the same is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the means prescribed by law for enforcing payment, direct, by warrant, the amount remaining unpaid to be levied by distress and sale of the said Ship, her tackle, furniture, and apparel.

XVII. For the purpose of the adjudication of penalties under this Act, any offence shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

XVIII. Any Magistrate imposing any penalties under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.

XIX. The word "Magistrate" in this Act shall include a Magistrate of Police appointed under Act XIII. of 1856, a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate.

The words "Local Government" shall mean the person or persons for the time being immediately administering the Executive Government of that portion of the said territories where the Port or place in question is situate.

SCHEDULE.

Form.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-----------------|-----------------|--------------------|----------------------|---------------------------------|--|--------------------|
| Name of Vessel. | Name of Master. | Tons per Register. | Port of Embarkation. | Number and names of Passengers. | Port at which Passengers have contracted to be landed. | Date of Departure. |
| | | | | | | |

(Signed) _____, Master.

(Countersigned) _____, Principal Officer of Customs.

Note.—In the case of vessels carrying Passengers to Ceylon, it will be sufficient to insert the number, and not the names, of Passengers in Column 5.

W. MORGAN,
Clerk of the Council.

Penalty for omitting to supply Passengers with prescribed allowance of food and water.

Supply of provisions on board Passenger Ships plying to and from Ceylon.

List of Passengers to be signed by Master.

Additional Passengers.

Penalty for bringing Native Passengers into any Port on the Eastern Coast of the Bay of Bengal from any Foreign European Settlement, in excess of authorised proportion.

Penalty for impeding entry or inspection.

Penalty on landing Passenger at a place other than that at which he has contracted to land.

Legislative Council of India.

27th August 1859.

The following Bill was read a second time in the Legislative Council of India on the 20th August 1859, and was referred to a Select Committee, who are to report thereon after the 1st of December next:—

A Bill to Amend Act VI. of 1857 (for the Acquisition of Land for Public Purposes).

Whereas it is expedient to amend, in certain cases, Act VI. of 1857; It is enacted as follows:—

I. In the case of land being required for a Road, Canal, or Railway, when it shall be certified to the Collector or other Officer appointed as provided in Section III. Act VI. of 1857, that, in conformity with the provisions of

Publication of notices to persons interested in land required for a Railway, &c. after the land has been marked out.

Section XXXIV. of that Act, the intended line of the Road, Canal, or Railway has been surveyed and marked out by a trench or other land-marks, the Collector or other Officer shall cause a notice to be affixed in some conspicuous place or places upon the land at intervals of not less than one mile, and published by Proclamation in the neighbouring Bazars and Villages, intimating that the land about to be taken for a Road, Canal, or Railway, as may be, as already notified by Section II. Act VI. of 1857, has been marked out to the extent of inches (or as may be) from to , and that a detailed measurement of the land so marked out would commence from the , and requiring all parties interested in the land to appear at a place mentioned in the notice before him personally, or by agent, on the expiration of a specified period, not being less than fifteen days from the date of the publication of the notice, and state the nature of their interests in the land and the amount and particulars of their claims to compensation for the same.

II. It shall be the duty of the Collector to fix the time for the appearance of the parties with reference to the time that will probably be required for the completion of the measurement of the section of land included in the notice, so that ordinarily that measurement should be completed by the expiration of the period specified in the notice.

III. When the detailed measurement of the land, marked out as aforesaid, shall be completed, the Collector or other Officer, at any time after the expiration of (ten days following) the period provided for in the above notices, may take immediate possession of the land so measured, or of any portion thereof, which shall thenceforward be vested absolutely in the Government, free from all other estates, rights

titles, and interests; provided always that, on the date fixed in the notices directed in Section I. of this Act to be served, the Collector or other Officer shall immediately proceed, in conformity with Section V. and the following Sections of Act VI. of 1857, to award the compensation due for the land marked out or taken.

IV. When the Collector or other Officer shall, in any case after the passing of this Act, exercise the authority conferred on him by Section XXXIV. Act VI. of 1857, he shall publish a notification of the order made, from time to time, in every Moonsiff's Court and in every Thannah within which the land about to be surveyed and marked out is situated; but it shall suffice if the publication be made at the time that the surveying Officer is about to mark out the land situated within the limits of any one Moonsiffship or Thannah.

Publication of notification when Collector gives authority to enter lands for the purpose of making a survey.

Proviso.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

27th August 1859.

The following Bill was read a second time in the Legislative Council of India on the 27th August 1859, and was referred to a Select Committee, who are to report thereon after the 1st of December next:—

A Bill to make perpetual Act XXVIII. of 1857 (relating to the Importation, Manufacture, and Sale of Arms and Ammunition, and for Regulating the right to keep or use the same).

Whereas an Act was passed on the 11th of September 1857, intituled "An Act relating to the importation, manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same," and it was thereby enacted that the said Act should continue in force for two years: and whereas, by Act XIX. of 1859, it is enacted that the said Act XXVIII. of 1857 shall continue in force until the end of the year 1859: and whereas it is expedient to make the said Act XXVIII. of 1857 perpetual; It is enacted as follows:—

I. The said Act XXVIII. of 1857 shall be and the same is hereby made perpetual.

Act XXVIII. of 1857 made perpetual.

W. MORGAN,
Clerk of the Council.

The following is a copy of the Act:—

ACT No. XXVIII. OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the Assent of the Governor General on the 11th September 1857.)

An Act relating to the Importation, Manufacture, and Sale of Arms and Ammunition, and for Regulating the right to keep or use the same.

Whereas it is expedient to regulate the importation, manufacture, and sale of Arms and Ammunition, and the right to keep or use the same; It is enacted as follows:—

I. In any district or place to which the provisions of this Section shall be extended by order of the Governor General of India in Council or of the Executive Government of any Presidency or place, every person shall, within such time as shall be mentioned in the order, or, if no time be mentioned therein, within one week from the publication of the order in the District or place, give notice in writing, to the Magistrate or other Officer specified by the Executive Government, of any fire-arms, bayonet, sword, spear, spear-head, or other deadly weapon to be specified in such order, which shall be in his possession, or shall be on his premises in the possession of any of his retainers or servants; and shall also give immediate notice in writing of all other Arms of the like description which shall, at any subsequent time, come into his possession or into the possession of any of his retainers or servants as aforesaid. The notice shall specify the number and description of the Arms so possessed, and also in the case of Arms so possessed by retainers or servants, the names of such retainers or servants, and in what capacities they are respectively employed.

II. Whoever wilfully neglects to give such notice as aforesaid, shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees; and all Arms in the possession of such person may be seized, and shall be confiscated, if the convicting Magistrate shall so adjudge; and in case the Arms of which he shall so neglect to

What to be specified in the notice.

Penalty for wilful neglect to give notice.

give notice shall exceed what may be considered reasonable for the private use of such person, he shall be liable to imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to a fine not exceeding Five Thousand Rupees; and all the Arms and any Ammunition or Military Stores in the possession of such person, or on his premises, shall be confiscated.

III. The Magistrate shall cause to be prepared from such notices a register of the names of persons having Arms in their possession, and the number and description of such Arms; and shall also, at the request of any person giving such notice as aforesaid, deliver to him a certificate specifying the date of the notice, and the number and description of Arms specified therein.

IV. If, in the judgment of the Government or of the Magistrate, any such Arms as aforesaid, or any Ammunition in the possession of any person cannot be left in such possession without danger to the public peace, it shall be lawful for the Magistrate to cause such Arms or Ammunition to be seized and detained in safe custody for such time as may be deemed necessary.

V. In any District or place to which the provisions of this Section shall be extended by order of the Governor General of India in Council, or of the Executive Government of any Presidency

or place, if any person goes armed with any such Arms as aforesaid, and shall not produce a certificate from a Magistrate or other Officer authorised by Government to grant licences to go armed, that he has obtained such a licence, or that he is exempted by Government from the foregoing provisions, or give reasonable proof of his being otherwise exempted from the said provisions, he shall be liable to be disarmed by any Magistrate, Deputy

Magistrate, or Assistant to a Magistrate, or by any European Commissioned Officer in the service of Her Majesty or of the East India Company, or by any member of a Volunteer Corps enrolled by authority of Government whilst on duty, or by any Police Officer, if, in the judgment of such Magistrate or other person as aforesaid, it is dangerous to the public peace to allow such person to go armed. Provided always, that if

any person shall have a licence from the Magistrate of the District or place at which he resides or may be, to carry on a journey such Arms as the Magistrate may consider reasonable for his private use, and shall obtain from such Magistrate a certificate stating the name and address of the licence, the route by which he intends to proceed, the time which such journey is expected to occupy, and the Arms which he is permitted to carry, such certificate shall have the same force and effect, according to its tenor, in every District or place specified therein, as if leave to go armed had been granted by the Magistrate of such District or place.

Exemptions.

1. Officers, Soldiers, and Sailors in the Military or Naval Service of Her Majesty or of the East India Company, in respect of Arms and Ammunition kept by them for use in the public service.
2. Members of Volunteer Corps, in respect of such Arms and Ammunition.
3. Police and Revenue Officers and other persons, in respect of Arms and Ammunition furnished by Government for use in the public service, or provided by themselves with the sanction of Government for such use.

4. Such other persons as the Government may think fit to exempt from such provisions.

Other persons.

Arms and Ammunition belonging to any ship or vessel, not exceeding the reasonable armament thereof, shall also be exempt from such provisions.

VII. If any person shall manufacture, repair, sell, or keep or expose for sale, any Arms of the description hereinbefore mentioned, or shall manufacture, or sell, or keep or expose for sale, percussion-caps, gunpowder,

or other Ammunition, without a licence to manufacture or deal in Arms or Ammunition, as the case may be, or contrary to any of the conditions contained in any such licence, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees, in addition to double the value of any Arms or Ammunition sold; and all Arms and Ammunition belonging to the offender shall be forfeited, if the convicting Magistrate shall so adjudge.

VIII. Licences to manufacture or deal in percussion-caps shall be granted by the Governor General in Council, or by the Executive Government, or by an Officer specially authorised by the Governor General in Council, or by the Executive Government to grant such licences.

Licences to manufacture or deal in Arms, percussion-caps, or other Ammunition, shall be granted by the Governor General in Council, or by the Executive Government to grant such licences. Licences to manufacture or deal in Arms and Ammunition, other than percussion-caps, may be granted by a Magistrate or by an Officer authorised by the Governor General in Council, or by the Executive Government to grant such licences.

IX. Every person licensed to manufacture or deal in Arms, percussion-caps, or other Ammunition, shall enter in a book, to be kept by him for that purpose, an account of all the stock-in-trade which he may from time to time have in his possession or under his control, and also the name and address of every purchaser of Arms or Ammunition sold by him, together with the nature, description, and quantity of such Arms or Ammunition. Such book shall

be open at all times to inspection by the Magistrate or other duly authorised Officer, by whom copies may be taken of all entries therein contained. If any such person shall omit or fail duly to keep such a book, or to make therein all such entries as are hereby required, or if any person shall prevent or obstruct the inspection of such book, or shall make a false entry therein, he shall be liable for every such offence, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees, in addition to double the value of any Arms or Ammunition sold, of which he shall fail to make such entry, or respecting which he shall make a false entry; and, if the offender be licensed to manufacture or deal in Arms or Ammunition, he shall also forfeit his licence, if the convicting Magistrate shall so adjudge.

X. The Magistrate or other Officer authorised by Government may, at any time, enter the premises in which Arms or Ammunition shall be manufactured or kept by any licensed manufacturer or dealer in Arms or Ammunition, in order to inspect the stock-in-trade of such manufacturer or dealer; and if any such manufacturer or dealer shall intentionally conceal from such Magistrate or other Officer as aforesaid any part of his stock-in-trade, or shall wilfully refuse to point out where the same is kept, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees; and all the stock-in-trade belonging to such person may be seized, and shall be confiscated if the convicting Magistrate shall so adjudge.

Licensed manufacturers or dealers to enter in a book an account of stock-in-trade, names of purchasers, &c.

Inspection of book.

XI. Any licence granted under the provisions of Section VIII. may be granted, subject to such conditions as shall be thought necessary, and may be revoked or suspended by the person or persons authorised to grant such licences.

XII. No Arms or Ammunition, and no Sulphur or Saltpetre, shall be imported either by sea or by land into any part of the territories in the possession and under the Government of the East India Company, without the licence of the Governor General in Council or of the Executive Government.

XIII. If any person shall import or attempt to import without such licence, either by sea or by land into any part of the said territories,

any Arms or Ammunition, or any Sulphur or Saltpetre; or shall aid or assist in such importation or in such attempt to import; or shall knowingly conceal or assist in concealing any Arms or Ammunition, or any Sulphur or Saltpetre, imported without such licence, he shall be liable, on conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding Two Years, and also to a penalty not exceeding One Thousand Rupees; and the articles so imported shall be confiscated, if the convicting Magistrate shall so adjudge.

XIV. The provisions of the two last preceding Sections shall not extend to Arms and Ammunition imported in reasonable quantities for private use; but the Collector of Customs may at any time detain any such articles if he shall think it necessary, until he shall receive the orders of Government. Nothing in this Section shall exempt any person from the obligation of giving any notice required by this Act.

XV. The Governor General in Council may, by order, prohibit the transport of Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, or any particular description of Arms, Ammunition, or Military Stores, from one part of India to another, or the transport thereof in any particular direction to be specified in the order; or prohibit the transport thereof except according to such rules and conditions as may be specified in the order; and the Executive Government of any Presidency or place shall have the like power within the territories under their Government.

XVI. If any person shall transport or cause to be transported, or shall attempt to transport or cause to be transported, or shall aid in transporting, any Arms, Ammunition, Military Stores, Sulphur, or Saltpetre contrary to such order, or to the rules and conditions specified therein, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees, and the articles transported or attempted to be transported shall be confiscated. If any person shall, by concealment or other device, transport or cause to be transported, or attempt to transport or cause to be transported, such Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, he shall, in addition to the penalty hereby provided, be liable, upon such conviction, to imprisonment, with or without hard labour, for a term not exceeding Two Years.

XVII. If any person shall be found carrying or conveying Arms, Ammunition, Military Stores, Sulphur, or Saltpetre in such a manner or under such circumstances as to afford just grounds of suspicion that the

same are being carried by such person with intent to use the same, or that the same may be used for any unlawful purpose dangerous to the public peace, it shall be lawful for any of the public officers mentioned in Section V. of this Act, or for any other person, to apprehend, without warrant, the person so carrying or conveying such Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, and to detain such person in custody, in order that he may be dealt with according to law. If any person be apprehended by a person not being a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, he shall be delivered over as soon as possible to a Police Officer; and all persons apprehended by or delivered to a Police Officer under the provisions of this Act shall be carried before a Magistrate or other Officer competent by law to punish him for the offence or to commit him for trial.

XVIII. Whenever the Governor General in Council or the Executive Government shall consider it necessary so to do, they may by order prohibit the sale of Sulphur; and any person selling Sulphur contrary to such order shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees; and all Sulphur belonging to such person shall be confiscated, if the convicting Magistrate shall so adjudge.

XIX. The Governor General in Council or the Executive Government may also at any time seize all Sulphur in the possession of any person, and detain the same for such time as they may deem necessary for the public safety.

XX. Nothing in the two preceding Sections shall apply to Sulphur kept or sold in reasonable quantities for medicinal purposes.

XXI. The Government may exempt any person from the provisions of Sections XVIII. and XIX. upon such conditions, if any, as such Government may consider necessary.

XXII. The Government may require all persons having in their possession Ammunition or other Military Stores, or Sulphur, in any greater quantities than are considered reasonable for private use, to give notice thereof to the Magistrate or other Officer specified by Government; and any person who wilfully neglects to give such notice shall be liable, on conviction before a Magistrate, to imprisonment, with or without hard labour, for a term not exceeding Two Years, and shall also be liable to a fine not exceeding Five Thousand Rupees; and all Ammunition, Military Stores, or Sulphur, in the possession of such person, or upon his premises, shall be confiscated.

XXIII. If any Magistrate have reasonable cause for suspecting that Arms, Ammunition, or Sulphur, liable to confiscation, are in any house, building, or other place, or that any Arms, Ammunition, or Sulphur are in any house, building, or other place in the possession of any person, in whose possession they cannot be left with safety to the public peace, he may, with such assistance as he shall think necessary, by night or by day, and by force if necessary, enter and search any such house or place, or cause the same to be entered and searched. It shall be competent to a Magistrate to delegate to any of his European Assistants the powers conferred on him by this Section.

XXIV. The Governor General of India in Council,

or the Executive Government of any Presidency or place, or the Chief Commissioner of the Punjab and Oude respectively, or the Commissioners of Nagpore and Scinde respectively, or any other persons authorised by Government, may order a general search for Arms, Ammunition, &c. may be ordered in any District.

or Sulphur to be made, by any Officers or persons named in such order, in any District or place specified therein. The persons authorised by such order, and all persons acting under their authority, shall have the like powers of entry, search, and seizure as are conferred by the last preceding Section.

XXV. If, on any search being made, any persons

shall refuse to produce or point out to the persons making the search, or shall conceal or attempt to conceal any Arms, Ammunition, or Sulphur, such person may be apprehended without warrant, and shall be liable, on conviction before a Magistrate, to imprisonment with or without hard labour for a term not exceeding Two Years, in addition to any other penalty to which he may be subject under this Act.

XXVI. After such time as shall be mentioned in the

order of Government extending the provisions of this Section to any District or place, or, if no time be mentioned, after one week from the publication of the order in the District or place, no person shall manufacture, use, or have in his possession any cannon, howitzer, or mortar, without a licence from the Governor General of India in Council, or from the Executive Government of any Presidency or place. If any person shall manufacture, use, or have in his possession any cannon, howitzer, or mortar, without such licence, he shall be liable, on conviction before a Magistrate, to a fine not exceeding Two Thousand Rupees, and to imprisonment for a term not exceeding Two Years; and such cannon, howitzer, or mortar may be seized and shall be forfeited to Government. Any person who has in his possession any cannon, howitzer, or mortar at the time when this Section takes effect in any District or place, and who shall be unwilling to apply for a licence to retain possession thereof, may surrender the same to the Magistrate within such period as aforesaid. The provisions of this Section shall not extend to any cannon, howitzer, or mortar forming part of the ordinary armament of any ship or vessel.

Penalty for making, using, or keeping cannon, &c., without licence, in any District to which this Section is extended.

Surrender of cannon, &c. by persons not willing to take out licence for retaining possession thereof.

Exception.

XXVII. Whoever assaults or resists, or aids or assists any person in assaulting or resisting, any person in the execution of any power vested in him by this Act,

shall be liable, on conviction before a Magistrate, to a fine not exceeding Two Hundred Rupees, or to imprisonment with or without hard labour, for any term not exceeding Six Calendar Months.

XXVIII. No suit, action, or other proceeding shall

be commenced or prosecuted against any person for anything done in pursuance of this Act without giving to such person a month's previous notice in writing of the intended action and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of three months from the accrual of the cause of action or other proceeding.

XXIX. If any fine or penalty imposed by a Magistrate under the authority of this Act be not immediately paid, the Magistrate may commit the offender to jail, there to be imprisoned according to the discretion of the Magistrate, for any term not exceeding Six Months where the amount of the fine or penalty shall not exceed Five Hundred Rupees, and for any term not exceeding Twelve Months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Imprisonment if fine not paid.

XXX. Any fine or penalty levied from any person convicted of an offence under this Act, or any portion of such fine or penalty, may be awarded to the person on whose information the conviction shall take place.

XXXI. The word "Magistrate" shall include any person exercising the full powers of a Magistrate; and within the Presidency Towns and in the Straits' Settlement, all powers of conviction and confiscation upon conviction given by this Act to a Magistrate, shall be exercised by the Police Magistrates; and all other powers given by this Act to a Magistrate may be exercised by the Commissioner of Police; and all notices hereby required to be given to a Magistrate shall, in any such Presidency Town or in the Straits' Settlement, be given to the Commissioner of Police.

Commissioners of Police in Presidency Towns may exercise the powers hereby given to a Magistrate, other than powers of conviction and confiscation.

Persons having the immediate superintendence of the Police may be vested with the powers hereby given to a Magistrate, other than powers of conviction and confiscation.

XXXII. Whenever, in any Presidency or place, the immediate control and superintendence of the Police is vested in any person other than the Magistrate or such Commissioner of Police as aforesaid, the Executive Government may order that all or any of the powers given by this Act to a Magistrate, other than powers of conviction and confiscation upon conviction, shall be exercised by such person, and that all notices hereby required to be given to a Magistrate shall be given to such person.

XXXIII. This Act, or any part or parts thereof, shall take effect in any District or place to which the same shall be extended by order of the Governor General of India in Council, or of the Executive Government of any Presidency or place.

XXXIV. It shall be lawful for the Governor General in Council or the Executive Government of any Presidency or place to withdraw from the operation of the Act and again made subject to it.

Parts of District may be withdrawn from the operation of the Act and again made subject to it.

XXXV. This Act shall continue in force for Two Years.

Duration of Act.

XXXVI. Any Officer of Government who, prior to the passing of this Act, may have seized or detained, or prevented the importation of any Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, in pursuance of an order of Government, is hereby indemnified for so doing; and no action or other proceeding shall be commenced or prosecuted in respect of such seizure or detention.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

30th August 1859.

The following Bill was read a second time in the Legislative Council of India on the 30th August 1859, and was referred to a Select Committee, who are to report thereon after the 3rd of December next :—

A Bill for the Licensing of Trades and Professions.

Whereas it is expedient to provide for the Licensing of Trades and Professions in India, and to impose a tax on the grant of such Licences ; It is enacted as follows :—

I. Regulation IV. 1818 of the Madras Code (pre-

scribing rules for the assessment and collection of the Veesabuddy or Tax upon the profits of trade in the Provinces known by the appellation of the Ceded Districts or the Zillahs of Bellary and Cuddapah), and Regulation V. 1832 of the same Code (declaratory of the liability of persons exercising certain arts, trades, and professions to the Mohturfa Tax), are hereby repealed.

II. From and after the day of every person who shall carry on any lawful trade and every person who shall exercise any profession shall be required to take out such licence as is by this Act directed.

III. For the purposes of this Act, the following Who to be deemed persons shall be deemed to be per- carrying on trade. sons carrying on trade, namely:—

Every person who shall carry on any trade or business having for its object the procurement of gain to such person :

Every Company or Association or body of persons who shall carry on trade or business as aforesaid, whether constituted a Company by Act of Parliament, Royal Charter, Letters Patent, or Act of the Legislative Council of India ; or constituted or regulated by deed of settlement or other instrument :

Every partnership of persons who shall carry on trade or business as aforesaid.

IV. A licence under this Act shall be granted by the Collector of Land Revenue of the District or place in which the person requiring such licence shall carry on his trade or exercise his profession, or by such other Officer as the Government shall appoint or authorise in that behalf. If the person requiring such licence shall carry on his trade or exercise his profession in more than one District or place, the licence shall be granted by the Collector or other authorised Officer of the District or place in which the chief office or place of business is situate.

V. There shall be specified in every licence to be granted under this Act, the date of the grant thereof, the true name of the person to whom the licence is granted, the sum paid for such licence, and the place or places where such person shall carry on or intend to carry on his trade, or shall exercise or intend to exercise his profession.

VI. Every licence which shall be granted under this Act shall have effect and continue in force from the day of the date thereof until the day hereinafter appointed for the expiration thereof ; and every such licence which shall be granted before the 1st day of 186 shall expire on that day ; and every such licence which shall be granted upon or at any time after that day shall expire on the 1st day of next after the day of the granting thereof.

VII. Every person to whom any such licence shall be granted, and who shall be desirous of continuing to use his trade or profession after

the expiration thereof, shall take out a fresh licence for that purpose for the following year, to expire on the day appointed in the last preceding Section, and shall renew the same from year to year, so long as he shall desire to continue such trade or profession ; and every such person shall give notice, in writing, twenty-one days at least before the expiration of the current licence to him granted, of his intention to renew the same, to the Collector or other Officer authorised as aforesaid of the District or place where such trade or profession is to be carried on or exercised.

VIII. Upon all licences to be granted under this Act there shall be paid by the persons to whom such licences are granted the several annual sums hereinafter mentioned (that is to say),

If the person to whom the licence is granted shall be assessed—

| Under Class | I. | Rs. | Yearly. |
|-------------|----|-------|---------|
| " " II. | .. | 5,000 | " " |
| " " III. | .. | 4,500 | " " |
| " " IV. | .. | 4,000 | " " |
| " " V. | .. | 3,500 | " " |
| " " VI. | .. | 3,000 | " " |
| " " VII. | .. | 2,500 | " " |
| " " VIII. | .. | 2,000 | " " |
| " " IX. | .. | 1,500 | " " |
| " " X. | .. | 1,000 | " " |
| " " XI. | .. | 500 | " " |
| " " XII. | .. | 250 | " " |
| " " XIII. | .. | 100 | " " |
| " " XIV. | .. | 50 | " " |
| " " XV. | .. | 25 | " " |
| " " XVI. | .. | 10 | " " |
| " " XVII. | .. | 5 | " " |
| " " XVIII. | .. | 2 | " " |

The annual sum made payable under this Section shall, if the licence be taken out on or before the day of , be paid by two equal half-yearly instalments. In all other cases such sum shall be paid upon the taking out of the licence.

IX. The Collector or other Officer authorized as aforesaid shall, subject to the provisions of Section of this Act, determine under what class every person to whom a licence is granted shall be assessed ; and such determination shall be made with reference to and after consideration of the extent of the trade, business, or profession carried on by every such person, and the amount of the annual net profits or gains accruing therefrom ; and in such manner that the sum to be paid for the licence shall approximate as nearly as may be to three per cent. on such annual profits or gains. The Collector or other Officer as aforesaid may appoint a Panchayet to consist of three or more respectable persons of the neighbourhood to aid him in making such assessment.

X. Any person who shall satisfy the Collector or other Officer authorized as aforesaid, that the aggregate annual amount of the net profits or gains of the trade, business, or profession carried on by such person (estimated according to the provisions of the last preceding Section) is less than a sum which so estimated would render him liable to assessment under Class 17 of Section VIII. shall be exempted from taking out a licence under this Act.

XI. In order to assist in giving effect to the provisions of this Act, it shall be lawful for persons carrying on trades in which Chowdries were formerly maintained, or may now exist, or may hereafter be appointed

under the provisions of this Section, to nominate and appoint, within a time to be fixed by the Collector or other Officer authorized as aforesaid, fit persons to be Chowdries of such trades. In default of such nomination, the Collector or other Officer as aforesaid may appoint Chowdries of trades.

XII. In order to enable the Collector or other Officer authorized as aforesaid to determine under what classes persons requiring to be licensed shall be assessed, and what sums shall be paid in respect of licences granted under this Act, he may cause to be sent to any person supposed to be liable to the payment of the tax hereby imposed, a Schedule to be filled up with such information respecting the trade, business, or profession carried on by such person, and the amount of the annual profits or gains accruing therefrom, the number and names of persons holding any office or employment under him, and their salaries, fees, and wages, as the Collector or other Officer authorised as aforesaid may judge necessary for the purpose of such assessment. The Schedule shall be filled up in writing and dated; and shall contain a declaration, signed by such person, that to the best of his belief the Schedule is a true return of the matters therein contained. Such return shall be delivered to the office of the Collector or other Officer as aforesaid by every person to whom it is sent, whether or not liable to the payment of such tax; and whoever refuses, neglects, or omits duly to fill up and return such Schedule within twenty-one days from the receipt thereof, shall be liable to a penalty not exceeding Five Hundred Rupees; or if he be a person liable to be assessed, the Collector or other Officer as aforesaid may assess him under any of the classes mentioned in Section VIII. of this Act; and no appeal shall lie from such assessment on the ground that such person had been assessed under too high a class with reference to the provisions of Section IX. of this Act; or if such person knowingly gives therein any incorrect or false return, he shall be liable to the penalties provided for perjury.

XIII. The Collector or other Officer authorized as aforesaid may summon any person whom he shall think able to give evidence, for the purpose of enabling him to determine under which of the classes mentioned in Section VIII. of this Act any person should be assessed, and may examine such person as to any such matter. The Collector or other Officer as aforesaid may also require the person summoned to produce any books or documents in his possession or power relating to the trade, business, or profession of any person supposed to be liable to assessment, or of any person who has appealed against such assessment, or to the amount of the annual profits or gains accruing from such trade, business, or profession. If the person summoned shall refuse to answer any lawful question of the Collector or other Officer as aforesaid, or shall knowingly give an incorrect answer, or shall refuse to produce any such books or documents as aforesaid, he shall be liable to a penalty not exceeding five hundred Rupees; or if he be a person liable to be assessed, the Collector or other Officer as aforesaid may assess him under any of the classes mentioned in Section VIII. of this Act; and no appeal shall lie from such assessment on the ground that such person had been assessed under too high a class with reference to the provisions of Section IX. of this Act.

XIV. On or before the day of _____ in every year, the Collector or other Officer authorised as aforesaid shall prepare a list of the persons requiring to be licensed under this Act, which list shall state the trade or profession of each of the persons therein named, the class under which he shall be assessed, and the tax payable in respect of his licence. When such list has been prepared, the Collector or other Officer shall give a Public Notification thereof, and of

the place or places where the said list may be inspected. Copies of such Notification shall be exhibited conspicuously at the Collector's Cutcherry, and at the Tehsildaree Cutcheries, and at the Cutwallie or the Thanna in which the parties named in the list severally reside.

Objections. Any person named in the list shall be at liberty, within fifteen days from the date of such Notification, to state in writing any objection against the assessment to the Collector or Officer, who shall, after hearing the complaint, pass such order thereupon as to him shall seem fit.

XV. Any person in whose custody such list may be, shall permit all persons authorized agents of such persons, to inspect the list and to make extracts therefrom without payment of any fee; and whoever wilfully neglects or refuses to permit the same, shall be liable, on conviction before a Magistrate, to a penalty not exceeding One Hundred Rupees.

XVI. Any person dissatisfied with the order of the Collector or other Officer authorized as aforesaid, shall be at liberty to prefer, within fifteen days from the date of such order, an appeal in writing to the Commissioner of Revenue of the Division; and the decision of the Commissioner upon such appeal shall be final.

XVII. Complaints made to Collectors or other Officers authorized as aforesaid, and appeals preferred to Commissioners under the preceding Sections, shall be written upon Stamped paper of the value of eight Annas and one Rupee respectively.

XVIII. The Collector or other Officer authorized as aforesaid shall prepare a revised list containing any corrections in the list prepared under Section XIV. of this Act which he may have made of his own authority, or which may have been introduced by order of the Commissioner. When such revised list has been prepared, Notification shall be given in the manner required by Section XIV. of this Act; and a copy of the revised list shall be sent to the Commissioner of the Division.

XIX. The powers vested by this Act in the Commissioner shall be exercised, in Districts or places where there are no Commissioners of Revenue, by such Officer or Officers as the Executive Government may appoint. Copies of revised lists required to be sent to the Commissioner, shall be sent to such Officer or Officers.

XX. After the said day of _____, if any person shall carry on his trade or exercise his profession without having taken out a licence as required by this Act, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding five times the amount which, in the judgment of the Magistrate, would have been payable by such person in respect of a licence duty taken out as aforesaid.

XXI. No person required by this Act to take out a licence shall be allowed to recover, in any judicial suit or proceeding, any money, debt, or charge claimed by him in respect of the trade, business, or profession carried on by him after the passing of this Act, unless such person shall prove to the satisfaction of the Judge or Officer presiding at the trial, that at the time when the contract was entered into he had duly obtained a licence in conformity with this Act.

XXII. Any person required by this Act to take out a licence, who shall, without reasonable excuse, neglect or refuse to produce and show his licence when required so to do by an Officer duly empowered to make such requisition by the Collector or other Officer authorized as aforesaid, shall, on con-

viction before a Magistrate, be liable to a penalty not exceeding One Hundred Rupees.

XXIII. Persons holding any offices or employments of profit, other than offices or employments mentioned in Sections XXIV. and XXV. of this Act, shall be deemed to be, in respect of

Persons holding office or employment not under Government, to be deemed persons carrying on trade.

the salary, fees, wages, perquisites, and profits of such offices or employments, persons carrying on trade or exercising a profession within the meaning of this Act, and shall be assessed (with reference to the provisions of Section IX. of this Act), upon an estimate of the annual salary, fees, wages, perquisites, and profits of such offices or employments. Provided that, if any person holding any such office or employment, shall

Proviso.

satisfy the Collector or other Officer authorised as aforesaid, that the salary, fees, wages, perquisites, and profits of his office or employment do not exceed one hundred Rupees per mensem, such person shall not be required to take out a licence under this Act.

XXIV. Every Civil Officer, and every Military Officer

Civil Officers, and Military Officers in Civil employ.

in Civil employ, shall pay at the rate of three per cent. per annum upon the amount of

his salary, and the same may be deducted by Government from such salary; provided that, if the salary of such Officer do not exceed one hundred Rupees, he shall not be taxed.

XXV. Every Military Officer on the General, Divisional, Brigade, and Personal Staff shall pay a tax at

Staff Officers

the rate of three per cent. per annum on the amount of his pay and allowances, and the amount may be deducted by the Government from his pay and allowances.

XXVI. All offences under this Act made punishable by any penalty may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act XIII. of 1856, relating to the adjudication of fines and penalties and the enforcing payment thereof, shall apply to penalties imposed under this Act in the Towns of Calcutta, Madras, and Bombay.

XXVII. The provisions of this Act shall not apply to any person who shall hold any office, employment, or commission under Her Majesty, or under the Government of India, the salary of which office or employment has been fixed by Act of Parliament.

XXVIII. Nothing in this Act shall be deemed to apply to any artificer or workman for hire, or to any labourer, or to any ryot or cultivator of land in respect of the produce of such land.

XXIX. Nothing in this Act shall be construed to alter or affect the provisions of any other Law or Regulation relating to licences.

XXX. This Act shall not take effect or have operation within the Settlement of Prince of Wales' Island, Singapore, and Malacca.

XXXI. It shall be lawful for the Governor General of India in Council, from time to time, to make rules for the guidance of Officers

Government empowered to make rules. in matters connected with the enforcement of this Act, provided such rules are not inconsistent with any of the provisions herein contained.

W. MORGAN,
Clerk of the Council.

"A BILL TO AMEND ACT No. VI. of 1857 (FOR THE ACQUISITION OF LAND FOR PUBLIC PURPOSES):"—Murathee.

खाली लिहिलेला आक्टचा मसुदा सन १८५९ चे आगस्ट महिन्याचे २० वे तारिखेस इंडियाचे लेजिस्लेटिव कौन्सिलांत दुसरे वेळीं वाचून सिलेक्ट कमिटीकडे सोपला, ती कमिटी येत्या डिसेंबर महिन्याचे १ ले तारिखे नंतर त्या मसुद्या विषयी रिपोर्ट करणार आहे.

"सार्वजनिक कामासाठीं जमीन घेण्या बाबत" सन १८५७ चा ६ वा आक्ट आहे तो सुधारण्या विषयींचे आक्टचा मसुदा.

सन १८५७ चा ६ वा आक्ट कांहीं नात्रतीत सुधारणे योग्य आहे, यास्तव खाली लिहिल्या प्रमाणे ठरविलें आहे:—

उद्देश.

१. रस्त्यासाठीं, किंवा कालव्यासाठीं, किंवा लोखंडी रस्त्यासाठीं जमीन पाहिजे असेल त्या प्रसंगी कलेक्टरास, किंवा सन १८५७ चे ६ वे आक्टाचे ३ रे कलमातील ठरावा अन्वये नेमलेले इतर अंमलदारास खाली लिहिल्या प्रमाणे दाखला पोचला असतां म्हणजे, सदहू आक्टाचे ३४ वे कलमातील ठरावा अन्वये रस्त्याचे, किंवा कालव्याचे, किंवा लोखंडी रस्त्याचे धारलेले लैनीची पाहाणी केली आहे, व चर खणून किंवा जमिनीवर इतर निशाण्या बसवून खुणा केल्या आहेत असा दाखला पोचला असतां कलेक्टराने, किंवा इतर अंमलदाराने त्या जमिनीवर कमीत कमी एक मैलाचे अंतराने लोकांचे सहज दृष्टीस पडे अशा ठिकाणीं खाली लिहिल्या प्रमाणे सूचना लावावी, आणि जवळचे बाजारांत, व गांवांत दंडवी पिटवून ती प्रसिद्ध करावी. ती सूचना येणे प्रमाणे; रस्त्यासाठीं, किंवा कालव्यासाठीं, किंवा लोखंडी रस्त्यासाठीं जमीन घ्यावयाची तिजविषयीं सन १८५७ चे ६ वे आक्टाचे २ रे कलमा अन्वये जाहीरनामा लावला आहे तिला इंचा पर्यंत, किंवा पासून पर्यंत निशाणी केली आहे, आणि तिची तपशीलवार पैमाइश पासून सुरू होईल ऐशियास, जा मनुष्यांच्या त्या जमिनीत हक्क संबंध असेल त्याणी माझे जवळ, ठरविलेली मुदत संपल्यावर (ती मुदत सूचना प्रसिद्ध केल्याचे तारिखे पासून पंधरा दिवसांत कमी असू नये) सूचनेत लिहिलेले जागी स्वतः, किंवा वकील मार्फत हजर होऊन त्या जमिनीशीं आपला संबंध असेल त्याच्या प्रकार, आणि त्या जमिनी बदल मोबदल्याचे आपले दाव्याची रकम, व तपशील जाहीर करावा.

लोखंडी रस्त्या वगैरेसाठीं जमीन पाहिजे असेल तिजवर निशाणी केल्यावरतीत संबंध असणारे मनुष्यांसाठीं सूचना प्रसिद्ध करणे.

२. मनुष्यांनी हजर होण्यासाठीं वेळ ठरविणे ती कलेक्टराने खाली लिहिल्या प्रमाणे ठरवावी म्हणजे, सूचनेत लिहिलेले जमिनीची पैमाइश पुरी होण्यास सुमारे जितका वेळ लामेल त्या वेळाचे सुमाराने ठरवावी; ती अशी कीं सूचनेत लिहिलेली मुदत भरे ती पर्यंत पैमाइश ही पुरी व्हावी.

मनुष्यांनी हजर होण्याची वेळ कशी ठरवावी.

३. सदहू प्रमाणे निशाणी केलेले जमिनीची तपशीलवार पैमाइश पुरी झाल्यावर व सदहू सूचनेत ठरविलेली मुदत संपल्या नंतर दाहा दिवसांचे आंत कोणते ही वेळीं कलेक्टराने, किंवा इतर अंमलदाराने सदहू प्रमाणे पैमाइश केलेली जमीन, किंवा तिचा कोणताही भाग तात्काळ आपले कवजांत घ्यावा. मग ती जमीन सरकारांत विलकुल येते; आणि तिजवर कोणाचा दावा, व हक्क, व संबंध राहात नाही असें समजावे. परंतु असें ठरविलें आहे कीं या आक्टाचे १ ले कलमांत सूचना देण्याचा सांगितल्या आहेत त्यांत ठरविलेले तारिखेस कलेक्टराने, किंवा इतर अंमलदाराने सन १८५७ चे ६ वे आक्टाचे ५ वे, व त्या पुढील कलमां अन्वये मोबदला, निशाणी केलेले किंवा घेतलेले जमिनी बदल, ठरविण्याचे कामास लागवें.

तपशीलवार पैमाइश पुरी झाली म्हणजे जमीन कवजांत घेण्याचा अधिकार आहे. विशेष ठराव.

४. हा आक्ट ठरल्या नंतर कलेक्टर, किंवा इतर अंमलदार सन १८५७ चे ६ वे आक्टाचे ३४ वे कलमातील अधिकार चालवील तेव्हा त्याणे वेळीं वेळीं केलेले हुकुमाचा जाहीरनामा प्रत्येक मुनसफ कोर्टांत, आणि पाहाणी करून निशाणी करण्याची जमीन जा ठाण्यांत असेल त्या ठाण्यांत लावून प्रसिद्ध करावा. परंतु मुनसफाचे हद्दीतील, किंवा ठाण्याचे हद्दीतील जमिनीस, पैमाइश करणारा अंमलदार निशाणी करणार असेल त्या वेळेस प्रसिद्ध केला म्हणजे पुरे.

पैमाइश करण्याचे कामासाठीं जमिनीवर जाण्याचा अधिकार कलेक्टर देईल तेव्हा जाहीरनामा प्रसिद्ध करावा.

(True Translation)

VENAYEK WASSOODEW,
Oriental Translator to Government.

"A BILL TO AMEND ACT No. VI. of 1857 (FOR THE ACQUISITION OF LAND FOR PUBLIC PURPOSES)."—Guzerathce.

हेठळ लखेली आक्टनी मसुदो सन १८५९ ना आगस्ट महिनानी २० मी तारिखे इंडियानी लेजिस्लेटिव कौंसिलमां वोजीवार वांचीने सिलेक्ट कमिटीने सोप्यो, ते कथिटी भावता डिसेंबर महिनानी १ ली तारीख पछी ते मसुदावावत रिपोर्ट करनार छे.

"सार्वजनिक कामसारू जमीन लेवावावत" सन १८५७ नो ६ ह्यो आक्ट छे ते सुधारवा वावतना आक्टनी मसुदो.

उद्देश.

सन १८५७ नो ६ ह्यो आक्ट केटलीएक वावतमां सुधारवो योग्य छे, वास्ते हेठळ लख्याप्रमाणे ठराव्युं छे :—

लोहोडांना रस्ता वगैरेसारू जमीन जोडती होय तेमां जे मांगसोना संबंध होय तेआने जाहेर थवा सारू ते जमीन उपर निशाणी कन्यापछी सुचना प्रसिद्ध करवा वावत.

१. रस्तासारू, अथवा नेहेरसारू, अथवा लोहोडांना रस्तासारू जमीन जोडती होय त्यारे कलेक्टरने, अथवा सन १८५७ ना ६ ह्यो आक्टनी ३ जी कलमना ठराव प्रमाणे जे बीजो अंमलदार नेम्यो होय तेने दाखलो पोहोंचे के सदहू आक्टनी ३४ मी कलम प्रमाणे रस्तानी, अथवा नेहेरनी, अथवा लोहोडांना रस्तानी धारेली "लैन"थी मापणी करी छे अने खाही खोदीने अथवा जमीनउपर बीजी निशाणी करीने निशाणीआं करी छे एवो दाखलो पोहोंचे एटले कलेक्टर, अथवा बीजा अंमलदार ते जमीनउपर नेदान एक एक मैलने छेटे लोकोनी नजरे संहेज पडे तेवे ठेकाणे सुचना मारवी; अने पासेनी वजारमां, अने गाममां दोंडी पिटावीने ते सुचना प्रसिद्ध करवी के, रस्तासारू, अथवा नेहेरसारू, अथवा लोहोडांना रस्तासारू जमीन लेवानी छे तेवावत सन १८५७ ना ६ ह्यो आक्टनी २ जी कलम प्रमाणे जाहेरनामुं मायुं छे, अने तेने इंचसुधी, अथवा थी सुधी निशाणी करी छे अने तेनी विगत वार मापणी तारिखथी सारू थथे, वास्ते जे मांगसोने ते जमीन साथे लागतुं वळगुंतुं होय तेओए म्हारीपासे, ठरावेली मुदत पूरी थयापछी सुचनार्मां लखेली जगाए पोतानी जाते, अथवा पोताना वकीले हाजर थईने ते जमीननी साथे पोतानो जे प्रकारे संबंध होय ते प्रकार, अने ते जमीननां वळतरवावत पोते जेटला रुपिया मागतो होय तेटला रुपिया, तथा विगतवार हकीगत जाहेर करवी. उपर कहेली मुदत सुचना प्रसिद्ध कन्यानी तारिखथी पंदर दिवस करी ओखी नहीं जोईये.

मांगसोने हाजर थवानो मुदत थी रीते ठराववी.

२. सुचनार्मां लखेली जमीननी मापणी पूरी थवाने सुमारे जेटली मुदत लागे ते मुदतने सुमारे मांगसोने हाजर थवानो मुदत कलेक्टर ठराववो के सुचनार्मां लखेली मुदत पूरी थाय तेटलांमां मापणी पण पूरी थाय.

विगतवार मापणी पूरी थाय एटले जमीन कबजामां लेवानो अधिकार छे.

३. उपर कन्याप्रमाणे निशाणी करेली जमीननी विगतवार मापणी पूरी थया पछी कलेक्टर, अथवा बीजो अंमलदार सदहू प्रमाणे मापेली जमीन, अथवा तेनो कई भाग सदहू सुचनार्मां ठरावेली मुदत विन्यापछी दस दिवसमां गमे ते वखते तावडतोव कबजामां लेवाने मुखत्यार छे; अने ते ए प्रमाणे जमीन लेशे एटले ते जमीन सरकारमां विलकुल आवशे; अने ते उपर कोईनो दावो, तथा हक, तथा संबंध रेहेशे नहीं एतुं समजवुं पण एतुं ठराव्युं छे के जे जमीन उपर निशाणी करी छे, अथवा जे जमीन लीधी छे तेनुं वळतर, आ आक्टनी १ ली कलममां सुचना आपवानुं कसुं छे तेमां ठरावेली तारिखे कलेक्टर, अथवा बीजा अंमलदार सन १८५७ ना ६ ह्यो आक्टनी ५ मी अने ते पछीनी कलम प्रमाणे ठराववा माडवुं.

मापणी करवासारू जमीन उपर जवानो कलेक्टर अधिकार आपे त्यारे जाहेरनामुं प्रसिद्ध करवा वावत.

४. आ आक्ट ठन्यापछी कलेक्टर, अथवा बीजो अंमलदार सन १८५७ ना ६ ह्यो आक्टनी ३४ मी कलममां कहेलो अधिकार चलावे त्यारे तेणे वखते वखते जे हुकम कन्या होय तेनुं दर एक मुनसफ कोर्टमां, अने जमीन मापिने निशाणी करवी होय ते जमीन जे थाणा (नी हद्द) मां होय ते थाणांमां जाहेरनामुं मारिने प्रसिद्ध करवा. पण मापणी करनार अंमलदार मुनसफनी हद्दमाहिनी, अथवा थाणांनी हद्दमाहिनी जमीनने निशाणी करनार होय ते वखते हुकम प्रसिद्ध थथे तो चालथे.

(True translation)

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