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A number of Acts of
1875 & 76 are not in
the Collection.

(e.g. 17, 21, 23 of 1876).

Rare section

THE



Bombay Government Gazette

1875 AND 76.

PART IV.

ACTS

PASSED BY THE

GOVERNMENT OF INDIA

AND BY THE

GOVERNMENT OF BOMBAY.

Bombay:

PRINTED AT THE GOVERNMENT CENTRAL PRESS.

MDCCLXXVII.

Major Deputy Collector, Poona

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ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd February 1875, and was promulgated for general information in the *Gazette of India* on the 6th February 1875.—

Act No III. of 1875.

*An Act to correct a clerical error in the
Repealing Act, 1874.*

For the purpose of correcting a clerical error in
Preamble. Act No XVI of 1874;
It is hereby enacted as
follows:—

1. In the third column of the first Part of the Schedule to the said Act, Amendment of Act opposite to "V. of 1874," XVI of 1874, Schedule I, Part I for the word "two," the word "one" shall be, and be deemed to have always been, substituted.

WHITLEY STOKES,

Secretary to the Government of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th January 1875, and was promulgated for general information in the *Gazette of India* of 23rd January 1875.—

Act No II of 1875

An Act to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority

WHEREAS it is expedient to diminish the multitude and expense of the law reports published in British India, and to improve their quality, and to extend the local limits of the authority of properly reported decisions of the High Courts of Judicature established under the twenty-fourth and twenty-fifth of Victoria, cap. 104.

And whereas, with a view to furthering these objects, the Governor General in Council proposes to authorize the publication of reports of cases decided by the said High Courts, to be called the Indian Authorized Law Reports, It is hereby enacted as follows—

1. This Act may be called "The Indian Law Reports Act, 1875"
- Short title Reports Act, 1875 "
- Local extent. It extends to the whole of British India,
- Commencement. And it shall come into force on such day as the

Governor General in Council notifies in this behalf in the *Gazette of India*—

2 Every judgment delivered on, or after such day by any of the said authorized reports ex- High Courts (whether by tended a Judge sitting alone, or by a Division Court, or by a full Bench) and reported in the said Indian Authorized Law Reports, shall have the same authority in all subordinate Courts beyond the limits of the appellate jurisdiction of such High Court as independently of this Act it would have within such limits

3 No Court shall be bound to hear cited, or Authority given only to shall receive or treat as authorized reports after an authority binding on passing of an Act. it the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council

4 Save as provided by section two, nothing herein contained shall be Authority of judicial construed to give to any decisions judicial decision any further or other authority than it would have had if this Act had not been passed.

'WHITLEY STOKES,
Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 25th February 1875.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd February 1875, and was promulgated for general information in the *Gazette of India* on the 6th February 1875.—

Act No III. of 1875.

An Act to correct a clerical error in the Repealing Act, 1874.

For the purpose of correcting a clerical error in Preamble. Act No XVI. of 1874; It is hereby enacted as follows.—

1. In the third column of the first Part of the Schedule to the said Act, Amendment of Act XVI. of 1874, Schedule I, Part I. opposite to "V of 1874," for the word "two," the word "one" shall be, and be deemed to have always been, substituted.

WHITLEY STOKES,

Secretary to the Government of India.

Registered No 13 of 1875



Bombay Government Gazette.

Published by Authority.

THURSDAY, 18TH FEBRUARY 1875.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th February 1875, and was promulgated for general information in the *Gazette of India* of 13th February 1875 —

Act No IV. of 1875. *AC*

THE INDIAN MERCHANT SHIPPING

ACT, 1875

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An Act for the further amendment of Act No. I. of 1859, and for other purposes.

WHEREAS Act No. I of 1859 (*for the amendment of the law relating to Merchant Seamen*),

Preamble

section one hundred provides that, in the cases of loss, abandonment, damage, or casualty therein mentioned, it shall be lawful for the Local Government, if a formal investigation appears to it to be requisite or expedient, to appoint two persons to make the same, and declares that one of such persons shall be a Magistrate acting in or near the place where the investigation is made, and that the other may be any person conversant with maritime affairs.

And whereas it is expedient in many cases that such investigations shall be made by persons more in number and of more varied qualifications.

And whereas it is also expedient to provide efficient means for enforcing the attendance of witnesses in such investigations and in trials under Act No. XII. of 1859 (*to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty*).

And whereas it is expedient to repeal Act No. XV. of 1863 (*to amend Act I. of 1859*) and to re-enact certain of its provisions with the amendments hereinafter appearing:

And whereas it is provided by Act No. X. of 1841, sections two, fifteen, seventeen, and twenty-three, that the persons guilty of the offences therein respectively mentioned shall be liable upon conviction by information by the Advocate General to the penalties therein respectively provided:

And whereas it is expedient to render the said penalties recoverable otherwise than on information by the Advocate General;—

It is hereby enacted as follows:—

CHAPTER I.—*Preliminary*

Short title.	1 This Act may be called "The Indian Merchant Shipping Act, 1875."
Extent.	It extends to the whole of British India.
Commencement.	And it shall come into force at once.

2. Sections one hundred, one hundred and one, and one hundred and two of Act I. of 1859 and the whole of Act XV. of 1863, are hereby repealed.

But every enquiry now pending, which has been commenced under any enactment so repealed, shall be deemed to have been commenced under this Act.

CHAPTER II.—*Investigations into Losses of Ships, and Charges against Masters, Mates, or Engineers.*

Notice of accidents to be given to Local Government. 3 In any of the cases following (namely):—

(a) whenever any ship is lost, abandoned, or materially damaged on or near the coasts of India;

(b) whenever any ship causes loss or material damage to any other ship on or near such coasts;

(c) whenever by reason of any casualty happening to or on board of any ship on or near such coasts, loss of life ensues;

(d) whenever any such loss, abandonment, damage, or casualty happens elsewhere to or on board any ship registered at any port or place in India, under the Merchant Shipping Act, 1854, or under Act X. of 1841,

the master, pilot, harbour-master, or other person in charge of the ship, or, in cases under clause (b) of this section, of each ship, at the time of the loss, abandonment, damage, or casualty, or, where any ship above referred to arrives in British India, the person then in charge of her, shall, on arriving in British India, give immediate notice of such loss, abandonment, damage, or casualty to the nearest Magistrate, or, if he arrive at any port, then to such officer as the Local Government appoints in this behalf.

Any person bound to give notice under this section and wilfully failing to give the same shall be liable to fine not exceeding five hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to three months.

The Magistrate or officer receiving such notice shall without delay communicate the same to the Local Government.

4 If in any such case a formal investigation appears to the Local Government to be requisite or expedient, the Local Government (whether such notice be given or not) may appoint a special Court, consisting of not less than two nor more than four persons, to make such investigation, and may fix the place for making the same.

One of such persons shall be a Magistrate acting in or near the place where the investigation is made, another shall be some person conversant with maritime affairs. The other or others (if any) shall be conversant with either maritime or mercantile affairs.

5 Every Court having admiralty jurisdiction in India, and the principal Court of ordinary criminal jurisdiction at every port of British India where there is no Court having admiralty jurisdiction, is hereby authorized, at the instance of the Local Government, or of such officer as the Local Government may have empowered in this behalf, to investigate charges of incompetency or misconduct on the part of any master, mate, or engineer of any ship, who holds a certificate granted by the Board of Trade, or as to shipwreck or other casualties affecting ships.

Every such Court may, if it think fit, constitute as its assessor for the purposes of the investigation any person conversant with maritime affairs and willing to act as such assessor.

Such person shall attend during the investigation and deliver his opinion in writing to be recorded on the proceedings. But the decision of the case shall rest with the Court.

6. If the Local Government has reason to think that there are grounds for charging any master, mate, or engineer holding a certificate granted by the Board of Trade with incompetency or misconduct, it shall transmit a statement of such grounds to the Court making the investigation.

7 If the investigation involves a charge of incompetency or misconduct against any person holding such certificate as aforesaid, the Court shall, if practicable, before commencing the investigation cause the holder of such certificate to be furnished with a copy of the statement transmitted by the Local Government as aforesaid.

8. For the purpose of the investigation the special Court, so far as relates to compelling the attendance and examination of witnesses and the production of documents and the regulation of the proceedings, shall have the same powers as if such investigation were a proceeding relating to an offence or cause of complaint upon which the said Magistrate has power to convict.

9. If, in the course of an investigation under this Act by any of the Courts hereinbefore mentioned, it appears that there are grounds for charging with incompetency or misconduct any holder of such certificate as aforesaid not so charged by the Local Government, the Court may cause a statement of such grounds to be furnished to such holder, and may then commence an investigation into such charge of incompetency or misconduct.

10. For the purpose of such investigation such Court may summon the master, mate, or engineer to appear, and shall give him full opportunity of making a defence, either in person or otherwise, and may summon and examine witnesses.

11. The Court shall in all cases transmit to the Local Government a full report of the conclusions at which it has arrived.

12 If the Court decide that any such certificate as aforesaid shall be cancelled or suspended, it shall so state in open Court, at the conclusion of the case, or as soon afterwards as possible.

13 When the Court decides to cancel or suspend a certificate, it shall send a full report upon the case with the evidence, and the suspended or cancelled certificate through the Local Government to the Board of Trade.

14. Provided that no certificate shall be cancelled or suspended—

(a) unless the person holding the certificate has before the commencement of the investigation been furnished with a copy of the statement of the case upon which the investigation has been ordered,

(b) if the Court be a Court of Admiralty or of ordinary criminal jurisdiction, unless the report be confirmed by the Local Government,

(c) if the Court be a Court of Admiralty or of ordinary Criminal Jurisdiction, attended by an Assessor, unless the Assessor expresses his concurrence in the report.

15 If any Court making an investigation under this Act thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting such arrest, authorize any officer (subject nevertheless to any general or special instructions from the Local Government) to enter any vessel.

Any officer so authorized to enter a vessel may, for the purpose of enforcing such entry, call to his aid any officers of police or customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code, section one hundred and eighty-six.

No person shall be detained by virtue of this section for more than forty-eight hours.

16. Whenever in course of any investigation under this Act, it appears that any person has committed an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may from time to time prescribe) cause him to be arrested, or commit him or hold

him to bail to take his trial before the proper Court, and may bind over any person to give evidence at such trial, and may for the purposes of this section exercise all the powers of a Magistrate of the first class or of a Justice of the Peace

And whenever in the course of such trial the testimony of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making investigations under this Act shall, if authenticated by the signature of the Magistrate or presiding Judge, be admissible in evidence on proof—

(a) that the witness cannot be found within the jurisdiction of the Court before which the trial is held, and

(b) that it was made in the presence of the person accused.

A certificate by the Magistrate or presiding Judge that the deposition was made in the presence of the accused shall, unless the contrary be proved, be sufficient evidence that it was so made.

17 All the foregoing provisions of this chapter, except such as relate to and require reports to and communications with the Government, Board of Trade, or relate to the actual cancellation or suspension of certificates, shall be applicable also to charges of incompetency or misconduct against any master, mate, or engineer who holds a certificate granted by any Local Government.

CHAPTER III—*Suspension and Cancellation of Certificates granted by Local Governments*

18 The Local Government may suspend or cancel the certificate (whether of competency or service) granted by such Local Government, or by any other Local Government to any master, mate or engineer, in the following cases, (that is to say)—

(a) If upon any investigation made under this Act, it is reported that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default, or the master, mate or engineer is reported to be incompetent, or to have been guilty of any gross act of drunkenness, tyranny or other misconduct.

(b) If upon any enquiry made under the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Amendment Act, 1862, or upon any enquiry made by a Naval Court constituted as is provided by any law for the time being in force, or upon any enquiry made by any Court or tribunal for the time being authorized in any British possession to inquire into charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of the

master, mate, or engineer; or that he is incompetent, or has been guilty of any gross act of drunkenness, tyranny, or other misconduct

(c) If he has been superseded by the order of any Admiralty Court, or (c) after supersession, of any Naval Court constituted as provided by the Merchant Shipping Act, 1854, or by any other law for the time being in force.

(d) If he is shown to have been convicted of any offence which, if committed in British India, would be non-bailable, or, if committed in England, would be a felony.

Provided that no certificate shall be suspended or cancelled under clause (a) of this section unless the Local Government is satisfied that the holder of the certificate had before, or within a reasonable time after, the commencement of the investigation notice of the nature of the charge made and established against him.

The Local Government may, if it thinks the justice of the case requires it, re-issue and return any certificate which has been cancelled or suspended under this section, or shorten the time for which it has been suspended, or grant a new certificate of the same or any lower grade in place of any certificate which has been cancelled or suspended.

19. Every master, mate, or engineer whose certificate is cancelled or suspended under this Chapter shall deliver it to the Shipping Master, or to such other person as the Local Government which cancelled or suspended the certificate directs, and in default shall, for such offence, incur a penalty not exceeding five hundred rupees.

20. If the Local Government which cancels or suspends a certificate of a master, mate, or engineer is not the Local Government that granted the same, the Local Government so cancelling or suspending the certificate shall report the proceedings, and the fact of cancellation or suspension, to the Local Government which granted such certificate.

21 Every Local Government cancelling or suspending under this Chapter the certificate of a master, mate, or engineer shall, as soon as may be practicable, report to the Board of Trade the fact of such cancellation or suspension.

Whenever it is reported to the Local Government that the loss, or abandonment of, or serious damage to, any ship has been caused by the wrongful act or default of a master, mate, or engineer holding a certificate from the said Board, or that such master, mate, or engineer is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, the Local Government, if it concur in such report, shall send a copy of the same to the Board of Trade.

22. Any Local Government may at any subsequent time revoke any order of cancellation or suspension.

suspension which it may have made under this Act, or grant to any person whose certificate it has cancelled under this Act, a new certificate of the same or of any other grade.

Notice of every revocation and of every grant under this section shall, as soon as may be practicable, be reported to the Board of Trade.

23. Nothing in this Act affects the powers conferred by section two hundred and forty of the Merchant Shipping Act, 1854, or by section eighty of the said Act I of 1859, on Courts having admiralty jurisdiction in India.

The said powers may be exercised by the principal Court of ordinary criminal jurisdiction in any port in India where there is no Court having admiralty jurisdiction, if the master, mate, or engineer has received his certificate from any Local Government.

CHAPTER IV.—*Agreements with Seamen.*

24. The master of every ship, except ships of a burden not exceeding three hundred tons employed only in the Home trade, shall enter into an agreement with every seaman whom he carries to sea from any port in India as one of his crew, in the manner hereinafter mentioned.

25. Every such agreement shall be in a form sanctioned by the Governor General in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof, (that is to say)—

(a) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend;

(b) the number and description of the crew, specifying how many are engaged as sailors;

(c) the time at which each seaman is to be on board or to begin work;

(d) the capacity in which each seaman is to serve;

(e) the amount of wages which each seaman is to receive;

(f) a scale of the provisions which are to be furnished to each seaman, and

(g) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by Government as regulations proper to be adopted, and which the parties agree to adopt.

And every such agreement shall be so framed as to admit of stipulations to be adopted at the will of the master and seaman in each case (not being inconsistent with the provisions of this Act,

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as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law.

26. When it is agreed that the service of any lascar or other Native seaman shall end at any port not in India, the

agreement shall, in addition to the particulars specified in section seventeen, contain stipulations for providing for him fit employment on board some other vessel bound to the port at which he was shipped, or such other port as may be agreed on, or for providing for him a passage to some such port as aforesaid free of charge, or on such other terms as may be agreed on; and every such stipulation shall be signed by the owner of the vessel, or by the master on his behalf.

EXPLANATION.—In this section the word 'seaman' includes also a Native of India carried to sea from any port in India as one of the crew of a ship.

27. If the master of any ship belonging to the United Kingdom or any British possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages a single seaman in any port in India, such seaman may sign the agreement so made, and it shall not be necessary for him to sign an agreement under this Act.

CHAPTER V.—*Miscellaneous.*

28. Sections three to twenty-seven (both inclusive) shall be read with and taken as part of the said Act No. I. of 1859.

29. Sections nine to sixteen (both inclusive) of the said Act No. I. of 1859 shall not apply to ships registered under the said Act No. X. of 1841 and trading between ports in India and the coasts of Arabia, when such ships are navigated and manned exclusively by Arabs, lascars, or other Asiatic masters and seamen.

30. In the said sections two, fifteen, seventeen, and twenty-three of the said Act No. X. of 1841, for the words "on information in any Court of Her Majesty or the East India Company by the Advocates General of the respective Presidencies," "by information as aforesaid," "on information as aforesaid," "upon information as aforesaid," in each of the places where they occur, the following words shall be substituted (namely):—"on conviction before a Justice of the Peace or a Magistrate of the first class."

31. The Court conducting a trial under the said Act No. XII. of 1859, shall have the same powers to compel the attendance and examination of witnesses as are conferred by this Act on Courts making investigations under section four.

WHITLEY STOKES,

Secretary to the Government of India

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th February 1875, and was promulgated for general information in the *Gazette of India* of 13th February 1875 —

Act No. V. of 1875.

An Act to remove doubts as to the rights and liabilities of certain Native Soldiers.

WHEREAS doubts have arisen as to the rights and liabilities of certain Native soldiers who have been enrolled without having been attested, and

it is expedient to remove such doubts, It is hereby enacted as follows —

1 Every person who has for the space of six months been in the receipt of military pay and been borne on the rolls of any Regiment, Corps, Depôt, Ordnance Establishment, or Department of Her Majesty's Indian Army (of which the last pay statement, if produced, shall be evidence), shall be deemed to have been duly enlisted, enrolled, and attested, and shall not be entitled to claim his discharge on the ground of illegality or irregularity in his enlistment, enrolment, or attestation, or on any other ground save such as may be recognized by the orders and customs of the service.

WHITLEY STOKES,
Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 4th March 1875]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th February 1875, and was promulgated for general information in the "Gazette of India" of 13th February 1875 —

Act No. IV. of 1875

THE INDIAN MERCHANT SHIPPING ACT, 1875

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- CHAPTER III.—Suspension and Cancellation of Certificates granted by Local Governments.
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CHAPTER IV.—Agreements with Seamen

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28. Sections 3 to 27 to be taken as part of Act I of 1859
29. Provisions as to examinations, &c. of Masters not to apply to certain ships
30. Amendment of sections 2, 15, 17, and 23, Act X. of 1841
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An Act for the further amendment of Act No. I. of 1859, and for other purposes

WHEREAS Act No. I. of 1859 (for the amendment of the law relating to Merchant Seamen),

Preamble

section one hundred provides that, in the cases of loss, abandonment, damage, or casualty therein mentioned, it shall be lawful for the Local Government, if a formal investigation appears to it to be requisite or expedient, to appoint two persons to make the same, and declares that one of such persons shall be a Magistrate acting in or near the place where the investigation is made, and that the other may be any person conversant with maritime affairs.

And whereas it is expedient in many cases that such investigations shall be made by persons more in number and of more varied qualifications: And whereas it is also expedient to provide efficient means for enforcing the attendance of witnesses in such investigations and in trials under Act No. XII of 1859 (to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty).

And whereas it is expedient to repeal Act No. XV of 1853 (to amend Act I of 1859) and to re-enact certain of its provisions with the amendments hereinafter appearing:

And whereas it is provided by Act No. X of 1841, sections two, fifteen, seventeen and twenty-three, that the persons guilty of the offences therein respectively mentioned shall be liable upon conviction by information by the Advocate General to the penalties therein respectively provided.

And whereas it is expedient to render the said penalties recoverable otherwise than on information by the Advocate General:

It is hereby enacted as follows:—

CHAPTER I.—Preliminary.

1. This Act may be called "The Indian Merchant Shipping Act,"

Short title

1875

Extent

It extends to the whole of British India,

Commencement And it shall come into force at once.

2 Sections one hundred, one hundred and one, and one hundred and two and one hundred and two of Act I of 1859 and the whole of Act XV. of 1863, are hereby repealed.

But every enquiry now pending, which has been commenced under any enactment so repealed, shall be deemed to have been commenced under this Act

CHAPTER II—*Investigations into Losses of Ships, and Charges against Masters, Mates, or Engineers*

Notice of accidents to be given to Local Government. 3 In any of the cases following (namely) —

(a) whenever any ship is lost, abandoned, or materially damaged on or near the coasts of India;

(b) whenever any ship causes loss or material damage to any other ship on or near such coasts;

(c) whenever by reason of any casualty happening to or on board of any ship on or near such coasts, loss of life ensues;

(d) whenever any such loss, abandonment, damage, or casualty happens elsewhere to or on board any ship registered at any port or place in India, under the Merchant Shipping Act, 1854, or under Act X of 1841;

the master, pilot, harbour-master, or other person in charge of the ship, or, in cases under clause (b) of this section, of each ship, at the time of the loss, abandonment, damage, or casualty, or, where any ship above referred to arrives in British India, the person then in charge of her, shall, on arriving in British India, give immediate notice of such loss, abandonment, damage, or casualty to the nearest Magistrate, or, if he arrive at any port, then to such officer as the Local Government appoints in this behalf.

Any person bound to give notice under this section and wilfully failing to give the same shall be liable to fine not exceeding five hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to three months

The Magistrate or officer receiving such notice shall without delay communicate the same to the Local Government.

4. If in any such case a formal investigation appears to the Local Government to be requisite or expedient, the Local Government (whether such notice be given or not) may appoint a special Court, consisting of not less than two nor more than four persons, to make such investigation, and may fix the place for making the same.

One of such persons shall be a Magistrate acting in or near the place where the investigation is made, another shall be some person conversant with maritime affairs. The other or others (if any) shall be conversant with either maritime or mercantile affairs.

5. Every Court having admiralty jurisdiction in India, and the principal Court of ordinary criminal jurisdiction at every port of British India where there is no Court having admiralty jurisdiction, is hereby authorized, at the instance of the Local Government, or of such officer as the Local Government may have empowered in this behalf, to investigate charges of incompetency or misconduct on the part of any master, mate, or engineer of any ship, who holds a certificate granted by the Board of Trade, or as to shipwreck or other casualties affecting ships.

Every such Court may, if it think fit, constitute as its assessor for the purposes of the investigation any person conversant with maritime affairs and willing to act as such assessor.

Such person shall attend during the investigation and deliver his opinion in writing to be recorded on the proceedings. But the decision of the case shall rest with the Court.

6. If the Local Government has reason to think that there are grounds for charging any Master, &c., with incompetency, &c., holding a certificate granted by the Board of Trade with incompetency or misconduct, it shall transmit a statement of such grounds to the Court making the investigation.

7. If the investigation involves a charge of incompetency or misconduct against any person holding such certificate, as aforesaid, the Court shall, if practicable, before commencing the investigation cause the holder of such certificate to be furnished with a copy of the statement transmitted by the Local Government as aforesaid.

8. For the purpose of the investigation the special Court, so far as relates to compelling the attendance and examination of witnesses and the production of documents and the regulation of the proceedings, shall have the same powers as if such investigation were a proceeding relating to an offence or cause of complaint upon which the said Magistrate has power to convict.

9. If, in the course of an investigation under this Act by any of the Courts hereinbefore mentioned, it appears that there are grounds for charging with incompetency or misconduct any holder of such certificate as aforesaid not so charged by the Local Government, the Court may cause a statement of such grounds to be furnished to such holder; and may then commence an investigation into such charge of incompetency or misconduct.

10. For the purpose of such investigation such Court may summon the master, mate, or engineer to appear, and shall give him full opportunity of making a defence, either in person or otherwise.

and may summon and examine witnesses.

11. The Court shall in all cases transmit to the Local Government a full report of the conclusions at which it has arrived.

12. If the Court decide that any such certificate as aforesaid shall be cancelled or suspended, it shall so state in open Court, at the conclusion of the case, or as soon afterwards as possible.

13. When the Court decides to cancel or suspend a certificate, it shall send a full report upon the case with the evidence, and the suspended or cancelled certificate through the Local Government to the Board of Trade.

14. Provided that no certificate shall be cancelled or suspended—

(a) unless the person holding the certificate has before the commencement of the investigation been furnished with a copy of the statement of the case upon which the investigation has been ordered,

(b) if the Court be a Court of Admiralty or of ordinary Criminal Jurisdiction, unless the report be confirmed by the Local Government;

(c) if the Court be a Court of Admiralty or of ordinary Criminal Jurisdiction, attended by an Assessor, unless the Assessor expresses his concurrence in the report.

15. If any Court making an investigation under this Act thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting such arrest, authorize any officer (subject nevertheless to any general or special instructions from the Local Government) to enter any vessel.

Any officer so authorized to enter a vessel may, for the purpose of enforcing such entry, call to his aid any officers of police or customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code, section one hundred and eighty-six.

No person shall be detained by virtue of this section for more than forty-eight hours.

16. Whenever in course of any investigation under this Act, it appears that any person has committed an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may from time to time prescribe) cause him to be arrested, or commit him or hold him to bail to take his trial before the proper Court; and may bind over any person to give evidence at such trial, and may for the purposes of this section exercise all the powers of a Magistrate of the first class or of a Justice of the Peace:

And whenever in the course of such trial the testimony of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making investigations under this Act shall, if authenticated by the signature of the Magistrate or presiding Judge, be admissible in evidence on proof—

(a) that the witness cannot be found within the jurisdiction of the Court before which the trial is held, and

(b) that it was made in the presence of the person accused.

A certificate by the Magistrate or presiding Judge that the deposition was made in the presence of the accused shall, unless the contrary be proved, be sufficient evidence that it was so made.

17. All the foregoing provisions of this chapter, except such as relate to the actual cancellation or suspension of certificates, shall be applicable also to charges of incompetency or misconduct against any master, mate, or engineer who holds a certificate granted by any Local Government.

CHAPTER III—Suspension and Cancellation of Certificates granted by Local Governments.

18. The Local Government may suspend or cancel the certificate (whether of competency or service) granted by such Local Government, or by any other Local Government to any master, mate or engineer, in the following cases, (that is to say)—

(a) If upon any investigation made under this Act, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, or the master, mate, or engineer is reported to be incompetent, or to have been guilty of any gross act of drunkenness, tyranny, or other misconduct.

(b) If upon any enquiry made under the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Amendment Act, 1862, or upon any enquiry made by a Naval Court constituted as is provided by any law for the time being in force, or upon any enquiry made by any Court or tribunal for the time being authorized in any British possession to inquire into charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, it is reported that the loss or abandonment of, or serious damage to, any ship, or loss of life, has been caused by the wrongful act or default of the master, mate, or engineer; or that he is incompetent, or has been guilty of any gross act of drunkenness, tyranny, or other misconduct.

(c) If he has been superseded by the order of any Admiralty Court, or of any Naval Court con-

stituted, as provided by the Merchant Shipping Act, 1854, or by any other law for the time being in force.

(d) If he is shown to have been convicted of any offence which, if committed in British India, would be a felony, or, if committed in England, would be a felony.

Provided that no certificate shall be suspended or cancelled under clause (a) of this section unless the Local Government is satisfied, that the holder of the certificate, had, before, or within a reasonable time after, the commencement of the investigation, notice of the nature of the charge made and established against him.

The Local Government may, if it thinks the justice of the case requires it, re-issue and return any certificate which has been cancelled or suspended under this section, or shorten the time for which it has been suspended, or grant a new certificate of the same or any lower grade in place of any certificate which has been cancelled or suspended.

19. Every master, mate, or engineer whose certificate is cancelled or suspended under this Chapter shall deliver it to the

Shipping Master, or to such other person as the Local Government which cancelled or suspended the certificate directs, and in default shall, for each offence, incur a penalty not exceeding five hundred rupees.

20. If the Local Government which cancels or suspends a certificate of a master, mate, or engineer is not the Local Government that granted the same, the Local Government so cancelling or suspending the certificate shall report the proceedings, and the fact of cancellation or suspension, to the Local Government which granted such certificate.

21. Every Local Government cancelling or suspending under this Chapter, the certificate of a master, mate, or engineer shall, as soon as may be practicable, report to the Board of Trade the fact of such cancellation or suspension.

Whenever it is reported to the Local Government that the loss of abandonment of, or serious damage to, any ship has been caused by the wrongful act or default of a master, mate, or engineer holding a certificate from the said Board, or that such master, mate, or engineer is incompetent or has been guilty of any gross act of drunkenness, tyranny, or other misconduct, the Local Government, if it appears in such report, shall send a copy of the same to the Board of Trade.

22. Any Local Government may at any subsequent time revoke any certificate of suspension or order of cancellation, or suspension which it may have made under this

Act, or grant to any person, whose certificate it has cancelled under this Act, a new certificate of the same or of any other grade.

Notice of every revocation and of every grant under this section shall, as soon as may be practicable, be reported to the Board of Trade.

23. Nothing in this Act affects the powers conferred by section two hundred and forty of the Merchant Shipping Act, 1854, or, by section eighty of the said Act I. of 1859, on Courts having admiralty jurisdiction in India.

The said powers may be exercised by the principal Court of ordinary criminal jurisdiction at any port in India where there is no Court having admiralty jurisdiction, if the master, mate, or engineer has received his certificate from any Local Government.

CHAPTER IV.—Agreements with Seamen.

24. The master of every ship, except ships of three hundred tons employed only in the Home trade, shall enter into an agreement with every seaman whom he carries to sea from any port in India, as one of his crew, in the manner hereinafter mentioned.

25. Every such agreement shall be in a form and contents of which the Governor General in Council, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars as terms thereof; (that is to say)—

(a) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement and the places or parts of the world, if any, to which the voyage or engagement is not to extend;

(b) the number and description of the crew, specifying how many are engaged as sailors;

(c) the time at which each seaman is to be on board or to begin work;

(d) the capacity in which each seaman is to serve;

(e) the amount of wages which each seaman is to receive;

(f) a scale of the provisions which are to be furnished to each seaman, and

(g) any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by Government as regulations proper to be adopted, and which the parties agree to adopt.

And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seaman in each case (not being inconsistent with the provisions of this Act), as to advance of wages and supply of warm clothing, and may contain any other stipulations which are not contrary to law.

26 When it is agreed that the service of any lascar or other Native Provision where Lascars are shipped seaman shall end at any port not in India, the agreement shall, in addition to the particulars specified in section seventeen, contain stipulations for providing for him fit employment on board some other vessel bound to the port at which he was shipped, or such other port as may be agreed on, or for providing for him a passage to some such port as aforesaid free of charge, or on such other terms as may be agreed on, and every such stipulation shall be signed by the owner of the vessel, or by the master on his behalf.

EXPLANATION.—In this section the word 'seaman' includes also a Native of India carried to sea from any port in India as one of the crew of a ship

27 If the master of any ship belonging to the United Kingdom or any Forms for British or Colonial ships. British possession has an agreement with his crew, made in due form according to the law of the place to which such ship belongs, or in which her crew were engaged, and engages a single seaman in any port in India, such seaman may sign the agreement so made, and it shall not be necessary for him to sign an agreement under this Act.

CHAPTER V.—*Miscellaneous*

28. Sections three to twenty-seven (both inclusive) shall be read taken as part of Act I of 1859 with and taken as part of the said Act No. I. of 1859.

29. Sections nine to sixteen (both inclusive) of the said Act No. I of Provisions as to examinations, &c., of Masters 1859 shall not apply to not to apply to certain ships registered under the said Act No. X of 1841 and trading between ports in India and the coasts of Arabia, when such ships are navigated and manned exclusively by Arabs, lascars, or other Asiatic masters and seamen.

30 In the said sections two, fifteen, seventeen, Amendment of Act X. and twenty-three of the of 1841, sections 2, 15, 17. said Act No. X. of 1841, and 23. for the words "on information in any Court of Her Majesty or the East India Company by the Advocates General of the respective Presidencies," "by information as aforesaid," "on information as aforesaid," "upon information as aforesaid," in each of the places where they occur, the following words shall be substituted (namely):—"on conviction before a Justice of the Peace or a Magistrate of the first class."

31 The Court conducting a trial under the said Act No. XII. of 1859, Powers of Pilot Court shall have the same powers to compel the attendance and examination of witnesses as are conferred by this Act on Courts making investigations under section four

WHITLEY STOKES,

Secretary to the Government of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th February 1875, and was promulgated for general information in the *Gazette of India* of 13th February 1875 :-

Act No. V. of 1875

An Act to remove doubts as to the rights and liabilities of certain Native Soldiers

WHEREAS doubts have arisen as to the rights and liabilities of certain Native soldiers who have been enrolled without having been attested, and

it is expedient to remove such doubts, It is hereby enacted as follows -

1 Every person who has for the space of six months been in the receipt of military pay and been borne on the rolls of any Regiment, Corps, Depôt, Ordnance Establishment, or Department of Her Majesty's Indian Army (of which the last pay statement, if produced, shall be evidence), shall be deemed to have been duly enlisted, enrolled, and attested, and shall not be entitled to claim his discharge on the ground of illegality or irregularity in his enlistment, enrolment, or attestation, or on any other ground save such as may be recognized by the orders and customs of the service.

WHITLEY STOKES,

Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 11th March 1875.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 23rd February 1875, and was promulgated for general information in the *Gazette of India* of the 27th February 1875 —

Act No. VI. of 1875.

An Act to secure the repayment of a Loan by the Government of India to Sir Jamsetjee Jeejeebhoy, Baronet.

WHEREAS by Letters Patent of Her Majesty, dated the sixth day of August 1858, and by Warrant under the Queen's sign-manual, Her said Majesty conferred upon Sir Jamsetjee Jeejeebhoy, then of Bombay, Knight, but since deceased, the dignity of Baronet, to hold the same to him and the heirs male of his body.

And Whereas by an Act of the Legislative Council of India numbered XX. of 1860, and entitled "An Act for settling Promissory Notes of the Government of India producing an annual income of one lăkh of rupees and a Mansion-house and hereditaments called 'Mazagon Castle,' in the Island of Bombay, late the property of Sir Jamsetjee Jeejeebhoy, Baronet, deceased, so as to accompany and support the title and dignity of a Baronet lately conferred on him and the heirs male of his body by Her present Majesty Queen Victoria, and for other purposes connected therewith," certain officers therein mentioned were constituted Trustees for executing the powers and purposes of such Act.

And it was thereby enacted that, immediately after the passing of the said Act, promissory notes of the Government of India producing an annual income of one lăkh of rupees should be transferred into the names of the said Trustees upon trust, amongst other things, from time to time to pay and apply the annual income of the said securities unto and for the benefit of the present Baronet, Sir Jamsetjee Jeejeebhoy, and the person who, as heir male of the body of the said first Baronet, should, for the time being, have succeeded to and be in the enjoyment of the title of Baronet conferred by the said Letters Patent as aforesaid, and in default of heirs male of the body of the said first Baronet to whom the same dignity of

Baronet might descend, upon trust for the present Baronet, his executors, administrators, and assigns.

And it was by the said Act further enacted that subject as therein mentioned, so long as the said dignity of Baronet should endure, and until there should be a failure of heirs male of the body of the said first Baronet to whom the said dignity might descend, neither the said present Baronet nor any of the heirs male of the body of the said first Baronet in whose favour trusts were therein before declared of the annual income of the said securities, should convey, charge, or encumber the said securities, or any part thereof, or the annual income thereof or of any part thereof, for any greater or larger estate or interest than during his natural life, and for such portion thereof only as he should continue to use the names of "Jamsetjee Jeejeebhoy," nor should have any power to discontinue or bar the estate of any person or persons for whose benefit trusts were declared by the said Act of the annual income of the said securities, or to prevent any such person or persons from succeeding to the same, nor should the same be held to have vested in any such person as aforesaid for any greater estate or interest than during his life, and only during such portion thereof as he should continue to use the names of "Jamsetjee Jeejeebhoy," and every attempt to make any assurance contrary to the intention of the said Act was thereby declared to be void.

And whereas, immediately after the passing of the said Act, promissory notes of the Government of India producing an annual income of one lăkh of rupees were transferred into the names of the said trustees upon the trusts aforesaid.

And whereas, since the said transfer, part of the said promissory notes, producing an annual income of five thousand rupees, has been paid off by the Government of India, and the annual income of the promissory notes vested in the said trustees upon the trusts aforesaid was thereby reduced to ninety-five thousand rupees:

And whereas the said present Baronet has three sons only (namely), Manakjee Cursetjee Jamsetjee, Cowasjee Cursetjee Jamsetjee, and Jamsetjee Cursetjee Jamsetjee, who is a minor

And whereas the said present Baronet recently applied to the Government of India to advance and lend to him the sum of four and a half lăkhs of rupees, to be applied to purposes beneficial to himself and his said sons, which the Government of India agreed to do upon having the repayment

thereof with interest secured in manner herein-after mentioned :

And whereas, in pursuance of the said agreement, the sum of four Advance of loan. and a half lákhs of rupees has been advanced and lent to the said present Baronet :

And whereas the said Manakjee Cursetjee Jamssetjee and Cowsajee Cursetjee Jamssetjee by themselves, and the said Concurrance of present Baronet's sons. Jamssetjee Cursetjee Jamssetjee by his guardian, have agreed to the arrangement intended to be effected by this Act,—

It is hereby enacted as follows :—

1. In consideration of the premises, and notwithstanding anything contained in the said recited Act, the Government of India shall withhold out of said sum of ninety-five thousand rupees, being the interest on the said promissory notes now vested in the said trustees, the annual sum of forty thousand rupees during the term of seventeen years from the date of the passing of this Act, unless the said sum of four and a half lákhs of rupees with interest thereon at five per cent. per annum has been sooner discharged.

WHITLEY STOKES,
Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 18th March 1875.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 23rd February 1875, and was promulgated for general information in the *Gazette of India* of the 27th February 1875.—

Act No. VI. of 1875.

An Act to secure the repayment of a Loan by the Government of India to Sir Jamsetjee Jeejeebhoy, Baronet.

WHEREAS by Letters Patent of Her Majesty, dated the sixth day of August 1858, and by Warrant under the Queen's sign-manual, Her said Majesty conferred upon Sir Jamsetjee Jeejeebhoy, then of Bombay, Knight, but since deceased, the dignity of Baronet, to hold the same to him and the heirs male of his body.

And Whereas by an Act of the Legislative Council of India numbered XX. of 1860, and entitled "An Act for settling Promissory Notes of the Government of India producing an annual income of one lakh of rupees and a Mansion-house and hereditaments called 'Mazagon Castle,' in the Island of Bombay, late the property of Sir Jamsetjee Jeejeebhoy, Baronet, deceased, so as to accompany and support the title and dignity of a Baronet lately conferred on him and the heirs male of his body by Her present Majesty Queen Victoria, and for other purposes connected therewith," certain officers therein mentioned were constituted Trustees for executing the powers and purposes of such Act.

And it was thereby enacted that, immediately after the passing of the said Act, promissory notes of the Government of India producing an annual income of one lakh vested in Trustees of the Government of India producing an annual income of one lakh of rupees should be transferred into the names of the said Trustees upon trust, amongst other things, from time to time to pay and apply the annual income of the said securities unto and for the benefit of the present Baronet, Sir Jamsetjee Jeejeebhoy, and the person who, as heir male of the body of the said first Baronet, should, for the time being, have succeeded to and be in the enjoyment of the title of Baronet conferred by the said Letters Patent as aforesaid, and in default of heirs male of the body of the said first Baronet to whom the same dignity of

Baronet might descend, upon trust for the present Baronet, his executors, administrators, and assigns

And it was by the said Act further enacted that subject as therein mentioned, so long as the said dignity of Baronet should endure, and until there should be a failure of heirs male of the body of the said first Baronet to whom the said dignity might descend, neither the said present Baronet nor any of the heirs male of the body of the said first Baronet in whose favour trusts were thereinbefore declared of the annual income of the said securities, should convey, charge, or encumber the said securities, or any part thereof, or the annual income thereof or of any part thereof, for any greater or larger estate or interest than during his natural life, and for such portion thereof only as he should continue to use the names of "Jamsetjee Jeejeebhoy," nor should have any power to discontinue or bar the estate of any person or persons for whose benefit trusts were declared by the said Act of the annual income of the said securities, or to prevent any such person or persons from succeeding to the same, nor should the same be held to have vested in any such person as aforesaid for any greater estate or interest than during his life, and only during such portion thereof as he should continue to use the names of "Jamsetjee Jeejeebhoy," and every attempt to make any assurance contrary to the intention of the said Act was thereby declared to be void.

And whereas, immediately after the passing of the said Act, promissory notes of the Government of India producing an annual income of one lakh of rupees were transferred into the names of the said trustees upon the trusts aforesaid.

And whereas, since the said transfer, part of the said promissory notes, producing an annual income of five thousand rupees, has been paid off by the Government of India, and the annual income of the promissory notes vested in the said trustees upon the trusts aforesaid was thereby reduced to ninety-five thousand rupees

And whereas the said present Baronet has three sons only (namely), Manakjee Cursetjee Jamsetjee, Cowasjee Cursetjee Jamsetjee, and Jamsetjee Cursetjee Jamsetjee, who is a minor.

And whereas the said present Baronet recently applied to the Government of India to advance and lend to him the sum of four and a half lakhs of rupees, to be applied to purposes beneficial to himself and his said sons, which the Government of India agreed to do upon having the repayment

thereof with interest secured in manner herein-
after mentioned

And whereas, in pursuance of the said agree-
ment, the sum of four
advance of loan. and a half lakhs of rupees
has been advanced and lent to the said present
Baronet.

And whereas the said Manakjee Cursetjee
Jamsetjee and Cowasjee
Concurrence of present Cursetjee Jamsetjee by
Baronet's sons. themselves, and the said
Jamsetjee Cursetjee Jamsetjee by his guardian,
have agreed to the arrangement intended to be
effected by this Act,—

It is hereby enacted as follows.—

1 In consideration of the premises, and not-
withstanding anything
Withholding interest on contained in the said
notes in discharge of loan. recited Act, the Govern-
ment of India shall withhold out of said sum of
ninety-five thousand rupees, being the interest on
the said promissory notes now vested in the said
trustees, the annual sum of forty thousand rupees
during the term of seventeen years from the date
of the passing of this Act, unless the said sum of
four and a half lakhs of rupees with interest
thereon at five per cent. per annum has been
sooner discharged

WHITLEY STOKES,

Secretary to the Government of India



Bombay Government Gazette.

Published by Authority.

THURSDAY, 11TH MARCH 1875.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March 1875, and was promulgated for general information in the *Gazette of India* of 6th March 1875 —

Act No VIII of 1875

THE INLAND CUSTOMS ACT, 1875.

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An Act for regulating Inland Customs Duties on Salt and Sugar, and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of Inland Customs duties on salt and sugar, and to the import of salt, the export of sugar, and the manufacture of salt and saltpetre into, from and in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces, It is hereby enacted as follows—

CHAPTER I—PRELIMINARY

1. This Act may be called "The Inland Customs Act, 1875" and shall come into force on the passing thereof
Short title
Commencement.
This section, section two, and so much of this Act as refers to offences against any of its provisions or against any rules made hereunder extend to the whole of British India.
Local extent
The rest of this Act extends to the territories for the time being respectively subject to the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh and the Central Provinces,
And any portion of this Act other than the portions specified in the second clause of this section, may be extended, by order of the Governor General in Council, published in the *Gazette of India*, to any part of British India other than the said territories
2. The enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column of the said schedule
Repeal of enactments

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

Interpretation-clause
"the said territories" means the territories mentioned in the third clause of the first section

"Collector" means a Collector or Assistant Commissioner of Inland Customs, and includes any persons invested by the Local Government with the powers of a Collector under this Act

"Sugar" includes also saccharine produce, sweetmeats and all other articles of which sugar forms a principal ingredient

"Saltpetre" includes rasai, saji and all other substances manufactured from saline earth, and khárfínún, or Glauber's salt, and every form of sulphate or carbonate of soda, and

"Manufacture of salt" includes the separation or purification of salt obtained in the manufacture of saltpetre, the separation of salt from earth or other substance so as to produce alimentary salt, and the excavation or removal of natural saline deposits or efflorescence

"Manufacture of salt" includes the separation or purification of salt obtained in the manufacture of saltpetre, the separation of salt from earth or other substance so as to produce alimentary salt, and the excavation or removal of natural saline deposits or efflorescence

CHAPTER II—OF THE IMPORT OF SALT, AND EXPORT OF SUGAR

4. No salt shall be imported into the said territories, and no sugar shall be exported therefrom, except subject to the provisions, payments and rules prescribed by or under this Act
Regulation of the import of salt, and export of sugar

5. The Governor General in Council may from time to time by rule order the levy of duties not exceeding the following:—
Power to levy duties.

Per maund of three thousand two hundred tolas

- (a) On salt imported into the said territories. Three rupees,
(b) On refined sugar exported from the said territories. One rupee,
(c) On unrefined sugar exported from the said territories. Six annas,
and in calculating the amount of any such duty, fractions of quarter maunds may be reckoned as quarter maunds

The Governor General in Council may, from time to time, reduce or remit any duty imposed under this section.

The Governor General in Council may, for the purposes of this section, define by rule what shall be deemed refined sugar and what shall be deemed unrefined sugar

6. In order to facilitate the collection of duties imposed under section

five, the Governor General in Council may by rule define a zone of country not exceeding fifteen miles in breadth along any portion of the frontier of the said territories, and at such distance within the frontier as he deems expedient,

and may extend such zone so as to include any portion of a railway, or canal, or navigable river en-

tering the same and the place where dutiable goods are loaded or unloaded into wagons or boats for the purpose of entering or leaving the zone, and may within such zone establish a chain of customs-posts extending along such zone

And the establishment of such chain shall be deemed a public purpose within the meaning of the Land Acquisition Act, 1870

A zone of country defined, and a chain of customs-posts established, under this section, are hereinafter termed respectively a "custom-zone" and a "customs-line"

7 When a customs-zone has been defined and a customs-line established under section six along any portion of the frontier of the said territories, the following results shall ensue (namely)—

(a) salt crossing such portion of the frontier shall be deemed to have been imported when it enters the customs-zone, and not before

(b) sugar shall be deemed to be exported when it is brought within half a mile of the inner face of the customs-line, and not before

(c) the Governor General in Council may by rule prohibit any person absolutely, or subject to such conditions as the

Governor General in Council thinks fit, from having in his possession any salt within the limits of the customs-zone

(d) the Governor General in Council may by notification or by the erection of a barrier, or otherwise, prohibit or prevent the passage of traffic of any description across the customs-line, except at such points as the Commissioner of Inland Customs may determine,

and may by rule control and regulate the passage of traffic at such points, and provide for the searching of all persons and things crossing, or being taken across, the customs-line

8. The Governor General in Council may by rule direct that the duty leviable under section five, clause (a), shall be levied by way of a mileage rate on—

(a) salt imported from the Presidency of Bombay into any part of the territories under the administration of the Chief Commissioner of the Central Provinces, and

(b) salt which, having been so imported, is afterwards moved from one place to another

And may in like manner fix, for the purposes of this section, the rate per maund per mile which shall be so levied

9 The Governor General in Council may by rule prescribe the manner, time and place in and at which and the persons by whom the duties leviable under this chapter shall be collected and the dutiable goods be permitted to be imported and exported

When the rules made under this section allow dutiable goods to be imported or exported without prepayment of duty, all duty payable on such goods so imported or exported shall be deemed to be a first charge on the same, and such goods may be stopped and detained by a customs officer until the duty is paid.

If such duty is not paid within such period as may be fixed by such rules, the goods in respect of which such duty is payable may be sold by public auction, and the proceeds of the sale shall be applied, first, in discharging the duty payable in respect of such goods, and then in defraying freight and other charges to which they are liable, and the surplus (if any) shall, if not claimed by the owner within two months, be forfeited to Her Majesty

CHEPTER III — OF THE MANUFACTURE OF SALT AND REFINING OF SALTPETRE

10 The Governor General in Council may from time to time by rule—

(a) prohibit absolutely, or subject to such conditions as he thinks fit, the manufacture of salt or the manufacture or refining of saltpetre throughout the whole or any portion of the said territories,

(b) fix fees for the following licenses not exceeding in the case of each such license the amount hereinafter mentioned.—

	Rs
License to manufacture saltpetre	2
License to manufacture and refine saltpetre and to separate and purify salt in the process of such manufacture and refining	100
License to manufacture <i>khá-rí-nún</i>	25
License to manufacture other saline substances	2

(c) impose a duty not exceeding three rupees per maund of three thousand two hundred tolahs on salt manufactured in the said territories, and determine the manner, time, and place in and at which, and the person by whom, such duty shall be collected,

(d) reduce or remit any duty so imposed,

(e) define an area in which shall be more than one hundred yards from the nearest saltpetre-manufactories, point of any place in which salt is stored or sold by or on behalf of Government, or of any manufactory and its appurtenances in or on which saltpetre is manufactured or refined, and regulate the possession, storage and sale of salt within such area,

(f) define an area round any other place in which salt is manufactured, and regulate the possession, storage and sale of salt within such area.

CHAPTER IV—OF OFFENCES AGAINST THE IN-
LAND CUSTOMS REVENUE

Penalty for contraven- 11. Whoever commits
tion of Act or rules any of the following
offences—

(a) does anything in contravention of this Act
or of any rule made hereunder,

(b) evades payment of any duty or charge
payable under this Act or any such rule, or

(c) attempts to commit or abets within the
meaning of the Indian Penal Code the commission
of any of the offences mentioned in clauses (a)
and (b) of this section,

shall for every such offence be punishable with
a fine not exceeding five hundred rupees, or with
imprisonment for a term not exceeding six months,
or with both,

and the convicting Magistrate, on the applica-
tion of the Collector or customs-officer, may
declare to be confiscated all works, materials, and
implements constructed or prepared for the pur-
pose of manufacturing or refining salt or saltpetre
contrary to the provisions of this Act or any such
rule

12 Any person convicted of an offence under
Punishment on second section eleven, after having
and subsequent convic- been previously convicted
tions of an offence under that
section or any enactment hereby repealed,

shall be punished with imprisonment which
may extend to six months, in addition to the
punishment which may be inflicted for a first
offence under section eleven,

and every such person shall, upon every subse-
quent conviction of an offence under section eleven,
be liable to imprisonment for a term which may
extend to six months, in addition to any term of
imprisonment to which he was liable at his last
previous conviction

13 A charge of an offence under section eleven
shall not be entertained
Charge to be preferred except on the complaint
by customs-officer. of the Collector or other
customs-officer not in-
ferior in rank to a Sub-Assistant Patrol,

and no such complaint shall be admitted unless
it be preferred within six
Limitation of time for months after the com-
complaint. mission of the offence to
which it refers.

An offence under section eleven shall be tried
Jurisdiction by a Magistrate exercis-
ing powers not less than
those of a magistrate of the second class.

14 All salt, sugar, or saltpetre in respect of
Confiscation of articles which any offence men-
in respect of which of- tioned in section eleven
fence committed has been committed, to
gether with the vessels, packages, or coverings in
which such salt, sugar, or saltpetre is contained,
and the animals and conveyances used in carrying
it shall be liable to confiscation

When the article seized exceeds five seers in
weight, the Commissioner of the Division may,
if satisfied on the report of any customs-officer, or
on such enquiry as he deems fit to make, that
such offence has been committed, declare such

article to be confiscated, or impose such lesser
penalty in lieu of confiscation as to him may seem
fit

If the quantity seized does not exceed five seers,
the Collector shall possess the same powers, in
regard to its disposal which by this section are
conferred on Commissioners of Division in regard
to quantities exceeding five seers, and may also
confiscate the vessel, package or covering in which
such article is contained.

Whenever a Commissioner of Division declares
under this section any article to be confiscated,
he may also declare to be confiscated any vessel,
package, or covering in which such article is
contained, and any animal or conveyance used in
carrying it

15 The Governor General in Council may
from time to time by rule
Power to levy addition- direct that any customs-
al duty as a penalty. officer not inferior in rank
to a Sub-Assistant Patrol, if satisfied in such
manner as such rule may prescribe that any
offence mentioned or referred to in section eleven
has been committed in respect of any dutiable
article, shall, instead of preferring a complaint
before a magistrate or instituting proceedings
with a view to confiscation, impose as a penalty
an additional duty on such article not exceeding
the duty paid or leviable thereon under chapter
II. of this Act

The imposition of every such penalty shall be
at once reported, if the article in respect of which
the offence has been committed exceeds five seers,
to the Commissioner of Division, and if such arti-
cle does not exceed five seers, to the Collector,
and shall require the sanction of the Commis-
sioner or Collector to whom it is so reported.

16. All zamindars and other proprietors of
land or their agents, who
Punishment for coun- wilfully connive at any
vance at offences mention- offence mentioned or re-
ed in section 11 ferred to in section eleven,
shall for every such offence be punishable by any
magistrate exercising powers not less than those
of a magistrate of the second class, with fine not
exceeding five hundred rupees, or with imprison-
ment for a term not exceeding six months, or with
both.

17. Any customs-officer may stop and detain
any person whom he has
Power to detain suspect- reasonable ground to
ed person and to seize suspect of being liable
goods liable to confisca- to punishment under this
tion. Act,

and may seize any salt or sugar in respect
of which there is reasonable ground to believe
that any offence mentioned or referred to in section
eleven has been committed, or that any duty is
payable, together with the vessels, packages, or
coverings in which such salt or sugar is contained,
and the animals and conveyances used in carrying
it

CHAPTER V—OF THE POWERS OF STOPPAGE,
SEIZURE, SEARCH AND ARREST

17. Any customs-officer may stop and detain
any person whom he has
Power to detain suspect- reasonable ground to
ed person and to seize suspect of being liable
goods liable to confisca- to punishment under this
tion. Act,

and may seize any salt or sugar in respect
of which there is reasonable ground to believe
that any offence mentioned or referred to in section
eleven has been committed, or that any duty is
payable, together with the vessels, packages, or
coverings in which such salt or sugar is contained,
and the animals and conveyances used in carrying
it

18 Any customs-officer may arrest any person
whom he has reasonable
Power to arrest. ground to suspect of
having committed any such offence as last aforesaid.

19. Whenever any customs-officer not inferior in rank to Sub-
Power to enter and search place of illicit manufacture. Assistant Patrol has reason to believe that salt or saltpetre is being unlawfully manufactured, refined or stored,

such officer shall first record in writing (so far as may be practicable), (a) the name, residence and calling of the informant (if any), (b) the locality and description of the house, boat or place where the officer believes the salt or saltpetre is being manufactured, refined or stored, (c) the name of the person for or by whom the salt or saltpetre is manufactured, refined or stored, and (d) the supposed quantity and description of the salt or saltpetre, with the grounds of believing the same to be unlawfully manufactured, refined or stored,

and may then summon in writing the officer in charge of the police-station within whose jurisdiction the house, boat or place to be searched is situate to attend him,

and may then, between sunrise and sunset (but always in the presence of an officer of police not inferior in rank to a head constable), enter and search any house, boat, or place, in which there is reason to believe that salt or saltpetre is being so manufactured, refined or stored,

and, in case of resistance, may break open any door, and force and remove any other obstacle to such entry,

and may seize and carry away all salt and saltpetre so unlawfully manufactured, refined or stored, and all materials used in the manufacture or refinement of such salt or saltpetre,

and may also arrest the occupier of the said house, boat, or place, together with all persons concerned in the manufacture or refinement or storing of such salt or saltpetre, or in the concealing thereof

If the place so entered is an apartment in the actual occupancy of a woman, who, according to the customs of the country, does not appear in public, the officer entering the same shall be guided by the rules in the Code of Criminal Procedure, section 384

Before conducting a search under this section, the officer conducting it shall call upon two or more respectable inhabitants (if any) of the locality in which the house, boat or place to be searched is situate, to attend and witness the search, and the search shall be made in the presence of such inhabitants (if any), and also (if practicable) of the occupant of the house, boat or place searched.

Whenever it is necessary to cause a woman to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

20 Any officer in charge of a police-station, who, on application in writing made by a customs-officer to attend to attend Failure of police-officer to attend for any of the purposes specified in section nineteen, fails so to attend or to depute a subordinate officer not inferior in rank to a head constable so to attend, shall for every such offence be punished with fine not exceeding five hundred rupees.

IV.—14

21. Whenever a customs-officer under the rank of Collector arrests any person under this Act,

Report of arrest, seizure or search or seizes any article as liable to confiscation under this Act,

or enters any house, boat or place for the purpose of searching for any such article,

he shall (unless empowered under the next succeeding clause of this section), within forty-eight hours next after such arrest, seizure or entry, make a full report of all the particulars of such arrest, seizure or entry, to his official superior for the information of the Collector

Every officer making any arrest under this section, or his official superior, shall, if generally empowered to do so by the Collector, either send with all convenient despatch the person arrested to the Magistrate having jurisdiction to deal with the case, or order the discharge of such person

And every officer of police attending any search made under section nineteen shall report the same to his official superior

22 Whenever the Collector is informed of the seizure of any article exceeding five sers in quantity, as liable to confiscation under this Act, he shall, with all convenient despatch, report the circumstances of the case to the Commissioner of the Division, who may thereupon proceed under section fourteen

If the quantity seized does not exceed five sers, he may dispose of the case himself under the said section.

23 Any article in respect of which a penalty is imposed under section fifteen may be detained pending the receipt of the order of the Commissioner of the Division or Collector on the report required by the same section

Procedure on detainer of article subject to additional duty

Provided that, if the owner of any article so detained deposits the amount of such penalty with, and pays all ordinary duty and charges payable on such article to, the customs-officer detaining the same, such article shall be at once released

When an article is so detained it shall, on the receipt of the said order, be dealt with in accordance with the rules made in this behalf under section twenty-seven.

When an article has been released under the second clause of this section, and the Commissioner or Collector reduces or declines to sanction the penalty imposed in respect of such article, the amount refundable to the owner shall be paid to him on his applying therefor to the Collector within six months, to be computed (where the order has been made by the Commissioner) from the day on which the Collector has received such order, and (where the order has been made by the Collector) from the date of such order

When any penalty the amount of which has been deposited under the second clause of this section, is sanctioned,

or when any sum refundable under this section has not been claimed within the said period of six months,

the amount so in deposit or the sum so refundable shall be forfeited to Her Majesty unless the Commissioner of Inland Customs otherwise directs

24 Whenever the Collector is informed of the arrest of any person, he shall (unless such person has been dealt with under the penultimate clause of section twenty-one) either send with all convenient despatch, the person arrested to the Magistrate having jurisdiction to deal with the case, or order the immediate discharge of such person

25 All officers of police and officers of Government engaged in the collection of land-revenue, are empowered and required to assist the customs-officers in the execution of this Act

26 Any customs-officer who, vexatiously search, seizure, &c., by customs-officer

(a) without reasonable ground of suspicion searches or causes to be searched any house, boat or place,

(b) vexatiously and unnecessarily seizes the moveable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Act,

(c) commits as such officer any other act to the injury of any person, when such officer has not reason to believe that such act is required for the execution of his duty,

shall for every such offence be punishable by a Magistrate exercising powers not less than those of a Magistrate of the second class, with fine not exceeding five hundred rupees

Any person wilfully or maliciously giving false information and so causing a search to be made under this Act shall be punishable by a Magistrate exercising the same powers with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding two years, or with both

27. The Governor General in Council may make rules to regulate the seizure, disposal, and destruction of things liable to be seized under this Act

Such rules may among other matters provide—

(a) that the owner or person having the charge of any animal seized and detained shall provide from day to day for its keep while detained, and that if he omits to do so, such animal may be sold by public auction, and the expenses (if any) incurred on account of it defrayed from the proceeds of the sale,

(b) that when anything is seized and an order for its release is subsequently passed and the owner does not within a period to be fixed by such rules appear to claim such thing and tender the duties, penalties and charges (if any) due in respect thereof, it may be sold by public auction, and such duties, penalties and charges defrayed from the proceeds of the sale.

(c) that the surplus proceeds of a sale under clause (a) or clause (b) of this section shall, if not claimed by the owner of the thing seized within a period to be fixed by such rules, be forfeited to Her Majesty

CHAPTER VI.—MISCELLANEOUS

28 The Governor General in Council may from time to time by rule prohibit absolutely, or subject to conditions, the transit of salt or of sugar into, out of, or over, the said territories or any part thereof

Except in the case of a prohibition under this section, nothing in this Act shall affect the importation of salt or exportation of sugar into or from any of the said territories, or the Lower Provinces of the Presidencies of Fort William

29. In addition to the rules which the Governor General in Council is hereinbefore empowered to make, he may from time to time make rule to regulate the following matters, namely

(a) the persons by whom, and the time, place and manner at or in which anything to be done under this Act shall be done.

(b) the cases in which, and the officers to whom and the conditions subject to which, orders given by customs-officers under this Act shall be appealable,

(c) the fee to be charged on account of any license, pass, certificate, dākhilā, rawāna or other such document issued under this Act;

and generally to carry out the provisions herein contained

30 All rules made under this Act must be consistent herewith and shall be published in the *Gazette of India*, and shall thereupon have the force of law

31 Subject to the provisions herein contained and to any rules for the time being in force made by the Governor General in Council the Local Government may invest any persons with the powers of a Collector under this Act, or with all or any of the powers hereinbefore conferred on customs-officers.

32 All duties now leviable on salt or sugar imported into or exported from or moved through, or manufactured in, the said territories, shall, until otherwise directed by the Governor General in Council, be deemed to be leviable under this Act.

33. All rules now in force which might have been made under this Act if it had been in force shall be deemed to have been issued hereunder, and the existing customs-laws shall be deemed to have been defined and protected hereunder.

SCHEDULE.

A—Acts

Number and Year.	Title.	Extent of repeal.
XIV of 1843	An Act for regulating the levy of Customs Duties, and the manufactures of Salt in the North-Western Provinces of the Presidency of Bengal.	So much as has not been repealed
✓ XXXVI. of 1855.	An Act to empower Officers of Customs and Land Revenue to search Houses and other enclosed places for contraband Salt in the North-Western Provinces.	The whole.
I. of 1860	An Act to empower the Governor General in Council to increase the rate of Duty on Salt imported into the North-Western Provinces of the Presidency of Bengal.	So much as has not been repealed.
XVII. of 1861	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces.)	So much as has not been repealed
XXXI. of 1861.	An Act to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof.	The whole, but so far only as regards the said territories.
✓ XIX of 1862	An Act to extend to the Province of Oudh certain provisions of Acts XIV of 1843 and XXXVI of 1855, relating to the manufacture of contraband Salt, and to amend the last-named Act.	The whole.
VII. of 1864	An Act for regulating the importation and manufacture of alimentary Salt in the Territories administered by the Chief Commissioner of the Central Provinces.	So much as has not been repealed
✓ XXXIII of 1867.	An Act to amend Act No XXXI of 1861	The whole.
✓ XXV of 1869.	An Act to provide Rules for the manufacture, storing and sale of alimentary Salt in the North-Western Provinces, the Panjab, Oudh and the Central Provinces, and for other purposes.	The whole
✓ XXV. of 1872.	An Act to give the force of law to certain Rules relating to Salt in the Panjab.	The whole.
X. of 1874.	An Act to amend the Law relating to Salt.	Sections three and four.
XV. of 1874.	Laws Local Extent Act ..	So far as it relates to Bengal Regulation I. of 1853.

B—Bengal Regulations

Number and Year	Title	Extent of repeal,
XX. of 1817.	A Regulation for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed for the Guidance of Darogahs and other subordinate Officers of Police, for modifying the existing Rules concerning the Resistance or Evasion of Criminal Process, and for requiring further Aid to the Police in certain cases, from Proprietors and Farmers of Land and their Local Managers, as well as from the Munduls and other Heads of Villages.	Section twenty-nine, clauses fifth, sixth, seventh, and eighth.
X of 1819	A Regulation for reducing into one Regulation, with Alterations and Amendments, the Rules at present in Force respecting the Manufacture, Adulteration, Importation, Transportation, and Sale of Salt	So much as has not been repealed.
X. of 1826 ..	A Regulation for removing Doubts as to the Application of Section L, Regulation X, 1819, to the District of Goruckpore for prohibiting the Manufacture within any of the Districts of Bengal, Behar, and Orissa, of Noon-chye, or any Description of Saline Substance used as a condiment with Food, excepting on Account of, or with the Permission of, Government and for providing for the Retail Sale of Salt by Government Officers in certain Cases	So much as has not been repealed.
IV. of 1832	A Regulation for declaring and explaining the Meaning and Intention of Section XLI, Regulation X, 1819	The whole.
I. of 1833 ..	A Regulation for vesting in the Sudder Board of Revenue at Allahabad the Superintendence of the Customs and Town Dunes in the territories to which the Revenue Jurisdiction of that Board extends	The whole.

WHITLEY STOKES,

Secretary to the Government of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March 1875, and was promulgated for general information in the *Gazette of India* of the 5th March 1875.—

Act No. IX of 1875

An Act to amend the Law respecting the Age of Majority

WHEREAS, in the case of persons domiciled in British India, it is expedient to prolong the period of nonage, and to attain more uniformity and certainty respecting the age of majority than now exists, It is hereby enacted as follows.—

1 This Act may be called "The Indian Majority Act, 1875"

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty;

and it shall come into force and have effect only on the expiration of three months from the passing thereof

2. Nothing herein contained shall affect—

- (a) the capacity of any person to act in the following matters (namely)—Marriage, Dower, Divorce, and Adoption,
- (b) the religion or religious rites and usages of any class of Her Majesty's subjects in India, or
- (c) the capacity of any person who before this Act comes into force has attained majority under the law applicable to him.

3 Subject as aforesaid, every minor of whose Age of majority of person or property a persons domiciled in guardian has been or British India. shall be appointed by any Court of Justice, and every minor under the

jurisdiction of any Court of Wards, shall, notwithstanding anything contained in the Indian Succession Act (No. X of 1865) or in any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before

Subject as aforesaid, every other person domiciled in British India shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before

4 In computing the age of any person, the day on which he was born is to be included as a whole day, and he shall be deemed to have attained majority, if he falls within the first paragraph of section three, at the beginning of the twenty-first anniversary of that day, and if he falls within the second paragraph of section three, at the beginning of the eighteenth anniversary of that day

Illustrations

(a) Z is born in British India on the first day of January, 1850, and has a British Indian domicile. A guardian of his person is appointed by a Court of Justice. Z attains majority at the first moment of the first day of January 1871.

(b) Z is born in British India on the twentieth day of February, 1852 and has a British Indian domicile. A guardian of his property is appointed by a Court of Justice. Z attains majority at the first moment of the twenty-eighth day of February 1873.

(c) Z is born on the first day of January 1850. He acquires a domicile in British India. No guardian is appointed of his person or property by any Court of Justice, nor is he under the jurisdiction of any Court of Wards. Z attains majority at the first moment of the first day of January 1868.

WHITLEY STOKES,

Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 25th March 1875.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March 1875, and was promulgated for general information in the *Gazette of India* of 6th March 1875 —

Act No VIII. of 1875.

THE INLAND CUSTOMS ACT, 1875.

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(a) Salt when imported
(b) Sugar when exported.
(c) Possession of salt within customs-zone
(d) Traffic crossing customs-line.
8. Levy of salt duty in Central Provinces.
9. Power to regulate collection of duties and import and export of goods.

CHAPTER III—OF THE MANUFACTURE OF SALT AND REFINING OF SALTPETRE

10. Power of Governor General in Council —
(a) to regulate manufacture and refining of salt and saltpetre;
(b) to fix fees for licenses;
(c) to impose a duty on manufacture of salt,
(d) to reduce or remit duties;

IV.—20 a

SECTION.

- (e) to regulate possession of salt in vicinity of saltpetre manufactories,
- (f) to regulate possession of salt in vicinity of places where salt is manufactured

CHAPTER IV.—OF OFFENCES AGAINST THE INLAND CUSTOMS REVENUE

11. Penalty for contravention of Act or rules.
12. Punishment on second and subsequent convictions.
Charge to be preferred by customs-officer.
Limitation of time for complaint
Jurisdiction
14. Confiscation of articles in respect of which offence committed.
15. Power to levy additional duty as a penalty
16. Punishment for connivance at offences mentioned in section 11.

CHAPTER V—OF THE POWERS OF STOPPAGE, SEIZURE, SEARCH AND ARREST.

17. Power to detain suspected person and to seize goods liable to confiscation
18. Power to arrest
19. Power to enter and search place of illicit manufacture.
20. Failure of police officer to attend
21. Report of arrest, seizure, or search.
22. Procedure in respect of articles seized.
23. Procedure on detainer of article subject to additional duty
24. Procedure in respect of person arrested
25. Officers of police and land-revenue to assist customs-officers
26. Vexatious search, seizure, &c., by customs-officer.
27. Power to regulate seizures and disposal of things seized

CHAPTER VI.—MISCELLANEOUS

28. Power to prohibit import, export and transit of salt or sugar
29. Further matters for which Governor General may make rules
30. Publication of rules.
31. Power of Local Government to confer powers of Collector and customs-officers
32. Saving of existing duties on salt and sugar.
33. Existing rules.
Existing customs-line

An Act for regulating Inland Customs Duties on Salt and Sugar, and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of Inland Customs duties on salt and sugar, and to the import of salt, the export of sugar, and the manufacture of salt and saltpetre into, from and in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces, It is hereby enacted as follows.—

CHAPTER I.—PRELIMINARY.

1. This Act may be called "The Inland Customs Act, 1875." and shall come into force on the passing thereof

This section, section two, and so much of this Act as refers to offences against any of its provisions or against any rules made hereunder extend to the whole of British India.

The rest of this Act extends to the territories for the time being respectively subject to the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh and the Central Provinces,

And any portion of this Act other than the portions specified in the second clause of this section, may be extended, by order of the Governor General in Council, published in the *Gazette of India*, to any part of British India other than the said territories

2 The enactments specified in the schedule hereto annexed are repealed to the extent mentioned in the third column of the said schedule.

3. In this Act, unless there be something repugnant in the subject or context—
"the said territories" means the territories mentioned in the third clause of the first section:

"Collector" means a Collector or Assistant Commissioner of Inland Customs, and includes any person invested by the Local Government with the powers of a Collector under this Act.

"Customs-officer" means any officer of Inland Customs, and includes any person invested by the Local Government with any of the powers of a customs-officer under this Act:

"Sugar" includes also saccharine produce, sweetmeats and all other articles of which sugar forms a principal ingredient

"Saltpetre" includes *rasí*, *sají* and all other substances manufactured from saline earth, and *kháir-nán*, or Glauber's salt, and every form of sulphate or carbonate of soda, and

"Manufacture of salt" includes the separation or purification of salt obtained in the manufacture of saltpetre, the separation of salt from earth or other substance so as to produce elementary salt, and the excavation or removal of natural saline deposits or efflorescence.

CHAPTER II.—OF THE IMPORT OF SALT, AND EXPORT OF SUGAR.

4. No salt shall be imported into the said territories, and no sugar shall be exported therefrom, except subject to the provisions, payments and rules prescribed by or under this Act.

5. The Governor General in Council may from time to time by rule order the levy of duties not exceeding the following.—

Per maund of three thousand two hundred tolas

- (a). On salt imported into the said territories. Three rupees,
(b). On refined sugar exported from the said territories ... One rupee,
(c). On unrefined sugar exported from the said territories . Six annas;

and in calculating the amount of any such duty, fractions of quarter maunds may be reckoned as quarter maunds

The Governor General in Council may, from time to time, reduce or remit any duty imposed under this section.

The Governor General in Council may, for the purposes of this section, define by rule what shall be deemed refined sugar and what shall be deemed unrefined sugar.

6. In order to facilitate the collection of duties imposed under section five, the Governor General in Council may by rule define a zone of country not exceeding fifteen miles in breadth along any portion of the frontier of the said territories, and at such distance within the frontier as he deems expedient,

and may extend such zone so as to include any portion of a railway, or canal, or navigable river entering the same and the place where dutiable goods are loaded or unloaded into wagons or boats for the purpose of entering or leaving the zone,

and may within such zone establish a chain of customs-posts extending along such zone.

And the establishment of such chain shall be deemed a public purpose within the meaning of the Land Acquisition Act, 1870

A zone of country defined, and a chain of customs-posts established, "Customs-zone" under this section, are "Customs-line." hereinafter termed respectively a "customs-zone" and a "customs-line."

7. When a customs-zone has been defined and a customs-line established under section six along any portion of the fron-

tier of the said territories, the following results shall ensue (namely)—

(a) salt crossing such portion of the frontier shall be deemed to have been imported when it enters the customs-zone, and not before

(b) sugar shall be deemed to be exported when it is brought within half a mile of the inner face of the customs-line, and not before.

(c) the Governor General in Council may by rule prohibit any person absolutely, or subject to such conditions as the Governor General in Council thinks fit, from having in his possession any salt within the limits of the customs-zone.

(d) the Governor General in Council may by notification or by the erection of a barrier, or otherwise, prohibit or prevent the passage of traffic of any description across the customs-line, except at such points as the Commissioner of Inland Customs may determine,

and may by rule control and regulate the passage of traffic at such points, and provide for the searching of all persons and things crossing, or being taken across, the customs-line.

8. The Governor General in Council may by rule direct that the duty leviable under section five, clause (a), shall be levied by way of a mileage rate on—

(a) salt imported from the Presidency of Bombay into any part of the territories under the administration of the Chief Commissioner of the Central Provinces, and

(b) salt which, having been so imported, is afterwards moved from one place to another :

And may in like manner fix, for the purposes of this section, the rate per maund per mile which shall be so levied.

9. The Governor General in Council may by rule prescribe the manner, time and place in and at which and the persons by whom the duties leviable under this chapter shall be collected and the dutiable goods be permitted to be imported and exported.

When the rules made under this section allow dutiable goods to be imported or exported without prepayment of duty, all duty payable on such goods so imported or exported shall be deemed to be a first charge on the same, and such goods may be stopped and detained by a customs officer until the duty is paid.

If such duty is not paid within such period as may be fixed by such rules, the goods in respect

of which such duty is payable may be sold by public auction, and the proceeds of the sale shall be applied, first, in discharging the duty payable in respect of such goods, and then in defraying freight and other charges to which they are liable, and the surplus (if any) shall, if not claimed by the owner within two months, be forfeited to Her Majesty.

CHAPTER III.—OF THE MANUFACTURE OF SALT AND REFINING OF SALTPETRE.

10. The Governor General in Council may from time to time by rule—

(a) prohibit absolutely, or subject to such conditions as he thinks fit, the manufacture of salt or the manufacture or refining of saltpetre throughout the whole or any portion of the said territories;

(b) fix fees for the following licenses not exceeding in the case of each such license the amount hereinafter mentioned —

	Rs
License to manufacture saltpetre	2
License to manufacture and refine saltpetre and to separate and purify salt in the process of such manufacture and refining	100
License to manufacture <i>khāri-nūn</i>	25
License to manufacture other saline substances	2;

(c) impose a duty not exceeding three rupees per maund of three thousand two hundred tolas on salt manufactured in the said territories, and determine the manner, time, and place in and at which, and the persons by whom, such duty shall be collected,

(d) reduce or remit any duty so imposed ;

(e) define an area more than one hundred yards from the nearest saltpetre-manufactories; point of any place in which salt is stored or sold by or on behalf of Government, or of any manufactory and its appurtenances in or on which saltpetre is manufactured or refined, and regulate the possessions, storage and sale of salt within such area,

(f) define an area round any other place in which salt is manufactured, and regulate the possession, storage and sale of salt within such area.

CHAPTER IV.—OF OFFENCES AGAINST THE IN-
LAND CUSTOMS REVENUE.

Penalty for contraven- 11. Whoever commits
tion of Act or rules. any of the following
offences—

(a) does anything in contravention of this Act
or of any rule made hereunder;

(b) evades payment of any duty or charge
payable under this Act or any such rule, or

(c) attempts to commit or abets within the
meaning of the Indian Penal Code the commission
of any of the offences mentioned in clauses (a)
and (b) of this section,

shall for every such offence be punishable with
a fine not exceeding five hundred rupees, or with
imprisonment for a term not exceeding six months,
or with both,

and the convicting Magistrate, on the applica-
tion of the Collector or customs-officer, may
declare to be confiscated all works, materials, and
implements constructed or prepared for the pur-
pose of manufacturing or refining salt or saltpetre
contrary to the provisions of this Act or any such
rule

12. Any person convicted of an offence under
section eleven, after having
been previously convicted
of an offence under that
section or any enactment hereby repealed,

shall be punished with imprisonment which
may extend to six months, in addition to the
punishment which may be inflicted for a first
offence under section eleven,

and every such person shall, upon every subse-
quent conviction of an offence under section eleven,
be liable to imprisonment for a term which may
extend to six months, in addition to any term of
imprisonment to which he was liable at his last
previous conviction

13. A charge of an offence under section eleven
shall not be entertained
except on the complaint
of the Collector or other
customs-officer not in-
ferior in rank to a Sub-Assistant Patrol,

and no such complaint shall be admitted unless
it be preferred within six
months after the com-
mission of the offence to
which it refers.

Limitation of time for
complaint.

An offence under section eleven shall be tried
by a Magistrate exercis-
ing powers not less than
those of a magistrate of the second class.

14. All salt, sugar, or saltpetre in respect of
which any offence men-
tioned in section eleven
has been committed, to-
gether with the vessels, packages, or coverings in
which such salt, sugar, or saltpetre is contained,
and the animals and conveyances used in carrying
it shall be liable to confiscation.

When the article seized exceeds five sers in
weight, the Commissioner of the Division may,
if satisfied on the report of any customs-officer, or
on such enquiry as he deems fit to make, that
such offence has been committed, declare such

article to be confiscated, or impose such lesser
penalty in lieu of confiscation as to him may seem
fit.

If the quantity seized does not exceed five sers,
the Collector shall possess the same powers, in
regard to its disposal which by this section are
conferred on Commissioners of Division in regard
to quantities exceeding five sers, and may also
confiscate the vessel, package or covering in which
such article is contained.

Whenever a Commissioner of Division declares
under this section any article to be confiscated,
he may also declare to be confiscated any vessel,
package, or covering in which such article is
contained, and any animal or conveyance used in
carrying it

15. The Governor General in Council may
from time to time by rule
direct that any customs-
officer not inferior in rank
to a Sub-Assistant Patrol, if satisfied in such
manner as such rule may prescribe that any
offence mentioned or referred to in section eleven
has been committed in respect of any dutiable
article, shall, instead of preferring a complaint
before a magistrate or instituting proceedings
with a view to confiscation, impose as a penalty
an additional duty on such article not exceeding
the duty paid or leviable thereon under chapter
II. of this Act

The imposition of every such penalty shall be
at once reported, if the article in respect of which
the offence has been committed exceeds five sers,
to the Commissioner of Division, and if such arti-
cle does not exceed five sers, to the Collector,
and shall require the sanction of the Commis-
sioner or Collector to whom it is so reported.

16. All zamindárs and other proprietors of
land or their agents, who
wilfully connive at any
offence mentioned or re-
ferred to in section eleven,
shall for every such offence be punishable by any
magistrate exercising powers not less than those
of a magistrate of the second class, with fine not
exceeding five hundred rupees, or with imprison-
ment for a term not exceeding six months, or with
both.

CHAPTER V.—OF THE POWERS OF STOPPAGE,
SEIZURE, SEARCH AND ARREST

17. Any customs-officer may stop and detain
any person whom he has
reasonable ground to
suspect of being liable
to punishment under this
Act;

Power to detain suspect-
ed person and to seize
goods liable to confisca-
tion

and may seize any salt or sugar in respect
of which there is reasonable ground to believe
that any offence mentioned or referred to in section
eleven has been committed, or that any duty is
payable, together with the vessels, packages, or
coverings in which such salt or sugar is contained,
and the animals and conveyances used in carrying
it

18. Any customs-officer may arrest any person
whom he has reasonable
ground to suspect of
having committed any such offence as last aforesaid.

Power to arrest.

19. Whenever any customs-officer not inferior in rank to a Sub-
 Assistant Patrol has reason to believe that salt or saltpetre is being unlawfully manufactured, refined or stored,

such officer shall first record in writing (so far as may be practicable), (a) the name, residence and calling of the informant (if any), (b) the locality and description of the house, boat or place where the officer believes the salt or saltpetre is being manufactured, refined or stored, (c) the name of the person for or by whom the salt or saltpetre is manufactured, refined or stored, and (d) the supposed quantity and description of the salt or saltpetre, with the grounds of believing the same to be unlawfully manufactured, refined or stored,

and may then summon in writing the officer in charge of the police-station within whose jurisdiction the house, boat or place to be searched is situate to attend him;

and may then, between sunrise and sunset (but always in the presence of an officer of police not inferior in rank to a head constable), enter and search any house, boat, or place, in which there is reason to believe that salt or saltpetre is being so manufactured, refined or stored,

and, in case of resistance, may break open any door, and force and remove any other obstacle to such entry,

and may seize and carry away all salt and saltpetre so unlawfully manufactured, refined or stored, and all materials used in the manufacture or refinement of such salt or saltpetre,

and may also arrest the occupier of the said house, boat, or place, together with all persons concerned in the manufacture or refinement or storing of such salt or saltpetre, or in the concealing thereof.

If the place so entered is an apartment in the actual occupancy of a woman, who, according to the customs of the country, does not appear in public, the officer entering the same shall be guided by the rules prescribed in the Code of Criminal Procedure, section 384.

Before conducting a search under this section, the officer conducting it shall call upon two or more respectable inhabitants (if any) of the locality in which the house, boat or place to be searched is situate, to attend and witness the search, and the search shall be made in the presence of such inhabitants (if any), and also (if practicable) of the occupant of the house, boat or place searched.

Whenever it is necessary to cause a woman to be searched, the search shall be conducted with strict regard to the habits and customs of the country.

20. Any officer in charge of a police-station, who, on application in writing made by a customs-officer to attend for any of the purposes specified in section nineteen, fails so to attend or to depute a subordinate officer not inferior in rank to a head constable so to attend, shall for every such offence be punished with fine not exceeding five hundred rupees.

IV.—20 b

21. Whenever a customs-officer under the rank of Collector arrests any person under this Act,

or seizes any article as liable to confiscation under this Act,

or enters any house, boat or place for the purpose of searching for any such article, he shall (unless empowered under the next succeeding clause of this section), within forty-eight hours next after such arrest, seizure or entry, make a full report of all the particulars of such arrest, seizure or entry, to his official superior for the information of the Collector.

Every officer making any arrest under this section, or his official superior, shall, if generally empowered to do so by the Collector, either send with all convenient despatch the person arrested to the Magistrate having jurisdiction to deal with the case, or order the discharge of such person.

And every officer of police attending any search made under section nineteen shall report the same to his official superior.

22. Whenever the Collector is informed of the seizure of any article exceeding five seers in quantity, as liable to confiscation under this Act, he shall, with all convenient despatch, report the circumstances of the case to the Commissioner of the Division, who may thereupon proceed under section fourteen.

If the quantity seized does not exceed five seers, he may dispose of the case himself under the said section.

23. Any article in respect of which a penalty is imposed under section fifteen may be detained pending the receipt of the order of the Commissioner of the Division or Collector on the report required by the same section.

Provided that, if the owner of any article so detained deposits the amount of such penalty with, and pays all ordinary duty and charges payable on such article to, the customs-officer detaining the same, such article shall be at once released.

When an article is so detained it shall, on the receipt of the said order, be dealt with in accordance with the rules made in this behalf under section twenty-seven.

When an article has been released under the second clause of this section, and the Commissioner or Collector reduces or declines to sanction the penalty imposed in respect of such article, the amount refundable to the owner shall be paid to him on his applying therefor to the Collector within six months, to be computed (where the order has been made by the Commissioner) from the day on which the Collector has received such order, and (where the order has been made by the Collector) from the date of such order.

When any penalty the amount of which has been deposited under the second clause of this section, is sanctioned,

or when any sum refundable under this section has not been claimed within the said period of six months,

the amount so in deposit or the sum so refundable shall be forfeited to Her Majesty unless the Commissioner of Inland Customs otherwise directs

24. Whenever the Collector is informed of the arrest of any person, he shall (unless such person has been dealt with under the penultimate clause of section twenty-one) either send with all convenient despatch, the person arrested to the Magistrate having jurisdiction to deal with the case, or order the immediate discharge of such person.

Procedure in respect of arrest of any person, he shall (unless such person has been dealt with under the penultimate clause of section twenty-one) either send with all convenient despatch, the person arrested to the Magistrate having jurisdiction to deal with the case, or order the immediate discharge of such person.

25. All officers of police and officers of Government engaged in the collection of land-revenue, are empowered and required to assist the customs-officers in the execution of this Act.

Vexatious search, seizure, &c., by customs-officer

(a) without reasonable ground of suspicion searches or causes to be searched any house, boat or place;

(b) vexatiously and unnecessarily seizes the moveable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Act,

(c) commits as such officer any other act to the injury of any person, when such officer has not reason to believe that such act is required for the execution of his duty,

shall for every such offence be punishable by a Magistrate exercising powers not less than those of a Magistrate of the second class, with fine not exceeding five hundred rupees

Any person wilfully or maliciously giving false information and so causing a search to be made under this Act shall be punishable by a Magistrate exercising the same powers with fine not exceeding five hundred rupees, or with imprisonment for a term not exceeding two years, or with both

27. The Governor General in Council may make rules to regulate the seizure, disposal, and destruction of things liable to be seized under this Act

Such rules may among other matters provide—

(a) that the owner or person having the charge of any animal seized and detained shall provide from day to day for its keep while detained, and that if he omits to do so, such animal may be sold by public auction, and the expenses (if any) incurred on account of it defrayed from the proceeds of the sale;

(b) that when anything is seized and an order for its release is subsequently passed and the owner does not within a period to be fixed by such rules appear to claim such thing and tender the duties, penalties and charges (if any) due in respect thereof, it may be sold by public auction, and such duties, penalties and charges defrayed from the proceeds of the sale.

(c) that the surplus proceeds of a sale under clause (a) or clause (b) of this section shall, if not claimed by the owner of the thing seized within a period to be fixed by such rules, be forfeited to Her Majesty.

CHAPTER VI.—MISCELLANEOUS.

28. The Governor General in Council may from time to time by rule prohibit absolutely, or subject to conditions, the transit of salt or of sugar into, out of, or over, the said territories or any part thereof.

Except in the case of a prohibition under this section, nothing in this Act shall affect the importation of salt or exportation of sugar into or from any of the said territories, from or into any other of the said territories, or the Lower Provinces of the Presidency of Fort William.

29. In addition to the rules which the Governor General in Council is hereinbefore empowered to make, he may from time to time make rules to regulate the following matters, namely—

(a) the persons by whom, and the time, place and manner at or in which anything to be done under this Act shall be done.

(b) the cases in which, and the officers to whom and the conditions subject to which, orders given by customs-officers under this Act shall be appealable,

(c) the fee to be charged on account of any license, pass, certificate, dākhilā, rawāna or other such document issued under this Act, and generally to carry out the provisions herein contained.

30. All rules made under this Act must be consistent herewith and shall be published in the *Gazette of India*, and shall thereupon have the force of law

31. Subject to the provisions herein contained and to any rules for the time being in force made by the Governor General in Council the Local Government may invest any persons with the powers of a Collector under this Act, or with all or any of the powers hereinbefore conferred on customs-officers.

32. All duties now leviable on salt or sugar imported into or exported from or moved through, or manufactured in, the said territories, shall, until otherwise directed by the Governor General in Council, be deemed to be leviable under this Act

33. All rules now in force which might have been made under this Act if it had been in force shall be deemed to have been issued hereunder, and the existing customs-laws shall be deemed to have been defined and protected hereunder.

SCHEDULE.

A.—Acts.

Number and Year	Title.	Extent of repeal.
XIV of 1843	An Act for regulating the levy of Customs Duties, and the manufacture of Salt in the North-Western Provinces of the Presidency of Bengal	So much as has not been repealed.
XXXVI. of 1855	An Act to empower Officers of Customs and Land Revenue to search Houses and other enclosed places for contraband Salt in the North-Western Provinces.	The whole.
I. of 1860.	An Act to empower the Governor General in Council to increase the rate of Duty on Salt imported into the North-Western Provinces of the Presidency of Bengal.	So much as has not been repealed.
XVII. of 1861.	An Act to amend Act XIV of 1843 (for regulating the Customs Duties in the North-Western Provinces.)	So much as has not been repealed.
XXXI. of 1861.	An Act to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof.	The whole, but so far only as regards the said territories.
XIX of 1862.	An Act to extend to the Province of Oudh certain provisions of Acts XIV of 1843 and XXXVI. of 1855, relating to the manufacture of contraband Salt, and to amend the last-named Act	The whole
VII. of 1864.	An Act for regulating the importation and manufacture of alimentary Salt in the Territories administered by the Chief Commissioner of the Central Provinces.	So much as has not been repealed
XXXIII of 1867	An Act to amend Act No XXXI of 1861.	The whole.
XXV of 1869.	An Act to provide Rules for the manufacture, storing and sale of alimentary Salt in the North-Western Provinces, the Panjab, Oudh and the Central Provinces, and for other purposes	The whole
XXV of 1872.	An Act to give the force of law to certain Rules relating to Salt in the Panjab.	The whole
X of 1874	An Act to amend the Law relating to Salt	Sections three and four.
XV of 1874.	Laws Local Extent Act	So far as it relates to Bengal Regulation of 1833.

B—Bengal Regulations.

Number and Year	Title.	Extent of repeal.
XX. of 1817.	A Regulation for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed for the Guidance of Darogahs and other subordinate Officers of Police, for modifying the existing Rules concerning the Resistance or Evasion of Criminal Process, and for requiring further Aid to the Police in certain cases, from Proprietors and Farmers of Land and their Local Managers, as well as from the Munduls and other Heads of Villages.	Section twenty-nine, clauses fifth, sixth, seventh, and eighth.
X of 1819	A Regulation for reducing into one Regulation, with Alterations and Amendments, the Rules at present in Force respecting the Manufacture, Adulteration, Importation, Transportation, and Sale of Salt.	So much as has not been repealed
X. of 1826	A Regulation for removing Doubts as to the Application of Section L., Regulation X. 1819, to the District of Gomohpore, for prohibiting the Manufacture within any of the Districts of Bengal, Behar, and Orissa, of Noon-chye, or any Description of Saline Substance used as a condiment with Food, excepting on Account of, or with the Permission of Government and for providing for the Retail Sale of Salt by Government Officers in certain Cases.	So much as has not been repealed.
IV. of 1832	A Regulation for declaring and explaining the Meaning and Intention of Section XLI., Regulation X., 1819	The whole.
I. of 1833	A Regulation for vesting in the Sudder Board of Revenue at Allahabad the Superintendence of the Customs and Town Duties in the territories to which the Revenue Jurisdiction of that Board extends.	The whole.

WHITLEY STOKES,

Secretary to the Government of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 2nd March 1875, and was promulgated for general information in the *Gazette of India* of the 6th March 1875.—

Act No. IX of 1875.

An Act to amend the Law respecting the Age of Majority

WHEREAS, in the case of persons domiciled in British India, it is expedient to prolong the period of nonage, and to attain more uniformity and certainty respecting the age of majority than now exists, It is hereby enacted as follows:—

1 This Act may be called "The Indian Majority Act, 1875."

It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty;

and it shall come into force and have effect only on the expiration of three months from the passing thereof.

2. Nothing herein contained shall affect—

- (a) the capacity of any person to act in the following matters (namely)—Marriage, Dower, Divorce, and Adoption,
- (b) the religion or religious rites and usages of any class of Her Majesty's subjects in India, or
- (c) the capacity of any person who before this Act comes into force has attained majority under the law applicable to him.

3. Subject as aforesaid, every minor of whose Age of majority of person or property a persons domiciled in guardian has been or British India. shall be appointed by any Court of Justice, and every minor under the

jurisdiction of any Court of Wards, shall, notwithstanding anything contained in the Indian Succession Act (No. X. of 1865) or in any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before.

Subject as aforesaid, every other person domiciled in British India shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before.

4 In computing the age of any person, the day on which he was born is to be included as a whole day, and he shall be deemed to have attained majority, if he falls within the first paragraph of section three, at the beginning of the twenty-first anniversary of that day, and if he falls within the second paragraph of section three, at the beginning of the eighteenth anniversary of that day.

Illustrations.

(a) Z is born in British India on the first day of January, 1850, and has a British Indian domicile. A guardian of his person is appointed by a Court of Justice. Z attains majority at the first moment of the first day of January 1871.

(b) Z is born in British India on the twenty-ninth day of February, 1852 and has a British Indian domicile. A guardian of his property is appointed by a Court of Justice. Z attains majority at the first moment of the twenty-eighth day of February 1873.

(c) Z is born on the first day of January 1850. He acquires a domicile in British India. No guardian is appointed of his person or property by any Court of Justice, nor is he under the jurisdiction of any Court of Wards. Z attains majority at the first moment of the first day of January 1868.

WHITLEY STOKES,

Secretary to the Government of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th March 1875, and was promulgated for general information in the *Gazette of India* on 9th March 1875—

Act No X of 1875.

THE HIGH COURTS' CRIMINAL
PROCEDURE ACT, 1875.

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THE SCHEDULE.—Enactments repealed.

An Act to regulate the Procedure of the High Courts in the exercise of their original criminal jurisdiction.

WHEREAS it is expedient to consolidate and amend the law relating to the procedure of the High Courts in the exercise of their original criminal jurisdiction, It is hereby enacted as follows.—

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The High Courts' Criminal Procedure Act, 1875."

Short title.	It extends to the whole of British India,
Local extent.	And it shall come into force on the first day of May 1875.
Commencement.	

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent mentioned in the third column of the said schedule, but not so as to revive any practice thereby abolished.

And all rules made under any of the said enactments shall be deemed to have been made under this Act, so far as they are consistent herewith

- 3 In this Act, unless there be something repugnant in the subject or context—

Interpretation-clause	"High Court" includes all High Courts established or to be established under the twenty-fourth and twenty-fifth of Victoria, Chapter 104, the Chief Court of the Panjáb and such other Courts as the Governor-General in Council may, from time to time, declare to be invested with the powers of a High Court under this Act :
"Chief Justice"	includes also the Senior Judge of a Chief Court :
"Advocate General"	includes also a Government Advocate :
"Clerk of the Crown"	includes any officer specially appointed by the Chief Justice to discharge the functions given by this Act to the Clerk of the Crown ; and
"Magistrate"	includes also a Police Magistrate in the Towns of Calcutta, Madras, and Bombay.
"European British Subject."	"European British Subject" means—

(a) all subjects of Her Majesty born, naturalized, or domiciled in the United Kingdom of Great Britain and Ireland or in any of the European, American or Australian colonies, or possessions of Her Majesty, or in the colonies of New Zealand, the Cape of Good Hope, and Natal ;

(b) the children and grandchildren of any such person by legitimate descent.

"Prosecutor" includes every person conducting a prosecution on behalf of Her Majesty

"Offence" denotes anything made punishable by any law for the time being in force, and

words which refer to acts done extend also to illegal omissions.

CHAPTER II.

OF SESSIONS.

4 For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

5 The High Court shall hold its sittings at the place at which it now holds them, or at such other place (if any) as the Governor General in Council in the case of the High Court at Fort William, and as the Local Government in the case of the other High Courts, may direct. But it may, from time to time,

in the case of the High Court at Fort William, with the consent of the Governor General in Council,

in all other cases, with the consent of the Local Government,

hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of the original criminal jurisdiction of the High Court

CHAPTER III.

OF PROCEDURE ON COMMITMENTS.

6. The provisions of this Act shall apply to all criminal cases triable by the High Court.

7. When any person is committed for trial before a High Court, the Clerk of the Crown, or if there be not a Clerk of the Crown, a Judge of the High Court, shall, on receipt of the charge, peruse and consider it, and may, if it appear necessary or expedient so to do, alter or redraw the same, having regard to the rules as to the form of charges contained in the Code of Criminal Procedure.

8 If a prisoner is committed to the Court without any charge at all, the clerk of the crown, or if there be not a clerk of the crown, a Judge of the High Court may draw up a charge having regard to the rules referred to in section seven. If a prisoner is committed upon a charge which the Court, upon reference to the proceedings before the committing Magistrate, considers improper, the Court may draw up a charge for any offence or offences which it considers to be proved by the evidence taken before the committing Magistrate.

9. Any accused person may apply to the Court for an amendment of the charge made against him; and in considering whether any error in a charge did in fact mislead the accused person, the Court shall take into account the fact that he did or did not make such an application.

10. The Court may, upon the application of the accused person, or of the prosecutor, or upon its own motion, amend or alter any charge at any stage of the proceedings before the verdict of the jury is delivered. Such amendment shall be explained to the accused person.

11. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making such amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

12. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the accused person to make his defence to the amended or altered charge; and, after hearing his defence, the Court may, if it thinks fit, further adjourn the trial, to admit of the appearance of any witness whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

13 The charge, with such alterations (if any) as may have been made therein, shall be recorded in the High Court, and a copy of such charge shall be given to the person charged, if he demands it.

The person charged shall also be entitled to a copy of his own examination before the committing Magistrate and to copies of the examinations of witnesses upon whose depositions he has been committed, and of

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all documents read and made exhibits as part of such depositions by the committing Magistrate, if the person charged demands them a reasonable time before the case comes on for trial and pays for the same a reasonable sum not exceeding one anna for each folio of ninety words.

The Court may for any special reason remit any such payment.

14. When any charge, or portion of a charge, recorded as aforesaid appears to a Judge of the High Court, at any time before the commencement of the trial of the person charged, to be clearly unsustainable, such Judge may make on the charge an entry to that effect

Such entry shall have the effect of staying proceedings upon the charge or portion of the charge (as the case may be), but shall not operate as an acquittal of the person charged.

15. In all cases of amendment or alteration of a charge during the trial, the prosecutor and accused person may recall witnesses. The prosecutor and accused person shall be allowed to recall and examine any witness who may have been examined.

16. If the offence stated in the amended or altered charge be one for which a previous sanction to the prosecution of which amended charge requires previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained; unless sanction has been already obtained for a prosecution on the same facts as those on which the amended or altered charge was founded.

Joinder of Charges

17. There must be a separate charge for every distinct offence of which any person is accused, and every such charge must be tried separately, except in the cases hereinafter excepted.

Illustration

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

18. When a person is accused of more offences than one of the same kind, committed within a year of each other, he may be charged and tried at the same time for any number of them not exceeding three.

EXPLANATION.—Offences are said to be of the same kind under this section if they fall within the provisions of section twenty.

19. I. If in one series of acts, so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with and tried for every such offence at the same time.

II. If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being, by which offences are defined or punished, the person accused of them may be charged with each of the offences so committed, but he must not receive a more severe punishment than could be awarded for any of such offences

III. If several acts, of which one or more than one would by itself constitute an offence, form, when combined, a different offence, the person accused of them may be charged with every offence or any of the different offences, which he may have committed; but he must not receive for such offences, collectively, a punishment more severe than that which might have been awarded for any one of such offences.

Illustrations.

To paragraph I.

(a) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be separately charged with, convicted of, and punished for, offences under sections 225 and 333, Indian Penal Code

(b) A has in his possession several counterfeit seals with the intention of committing several forgeries. A may be separately charged with, convicted of, and punished for, the possession of each seal for a distinct forgery under section 473, Indian Penal Code.

(c) A, with intent to cause injury to B, institutes proceedings against him, knowing there is no just or lawful ground for such proceedings. A also, in the course of the proceedings, falsely charges B with having committed an offence. A may be separately charged with, convicted of, and punished for, two offences under section 211, Indian Penal Code

(d) A, with intent to injure B, brings a false charge against him of having committed an offence. On the trial, A gives false evidence against B. A may be separately charged with, convicted of, and punished for, offences under sections 211 and 194 or 195, Indian Penal Code

(e) A, knowing that B, a female minor, has been kidnapped, wrongfully confines her and detains her as a slave. A may be separately charged with, convicted of, and punished for, offences under sections 363 (read with 367) and 370, Indian Penal Code.

(f) A, with six others, commits the offences of rioting, grievous hurt to B, and of assaulting C, a public servant engaged in suppressing the riot. A may be separately charged with, convicted of, and punished for, offences under sections 147, 325, and 152, Indian Penal Code

(g) A criminally intimidates B, C, and D, at the same time. A may be separately charged with, convicted of, and punished for, each of the three offences under section 506, Indian Penal Code

(h) A intentionally causes the death of three persons by upsetting a boat. A may be separately charged with, convicted of, and punished for, three offences under section 302, Indian Penal Code

To paragraph II

(i) A commits mischief by cutting down a tree in a Government forest. The tree overhangs the bank of a river and falls into the stream. A commits theft by having severed the tree and by floating it down the river to his village, where he sells it. A

may be separately charged with, and convicted of offences under sections 426 and 379, Indian Penal Code, but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 379 only.

(j) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code, but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 323 only.

(k) A wrongfully kills a buffalo worth sixty rupees belonging to B, and then takes away the carcass in a manner amounting to theft. A may be separately charged with, and convicted of, offences under sections 429 and 379, Indian Penal Code, but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 429 only.

(l) Several stolen sacks of corn are made over to A and B, who know they are stolen property. A and B thereupon assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414, Indian Penal Code; but the Court which tries them may not inflict a severer sentence than if it had convicted them under one of those sections only

(m) A uses a forged document in evidence, in order to convict B, a public servant, of an offence under section 167. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under one of those sections only

To paragraph III.

(n) A commits house-breaking by day with intent to commit adultery, and commits in the house so entered adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497, Indian Penal Code, but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 497 only

(o) A robs B, and, in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392, and 394, of the Indian Penal Code, but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 392 or 394 only.

(p) A entices B, the wife of C, away, and ~~th~~ commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497, Indian Penal Code, but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 497 only

20. If a single act or series of acts is of such a nature that it is doubtful what offence has been committed, which of several offences the facts which can be proved will constitute, the accused person may be charged with having committed all or any of such offences; and any number of such charges may be tried at once, or he may be charged in the alternative with having committed some one of the said offences.

Illustration.

A is accused of an act which may amount to either theft, receiving stolen property, criminal breach of trust, or cheating. He may be charged separately with theft, criminal breach of trust, and cheating, or he may be charged with having committed either theft, or criminal breach of trust, or cheating.

21. If, in the case mentioned in section

twenty, one charge only is brought against an accused person, and it appears in evidence that he committed a different offence, for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

Illustration.

A is charged with theft. It appears that he committed criminal breach of trust, or receiving stolen goods. He may be convicted of criminal breach of trust, or receiving stolen goods, though he was not charged with it.

22. When a person is charged with an offence,

and part of the charge is included in offence not proved, but the part charged, which is proved amounts to a different offence, he may be convicted of the offence which he is proved to have committed, though he was not charged with it.

Illustrations.

(a.) A is charged under section 407, Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(b.) A is charged with murder. He may be convicted of culpable homicide, or of causing death by negligence.

23. When more persons than one are accus-

ed of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another, of abetment of, or attempt to commit, such offence, they may be charged and tried together, or separately, as the Court thinks proper, and the provisions hereinbefore contained shall apply to all such charges.

Illustrations

(a.) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(b.) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(c.) A and B are both charged with a theft and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

24. No error, either in the way in which the offence is stated, or in the

Effect of errors. particulars required by the Code of Criminal Procedure to be stated, and no omission to state the offence, or to state those particulars, shall be regarded at any stage of the case as material, unless the person accused was in fact misled by such error or omission.

Illustrations.

(a.) A is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(b.) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(c.) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(d.) A is charged with the murder of Khoda Baksh on the 21st January. In fact, the murdered person's name was Haidar Baksh, and the date of the murder was the 20th January. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haidar Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(e.) A was charged with murdering Haidar Baksh on the 20th January, and Khoda Baksh (who tried to arrest him for that murder) on the 21st January. When charged for the murder of Haidar Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haidar Baksh. The Court may infer from this that A was misled, and that the error was material.

25. If any Magistrate, or other authority pur-

porting to exercise powers conferred but not being actually so empowered, commits an accused person to take his trial before a High Court, the Court may, after perusal of the proceedings, accept the commitment if it considers that the accused person has not been prejudiced, unless objection was made on behalf either of the accused person or of the prosecution to the jurisdiction of the committing Magistrate during the inquiry and before the order of commitment.

If such Court considers that the accused person was prejudiced, or if such objection as aforesaid was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

26. Pending the directions of the Court as to the place of trial every person committed for trial shall (if not admitted to bail) be committed by the Magistrate for intermediate custody to the criminal jail in which he can be most conveniently confined

If the trial be directed to be held at the ordinary place of sitting of the Court, the Magistrate shall bind over the person charged to appear and take his trial at such place of sitting, or shall commit him to the jail at such place.

If the Court direct that the person charged be tried elsewhere than at its ordinary place of sitting, the Magistrate shall bind him over to appear and take his trial at the place so directed, or shall, if necessary, cause him to be removed to the criminal jail at or nearest to the place at which he is directed to be tried

27 The Court may direct that all European British subjects committed or bailed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court,

or direct that they shall be tried at a particular place named, and may also order that they shall, if not bailed, be committed for intermediate custody to a particular jail, being one of the jails appointed by the Government for the reception of such prisoners.

CHAPTER IV.

OF THE COMMENCEMENT OF THE TRIAL.

28. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

29 If the accused person pleads guilty, the plea shall be recorded, and he may be convicted thereon.

30. If the accused person refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to choose jurors as hereinafter directed, and to try the case.

31. Every person accused of an offence may of right be defended by any advocate of a High Court.

Any such person may, with the permission of the Court (but not otherwise), employ any person not being an advocate, attorney or pleader, to assist him in his defence.

CHAPTER V

OF JURIES

(a) *Of Juries generally.*

32 All trials under this Act shall be by jury,

and, notwithstanding anything contained in section sixty-four of the Code of Criminal Procedure, in all criminal cases transferred to a High Court under that section or under the Letters Patent of any High Court established under the twenty-fourth and twenty-fifth of Victoria, Chapter 104, the trial may, if the High Court so direct, be by jury

33 The jury shall consist of nine persons, who shall be chosen by lot from the persons summoned to act as jurors provided that, in case of a deficiency of such persons, the number required may, with the leave of the Court, be chosen from such other persons as may be present

34. Subject to the right of challenge herein after mentioned, the same jury may try as many accused persons successively as the Court thinks fit.

35 If before the first juror is called and accepted, any European British subject charged as aforesaid requires to be tried by a mixed jury, the majority of the jurors shall consist of Europeans or Americans, or both Europeans and Americans.

36. In any case in which a European British subject is accused jointly with a person not being a European British subject, and such European British subject is committed for trial before a High Court, the person so jointly accused shall (if the committing Magistrate thinks that he ought to be tried), also be committed for trial before such High Court, notwithstanding any provision to the contrary in the Code of Criminal Procedure.

Such persons may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately.

37. Provided that if before the first juror is called and accepted the European British subject requires the majority of the jurors to consist of Europeans or Americans, and the person not being a European British subject requires that he shall be tried separately by a jury which at least five members shall be of persons not being Europeans or Americans, the latter person shall be tried separately.

(b) *Cf Juries in the Presidency Towns.*

38. Every person tried in Calcutta, Madras, or Bombay, shall be tried before a special jury

(a) if charged with having committed an offence punishable with death, or

(b) if in any other case a Judge of the High Court so directs.

39. The jurors' book for the year current when this Act comes into force, shall be taken as containing a correct list of persons liable to serve as jurors under this Act;

And those persons whose names are entered in the said book as being liable to serve on special juries only shall be deemed to be persons privileged and liable to serve only as special jurors under this Act during the year for which the said list has been prepared.

40. The names of not more than two hundred persons shall at any one time be entered in the special jurors' list.

41. All persons whose names are entered in the special jurors' list shall be exempted from serving on any other than special juries, but so long only as their names are contained in such list.

42. The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare

(a) a list of all persons liable to serve as common jurors;

(b) a list of persons liable to serve as special jurors only.

Regard shall be had, in the preparation of the latter list, to the property, character, and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list, merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council may exempt any salaried officer of Government from serving as a juror.

43. The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

44. Preparatory lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the officer by whom the same have been prepared, shall be published once

in the local official Gazette before the fifteenth day of April next after their preparation.

Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house.

45. Out of the persons named in the revised lists aforesaid, there shall be summoned for each sessions at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries.

No person shall be so summoned more than once in six months unless the number cannot be made up without him.

If, during the continuance of any sessions, it appears that the number of supplementary summons persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

46. Any person summoned under section 45 who without lawful excuse fails to attend as required by the summons, or who having attended departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court, after being ordered to attend, shall be deemed guilty of a contempt, and be liable by order of the Judge to such fine as he thinks fit, and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

47. Challenges without cause shown shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged.

The following and no others shall be good causes of challenge, whether on behalf of the Crown or by the person or persons charged :—

(a) Some personal objection, such as alienage, infancy, old age, or deficiency in the qualification required by any law or rule having the force of law for the time being in force :

(b) Some presumed or actual partiality in the juror .

(c) A previous conviction of the juror of a non-bailable offence under the Indian Penal Code or of a similar offence under any other law in force in British India :

(d) Inability to understand English when spoken

48. The Judge before whom a person charged is about to be tried shall try any challenge, other than a challenge without cause shown, and if the Judge allow the challenge, the juror shall be set aside. The decision of the Judge as to any challenge shall be final.

49. Save as herein provided, the High Courts of Judicature at Fort William, Madras, and Bombay shall retain all their present powers respecting the summoning, empannelling, qualification, challenging, and service of jurors, and shall have power to make such rules on these subjects (consistent with the provisions of this Act) as seem to them to be proper.

All rules relating to jurors now in force in the same High Courts shall (so far as they are consistent with this Act) remain in force until repealed or altered by new rules made under this section.

(c) *Of Juries in the Mafussil.*

50. Whenever a High Court has given notice of its intention to hold sittings at any place (other than the towns of Calcutta, Madras, and Bombay) for the exercise of its original criminal jurisdiction, the Court of Session at such place shall, subject to any direction which may be given by the High Court, take and cause to be taken the measures prescribed by Sections 407, 409, 410, and 411 of the Code of Criminal Procedure for the summoning of jurors.

51. In addition to the persons so summoned as jurors, the said Court of Session shall, if it think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the military service, resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of European British subjects charged with offences before the High Court as aforesaid.

All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such juries notwithstanding anything contained on the Code of Criminal Procedure; but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

52. The juries for the trial of European British subjects as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned in accordance with Sections 50 and 51.

53. As each juror is chosen, his name shall be called aloud, and upon his appearance, the accused person shall be asked if he objects to be tried by such juror.

Objection may then be made to such juror by the accused person, or by the prosecutor, and the grounds of objection shall be stated.

54. Any objection made to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

(a) his holding any office in or under the Court or the local Court of Session;

(b) his executing any duties of Police or being entrusted with any police functions;

(c) his having been convicted of any offence against the State, or of any fraudulent or other offence which, in the judgment of the Court, renders him unfit to serve on the jury,

(d) his having by habit or religious vows relinquished all care of worldly affairs;

(e) his standing in the relation of husband, master, servant, landlord or tenant, to the person alleged to be injured or attempted to be injured by the offence charged, or to the person accused;

(f) his being in the employment of any of such persons;

(g) his being plaintiff or defendant in any civil suit against any of such persons,

(h) his having complained against, or having been accused by, any of such persons in any criminal prosecution.

(i) any circumstance which, in the judgment of the Court, is likely to cause prejudice against, or favour to, any of such persons, or which renders such person improper as a juror.

55. Any objection made to a juror shall be decided by the Court, and such decision shall be final.

56. If the objection be allowed, the place of such juror shall be supplied by any other juror attending whom objection is allowed, in obedience to a summons, or, if there be no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided no objection to such other juror or person be made and allowed under Section 54.

57. The Judge shall not allow any person to serve on the jury, unless such person understands the language in which the evidence is given or interpreted.

(d) *Of the Foreman*

58. When the jury has been completed, they shall appoint one of their number to be foreman.

It shall be the duty of the foreman to preside in the debates of the jury, to deliver the verdict of jury, and to ask any information from the Court that may be required by the jury or any of the jurors.

If a majority of the jury do not agree in the appointment of a foreman, he shall be appointed by the Court.

CHAPTER VI.

OF THE TRIAL.

59. The prosecutor shall then open his case, and the witnesses shall be examined, cross-examined, and re-examined according to the law for the time being relating to the examination of witnesses.

60. The examination of the accused person before the committing Magistrate shall be given in evidence at the trial.

61. The Court may from time to time, at any stage of the trial, examine the accused person.

The accused person shall not be liable to any punishment for refusing to answer, or for answering falsely, questions asked under this section, but the Court shall draw such inference as seems just from such refusal or false answer.

No oath or affirmation shall be administered to the accused persons.

62. When the examination of the witnesses for the prosecution and the examination of the accused person are concluded, the accused person shall be asked whether he means to call witnesses. If he says that he does not, the prosecutor may sum up his case. The Court may then, if it thinks that there are no grounds for proceeding, direct the jury to return a verdict of acquittal.

If the Court considers that there are grounds for proceeding, it shall call on the accused person to state his grounds of defence and produce his witnesses.

The accused person or his Counsel may then state the case for the defence, and may examine the witnesses, if any, produced for the defence, and at the conclusion of such examination may sum up his case.

63. If any evidence is adduced on behalf of the accused person, the prosecutor shall be entitled to reply.

64. Whenever, in the opinion of the Court, it is proper and convenient that the jury should view the place in which the offence charged is said to have been committed, or any other place in which any other transaction material to the enquiry in the trial took place, an order shall be made to that effect, and the jury shall be conducted in a body, under the care of an officer of the Court to such place, which shall be shown to them by a person appointed by the Court. Such officer shall not suffer any other person to speak to, or hold any communication with, any of the jury.

65. The High Court may from time to time make rules as to keeping the jury together during a trial lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of

the Court, or whether they shall be allowed to return to their respective homes.

66. The Court may, in its discretion, postpone the hearing of the case; and may, from time to time, adjourn the trial, if it considers that such adjournment is proper and will promote the ends of justice.

67. If a trial is adjourned, the jury shall be required to attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

68. The Court may, if it think fit, from time to time by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court in the exercise of its ordinary or its extraordinary original criminal jurisdiction, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

69. If a juryman is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be examined, cross-examined, and re-examined in the same manner as any other witness.

70. When the services of an interpreter are required by the Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

CHAPTER VII.

OF EVIDENCE.

71. The examination of a Civil Surgeon or other medical witness, taken and duly attested by a Magistrate, may be given in evidence in any criminal trial, although the person examined is not called as a witness.

The Court may summon such Civil Surgeon or other medical witness, if it sees sufficient cause for doing so.

72. Any document purporting to be a report from the Chemical Examiner, or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report, in the course of any criminal trial, or in any preliminary inquiry relating thereto, may, if it bears his signature, be used as evidence in any criminal trial.

The Court may presume that the signature of any such document is genuine, and that the person signing it held the office which he professed to hold at the time when he signed it.

73. If, after the commencement of the trial, the accused person admits before the Court the commission of an offence, whether such offence is the same as the offence of which he is accused or not.

74. If an accused person abscond, and after due pursuit cannot be arrested, the Court may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution and record their depositions; and any such deposition may, on the arrest of such person, be put in on his trial for the offence with which he is charged if it is not practicable to procure the attendance of the deponent.

75. When a witness is produced, the evidence (if any) given by him before the committing Magistrate may, in the discretion of the presiding Judge, be treated as evidence in the case, if it was duly taken in the presence of the accused person.

EXPLANATION.—This section shall not authorise the Court to refer to the record of the evidence given by a witness who is absent, except in the cases in which such evidence may be referred to under the Indian Evidence Act, 1872, or other law in force for the time being upon the subject of evidence.

Commissions.

76. Whenever at any time after the commitment of a witness cannot be procured without an amount of delay, expense, or inconvenience which, under the circumstances of the case, would be unreasonable, the Court may dispense with his personal attendance.

The Court may direct a Commission to the Magistrate of the District, or to a Magistrate of the first class, in whose jurisdiction such witness may be. The Magistrate to whom the commission is directed shall proceed to the place where such witness is, or shall summon such witness before himself. Such Magistrate shall take the evidence of such witness in the same manner, and shall have for this purpose, and may exercise, the same powers as in trials of warrant cases under the Code of Criminal Procedure.

When the witness is in the territories of any Native Prince or State in India in alliance with Her Majesty, the commission may be directed to any Justice of the Peace or other officer in the service of the Crown resident in such territories; and the provisions of the second clause of this section shall apply to such Justice of the Peace or officer.

If the witness is within the local limits of the ordinary original criminal jurisdiction of any of the High Courts of Judicature at Fort William, Madras, and Bombay, the commission may be directed to any Police Magistrate within such limits, and such Magistrate shall have the like power to compel the attendance and

examination of witnesses as he possesses for that purpose in cases pending before him.

The prosecutor and the accused person may forward interrogatories, upon which the officer to whom the commission is directed shall examine the witness, or the prosecutor may appear personally before the officer to whom the commission is directed, or the prosecutor or accused person may so appear by authorized agent.

After any commission issued under this section has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto, and the deposition of such witness may be used as evidence in the case and shall form part of the record.

Tender of Pardon to obtain Evidence.

77. The Court may, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in, or privy to, any offence mentioned in column 7 of the fourth schedule annexed to the Code of Criminal Procedure as triable exclusively by the Court of Session, instruct the committing Magistrate to tender, or itself may, at any time before judgment, tender, a pardon to such person or persons, on condition of his or their making a full, true, and fair disclosure of the whole of the circumstances, within his or their knowledge, relative to the crime committed and every other person concerned in the perpetration thereof.

Any person accepting a tender of pardon under this section shall be examined as a witness in the case, under the rules applicable to the examination of witnesses.

Such person, if not on bail, shall be detained in custody pending the termination of the trial.

78. When a pardon has been tendered under Section 77, if it appears to the Court that any person who has accepted such tender has not conformed to the conditions under which it was made, either by wilfully concealing anything essential, or by giving false evidence, the Court may commit, or direct the commitment of, such person, for trial for the offence in respect of which the pardon was so tendered, or for any other offence of which he may appear to have been guilty in connection with the same matter.

The statement made by a person under pardon, which pardon has been withdrawn under this section, may be put in evidence against him.

Of securing Attendance of Witnesses and Production of Documents.

79. The following procedure shall be pursued in order to obtain the attendance of witnesses before the Court.

80. The Court may, at any stage of any proceeding, inquiry or trial, summon any witness, or examine any person in attendance though not summoned as a witness, and it shall be its duty to do so if the evidence of such person appears essential to the just decision of the case.

81. If the Court has reason to believe that any witness whose attendance is required will not attend to give evidence without being compelled to do so, it may, instead of issuing a summons, issue a warrant of arrest in the first instance.

82. If such warrant cannot be executed, and the Court considers that the witness is absconding or concealing himself for the purpose of avoiding the service thereof, it may issue a proclamation, requiring his attendance to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode.

If the witness does not attend at the time and place named in such proclamation, the Court may order the attachment of any moveable property belonging to such witness, to such amount as seems reasonable, not being in excess of the amount of costs of attachment and of any fine to which he may be liable under the provisions of the next following section.

Such order shall authorize the attachment of any such moveable property within the jurisdiction of the Court by which the order was made; and if any such moveable property be without the jurisdiction of the said Court, such order when endorsed by the Magistrate of the District in which such property is situated shall authorize the attachment of the property last aforesaid.

83. If the witness appears and satisfies the Court that he did not abscond or conceal himself for the purpose of avoiding the execution of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property attached be released from attachment, and shall make such order in regard to the costs of the attachment as the Court thinks fit.

If such witness does not appear, or, appearing, fails to satisfy the Court that he did not abscond or conceal himself for the purpose of avoiding the execution of the warrant, and that he had not such notice of the proclamation as aforesaid, the Court may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which may be imposed upon such witness under the provisions of Section 172 of the Indian Penal Code.

If the witness pays to such Court the costs and fine as aforesaid, his property shall be released from attachment.

iv.—20 g

84. If any person summoned to give evidence neglects or refuses to appear at the time and place appointed by the summons, and no reasonable excuse is offered for such neglect or refusal, the Court, upon proof of the summons having been duly served, may issue a warrant under its seal to bring such person before it to testify as aforesaid.

85. The accused person shall be allowed to examine as a witness any person in attendance.

86. Whenever the Court considers that the production of any document is necessary or desirable for the purposes of any investigation or judicial proceeding, the Court may issue a summons to the person in whose possession or power such document is believed to be, requiring him to attend and produce such document at the time and place stated in the summons.

87. If there is reason to believe that the person to whom the summons is addressed will not produce the document as directed in the summons, the Court may issue a search-warrant for the document in the first instance.

88. The Court may, if it thinks fit, impound any document produced before it, or may, at the conclusion of the proceedings, order such document to be returned to the person who produced it.

89. If a witness refuses to answer any question which is put to him or to produce any document in his possession or power which the Court requires him to produce, and does not offer any just excuse for such refusal, he shall be deemed guilty of contempt of Court.

CHAPTER VIII.

OF THE CHARGE TO THE JURY

90. When the case for the defence and the prosecutor's reply, if any, are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

91. It is the duty of the Judge to decide all questions of law, and especially all questions as to the relevancy of facts which it is proposed to prove, the admissibility of evidence, or the propriety of questions asked by parties or their agents, which may arise in the course of the trial, and, in his discretion, to prevent the production of inadmis-

sible evidence, whether it is or is not objected to by the parties,

to decide upon the meaning and construction of all documents given in evidence at the trial;

to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given,

to decide whether any question which arises is for himself or for the jury; and upon this point his decision shall be final.

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(a) It is proposed to prove a statement made by a person not called as a witness, under circumstances which render evidence of his statement admissible.

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved.

(b) It is proposed to give secondary evidence of a document, the original of which is alleged to have been lost or destroyed.

It is the duty of the Judge to decide whether the original has been lost or destroyed.

CHAPTER IX.

OF THE VERDICT AND THE DISCHARGE OF THE JURY.

92 After the Judge has finished his charge, retirement to consider the jury may retire to consider their verdict.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

Duty of jury. 93 It is the duty of the jury—

(a) to decide which view of the facts is true, and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned;

(b) to determine the meaning of all technical terms and words used in an unusual sense, which it may be necessary to determine, whether such words occur in documents or not;

(c) to decide all questions which according to law are to be deemed questions of fact;

(d) to decide whether general, indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(1.) A is tried for the murder of B.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts A ought to be convicted of murder, or of culpable homicide or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it.

(2) The question is, whether a person entertained a reasonable belief on a particular point. Whether work was done with reasonable skill or due diligence.

Each of these is a question for the jury.

94 When the jury have considered their verdict, the foreman shall inform the Court what is their verdict, or what is the verdict of a majority.

95 The jury shall return a verdict on all the charges on which the accused is tried, and the Court may ask them such questions as are necessary to ascertain what their verdict is.

96 If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

97 A verdict of guilty or not guilty, as the case may be, shall be delivered either when the jury are unanimous in their opinion, or when as many as six are of one opinion and the Judge agrees with them.

98 When the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge.

If the Judge disagrees with the majority, he shall then discharge the jury.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

99 The Judge may also discharge the jury whenever by reason of illness a juror becomes incapable of attending through the trial or the prisoner becomes incapable of remaining at the bar.

100 Whenever the jury is discharged, the prisoner shall be detained in custody or on bail (as the case may be) and shall be tried by another jury, unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal.

101. When any person has in a trial before a Judge of the High Court acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve for the decision of a Court, consisting of two or more Judges of the High Court, any question of law which has arisen in the course of the trial of

such person and the determination of which would affect the event of the trial

If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail, or, if the Judge think fit, be admitted to bail, and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment and sentence as to the High Court seem fit

102 When more charges than one are preferred against the same person, and when a conviction has been had on one or more of several charges, the prosecutor may, with the consent of the Court, withdraw, or the Court of its own accord may direct the withdrawal of the remaining charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges.

CHAPTER X.

OF THE SENTENCE.

103 Every warrant for the commitment of a person to custody shall be in writing and signed and sealed by the Judge who issues it.

104. In the case of a High Court holding its sittings elsewhere than in the towns of Calcutta, Madras, Secs. 303, 304, 305, or Bombay, the provisions of applied in Mofussil the Code of Criminal Procedure, Sections 303, 304, and 305 shall apply to the officers therein mentioned.

105. Whenever an offender is sentenced to pay a fine, the Court may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment.

Such warrant may be executed within the jurisdiction of the Court, and it shall authorize the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court, when endorsed by the Magistrate of the District in which such property is situate.

This section shall not apply to cases in which any special procedure is laid down, by any special or local law in force for the time being for the recovery of any fine, but shall apply to cases in which no such procedure is laid down, and to all fines not levied when this Act comes into force, but which might have been levied under this section if it had been in force when they were imposed.

106. Whenever the Court imposes a fine under any law in force for the time being, the Court may order the whole or any part of the fine to be paid in compensation,

(a) for expenses properly incurred in the prosecution;

(b) for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made, as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

In any subsequent civil proceedings relating to the same matter, the Court shall take into account any sum which may have been awarded under this section.

107. In every case punishable under any law in force for the time being with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the High Court shall be guided by the provisions of Sections 64, 65, 68, 69 and 70 of the Indian Penal Code in awarding the period of imprisonment in default of payment of the fine.

108. Sentences of whipping shall be executed in manner provided by the Code of Criminal Procedure, Sections 311, 312, and 313.

109. When a person is convicted, at one trial, of two or more offences punishable under the same or different sections of any law for the time being in force, the Court may sentence him, for the offences of which he has been convicted, to the several penalties prescribed by such enactment or enactments, which such Court is competent to inflict; such penalties, when consisting of imprisonment, or transportation, or penal servitude, to commence the one after the expiration of the other.

Provided that in no case shall such person be sentenced to imprisonment for a longer period than fourteen years.

110. When sentence of death or whipping is passed on an escaped convict the Court shall direct the new sentence to take effect without waiting for the expiration of the sentence from which he has escaped.

When any other sentence is passed on an escaped convict severer than the sentence from which he has escaped, the Court shall also direct the new sentence to take effect without waiting for the expiration of the sentence from which he escaped.

When the new sentence is not severer than the sentence from which he has escaped, the Court shall direct the new sentence to take effect after such convict has suffered imprisonment or transportation, or penal servitude, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

When the former sentence on the escaped convict is or includes transportation or penal servitude for life and the Court does not sentence him to death, the new sentence shall direct that he be, as soon as practicable, sent back to the place from which he escaped

EXPLANATION—For the purpose of this section—

(a) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment,

(b) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of imprisonment without solitary confinement, and

(c) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

111 When sentence is passed on a person already sentenced for transportation, and the sentence is for imprisonment or transportation, the Court shall direct such imprisonment or transportation to commence at the expiration of the imprisonment or transportation to which he has been previously sentenced,

or, if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be for transportation or penal servitude, the Court may direct the sentence to commence immediately, or at the expiration of the imprisonment to which such person has been previously sentenced.

Provided that nothing in this section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

112. When any person under the age of sixteen years is sentenced to imprisonment for any offence, the Court may direct that such offender, instead of being imprisoned in the criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein

All persons confined under this section shall be subject to the rules so prescribed.

113 When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead

114 If a woman sentenced to death be found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may commute the sentence.

115. When the trial is concluded, the Court may make such order as it thinks fit for the disposal of any property produced before it, regarding which any offence appears to have been committed.

Any order under this section may be in the form of a reference to a Magistrate, who shall in such case deal with the property as if it had been seized by the Police and the seizure duly reported to him.

EXPLANATION—In this section the term 'property' includes not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion, or exchange, whether immediately or otherwise.

116. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General in Council, the Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

CHAPTER XI.

OF PREVIOUS CONVICTIONS OR ACQUITTALS

117. A person who has once been tried for an offence and convicted or acquitted of such offence, shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 20, or for which he might have been convicted under section 21.

A person convicted or acquitted of any offence may be afterwards tried for any offence for which a separate charge might have been made against him on the former trial under section 19, paragraph 1.

A person convicted or acquitted of any offence in respect of any act causing consequences which, together with such act, constituted a different offence from that for which such person was acquitted or convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was acquitted or convicted.

A person convicted or acquitted of any offence in respect of any facts may, notwithstanding such acquittal or conviction, be subsequently charged with and tried for any other offence which he may have committed in respect of the same facts, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Illustrations.

(a) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards be charged with the same theft as a servant, or, upon the same facts, with theft simply or with criminal breach of trust.

(b) A is tried upon a charge of murder and acquitted. There is no charge of robbery, but it appears from the facts that A committed robbery at the time when the murder was committed, he may afterwards be charged with, and tried for, robbery.

(c) A is tried for an assault and convicted. The person afterwards dies. A may be tried again for culpable homicide.

(d) A is tried under section 270 of the Indian Penal Code for maliciously doing an act likely to spread the infection of a disease dangerous to life and is acquitted. The act so done afterwards causes a person permanently to lose his eyesight. A may be charged, under section 325, with voluntarily causing grievous hurt to that person.

(e) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried for the murder of B on the same facts.

(f) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B, on the same facts, unless the case comes within paragraph three.

(g) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(h) A, B, and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B, and C may afterwards be charged with, and tried for, dacoity, on the same facts.

118. If the accused person has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which is to be awarded, the fact of the previous conviction must be stated in the charge. If it is omitted, it may be added at any time before sentence is passed, but not afterwards.

119. A previous conviction or acquittal may be proved by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had, to be a copy of the finding and sentence.

CHAPTER XII.

OF CRIMINAL LUNATICS.

120. If any person committed for trial appears at his trial to the Court to be of unsound mind and incapable of making his defence, the Court shall, in the first instance, try the fact of such unsoundness of mind, and if satisfied of the fact, shall give a special judgment that the accused person is of unsound mind and incapable of making his defence; and thereupon the trial shall be postponed.

iv.—29 h

The trial of the fact of the unsoundness of mind of the accused person shall be deemed to be part of his trial before the Court.

121. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Court, if the offence of which he is accused be bailable, may release him on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required.

If the offence be not bailable, or if the required bail be not given, the Court shall report the case to the Local Government, and the accused person shall be kept in safe custody in such place as the Local Government directs.

122. Whenever a trial is postponed under section 120, the Court may at any time resume the trial, and require the accused person, if detained in custody, to be brought before the Court, or, if he has been released on security, may require his appearance.

The surety of such person shall be bound, at any time, to produce him to any officer whom the Court appoints to inspect him, and the certificate of such officer shall have the same effect as the certificate of an Inspector General of Prisons or the Visitors of Lunatic Asylums, granted under section 127.

123. If, when the accused person appears or is again brought before the Court, it appears to such Court that he is in a fit state of mind to make his defence, he shall be put on his trial.

If it appears that the accused person is still of unsound mind, and incapable of making his defence, the Court shall again act according to the provisions of section 121.

124. Whenever any person is acquitted upon the ground that, at the time when he is charged with having committed an offence he was, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, the finding shall state specially whether such person committed the act or not.

125. Whenever such finding states that the accused person committed the act charged, the Court, before which the trial was held shall, if the act charged would, but for the incapacity found, have amounted to an offence, order him to be kept in safe custody, in such place and manner as the Court thinks fit, and shall report the case for the order of the Local Government.

The Local Government may order such person to be kept in safe custody in a Lunatic Asylum or other suitable place of safe custody.

126. When any person is confined under the provisions of section 121 or 125, the Inspector General of Prisons, if such person is

confined in a jail, or the Visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind, and he shall be visited once at least in every six months by such Inspector General or by two of such Visitors as aforesaid, and such Inspector General or Visitors shall make a special report to the Local Government as to the state of mind of such person.

127 If such person is confined under section 121 and such Inspector General or Visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Court, at such time as it appoints, and the Court shall deal with him under the provisions of section 123, and the certificate of such Inspector General or Visitors as aforesaid shall be receivable as evidence.

128. If such person is confined under the provisions of section 125, and such Inspector General or Visitors as aforesaid shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon either order him to be discharged, or to be detained in custody, or to be transferred to a public Lunatic Asylum, if he has not been already sent to such an Asylum; and may appoint a commission, consisting of a judicial officer and two medical officers, whereof the chief medical officer attached to the Lunatic Asylum shall be one.

The said commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government, who may order his discharge or detention as to it may seem fit

129 Whenever any relative or friend of any person detained under the provisions of section 125 is desirous that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order that the person detained be delivered to such relative or friend.

Whenever such person is so delivered, it shall be upon condition that he shall be subject to be inspected by such officer, and at such times as the Local Government directs.

The provisions of sections 126 and 128 shall apply to persons detained under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be dealt with as a certificate of the Inspector General of Prisons or the Visitors of Lunatic Asylums, under the said sections

130. If an accused person, though not insane, cannot be made to understand the proceedings, the Court may proceed with the trial; and if such trial results in a conviction, the Court shall pass thereon such order as it thinks fit.

CHAPTER XIII.

OF PROSECUTIONS IN CERTAIN CASES

131 A complaint of an offence punishable under Chapter VI. of the Indian Penal Code, except section 127, or punishable under section 294 A of the said Code, shall not be entertained, unless the prosecution be instituted by order of, or under authority from, the Governor General in Council or the Local Government, or some officer empowered by the Governor General in Council to order or authorize such prosecution, or unless instituted by the Advocate General

132. A complaint of an offence of which any Judge or any public servant not removeable from his office without the sanction of the Government is accused as such Judge or public servant, shall not be entertained against him, except with the sanction or under the direction of the Government, or of some officer empowered by the Government, or of some Court or other authority to which he is subordinate, and whose power so to sanction or direct such prosecution the Government does not think fit to limit or reserve

No such Judge or public servant shall be prosecuted for any act purporting to be done by him in the discharge of his duty, unless with the sanction of the Government.

The sanction must be given before the commencement of the proceedings.

In this section the expression 'Government' means either the Local Government or the Governor General in Council; and the expressions 'Judge' and 'public servant' have the meanings assigned to them respectively by the Indian Penal Code.

133. A complaint of any offence described in Chapter X. of the Indian Penal Code, not falling within sections 175, 178, 179 or 180 of that Code, shall not be entertained by any High Court, except with the sanction or on the complaint of the public servant concerned, or of his official superior

134. The sanction referred to in section 133 may be expressed in general terms, and need not name the accused person, and may be given at any time

EXPLANATION.—In cases under this chapter, the report or application of the public servant shall be deemed sufficient complaint.

135. When the Court is of opinion that there is sufficient ground for inquiring into any charge mentioned in section 133, it may, after making such preliminary inquiry as may be necessary, either commit the case itself, or may send the case for inquiry to any Magistrate having power to try or commit for trial the accused person for the offence charged

Such Magistrate shall thereupon proceed according to law, and the Court may send the ac-

cused person in custody, or take sufficient bail for his appearance before such Magistrate, and may bind over any person to appear and give evidence on such trial or inquiry.

The Magistrate receiving the case may, if he is authorised to make transfers of cases, transfer the inquiry to some other competent Magistrate, instead of completing the inquiry himself.

CHAPTER XIV.

OF BAIL.

136. The Court may in any case direct that an accused person shall be admitted to bail, or that the bail required by a Magistrate be reduced.

137. Whenever, by reason of default of appearance of the person executing the personal recognizance, the Court is of opinion that proceedings should be had to compel payment of the penalty, mentioned in the recognizance, it shall proceed to enforce the penalty, by issuing a warrant for the attachment and sale of the moveable property belonging to such person, which may be found within its jurisdiction.

Such warrant may be executed within such limits, and it shall authorize the distress and sale of any moveable property belonging to the accused person, without such limits, when endorsed by the Magistrate of the District in which such property is situate

138. Whenever, by reason of default of appearance by the person bailed, the Court is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, it shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid.

If such penalty be not paid, and if no sufficient cause for its non-payment be shown, the Court shall proceed to recover the penalty from such surety or sureties, by issuing a warrant for the attachment and sale of any moveable property belonging to him or them which may be found within its jurisdiction

Such warrant may be executed within such local limits, and it shall authorize the distress and sale of any moveable property belonging to the surety or sureties without such limits, when endorsed by the Magistrate of the District in which such property is situate

If such penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Court, in the civil jail, during a period not exceeding six months.

Provided that the Court may, at its discretion, remit any portion of the penalty mentioned in the recognizance of the party or witness, or of the surety or sureties, and enforce payment in part only :

The Court may direct any Magistrate to levy the amount due on a forfeited bail-bond executed in respect of attendance before such Court.

139. When any person is required to give bail the Court may permit him to deposit a sum of money or Government promissory notes to such amount as it may fix in lieu of such bail.

CHAPTER XV.

OF SECURITY FOR KEEPING THE PEACE

140. Whenever a person accused of rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such offence,

and the Court is of opinion that it is just and necessary to require such person to give a personal recognizance for keeping the peace,

the Court may, in addition to any other order passed in the case, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding three years, with a provision that, if the same be not given, he shall be kept in simple imprisonment for any time not exceeding three years, unless within such period he executes such formal engagement as aforesaid.

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance, and the imprisonment in default of executing such recognizance, shall commence on the expiration of his sentence.

141. Whenever it appears necessary to require security for keeping the peace, in addition to the personal recognizance of the party so convicted, the Court empowered to require a personal recognizance may require security in addition thereto, and may fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in simple imprisonment for any time not exceeding three years.

142. Whenever a person is convicted of an offence attended with criminal force, and it appears to the Court that, by such criminal force, any person has been dispossessed of any immovable property, the Court may cause such person to be restored to possession.

No order made for this purpose shall prejudice any right over such immovable property which any person may be able to show in a civil suit.

CHAPTER XVI.

MISCELLANEOUS.

143. Nothing herein contained shall be deemed Saving of Acts XV of to affect the Prisoners' Testimony Act, 1869, or the Prisoners Act, 1871.

144. The Advocate General may, with the Advocate General previous sanction of the Governor General in Council or the Local Government, exhibit to the local High Court, against persons subject to the jurisdiction of the said Court, informations for all purposes for which Her Majesty's Attorney-General may exhibit informations on behalf of the Crown in the Court of Queen's Bench of Exchequer.

Such proceedings may be taken upon every such information as may lawfully be taken, in case of similar informations filed by Her Majesty's Attorney-General in England, so far as the circumstances of the case and the course and practice of proceeding in the said High Courts respectively will admit.

All fines, penalties, forfeitures, debts and sums of money recovered or levied under or by virtue of any such information shall belong to the Government of India.

145. Upon charges preferred by the Advocate-General or by any Magistrate or other officer specially empowered by the Government in this behalf, persons committed to custody or held to bail shall be deemed to have been brought before the High Court in due course of law, and (subject to the provisions herein contained as to the amendment and alteration of charges, and subject also to the provisions of section 24) shall be tried upon the charges so recorded.

146. At any stage of any proceeding under this Act, before the return of the verdict, the Advocate-General may, if he think fit, inform the Court on behalf of Her Majesty that he will not further prosecute the defendant upon the information or charge, and thereupon all proceedings and such information or charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal.

147. Whenever it appears to the High Court of Judicature at Fort William, Madras or Bombay that the direction hereinafter mentioned will promote the ends of justice, it may direct the transfer to itself of any particular case from any criminal court situate within the local limits of its ordinary original criminal jurisdiction, and the High Court shall have power to determine the case so transferred, and to quash or affirm any conviction or other proceeding which may have been had therein, but so that the same be not quashed for want of form, but on the merits only.

148. Any of the High Courts of Judicature at Fort William, Madras, and Bombay may, whenever it thinks fit, direct—

- (a) that a prisoner, legally committed and within the local limits of its ordinary original criminal jurisdiction, be brought up before it to be bailed.
- (b) that a person within such limits be brought up before the Court to be dealt with according to law.
- (c) that a person illegally or improperly detained in public or private custody within such limits be set at liberty.
- (d) that a prisoner detained in any gaol situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court.
- (e) that a prisoner detained as aforesaid be brought before a Court Martial or any Commissioners acting under the authority of any commission from the Governor-General in Council, for trial, or to be examined touching any matter depending before such Court Martial or Commissioners respectively.
- (f) that a prisoner within such limits be removed from one custody to another for the purpose of trial.
- (g) that the body of a defendant within such limits may be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment;

and neither the High Court nor any Judge thereof shall hereafter issue any writ of *habeas corpus* for any of the above purposes.

Each of the said High Courts shall, as soon as conveniently may be, frame rules to regulate the procedure in cases under this section, and till such rules are framed, the practice of such Courts as to the obtaining, granting and serving of writs of *habeas corpus*, and as to the returns thereto, shall apply in such cases.

Nothing in this section applies to persons detained under Bengal Regulation III of 1818, Madras Regulation II of 1819, or Bombay Regulation XXV of 1827, or the Acts of the Governor-General in Council No. XXXIV. of 1850 or No. III of 1858.

149. Affidavits and affirmations to be used before any High Court or any officer of such Court, may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorised to take affidavits or affirmations in Scotland.

150. Every High Court in the exercise of its original criminal jurisdiction shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them.

But the presiding Judge may, if he thinks fit, order that, during the trial of any particular case, no person shall have access to, or be, or remain

in, the room or building used by the Court, without the consent or permission of the Court

151. In the case of offences which may lawfully be compounded, injured persons may compound the offence out of Court, or in Court with the permission of the Court

Such withdrawal from the prosecution shall have the effect of an acquittal of the accused person.

152. Every Judge of a High Court shall, by virtue of his office, be a Justice of the Peace within and for the whole of British India.

153. Cases pending, when this Act comes into force, in any High Court shall be exercised by the exercise of its original criminal jurisdiction, shall be decided, as far as may be, according to the procedure provided in this Act.

SCHEDULE

(See Section 2)

ACTS

No and year	Subject or Title	Extent of Repeal.
XXXI of 1838.	Supreme Courts, Criminal Law	So much as has not been repealed.
XXII of 1839.	An Act for enabling persons charged with offences to make their defence more effectually	So much as has not been repealed
IV of 1849.	Criminal Lunatics	So much as has not been repealed
XVI of 1852	An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company	So much as has not been repealed.
XVIII of 1859.	An Act to amend the law relating to offences declared to be punishable on conviction before a Magistrate	So much as has not been repealed
XVIII. of 1862	An Act to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof with amendments, and further to improve the administration of Criminal Justice in Her Majesty's Supreme Courts of Judicature	Sections 1 to 25 (both inclusive) Sections 36 to 46 (both inclusive) and Sections 54, 55, and 56
XIII. of 1865.	An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns.	So much as has not been repealed.
IV of 1866	An Act to amend the constitution of the Chief Court of Judicature in the Panjab and its Dependencies.	Sections 21 to 41 (both inclusive), and section 20, except the first twenty-two words.

THE SCHEDULE—concluded

Acts—concluded

No and year.	Subject or Title.	Extent of Repeal
XVI of 1866	An Act to relieve the Governor General of India in Council from the duty of signing the commissions mentioned in sections 22 and 44 of the High Courts Criminal Procedure Amendment Act, 1865.	The whole
XXIV of 1866	An Act to amend the procedure of the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William	Sections 2 to 17 (both inclusive)
XIII of 1869	An Act further to amend the procedure of the High Court of Judicature for the North-Western Provinces	Sections 1 and 2, and so much of sections 3 and 4 as relates to criminal jurisdiction
XXII. of 1870	An Act to confirm certain laws affecting European British subjects.	Section three.

STATUTES.

No and year	Title or abbreviated Title	Extent of Repeal.
13 Geo III, c 63	An Act for establishing certain Regulations for the better management of the affairs of the East India Company, as well in India as in Europe.	Section 34 In Section 33 the words "and the Chief Justice and other Judges of the said Supreme Court of Judicature"
33 Geo III, c 52.	An Act whose title begins with the words An Act for continuing, and ends with the words and Bombay	Sections 153 and 154.
53 Geo III, c. 155.	An Act whose title begins with the words An Act for continuing, and ends with the words Company's Charter	Sections 100, 102, 103
9 Geo. IV., c. 74.	An Act for improving the administration of Criminal Justice in the East Indies.	The whole Act except sections one, seven, eight, nine, twenty-five, twenty-six, and fifty six.

WHITLEY STOKES,
Secretary to the Government of India.



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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1875, and was promulgated for general information in the *Gazette of India* of 20th March 1875 —

Act No. XII of 1875

THE INDIAN PORTS ACT, 1875.

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THE FIRST SCHEDULE—Ports, vessels chargeable, rate of Port-dues, and frequency of payment.

THE SECOND SCHEDULE—Enactments repealed

An Act to consolidate and amend the Law relating to Ports and Port-dues

WHEREAS it is expedient to consolidate and amend the law relating to Ports and Port-dues,
Preamble
It is hereby enacted as follows —

CHAPTER I
PRELIMINARY

1 This Act may be called "The Indian Ports Short title Act, 1875."

2 It shall extend—

(a) to the ports mentioned in the first schedule hereto annexed, and to such parts of the navigable rivers and channels leading to such ports respectively as have been declared to be subject to Act No XXII of 1855 (*for the Regulation of Ports and Port-dues*),

(b) to the other ports or parts of rivers or channels to which the Local Government, in exercise of the power hereinafter conferred, applies the provisions of this Act

But nothing herein contained shall—

(c) apply to any vessel belonging to, or in the service of Her Majesty, or the Government of India, or to any vessel of war belonging to any Foreign Prince or State,

(d) deprive any person of any right of property or other private right except as hereinafter expressly provided, or

(e) affect any law or rule relating to the Customs, or any order or direction lawfully made or given pursuant thereto

And nothing contained in any of the following sections (namely) thirty-eight, thirty-nine, forty and forty-one, shall apply to any port, river or channel to which such section has not been specially extended by the Local Government

3 The Acts mentioned in the second schedule hereto annexed shall be repealed to the extent specified in the third column thereof

Every declaration, appointment, or rule made under any such Act and now in force shall be deemed to have been made under this Act

The references made to any Act or provision of an Act hereby repealed shall be read as if made to this Act or the corresponding provision of this Act, as the case may be

4 In this Act, unless there be something repugnant in the subject or context—

"Vessel" includes anything made for the conveyance by water of human beings, or of property

"Master," when used in relation to any vessel, means any person (except a Pilot or Harbour Master) having for the time being the charge or control of such vessel

"Pilot" means a person for the time being authorized by the Local Government to pilot vessels

"Owner" includes also any agent to whom a vessel is consigned

"Gunpowder" includes also rockets and other combustible ammunition

"Magistrate" means a person exercising powers under the Code of Criminal Procedure not less than those of a Magistrate of the Second Class, and includes, in the Towns of Calcutta, Madras and Bombay, a Magistrate of Police; and

"Port" includes also any part of a river or channel in which this Act is for the time being in force

CHAPTER II

OF THE POWERS OF THE LOCAL GOVERNMENT

5 With the previous sanction of the Governor General in Council, the Local Government may from time to time, by notification in the official Gazette,

(a) extend this Act to any port or to any part of any navigable river or channel leading thereto in which this Act is not in force,

(b) extend specially the provisions of any of the following sections (namely), thirty-eight, thirty-nine, forty and forty-one, to any port or to any part of any such river or channel to which such provisions have not been so extended,

(c) withdraw this Act from any port or any part thereof in which it is for the time being in force

Provided that every notification under clause (a) or clause (b) of this section may define the limits of the port, river or channel, to which it refers, and that such limits shall may extend to high-water mark.

Such limits may include any piers, jetties, landing-places, wharfs, quays, docks, and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of such port, river or channel, whether within or without high-water mark, and (subject to any rights of private property therein) any portion of the shore or bank within fifty yards of such line

EXPLANATION —In this section 'high-water mark' means the highest point reached by ordinary spring-tides at any season of the year

6 The Local Government may, from time to time, with the like sanction, and subject to the rights referred to in section five, alter the limits of any port, in which this Act may be in force, and declare or describe, by notification in the official Gazette or by means of maps, posts or otherwise, the precise extent of such limits.

7 The Local Government may, from time to time, make such rules, consistent with this Act, as it may think necessary for any of the following purposes, namely,—

(a) For regulating the time at which, and the manner in which, vessels shall enter into or go out of any port subject to this Act.

(b) For regulating the berths, stations, and anchorages to be occupied by vessels in any such port.

(c) For striking the yards and top-masts, and for rigging-in the booms and yards, of vessels in any such port and for swinging or taking in davits, boats and other things projecting from such vessels.

(d) For the removal or proper hanging or placing of anchors, spars, and other things, in or attached to vessels in any such port

(e) For regulating vessels whilst taking in or discharging ballast or cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged

(f) For keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharfs, quays, docks, moorings, and other works in or adjoining to the same, and for marking out the spaces so to be kept free

(g) For regulating the anchoring, fastening, mooring and unmooring of vessels in any such port

(h) For regulating the moving and warping of all vessels within any such port and the use of warps therein

(i) For regulating the use of the mooring buoys, chain and other moorings, in any such port.

(j) For fixing from time to time the rates to be paid for the use of such moorings when belonging to Government, or of any boat, hawser, or other thing belonging to Government

(k) For licensing and regulating cargo and other boats, and catamarans plying for hire in any such port

(l) For regulating the use of fires and lights within any such port

(m) For enforcing and regulating the use of signal-lights by vessels at night in any such port :

(n) For regulating the number of the crew which must be on board any vessel afloat within the limits of any such port .

(o) For fixing the limits within which vessels shall be prohibited from having on board in any such port any quantity of gun-powder in excess of such quantity, as the Local Government prescribes in this behalf.

CHAPTER III.

OF PORT OFFICERS, THEIR POWERS AND DUTIES.

8 The Local Government shall appoint some officer or body of persons to be Conservator of every port subject to this Act, and may suspend or remove such officer or body

Subject to any direction by the Local Government to the contrary—

(a) In ports where there is a Master Attendant, such Master Attendant shall be the Conservator :

(b) In ports where there is no Master Attendant, but where there is a Harbour-Master, such Harbour-Master shall be the Conservator

Where the Harbour-Master is not Conservator, the Harbour-Master and his Assistants shall be subordinate to, and subject to the control of, the Conservator

The Conservator shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint

9 The Conservator of any port subject to this Act may, in respect of any vessel within such port, give directions for carrying into effect any port-rule for the time being in force therein.

Whoever wilfully, and without lawful excuse, refuses or neglects to obey any lawful direction of such Conservator, after notice thereof has been given to him, shall, for every such offence, be punished with fine which may extend to one hundred rupees, and with a further fine which may extend to one hundred rupees for every day on which he wilfully continues to disobey such direction ,

and, in case of such refusal or neglect, the said Conservator may do, or cause to be done, all acts necessary for the purpose of carrying such direction into execution, and may hire and employ proper persons for that purpose, and all reasonable expenses incurred in doing such acts, shall be paid by the person so offending.

Any written notice of a direction given under this Act, left for the Master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of such vessel, shall, for the purposes of this Act, be deemed to have been given to the Master thereof.

Expenses caused thereby to be paid by offender that purpose, and all reasonable expenses incurred in doing such acts, shall be paid by the person so offending.

Any written notice of a direction given under this Act, left for the Master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of such vessel, shall, for the purposes of this Act, be deemed to have been given to the Master thereof.

10 The Conservator of any such port may, in case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or

Power to cut warps, ropes, &c. case of urgent necessity, cut, or cause to be cut, any warp, rope, cable or

hawser, endangering the safety of any vessel in such port, or at or near to the entrance thereof

11. The Conservator may remove, or cause to be removed, any timber, or obstruction, raft, or other thing floating or being in any part of any such port, which obstructs or impedes the free navigation thereof, or anything which obstructs or impedes the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring, or other work, on any part of the shore or bank which has been declared to be within the limits of such port, and is not private property,

and the owner of any such timber or raft or other thing shall be liable to pay the reasonable expenses of such removal,

and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such navigation, he shall also be punished with fine which may extend to one hundred rupees

And the Conservator or any Magistrate having jurisdiction over the offence may cause such nuisance to be abated

12. If the owner of any such timber or raft or the person who has caused any such obstruction, impediment, or public nuisance as is mentioned in section eleven, neglects to pay the expense of the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the official Gazette, or in such other manner as the Local Government by general or special order directs, such expenses may be recovered in the same manner as any fine under this Act,

and the Conservator may cause such timber, raft, or other thing, or the materials of any nuisance or obstruction so removed, to be raised, removed, or destroyed,

and may retain all the expenses of such removal and sale out of the proceeds of such sale; and shall pay the surplus of such proceeds or deliver so much of the said timber or other materials as may remain unsold, to the person entitled to receive the same,

and, if no such person appear, shall cause the same to be kept and deposited in such manner as the Local Government directs,

and may, if necessary, from time to time, realize the expenses of keeping the same, together with the expenses of such sale, by a further sale of so much of the said timber or other materials as may remain unsold.

13. If any obstruction or impediment to the navigation of any port, subject to this Act, has been lawfully made, or

has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the Conservator shall report the same for the information of the Local Government, and shall, with the sanction of such Government, cause the same to be removed or altered, making to the person suffering damage by such removal or alteration reasonable compensation for the same.

Every dispute arising concerning such compensation, shall be determined according to the law relating to like disputes in the case of land required for public purposes

14. If any vessel hook or get foul of any of the buoys or moorings laid down by or by the authority of the Local Government in any such port, the Master of such vessel shall not, nor shall any other person, except in the case of emergency, lift such buoy or mooring for the purpose of unhooking or getting clear from the same, without the assistance of the Conservator,

and the Conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel,

and the Master of such vessel shall, upon demand, pay such reasonable expense as may be incurred in clearing the same.

Any Master offending against the provisions of this section shall for every such offence be punished with fine which may extend to one hundred rupees

15. If any vessel be wrecked, stranded or sunk, in any such port, so as to impede or be likely to impede the navigation thereof, the Conservator may cause the same to be raised, removed, or destroyed,

and may recover the same on behalf of the Local Government in the manner provided by section forty-four

16. The Conservator or any of his Assistants may, whenever he suspects that any offence has been, or is about to be, committed contrary to this Act, or whenever it is necessary for him so to do in the discharge of any duty hereby imposed upon him;

and the Collector of Customs, or other officer appointed to collect any Port-dues or other charges payable in respect of any vessel under this Act, may, whenever it is necessary so to do, for the performance of any duty hereby imposed upon such Collector or other officer,

either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port, subject to this Act

If the Master of such vessel, or if any person in possession or occupation of any such building or place, without lawful excuse refuse to allow any

officer or other person to board or enter such vessel, building or place for the performance of any duty imposed upon him by this Act, he shall for every such offence be punished with fine which may extend to two hundred rupees

17 For the purpose of preventing or extinguishing fire in any port subject to this Act the Conservator may require the Master of any ship within the port to place at his disposal such number as he requires, not exceeding three-fourths of the crew then under the orders of such Master

Power to require crews to prevent or extinguish fire
Any Master refusing or neglecting to comply with such requisition shall be punished with a fine which may extend to five hundred rupees, and any seaman then under his order who after being directed by the Master to obey the Conservator's orders for the purpose aforesaid refuses to obey such orders shall be punished with fine which may extend to twenty-five rupees

18. All acts, orders or directions by this Act authorized to be done or given by any Conservator may, subject to his control, be done or given by any Harbour-Master or any Assistant of such Conservator or Harbour-Master,

and any person hereby authorized to do any act may call to his aid such assistance as may be necessary

19 The Government shall not be answerable for any act or default of any Master Attendant, Harbour-Master, or other Conservator of any port, subject to this Act, or of any Pilot, or of any Deputy or Assistant of any of the officers above-mentioned, or of any person acting under the authority or direction of any such officer or Assistant, done within the limits of such port,

Nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to Government, within the said limits, which may be used by such vessel.

Provided that nothing in this section shall protect the Secretary of State for India in Council from a suit in respect of any act done by or under the express order or sanction of Government.

CHAPTER IV.

RULES FOR THE SAFETY OF SHIPPING AND THE PRESERVATION OF PORTS

20 No person shall without lawful excuse lift, injure, loosen, or set adrift any buoy, beacon, or mooring, fixed or laid down by or by the authority of the Local Government in any port, subject to this Act.

Whoever offends against the provisions of this section shall, for every such offence, be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand

rupees, or to imprisonment for a term which may extend to two years

21 Whoever wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port, without leave or authority from the owner or Master of such vessel, shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months

22 No ballast or rubbish, and no other thing likely to form a bank or shoal, or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port, or into or upon any place on shore, from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods

Whoever by himself or another so casts or throws the same, and the Master of any vessel from which the same is cast or thrown, shall be punished with fine which may extend to five hundred rupees over and above any expenses which may be incurred in removing the same If after receiving notice from the Conservator of the port to desist casting or throwing any such ballast or other thing, any Master continues so to cast or throw it, he shall also be liable to simple imprisonment for a term which may extend to two months

Nothing in this section applies to any case in which such ballast or other thing is cast or thrown into any such port, with the consent in writing of the Conservator, or within any limits within which such act may be authorized by the Local Government

23. If any person grave, bream, or smoke any vessel in any such port, contrary to the directions of the Conservator, or at any time or within any limits at or within which such act is prohibited by any order of the Local Government, such person, and also the Master of such vessel, shall for every such offence be punished with fine which may extend to five hundred rupees.

24 If any person boil or heat any pitch, tar, resin, dammer, turpentine, oil, or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the Local Government or contrary to the order or directions of the Conservator, such person, and also the Master of any vessel on board which such offence is committed, shall for every such offence be punished with fine which may extend to two hundred rupees

25. If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port, subject to this Act, such person, and also the Master of every such vessel, shall for every such offence be punished with fine which may extend to two hundred rupees.

26 Every Master of a vessel in any port subject to this Act shall, when required so to do by the Conservator, permit warps to be made fast to such vessel for the purpose of warping any other vessel in the port and shall not allow any such warp to be let go until required so to do

Any Master offending against the provisions of this section shall be punished for every such offence with a fine which may extend to two hundred rupees.

27 No Master of any vessel shall cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act, after sun-set, in such a manner as to endanger the safety of any boat or other vessel, navigating in the said port.

Any Master offending against the provisions of this section shall be punished for every such offence with fine which may extend to two hundred rupees.

Gunpowder

28. The Local Government shall appoint a proper place in which gunpowder in excess of the quantity allowed by rule under section seven, clause (o), for any ship in any port subject to this Act, shall be deposited; and shall also appoint an officer to receive the same

29. The Local Government may, in such case by order, fix the times at or within which, and the manner in which, such gunpowder shall be landed and deposited by any vessel inward-bound, and also the times at or within which, and the manner in which, the same shall be taken on board any vessel from such place of deposit.

30 The Master of such vessel shall, upon such gunpowder being deposited, make and sign a declaration in writing that there is not then, to his knowledge or belief, on board such vessel any gunpowder exceeding the quantity allowed by the rule last aforesaid.

31. The officer, with whom such gunpowder is deposited, shall give a receipt for the same to the Master or other person making the deposit, and he shall be accountable to such Master or other person for the re-delivery of the same

32 If any vessel be prevented by stress of weather from landing or depositing such gunpowder, in excess of the quantity allowed as aforesaid, the master or owner of such vessel shall, so soon as the weather permits, land and deposit the same at the place so appointed as aforesaid, or shall forthwith give notice to the Conservator, or other officer named for that purpose by any order of the Local Government, of his having such gunpowder on board, and shall obey his directions relating to the same.

33. The Local Government may also, in respect to such port, by order, fix the times and places at which, and the manner in which, vessels outward bound, requiring to take in any gunpowder, exceeding the quantity above mentioned, shall take in the same, whether such gunpowder has been previously landed from such vessel or not.

34 The Master of any vessel having on board any gunpowder, contrary to the provisions of this Act, shall for every such offence be punished with fine which may extend to two hundred rupees,

and all gunpowder on board any vessel, contrary to the provisions of this Act, shall be forfeited to Government, and may be seized by the Conservator, or by any Collector of Customs, or by any Custom House officer, or other officer authorized in that behalf by the Local Government, within the limits of their respective jurisdictions

35 Whoever, without lawful excuse, discharges any gun, musket, or other fire-arm in any port subject to this Act, or on or from the landing-places, piers, wharfs, or quays thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the Local Government, shall, for every such offence, be punished with fine which may extend to fifty rupees.

Extinguishment of Fires

36. The master of any vessel in which fire takes place while lying in any port, who wilfully omits to take order to extinguish such fire, shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both

Inflammable Oil

37 The Local Government may from time to time make rules for regulating

(a) the prevention of injury from fire in ports and places at which vessels entering port with inflammable oil on board are to be moored

(b) the mode in which such oil shall be landed from or shipped on board of such vessels

Explanation.—“Inflammable oil” includes petroleum, benzole, kerosine and any oil or product of oil that gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer

Special Rules.

38. No vessel of the burden of two hundred tons or upwards, shall be moved in any port to which this section has been specially extended without having a Pilot.

Harbour Master or Assistant of the Master Attendant or Harbour-Master on board, and no vessel of any burden less than two hundred tons and exceeding one hundred tons shall be moved in any such port without having on board a Pilot, Harbour-Master, or Assistant of the Master Attendant or Harbour-Master, unless authority in writing so to do has been obtained from the Conservator or some officer empowered by him to give such authority.

If any vessel, except in case of urgent necessity, be moved contrary to the provisions of this section, the master of such vessel shall for every such offence be punished with fine which may extend to two hundred rupees, unless upon application to the proper officer the master be unable to procure a Pilot, Harbour-Master or Assistant of the Master Attendant or Harbour-Master to go on board the said vessel

39 Every vessel exceeding the burden of two hundred tons and lying in any such port shall be provided with a proper force pump, hose and appurtenances, for the purpose of extinguishing any fire that may occur on board.

The master of every such vessel who, having been required by the Conservator to comply with the provisions of this section, without lawful excuse neglects or refuses so to do for the space of seven days after such requisition, shall be punished with fine which may extend to five hundred rupees

40 No person, unless duly authorized by the Conservator, shall creep or sweep in any such port for anchors, cables or other stores lost or supposed to be lost therein.

Whoever offends against the provisions of this section shall be punished with fine which may extend to one hundred rupees.

41. No person shall, without the permission of Conservator, remove or carry away any rock, stones, shingle, gravel, or soil, or any artificial protection from any part of the bank or shore of any such port,

and no person shall sink or bury in any part of such bank or shore, whether the same be public or private property, any mooring-post, anchor or any other thing or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the said Conservator, and with the aid or under the inspection of such person (if any) as he may appoint to take part in or overlook the performance of such work.

Whoever offends against the provisions of this section shall for every such offence be punished with fine, which may extend to one hundred rupees, and shall pay the expenses of repairing the injury (if any) done by him to such bank or shore.

Publication of Orders.

42. Every declaration, order and rule of a Local Government, made in pursuance of this Act, shall be published in the

official Gazette, and a copy thereof shall be fixed up in some conspicuous place in the office of the Conservator of every port to which such order relates and in the Custom House, if any, of every port subject to this Act

Whoever disobeys any such order or rule shall be liable to a fine not exceeding one hundred rupees for every such offence

And in the case of disobedience to any rule made under section thirty-seven the owner or master of the vessels concerned shall also be punished with a fine not exceeding two hundred rupees, for each day during which such rule is disobeyed.

CHAPTER V

OF SALVAGE IN PORTS

43 If any anchors, wreck, stores, or other property be recovered by any officer employed by the Local Government for that purpose, from the surface, bed or shore of any port subject to this Act, the Local Government shall be entitled to receive a reasonable sum for salvage, having regard to the place of recovery.

A register shall be kept of all property so recovered, in such manner and at such place as the Local Government may direct.

It shall contain a description of such property, and of the times and places where the same has been recovered,

and it shall be open to public inspection at reasonable office hours, except on Sundays and such holidays as the Local Government may direct.

44. If the property recovered under the last preceding section, or by a Conservator acting under section fifteen, is unclaimed,

or if the person claiming the same fails to pay the amount due to the Local Government in respect thereof,

such property may be sold by public auction if of a perishable nature, forthwith, and if not of a perishable nature, at any period not less than six months after the recovery thereof,

and on the realization of the proceeds, the amount due to the Local Government for salvage or for the expenses incurred under section fifteen, shall be deducted therefrom, and credited to the Local Government, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appear and claim the same, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same

Provided that he makes his claim within one year from the date of the sale.

CHAPTER VI

OF PORT-DUES AND CHARGES.

45. In each of the ports mentioned in the first schedule hereto annexed, such port-due not exceeding the amount specified for such port in the third column of the same schedule as the Local Government from time to time directs shall be levied on vessels entering the same port and described in the second column of the same schedule, but not oftener than the time fixed for such port in the fourth column of the same schedule.

Whenever the Local Government with the previous sanction of the Governor General in Council has declared or hereafter declares any port to be subject to this Act, it may, with the like sanction, by the same or any subsequent declaration, further declare—

(a) the maximum amount of dues to be levied on vessels entering such port;

(b) the conditions and modifications under which such dues shall be levied;

and may also, from time to time, with the like sanction, vary such conditions and modifications, and such dues shall be levied accordingly.

All port-dues now leviable in any of the said ports shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section.

No port-dues or fees shall hereafter be levied in any port except under the authority of this Act.

No order increasing or imposing port-dues under this section shall take effect until the expiration of sixty days from the day on which such order has been published in the local official Gazette.

46. The Local Government may, from time to time, exempt the vessels entering any port subject to this Act from the levy of port-dues and cancel such exemption, or it may from time to time vary the rate at which port-dues shall be levied in any such port, in such manner as having regard to the receipts and charges on account of that port, it thinks expedient, by reducing or raising the dues, or any of them,

Provided that the rates shall not in any case exceed the amount authorized to be taken by this Act.

47. For every port at which port-dues are levied under this Act, a distinct account, to be called the Account of the Port Fund of the port to which it relates, shall be kept by such officer as the Local Government may appoint for that purpose.

This account shall show in complete detail the receipts and charges of the port, and an abstract statement of every such account shall be published annually, as soon after the first of May of each year as may be practicable, in which statement the balance at the close of the year at the credit or debit of the port shall be shown.

If, for any of the purposes of this Act, an advance of money has been or shall be made by Government on account of any port subject to this

Act, simple interest upon that advance, or upon so much of it as remains or shall remain unrepaid, at such rate as the Governor General in Council may determine, shall be charged in the Port Fund Account thereof.

All expenses, including the pay and allowances of all persons upon the establishment of the port, the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in, or entering, or leaving the port, or passing through the rivers or channels leading thereto, but excluding receipts and expenses on account of Pilotage, incurred for the sake of every such port, shall be charged in the Port Fund Account of that port.

And all money, including salvage money, proceeds of waifs, and fines, received under this Act, at or on account of every such port, shall be credited in the Port Fund Account of that port.

The Local Government may direct that for the purposes of this section any number of ports shall be regarded as constituting a single port, and thereupon all sums received on account of port-dues at any of the same ports shall form a common fund which shall be available for the payment of all charges incurred on account of any of the same ports, and such balance as may remain after payment of such expenses may be temporarily invested in such manner as the Local Government may from time to time direct.

48. The Collector of Customs at every such port, or such other officer as the Local Government appoints in this behalf, shall collect the Port-dues above mentioned.

The officer to whom any such port-dues are paid, shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the port-dues are paid, and the name, tonnage and other proper description of the vessel in respect of which such payment is made.

49. Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port dues under this or any subsequent Act, the Master of such vessel shall report such arrival to the Conservator of such port.

Any Master without lawful excuse failing to make such report within the time aforesaid shall for every such offence be punished with fine which may extend to one hundred rupees.

Nothing in this section applies to tug-steamers, ferry-steamers or river-steamers plying in any of the ports subject to this Act.

50. If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern posts thereof for denoting her draught, the Conservator may cause the same to be ascertained by means of the operation of hooking, and the Master of such vessel shall be liable to pay the expenses of such operation.

51. In order to ascertain the tonnage of any vessel liable to pay port-dues, the following rules shall be observed —

(a) If such vessel be a British registered vessel, or a vessel registered under Act No. X of 1841, or Act No. XI of 1850, or under the laws for the time being in force for the registration of vessels in India, the Conservator may require the owner or Master of such vessel, or any person having possession of her register, to produce such register for inspection. If any such owner, Master, or other person neglect or refuse to produce such register, or otherwise to satisfy the Conservator as to what is the true tonnage of the vessel in respect of which such port-dues are payable, he shall be punished with fine which may extend to one hundred rupees, and the Conservator may cause such vessel to be measured, and the tonnage thereof to be ascertained, and in such case the owner or Master of such vessel shall also be liable to pay the expenses of such measurement.

(b). If such vessel be not a British registered vessel, or a vessel registered under Act No. X of 1841, or Act No. XI. of 1850, or under the laws for the time being in force for the registration of vessels, in India, and the owner or Master thereof fail to satisfy the Conservator as to what is her true tonnage according to the mode of measurement prescribed by the law in force for the time being for regulating the measurement of British registered vessels, the Conservator shall cause such vessels to be measured and the tonnage thereof, according to the mode aforesaid, to be ascertained, and in such case the owner or Master of such vessel shall be liable to pay the expenses of such measurement.

52. If the Master of any vessel, in respect of which any port-dues or charges are payable under this Act, refuses or neglects to pay the same on demand, the Collector of Customs, or other person authorized to collect such port-dues, fees or charges, may distrain or arrest such vessel, and the tackle, apparel, and furniture belonging thereto, or any part thereof, and detain the same until the amount due is paid;

and in case any part of the said port-dues or charges, or of the costs of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest so made, the Collector of Customs, or other such person as aforesaid, may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale may satisfy the port-dues, charges, and costs, including the costs of sale remaining unpaid, and shall render the surplus (if any) to the Master of such vessel upon demand.

53. The officer of Government, whose duty it is to grant a port-clearance to any vessel, shall not grant such port-clearance—

(a) until her owner or Master, or some other

person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and charges and of all fines, penalties, and expenses to which such vessel, or the owner or Master, is liable under this Act;

(b) until all expenses, which by the Merchant Shipping Act, 1854, section 228, are to be borne by her owner, incurred since her arrival in the Port from which she seeks clearance, have been duly paid.

54. If the Master of any vessel in respect of which any port-dues or charges are payable causes her to leave any port other port without having discharged such dues, fees or charges, the Collector of Customs or other officer authorized to collect the same may require in writing the Collector of Customs or other officer as aforesaid, in any other port in British India to which she may proceed or in which she may be, to levy such dues or charges.

Every Collector or other officer to whom such requisition shall be directed shall proceed to levy such dues or charges in the manner prescribed in section fifty-two, and a certificate purporting to be made and signed by the Collector of Customs or other officer as aforesaid of the port where the port-dues or charges became payable, stating the amount so payable, shall be sufficient *prima facie* proof of such amount in any proceeding under the said section, and also (in case the amount payable is disputed) in any subsequent proceeding under section seventy.

55. If the Master of any such vessel evades the payment of any port-dues or charges payable under this Act, he shall be liable on conviction to a penalty not exceeding five times the amount so payable.

In any proceeding before a Magistrate for the adjudication of such penalty, any such certificate as is mentioned in section fifty-four stating that the Master has evaded such payment, shall be sufficient *prima facie* proof of the evasion, unless the Master shows to the satisfaction of the Magistrate that the departure of the vessel without having discharged the dues or charges payable was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

Any Magistrate having jurisdiction under this Act in any port, to which the vessel may proceed or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

56. Vessels entering any port subject to this Act (other than the ports in British Burma) in ballast and not carrying passengers, shall be charged with a port-due not exceeding three-fourths of the port-due with which they would otherwise be chargeable.

57. When any vessel enters any port, subject to this Act, but does not discharge or take in any cargo or passenger therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), the port-due chargeable in respect of such vessel shall be at a rate equal to one-half the rate chargeable in respect of other vessels.

Provided that no vessel entering any of the ports subject to the Governor of Fort St George in Council and leaving the same within forty-eight hours without discharging or taking in any passengers or cargo, shall be charged with any port-dues.

58. No port-due shall be chargeable in respect of any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage

Hospital Port-dues.

59. The Local Government may, from time to time, by notification in the official *Gazette*, order that there shall be paid in respect of every ship entering any port subject to this Act, within a reasonable distance of which there may be a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the Local Government thinks fit.

Such port-dues shall be called Hospital Port-dues

No order imposing or increasing Hospital Port-dues shall take effect until the expiration of sixty days from the day on which such order has been published in the official *Gazette*.

Whenever the Local Government is satisfied that proper provision has been made by the owners or agents of any ship or class of ships for giving medical aid to the seamen employed on board such ship or class of ships, it may, by notification in the official *Gazette*, exempt such ship or class of ships from any payment under this section. The Local Government may, by like notification, withdraw any such exemption

60. Such Hospital Port-dues shall be applied, as the Local Government may direct, to the support of any such hospital or dispensary as aforesaid or otherwise for providing sanitary superintendence and medical aid for the shipping in such port and for the seamen belonging to such ships, whether such seamen are ashore or afloat.

Fees for certain Services

61. Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, re-mooring, hooking, measuring, and other services rendered to vessels at such rates as the Local Government may, from time to time, direct.

Provided that, in the case of fees for pilotage, the previous sanction of the Governor General in Council has been obtained.

The fees now chargeable for such services shall continue to be chargeable, unless and until they are altered in exercise of the power conferred by the former part of this section.

CHAPTER VII.

OF HOISTING SIGNALS.

62. The Master of every inward or outward-bound vessel, on arriving within signal-distance of any signal-station established

within the limits of the river Hugli or within the limits of any part of a river or channel subject to this Act shall, on the requisition of the Pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal station.

63. Any Master of a vessel arriving as aforesaid, who refuses or neglects to conform to the above rule, shall be liable on conviction, for each instance of such refusal or neglect, to a fine not exceeding one thousand rupees.

64. Every Pilot in charge of a vessel shall require the number of the vessel of which he is in charge to be duly signalled as provided under section sixty-two.

When, on a requisition from the Pilot to that effect, the Master of a vessel refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the Pilot in charge of such vessel may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

65. Any Pilot in charge of a vessel, who disobeys, or abets within the meaning of the Indian Penal Code disobedience to, any of the provisions of this Chapter, shall be liable to a penalty not exceeding five hundred rupees for each instance of such disobedience or abetment and in addition shall be liable to dismissal from his appointment.

CHAPTER VIII.

OF PENALTIES

66. All offences against this Act shall be triable by a Magistrate. And any Magistrate may, by warrant under his hand, cause the amount of any such penalty imposed upon the owner or Master of any vessel, for any offence committed on board of such vessel, or in the management thereof, or otherwise in relation thereto, whereof such owner or Master is convicted to be levied by distress and sale of such vessel, and the tackle, apparel, and furniture thereof, or so much thereof as is necessary.

67. In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of such conviction, in addition to any fine or expenses to which he may be liable.

Such costs may be assessed by the Magistrate, and may be levied and recovered in the same manner as any fine under this Act.

68. Whenever any person is liable, under the provisions of this Act, to pay any sum of money, damages, or expenses not exceeding one thousand rupees, the same may be recovered, and levied in the same manner as any fine under

this Act, and, if necessary, the amount thereof may be fixed and assessed by the Magistrate before whom the case is tried.

69 Whenever any fine, damages or expenses is or are levied under this Act, by distress and sale, the costs of such distress and sale may be levied in addition to such fine, damages or expenses, and in the same manner

70. If any dispute arise concerning the amount leviable by any Magistrate to deter- mine the amount to be distress or arrest under this Act, or the charges or costs payable under the last preceding section, the person making such distress or using such arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine such amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable, and payment of such costs, if not paid on demand, shall be enforced in the same manner as any penalty under this Act.

71 Any person offending against the provisions of this Act, in any port, river or channel subject to this Act, shall be punishable by any Magistrate having jurisdiction over any district or place adjoining such port, river or channel, or adjoining either side of that part of the river or channel in which such offence is committed

Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding the offence may not have been committed locally within such limits, and in case any such Magistrate exercise the jurisdiction hereby vested in him, the offence shall be deemed for all purposes, to have been committed locally within the limits of his jurisdiction

72. No conviction, order, or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits;

And it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds

If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in such depositions

CHAPTER IX.

MISCELLANEOUS.

73. If any vessel belonging to any of Her Majesty's subjects, or sailing under British colours, hoist, carry, or wear, within the

Hoisting unlawful colours in Port

limits of any port subject to this Act, any flag, jack, pendant or colours, the use whereof on board such vessel has been prohibited by the Statute 17th & 18th of Victoria, chapter 104, or any other Statute now or hereafter to be in force, or by any proclamation made or to be made in pursuance of any such Statute, or by any of Her Majesty's Regulations in force for the time being, the Master of such vessel shall, for every such offence, be punished with fine which may extend to fifty rupees

Such fine shall be in addition to any other penalty recoverable under the said Statute or any future Statute to be made in that behalf.

Any officer of Her Majesty's Navy, within the limits of such port, or the Conservator of such Port, may enter on board any such vessel, and seize and take away any flag, jack, pendant, or colour so unlawfully hoisted, carried, or worn on board the same.

74. Any Magistrate, upon an application being made to him by the Consul of any Foreign Deserters of any Foreign power to which the Foreign Deserters' Act 1852 has by an order of Her Majesty in Council been, or shall hereafter be, declared to be applicable, or by the representative of such Council, and upon complaint on oath of the desertion of any seaman, not being a slave, from any ship of such foreign power, may, until a revocation of such order in Council has been publicly notified, issue his warrant for the apprehension of any such deserter;

and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody till the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during such detention;

Provided also that the detention of such deserter shall not be continued beyond twelve weeks.

75 The provisions contained in sections eleven and twenty-two shall be applicable to all ports heretofore or hereafter declared by the Local Government to be ports for the shipment and landing of goods, but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.

Any penalties imposed by him, and any expenses incurred by his order under the said provisions, shall be recoverable respectively in the manner provided in sections sixty-six and sixty-eight

In any of the said ports for the shipment and landing of goods the consent referred to in section twenty-two may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the Local Government

76. Any dispute arising concerning the amount due under section fifteen or section forty-three shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties

Disputes concerning amount, due under section 15 or section 43.

THE FIRST SCHEDULE.

(See Section 2)

PART I—BRITISH BURMA.

* Name of Port.	Vessels chargeable.	Rate of Port-dues	Due how often chargeable in respect of same vessel.
Maulman	Sea-going vessels of ten tons and upwards, but less than twenty-five tons	Not exceeding four annas per ton	Once in sixty days.
	Sea-going vessels of twenty-five tons and upwards	Not exceeding five annas six pie per ton.	Ditto.
Rangoon	Sea-going vessels of ten tons and upwards	Not exceeding six annas per ton.	Ditto.
Kyook Phyoo . . .	Ditto	Not exceeding four annas per ton.	Ditto.
Akyab	Ditto	Ditto	Ditto.
Basscin	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Ditto	Ditto.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pie per ton	Ditto.

PART II—THE LOWER PROVINCES

Chittagong	Sea-going vessels of ten tons and upwards.	Not exceeding four and a half annas per ton	Once in sixty days.
Port Canning . . .	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton, provided that in the case of <i>dhonis</i> and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port, except in the case of <i>dhonis</i> and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in ninety days
	Tug steamers and river steamers belonging to Port Canning.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December in each year
Calcutta	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton, provided that in the case of <i>dhonis</i> and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels	Whenever the vessel enters the port, except in the case of <i>dhonis</i> and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in sixty days
	Tug steamers and river steamers.	Not exceeding four annas per ton	Once between the 1st January and the 30th June, and once between the 1st July and 31st December in each year
Cuttack Ports,—namely, Bala-sore, Chûrâman, Laichhun-pur, Chânuâ, Subarnrekha, Dhâmrâ and Sarthâ.	Sea-going vessels of three hundred maunds and upwards	Not exceeding six annas per hundred maunds	Whenever the vessel enters the port

THE FIRST SCHEDULE—continued
PART III—THE MADRAS PRESIDENCY.

Name of Port.	Vessels chargeable.	Rate of Port-dues.	Due how often chargeable in respect of same vessel.
<i>Eastern Group—</i>			
1. Ganjam	Sea-going vessels of fifteen tons and upwards.	Not exceeding three annas per ton: provided that in the case of vessels employed in the coasting trade, not being steamers, the rates shall be one-half the rates chargeable in respect of other vessels provided also that any steamer engaged in the coasting trade, when it enters any of the ports of the Eastern and Western Groups, shall pay the highest rate of port-dues leviable at any port of such group and an addition of half of such highest rate.	(a.) No coasting steamer having paid port-dues at any port shall be chargeable with port-dues again at the same or at any other port of the same group within thirty days (b.) No coasting vessel other than a coasting steamer shall be chargeable with port-dues at the same port more than once in sixty days (c.) No vessel other than a coasting vessel or a coasting steamer shall be chargeable with port-dues at the same port more than once in ninety days In the above rules the expression "coasting vessel" means any vessel which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port on the Continent of India or in the Island of Ceylon.
2. Gopalpur	Ditto * ...	Ditto ..	
3. Calingapatam... ..	Ditto ...	Ditto ...	
4. Bimlipatam	Ditto ...	Ditto ...	
5. Vizagapatam	Ditto ...	Ditto ...	
6. Coconada	Ditto ...	Ditto ...	
7. Coringa*			
8. Masulipatam	Ditto ...	Ditto ...	
9. Madras	Ditto ...	Ditto ...	
10. Cuddalore	Ditto ...	Ditto ...	
11. Porto Novo	Ditto ...	Ditto ...	
12. Tranquebar	Ditto ...	Ditto ...	
13. Negapatam	Ditto ...	Ditto ...	
14. Nagore*			
15. Tuticorin	Ditto ...	Ditto ...	
<i>Western Group—</i>			
1. Mangalore	Ditto ...	Ditto ...	
2. Cannanore	Ditto ...	Ditto ...	
3. Tellicherry	Ditto ...	Ditto ...	
4. Calicut	Ditto ...	Ditto ...	
5. Beypore*			
6. Cochin	Ditto ...	Ditto ...	

* NOTE.—As regards the levy of port-dues, each of the following pairs of ports (namely)—Coconada and Coringa, Negapatam and Nagore, Calicut and Beypore—shall be treated as if it were only one port, every vessel in respect of which such dues have been charged and taken at one of any of the said pairs being exempted from the charge on entering the other of the same pair

PART IV.—THE BOMBAY PRESIDENCY.

Bombay	Sea-going vessels of ten tons and upwards, (except fishing boats.)	Not exceeding four annas per ton, and not less than two annas per ton for each class of vessels, as the Trustees incorporated under the Bombay Port Trust Act, 1873, may direct.	Once in the same month
	Tug Steamers, Ferry Steamers, and River Steamers.	Ditto	Once between the 1st January and the 30th June, and once between the 1st July and 31st December in each year.

THE FIRST SCHEDULE—continued.

PART IV.—THE BOMBAY PRESIDENCY—continued.

Name of Port	Vessels chargeable.	Rate of Port-dues.	Due how often chargeable in respect of same vessel
<i>Northern Group of Ports</i>			
1. Gogo .. .	Sea-going vessels of ten tons and upwards (except fishing boats)	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
2 Bāvliāri... ..	Ditto	Ditto	Ditto
3 Khun	Ditto	Ditto	Ditto.
4 Tankāria	Ditto	Ditto	Ditto
5 Dehegām	Ditto	Ditto	Ditto.
6 Dehej	Ditto	Ditto	Ditto.
7 Broach	Ditto	Ditto	Ditto.
8 Bhagwā	Ditto	Ditto	Ditto.
9 Surat	Ditto	Ditto	Ditto.
10 Matwād... ..	Ditto	Ditto	Ditto.
11. Bulsar	Ditto	Ditto	Ditto.
12. Umarsāri	Ditto	Ditto	Ditto.
13. Kolak .. .	Ditto	Ditto	Ditto.
14 Kālai	Ditto	Ditto	Ditto.
15 Maroh	Ditto	Ditto	Ditto.
16 Umbargām	Ditto	Ditto	Ditto
17 Gholwad	Ditto	Ditto	Ditto.
18 Dhānu creek	Ditto	Ditto	Ditto.
19. Tārāpur	Ditto	Ditto	Ditto.
20. Ahvārā Navāpur .. .	Ditto	Ditto	Ditto.
21. Satpāti Creek .. .	Ditto	Ditto	Ditto.
22 Māhūm (Kelva)	Ditto	Ditto	Ditto.
23 Kelva	Ditto	Ditto	Ditto.
24 Dāntavra	Ditto	Ditto	Ditto.
25. Arnalla... ..	Ditto	Ditto	Ditto.
<i>Southern Group of Ports.</i>			
1 Bandora	Ditto	Ditto	Ditto.
2. Verāva .. .	Ditto	Ditto	Ditto.
3 Manori	Ditto	Ditto	Ditto.
4. Utan	Ditto	Ditto	Ditto.
5 Bassen	Ditto	Ditto	Ditto.
6 Bhirwandi	Ditto	Ditto	Ditto.
7. Kalhan... ..	Ditto	Ditto	Ditto.
8 Tanna	Ditto	Ditto	Ditto.
9 Trombay	Ditto	Ditto	Ditto.
10 Panwel	Ditto	Ditto	Ditto.
11 Karanja... ..	Ditto	Ditto	Ditto.
12 Rewas	Ditto	Ditto	Ditto.
13 Nagothna	Ditto	Ditto	Ditto.
14 Thal	Ditto	Ditto	Ditto.
15. Alibāg	Ditto	Ditto	Ditto.

THE FIRST SCHEDULE—continued

PART IV —THE BOMBAY PRESIDENCY—continued

Name of Port.	Vessels chargeable.	Rate of Port-dues.	Due how often chargeable in respect of same vessel.
<i>Southern Group of Ports—continued.</i>			
16 Revdandá ...	Sea-going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas for every ton, provided that a coasting steamer whenever it enters any port, shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
17 Talkhári ...	Ditto	Ditto	Ditto
18 Bānkot . . .	Ditto	Ditto	Ditto
19 Kelsi . . .	Ditto	Ditto	Ditto
20 Harnai . . .	Ditto	Ditto	Ditto
21 Anjanwel . . .	Ditto	Ditto	Ditto
22. Boryá . . .	Ditto	Ditto	Ditto
23. Jaygarh . . .	Ditto	Ditto	Ditto
24. Rainágar . . .	Ditto	Ditto	Ditto
25. Purnagarh . . .	Ditto	Ditto	Ditto
26. Yeshwantgarh . . .	Ditto	Ditto	Ditto
27. Vizádurg . . .	Ditto	Ditto	Ditto
28. Devgarh . . .	Ditto	Ditto	Ditto
29. A'chara . . .	Ditto	Ditto	Ditto
30. Málwan . . .	Ditto	Ditto	Ditto
31. Niyti . . .	Ditto	Ditto	Ditto
32. Vengorla . . .	Ditto	Ditto	Ditto
33. Rem . . .	Ditto	Ditto	Ditto
34. Tirkhol . . .	Ditto	Ditto	Ditto
35. Karwar including Baitkhol	Ditto	Ditto	Ditto
36. Chendya . . .	Ditto	Ditto	Ditto
37. Ankola . . .	Ditto	Ditto	Ditto
38. Gangawali . . .	Ditto	Ditto	Ditto
39. Tadrí . . .	Ditto	Ditto	Ditto
40. Honáwar . . .	Ditto	Ditto	Ditto
41. Shiráli . . .	Ditto	Ditto	Ditto
42. Coomta . . .	Ditto	Ditto	Ditto
43. Murdeshwar . . .	Ditto	Ditto	Ditto
44. Bhatkal . . .	Ditto	Ditto	Ditto
Karáchi . . .	Ditto	Four annas per ton	Once in three months.
	Tug steamers and river steamers.	Ditto	Once between the 1st January and the 30th day of June and once between the 1st July and the 31st December in each year.
Aden . . .	Sea-going vessels of ten tons and upwards	Three annas per ton.	Once a month

THE SECOND SCHEDULE

(See Section 3.)

Number and Year	SUBJECT.	Extent of Repeal
Act XIII of 1839 ...	Port-dues	So much as has not been repealed.
Act XXII of 1855 .	Ports and Port-dues.	Ditto.
Act XIII of 1856 ...	Police in Presidency Towns	Section 117.
Act XXX of 1857 ...	Port-dues and Fees (Calcutta)	The whole.
Act XXXI. of 1857 .	Port-dues and Fees (Bombay)	Ditto
Act XXXV of 1857 ..	Port-dues and Fees (Maulman, Rangoon, &c).	Ditto
Act II of 1858 ...	Port-dues and Fees in certain Ports in the Province of Cuttack.	Ditto
Act VIII of 1858 ...	Port-dues and Fees (Karachi)	Ditto
Act XV. of 1858 .	Port-dues and Fees (Port of Aden)	Ditto
Act XVIII. of 1858 ...	Port-dues and Fees (certain Madras Ports).	Ditto.
Act XIX of 1860 ...	Amending Act XXII. of 1855	Ditto
Act XXV. of 1860 ...	Bassein	Ditto
Act XIII of 1867 ..	Amending Act XXV. of 1860	In the title, the words "for the levy of enhanced Port-dues in the Ports of Maulmann and Bassein and"
		The preamble down to and including the words "mentioned; And."
		Section one down to and including the word "Bassein"
Act VII. of 1873 ...	Burma Port-dues	The whole
Bengal Act I of 1862 .	Hoisting Signals	Ditto
Bengal Act I. of 1863	Port-dues and Fees in the Port of Canning on the River Mutlah.	Ditto
Bengal Act III. of 1865	Fire in Ports	Sections 3 and 4. Section 8, clauses 1 and 2. Section 10
Bengal Act IV of 1866	Amending Act XIII of 1856	Section 103.
Bengal Act III. of 1867	Ships in Ports	Sections 7, 11, 12, and 13.
Bengal Act III. of 1872	Amending Bengal Act V of 1870 and Act XXII of 1855	Section 5.
Madras Act I. of 1864	Extension of parts of Act XXII. of 1855.	The whole
Madras Act VII of 1867	Port-dues	Ditto
Madras Act VIII. of 1867	Madras Police	Section 80.
Bombay Act IV of 1863	Amending Act XV. of 1858 (Port-dues, Aden).	The whole
Bombay Act XI. of 1866	Port-dues	Ditto
Bombay Act I of 1873	Bombay Port Trust Act, 1873	Section 75.

WHITLEY STOKES,
Secretary to the Government of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1875, and was promulgated for general information in the *Gazette of India* of 20th March 1875 :—

Act No. XIII. of 1875.

An Act to amend the law relating to Probates and Letters of Administration.

WHEREAS, under the Indian Succession Act, 1865, the effect of an unlimited grant of probate or letters of administration made by any Court in British India is confined to the Province in which such grant is made And whereas it is expedient to extend over British India the effect of such grants when made by a High Court And whereas it is also expedient to amend the Court Fees Act, 1870, as to probates, letters of administration and certificates of administration It is hereby enacted as follows —

1. To section 3 of the Indian Succession Act 1865, the following words shall be added (namely) —“ and for the purposes of sections 242, 242A, 246A and 277A, shall include the Court of the Recorder of Rangoon ”

2 To section 242 of the Indian Succession Act, 1865, the following proviso shall be added (namely) —

“ Provided that probates and letters of administration granted by a High Court after the first day of April 1875, shall, unless otherwise directed by the grant, have like effect throughout the whole of British India ”

3 The following section shall be inserted after the said proviso of 1865.

“ 242A. Whenever a grant of probate or letters of administration is made by a High Court with such effect as last aforesaid, the Registrar or such other officer as the High Court making the grant appoints in this behalf shall send to each of the other High Courts a certificate to the following effect :—

I, A. B, Registrar [or as the case may be] of the High Court of Judicature at [or as the case may be], hereby certify that on the day of 187 the High Court of Judicature at [or as the case may be] granted probate of the will [or letters of administration of the estate] of C D, late of deceased, to E. F. of and G. H. of, and that such probate [or letters] has [or have] effect over all the property of the deceased throughout the whole of British India,

and such certificate shall be filed by the High Court receiving the same ”

4 After section 246 of the Indian Succession Act, 1865, the following section shall be inserted (namely) :—

“ 246A. Every person applying to a High Court for probate of a will or letters of administration of an estate, intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by section 244 and section 246 of this Act, that to the best of his belief no application has been made to any other High Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid,

or, where any such application has been made, the High Court to which it was made, the person or persons by whom it was made, and the proceedings (if any) had thereon.

And the High Court to which any application is made under the proviso to section 242 of this Act may, if it think fit, reject the same.”

5. After section 277 of the Indian Succession Act, 1865, the following section shall be inserted (namely) —

“ 277A In all cases where it is sought to obtain a grant of probate or letters of administration intended to have effect throughout the whole of British India, the executor, or the person applying for administration after the first day of April, 1875, to the effects of any person dying in British India and leaving property in more than one Province, shall include in the inventory of the effects of the deceased his moveable or immoveable property situate in each of the Provinces.

And the value of such property situate in the said Provinces, respectively, shall be separately stated in such inventory, and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India.”

6. After section nineteen of the Court Fees Act, 1870, the following chapter shall be inserted, (namely) —

“ CHAPTER III A.

“ PROBATES, LETTERS OF ADMINISTRATION, AND CERTIFICATES OF ADMINISTRATION.

19A. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same, and has afterwards proved to be, and has consequently paid too high a Court-fee thereon, if within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue Authority of the Province in which the probate or letters has or have been granted,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required,

the said Authority may—

(a) cancel the stamp on the probate or letters, if such stamp has not been already cancelled,

(b) substitute another stamp for denoting the Court-fee which should have been paid thereon and

(c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

“19 B. Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from a deceased person, the amount of such debts, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less Court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act,

such authority may return the difference, provided the same be claimed within three years after the date of such probate or letters.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may allow such further time for making the claim as may appear to be reasonable under the circumstances.

“19 C. Whenever such a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act, when a like grant is made in respect of the whole or any part of the same property belonging to the same estate,

Relief in case of several grants

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate identical with or including the property to which the former grant relates

“19 D. The probate of the will, or the letters of administration of the effects of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any moveable or immovable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a Court-fee was paid on such probate or letters of administration

“19 E. Where any person on applying for probate or letters of administration has estimated the value of the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a Court-fee thereon, the Chief Controlling Revenue Authority of the Province in

which the probate or letters has or have been granted may, on the value of the estate of the deceased, being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full Court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or if it or they is or are produced after one year from such date, of twenty times, such proper Court-fee, without any deduction of the Court-fee originally paid on such probate or letters

Provided that if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a Court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper Court-fee, the said Authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

“19 F. In case of letters of administration on which too low a Court-fee has been paid at first, the Administrator to give proper security before letters stamped under section 19 E shall not cause the same to be duly stamped in manner aforesaid until the Administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained

“19 G. Where too low a Court-fee has been paid on any probate or letters of administration, Executors, &c., not paying full Court-fee on probates, &c., within six months after discovery of mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the first day of April, 1875, or after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the Court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent. on the amount of the sum wanting to make up the proper Court-fee.

“19 H. The provisions of sections 19 A to 19 G (both inclusive) shall, applied to certificates under Acts XL of 1858 and XX of 1864 (for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal) or Act No. XX of 1864 (for making better provision for the care of the persons and property of Minors in the Presidency of Bombay) and to the holders of such certificates.

WHITLEY STOKES,
Secretary to the Government of India

[Published with the "Bombay Government Gazette" on the 1st April 1875.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 9th March 1875, and was promulgated for general information in the *Gazette of India* on 9th March 1875.—

Act No X of 1875

THE HIGH COURTS' CRIMINAL PROCEDURE ACT, 1875.

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THE SCHEDULE.—Enactments repealed.

An Act to regulate the Procedure of the High Courts in the exercise of their original criminal jurisdiction.

WHEREAS it is expedient to consolidate and amend the law relating to the procedure of the High Courts in the exercise of their original criminal jurisdiction; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The High Courts' Criminal Procedure Act, 1875:"
 Short title. Criminal Procedure Act, 1875:"
 Local extent. It extends to the whole of British India;
 Commencement. And it shall come into force on the first day of May 1875.
2. The enactments mentioned in the schedule hereto annexed are repealed to the extent mentioned in the third column of the said schedule, but not so as to revive any practice thereby abolished
 Repeal of enactments. hereto annexed are repealed to the extent mentioned in the third column of the said schedule, but not so as to revive any practice thereby abolished
 And all rules made under any of the said enactments shall be deemed to have been made under this Act, so far as they are consistent herewith.
3. In this Act, unless there be something repugnant in the subject or context—
 Interpretation-clause. repugnant in the subject or context—
 "High Court" includes all High Courts established or to be established under the twenty-fourth and twenty-fifth of Victoria, Chapter 104, the Chief Court of the Panjáb and such other Courts as the Governor-General in Council may, from time to time, declare to be invested with the powers of a High Court under this Act:
 "Chief Justice" includes also the Senior Judge of a Chief Court;
 "Advocate General" includes also a Government Advocate;
 "Clerk of the Crown" includes any officer specially appointed by the Chief Justice to discharge the functions given by this Act to the Clerk of the Crown; and
 "Magistrate" includes also a Police Magistrate in the Towns of Calcutta, Madras, and Bombay
 "European British Subject" "European British Subject" means—

(a) all subjects of Her Majesty born, naturalized, or domiciled in the United Kingdom of Great Britain and Ireland or in any of the European, American or Australian colonies, or possessions of Her Majesty, or in the colonies of New Zealand, the Cape of Good Hope, and Natal;

(b) the children and grandchildren of any such person by legitimate descent.

"Prosecutor" includes every person conducting a prosecution on behalf of Her Majesty

"Offence" denotes anything made punishable by any law for the time being in force, and

words which refer to acts done extend also to illegal omissions.

CHAPTER II.

OF SESSIONS.

4. For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

5. The High Court shall hold its sittings at the place at which it now holds them, or at such other place (if any) as the Governor General in Council in the case of the High Court at Fort William, and as the Local Government in the case of the other High Courts, may direct. But it may, from time to time,

in the case of the High Court at Fort William, with the consent of the Governor General in Council,

in all other cases, with the consent of the Local Government,

hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints

Such officer as the Chief Justice directs shall give notice beforehand in the local official Gazette of all sittings intended to be held for the exercise of the original criminal jurisdiction of the High Court

CHAPTER III.

OF PROCEDURE ON COMMITMENTS.

6. The provisions of this Act shall apply to all criminal cases triable by the High Court

7. When any person is committed for trial before a High Court, the Clerk of the Crown, or if there be not a Clerk of the Crown, a Judge of the High Court, shall, on receipt of the charge, peruse and consider it, and may, if it appear necessary or expedient so to do, alter or redraw the same, having regard to the rules as to the form of charges contained in the Code of Criminal Procedure.

8. If a prisoner is committed to the Court without any charge at all, the clerk of the crown, or if there be not a clerk of the crown, a Judge of the High Court may draw up a charge having regard to the rules referred to in section seven. If a prisoner is committed upon a charge which the Court, upon reference to the proceedings before the committing Magistrate, considers improper, the Court may draw up a charge for any offence or offences which it considers to be proved by the evidence taken before the committing Magistrate.

9. Any accused person may apply to the Court for an amendment of the charge made against him, and in considering whether any error in a charge did in fact mislead the accused person, the Court shall take into account the fact that he did or did not make such an application.

10. The Court may, upon the application of the accused person, or of the prosecutor, or upon its own motion, amend or alter any charge at any stage of the proceedings before the verdict of the jury is delivered. Such amendment shall be explained to the accused person.

11. If the amendment or alteration is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused person in his defence, it shall be at the discretion of the Court, after making such amendment or alteration, to proceed with the trial as if the amended charge had been the original charge.

12. If the amendment or alteration is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused person in his defence, the Court may either direct a new trial, or suspend the trial for such period as may be necessary to enable the accused person to make his defence to the amended or altered charge, and, after hearing his defence, the Court may, if it thinks fit, further adjourn the trial, to admit the appearance of any witness whose evidence the Court may consider to be material to the case, or whom the accused person may wish to be summoned in his defence.

13. The charge, with such alterations (if any) as may have been made therein, shall be recorded in the High Court, and a copy of such charge shall be given to the person gratis, if he demands it.

The person charged shall also be entitled to a copy of his own examination before the committing Magistrate and to copies of the examinations of witnesses upon whose depositions he has been committed, and of

all documents read and made exhibits as part of such depositions by the committing Magistrate, if the person charged demands them a reasonable time before the case comes on for trial and pays for the same a reasonable sum not exceeding one anna for each folio of ninety words.

The Court may for any special reason remit any such payment.

14. When any charge, or portion of a charge, recorded as aforesaid appears to a Judge of the High Court, at any time before the commencement of the trial of the person charged, to be clearly unsustainable, such Judge may make on the charge an entry to that effect.

Such entry shall have the effect of staying proceedings upon the charge (as the case may be), but shall not operate as an acquittal of the person charged.

15. In all cases of amendment or alteration of a charge during the trial, the prosecutor and accused person may recall witnesses. Accused person shall be allowed to recall and examine any witness who may have been examined.

16. If the offence stated in the amended or altered charge be one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the amended or altered charge was founded.

Joinder of Charges.

17. There must be a separate charge for every distinct offence of which any person is accused, and every such charge must be tried separately, except in the cases hereinafter excepted.

Illustration

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

18. When a person is accused of more offences than one of the same kind, committed within a year of each other, he may be charged and tried at the same time for any number of them not exceeding three.

EXPLANATION.—Offences are said to be of the same kind under this section if they fall within the provisions of section twenty.

19. I. If in one series of acts, so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with and tried for every such offence at the same time.

II. If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being, by which offences are defined or punished, the person accused of them may be charged with each of the offences so committed; but he must not receive a more severe punishment than could be awarded for any of such offences

III. If several acts, of which one or more than one would by itself constitute an offence, form, when combined, a different offence, the person accused of them may be charged with every offence or any of the different offences, which he may have committed, but he must not receive for such offences, collectively, a punishment more severe than that which might have been awarded for any one of such offences

Illustrations

To paragraph I

(a) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be separately charged with, convicted of, and punished for, offences under sections 225 and 333, Indian Penal Code

(b) A has in his possession several counterfeit seals with the intention of committing several forgeries. A may be separately charged with, convicted of, and punished for, the possession of each seal for a distinct forgery under section 473, Indian Penal Code

(c) A, with intent to cause injury to B, institutes proceedings against him, knowing there is no just or lawful ground for such proceedings. A also, in the course of the proceedings, falsely charges B with having committed an offence. A may be separately charged with, convicted of, and punished for, two offences under section 211, Indian Penal Code.

(d) A, with intent to injure B, brings a false charge against him of having committed an offence. On the trial, A gives false evidence against B. A may be separately charged with, convicted of, and punished for, offences under sections 211 and 194 or 195, Indian Penal Code

(e) A, knowing that B, a female minor, has been kidnapped, wrongfully confines her and detains her as a slave. A may be separately charged with, convicted of, and punished for, offences under sections 368 (read with 367) and 370, Indian Penal Code

(f) A, with six others, commits the offences of robbing, grievous hurt to B, and of assaulting C, a public servant engaged in suppressing the riot. A may be separately charged with, convicted of, and punished for, offences under sections 147, 325, and 152, Indian Penal Code.

(g) A criminally intimidates B, C, and D, at the same time. A may be separately charged with, convicted of, and punished for, each of the three offences under section 506, Indian Penal Code

(h) A intentionally causes the death of three persons by upsetting a boat. A may be separately charged with, convicted of, and punished for, three offences under section 302, Indian Penal Code.

To paragraph II

(i) A commits mischief by cutting down a tree in a Government forest. The tree overhangs the bank of a river and falls into the stream. A commits theft by having severed the tree and by floating it down the river to his village, where he sells it. A

may be separately charged with, and convicted of offences under sections 426 and 379, Indian Penal Code, but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 379 only

(j) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Indian Penal Code, but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 323 only

(k) A wrongfully kills a buffalo worth sixty rupees belonging to B, and then takes away the carcass in a manner amounting to theft. A may be separately charged with, and convicted of, offences under sections 429 and 379, Indian Penal Code, but the Court which tries him may not inflict a more severe sentence than if it had convicted him under section 429 only

(l) Several stolen sacks of corn are made over to A and B, who know they are stolen property. A and B thereupon assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414, Indian Penal Code, but the Court which tries them may not inflict a severer sentence than if it had convicted them under one of those sections only

(m) A uses a forged document in evidence, in order to convict B, a public servant, of an offence under section 167. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the Indian Penal Code; but the Court which tries him may not inflict a severer sentence than if it had convicted him under one of those sections only

To paragraph III

(n) A commits house-breaking by day with intent to commit adultery, and commits in the house so entered adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497, Indian Penal Code, but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 497 only

(o) A robs B, and, in doing so, voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392, and 394, of the Indian Penal Code, but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 392 or 394 only.

(p) A entices B, the wife of C, away, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 493 and 497, Indian Penal Code, but the Court which tries him may not inflict a severer sentence than if it had convicted him under section 497 only.

20 If a single act or series of acts is of such a

nature that it is doubtful what offence has been committed.

Where it is doubtful which of several offences the facts which can be proved will constitute, the accused person may be charged with having committed all or any of such offences, and any number of such charges may be tried at once, or he may be charged in the alternative with having committed some one of the said offences.

Illustration.

A is accused of an act which may amount to either theft, receiving stolen property, criminal breach of trust, or cheating. He may be charged separately with theft, criminal breach of trust, and cheating, or he may be charged with having committed either theft, or criminal breach of trust, or cheating.

21 If, in the case mentioned in section twenty, one charge only is brought against an accused person, and it appears in evidence that he committed a different offence, for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

Illustration

A is charged with theft. It appears that he committed criminal breach of trust, or receiving stolen goods. He may be convicted of criminal breach of trust, or receiving stolen goods, though he was not charged with it.

22 When a person is charged with an offence, and part of the charge is included in offence not proved, but the part charged which is proved amounts to a different offence, he may be convicted of the offence which he is proved to have committed, though he was not charged with it.

Illustrations

(a) A is charged under section 407, Indian Penal Code, with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(b) A is charged with murder. He may be convicted of culpable homicide, or of causing death by negligence.

23 When more persons than one are accused of the same offence, or of different offences committed in the same transaction, or when one person is accused of committing any offence, and another, of abetment of, or attempt to commit, such offence, they may be charged and tried together, or separately, as the Court thinks proper, and the provisions herebefore contained shall apply to all such charges.

Illustrations.

(a) A and B are accused of the same murder. A and B may be charged and tried together for the murder.

(b) A and B are accused of a robbery, in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on a charge, charging both of them with the robbery, and A alone with the murder.

(c) A and B are both charged with a theft and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge, charging both with the one theft, and B alone with the two other thefts.

24. No error, either in the way in which the offence is stated, or in the particulars required by the Code of Criminal Procedure to be stated, and no omission to state the offence, or to state those particulars, shall be regarded at any stage of the case as material, unless the person accused was in fact misled by such error or omission.

Illustrations

(a) A is charged, under section 242 of the Indian Penal Code, with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(b) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(c) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in this case, a material error.

(d) A is charged with the murder of Khoda Baksh on the 21st January. In fact, the murdered person's name was Haider Baksh, and the date of the murder was the 20th January. A was never charged with any murder but one, and had heard the inquiry before the Magistrate, which referred exclusively to the case of Haider Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(e) A was charged with murdering Haider Baksh on the 20th January, and Khoda Baksh (who tried to arrest him for that murder) on the 21st January. When charged for the murder of Haider Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haider Baksh. The Court may infer from this that A was misled, and that the error was material.

25 If any Magistrate, or other authority purporting to exercise powers conferred but not being actually so empowered, commits an accused person to take his trial before a High Court, the Court may, after perusal of the proceedings, accept the commitment if it considers that the accused person has not been prejudiced, unless objection was made on behalf either of the accused person or of the prosecution to the jurisdiction of the committing Magistrate during the inquiry and before the order of commitment.

If such Court considers that the accused person was prejudiced, or if such objection as aforesaid was so made, it shall quash the commitment, and direct a fresh inquiry by a competent Magistrate.

26. Pending the directions of the Court as to the place of trial every person committed for trial shall (if not admitted to bail) be committed by the Magistrate for intermediate custody to the criminal jail in which he can be most conveniently confined.

If the trial be directed to be held at the ordinary place of sitting of the Court, the Magistrate shall bind over the person charged to appear and take his trial at such place of sitting, or shall commit him to the jail at such place.

If the Court direct that the person charged be tried elsewhere than at its ordinary place of sitting, the Magistrate shall bind him over to appear and take his trial at the place so directed, or shall, if necessary, cause him to be removed to the criminal jail at or nearest to the place at which he is directed to be tried.

27 The Court may direct that all European British subjects committed or bailed for trial by it within certain specified districts or during certain specified periods of the year, shall be tried at the ordinary place of sitting of the Court,

or direct that they shall be tried at a particular place named, and may also order that they shall, if not bailed, be committed for intermediate custody to a particular jail, being one of the jails appointed by the Government for the reception of such prisoners.

CHAPTER IV

OF THE COMMENCEMENT OF THE TRIAL

28. When the Court is ready to commence the trial, the accused person shall be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged, or claims to be tried.

29 If the accused person pleads guilty, the plea shall be recorded, and he may be convicted thereon.

30. If the accused person refuses to, or does not, plead, or if he claims to be tried, the Court shall proceed to choose jurors as hereinafter directed, and to try the case.

31 Every person accused of an offence may of right be defended by any advocate of a High Court

Any such person may, with the permission of the Court (but not otherwise), employ any person not being an advocate, attorney or pleader, to assist him in his defence.

CHAPTER V

OF JURIES

(a) Of Juries generally.

32 All trials under this Act shall be by jury,

and, notwithstanding anything contained in section sixty-four of the Code of Criminal Procedure, in all criminal cases transferred to a High Court under that section or under the Letters Patent of any High Court established under the twenty-fourth and twenty-fifth of Victoria, Chapter 104, the trial may, if the High Court so direct, be by jury.

33 The jury shall consist of nine persons, who shall be chosen by lot from the persons summoned to act as jurors provided that, in case of a deficiency of such persons, the number required may, with the leave of the Court, be chosen from such other persons as may be present.

34. Subject to the right of challenge hereinafter mentioned, the same jury may try as many accused persons successively as the Court thinks fit.

35 If before the first juror is called and accepted, any European British subject charged as aforesaid requires to be tried by a mixed jury, the majority of the jurors shall consist of Europeans or Americans, or both Europeans and Americans.

36 In any case in which a European British subject is accused jointly with a person not being a European British subject, and such European British subject is committed for trial before a High Court, the person so jointly accused shall (if the committing Magistrate thinks that he ought to be tried), also be committed for trial before such High Court, notwithstanding any provision to the contrary in the Code of Criminal Procedure.

Such persons may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately.

37 Provided that if before the first juror is called and accepted the European British subject requires the majority of the jurors to consist of Europeans or Americans, or both Europeans and Americans, and the person not being a European British subject requires that he shall be tried separately by a jury of which at least five members shall be of persons not being Europeans or Americans, the latter person shall be tried separately.

(b) *Cf Juries in the Presidency Towns.*

38 Every person tried in Calcutta, Madras, or Bombay, shall be tried before a special jury

(a) if charged with having committed an offence punishable with death, or

(b) if in any other case a Judge of the High Court so directs.

39. The jurors' book for the year current when this Act comes into force, shall be taken as containing a correct list of persons liable to serve as jurors under this Act;

And those persons whose names are entered in the said book as being liable to serve on special juries only shall be deemed to be persons privileged and liable to serve only as special jurors under this Act during the year for which the said list has been prepared.

40. The names of not more than two hundred persons shall at any one time be entered in the special jurors' list

41. All persons whose names are entered in the special jurors' list shall be exempted from serving on any other than special juries, but so long only as their names are contained in such list.

42. The Clerk of the Crown shall, before the first day of April in each year, and subject to such rules as the High Court from time to time prescribes, prepare

(a) a list of all persons liable to serve as common jurors,

(b) a list of persons liable to serve as special jurors only

Regard shall be had, in the preparation of the latter list, to the property, character, and education of the persons whose names are entered therein.

No person shall be entitled to have his name entered in the special jurors' list, merely because he may have been entered in the special jurors' list for a previous year.

The Governor General in Council may exempt any salaried officer of Government from serving as a juror.

43. The Clerk of the Crown shall, subject to such rules as aforesaid, have full discretion to prepare the said lists as seems to him to be proper, and there shall be no appeal from, or review of, his decision.

44. Preparatory lists of persons liable to serve as common jurors and as special jurors, respectively, signed by the officer by whom the same have been prepared, shall be published once

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in the local official Gazette before the fifteenth day of April next after their preparation.

Revised lists of persons liable to serve as common jurors and special jurors, respectively, signed as aforesaid, shall be published once in the local official Gazette before the first day of May next after their preparation.

Copies of the said lists shall be affixed to some conspicuous part of the Court-house

45. Out of the persons named in the revised lists aforesaid, there shall be summoned for each sessions at least twenty-seven of those who are liable to serve on special juries, and fifty-four of those who are liable to serve on common juries.

No person shall be so summoned more than once in six months unless the number cannot be made up without him.

If, during the continuance of any sessions, it appears that the number of supplementary summons persons so summoned is not sufficient, such number as may be necessary of other persons liable to serve as aforesaid shall be summoned for such sessions.

46. Any person summoned under section 45 who fails to attend as required by the summons, or who having attended departs without having obtained the permission of the Judge, or fails to attend after an adjournment of the Court, after being ordered to attend, shall be deemed guilty of a contempt, and be liable by order of the Judge to such fine as he thinks fit, and, in default of payment of such fine, to imprisonment in the civil jail until the fine is paid.

47. Challenges without cause shown shall be allowed to the number of eight on behalf of the Crown and eight on behalf of the person or all the persons charged

The following and no others shall be good causes of challenge, whether on behalf of the Crown or by the person or persons charged —

(a) Some personal objection, such as alienage, infancy, old age, or deficiency in the qualification required by any law or rule having the force of law for the time being in force

(b) Some presumed or actual partiality in the juror

(c) A previous conviction of the juror of a non-bailable offence under the Indian Penal Code or of a similar offence under any other law in force in British India

(d) Inability to understand English when spoken

48. The Judge before whom a person charged is about to be tried shall try any challenge, other than a challenge without cause shown; and if the Judge allow the challenge, the juror shall be set aside. The decision of the Judge as to any challenge shall be final.

49. Save as herein provided, the High Courts of Judicature at Fort William, Madras, and Bombay shall retain all their present powers respecting the summoning, empannelling, qualification, challenging, and service of jurors, and shall have power to make such rules on these subjects (consistent with the provisions of this Act) as seem to them to be proper.

All rules relating to jurors now in force in the same High Courts shall (so far as they are consistent with this Act) remain in force until repealed or altered by new rules made under this section.

(c) *Of Juries in the Mofussil.*

50. Whenever a High Court has given notice of its intention, to hold sittings at any place (other than the towns of Calcutta, Madras, and Bombay) for the exercise of its original criminal jurisdiction, the Court of Session at such place shall, subject to any direction which may be given by the High Court, take and cause to be taken the measures prescribed by Sections 407, 409, 410, and 411 of the Code of Criminal Procedure for the summoning of jurors.

51. In addition to the persons so summoned as jurors, the said Court of Session shall, if it think needful, after communication with the Commanding Officer, cause to be summoned such number of Commissioned and Non-Commissioned Officers in the military service, resident within ten miles of its place of sitting, as the Court considers to be necessary to make up the juries required for the trial of European British subjects charged with offences before the High Court as aforesaid.

All Commissioned and Non-Commissioned Officers so summoned shall be liable to serve on such juries notwithstanding anything contained on the Code of Criminal Procedure, but no Commissioned or Non-Commissioned Officer shall be summoned whom his Commanding Officer desires to have excused on the ground of urgent military duty, or for any other special military reason.

52. The juries for the trial of European British subjects as aforesaid shall be formed in the manner required by the Code of Criminal Procedure and by this Act from the persons summoned in accordance with Sections 50 and 51.

53. As each juror is chosen, his name shall be called aloud, and upon his appearance, the accused person shall be asked if he objects to be tried by such juror.

Objection may then be made to such juror by the accused person, or by the prosecutor, and the grounds of objection shall be stated.

54. Any objection made to a juror on any of the following grounds, if made out to the satisfaction of the Court, shall be allowed:—

(a) his holding any office in or under the Court or the local Court of Session;

(b) his executing any duties of Police or being entrusted with any police functions;

(c) his having been convicted of any offence against the State, or of any fraudulent or other offence which, in the judgment of the Court, renders him unfit to serve on the jury;

(d) his having by habit or religious vows relinquished all care of worldly affairs;

(e) his standing in the relation of husband, master, servant, landlord or tenant, to the person alleged to be injured or attempted to be injured by the offence charged, or to the person accused;

(f) his being in the employment of any of such persons;

(g) his being plaintiff or defendant in any civil suit against any of such persons;

(h) his having complained against, or having been accused by, any of such persons in any criminal prosecution.

(i) any circumstance which, in the judgment of the Court, is likely to cause prejudice against, or favour to, any of such persons, or which renders such person improper as a juror.

55. Any objection made to a juror shall be decided by the Court, and such decision shall be final.

56. If the objection be allowed, the place of such juror shall be supplied by any other juror attending in obedience to a summons, or, if there be no such other juror present, then by any other person present in the Court whose name is on the list of jurors, or whom the Court considers a proper person to serve on the jury, provided no objection to such other juror or person be made and allowed under Section 54.

57. The Judge shall not allow any person to serve on the jury, unless such person understands the language in which the evidence is given or interpreted.

(d) *Of the Foreman*

58. When the jury has been completed, they shall appoint one of their number to be foreman.

It shall be the duty of the foreman to preside in the debates of the jury, to deliver the verdict of jury, and to ask any information from the Court that may be required by the jury or any of the jurors.

If a majority of the jury do not agree in the appointment of a foreman, he shall be appointed by the Court.

CHAPTER VI.

OF THE TRIAL.

59. The prosecutor shall then open his case, and the witnesses shall be examined, cross-examined, and re-examined according to the law for the time being relating to the examination of witnesses.

60. The examination of the accused person before the committing Magistrate shall be given in evidence at the trial.

61. The Court may from time to time, at any stage of the trial, examine the accused person.

The accused person shall not be liable to any punishment for refusing to answer, or for answering falsely, questions asked under this section, but the Court shall draw such inference as seems just from such refusal or false answer.

No oath or affirmation shall be administered to the accused persons.

62. When the examination of the witnesses for the prosecution and the examination of the accused person are concluded, the accused person shall be asked whether he means to call witnesses. If he says that he does not, the prosecutor may sum up his case. The Court may then, if it thinks that there are no grounds for proceeding, direct the jury to return a verdict of acquittal.

If the Court considers that there are grounds for proceeding, it shall call on the accused person to state his grounds of defence and produce his witnesses.

The accused person or his Counsel may then state the case for the defence, and may examine the witnesses, if any, produced for the defence, and at the conclusion of such examination may sum up his case.

63. If any evidence is adduced on behalf of the accused person, the prosecutor shall be entitled to reply.

64. Whenever, in the opinion of the Court, it is proper and convenient that the jury should view the place in which the offence charged is said to have been committed, or any other place in which any other transaction material to the enquiry in the trial took place, an order shall be made to that effect, and the jury shall be conducted in a body, under the care of an officer of the Court to such place, which shall be shown to them by a person appointed by the Court. Such officer shall not suffer any other person to speak to, or hold any communication with, any of the jury.

65. The High Court may from time to time make rules as to keeping the jury together during a trial lasting for more than one day, and, subject to such rules, the presiding Judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of

the Court, or whether they shall be allowed to return to their respective homes.

66. The Court may, in its discretion, postpone the hearing of the case; and may, from time to time, adjourn the trial, if it considers that such adjournment is proper and will promote the ends of justice.

67. If a trial is adjourned, the jury shall be required to attend at the adjourned sitting, and at every subsequent sitting, until the conclusion of the trial.

68. The Court may, if it think fit, from time to time by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court in the exercise of its ordinary or its extraordinary original criminal jurisdiction, and the Judges of such Court shall take down the evidence or the substance thereof in accordance with the rule (if any) so prescribed.

69. If a juryman is personally acquainted with any relevant fact, it is his duty to inform the Judge that such is the case, whereupon he may be examined, cross-examined, and re-examined in the same manner as any other witness.

70. When the services of an interpreter are required by the Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

CHAPTER VII.

OF EVIDENCE.

71. The examination of a Civil Surgeon or other medical witness, taken and duly attested by a Magistrate, may be given in evidence in any criminal trial, although the person examined is not called as a witness.

The Court may summon such Civil Surgeon or other medical witness, if it sees sufficient cause for doing so.

72. Any document purporting to be a report from the Chemical Examiner, or Assistant Chemical Examiner to Government, upon any matter or thing duly submitted to him for examination or analysis and report, in the course of any criminal trial, or in any preliminary inquiry relating thereto, may, if it bears his signature, be used as evidence in any criminal trial.

The Court may presume that the signature of any such document is genuine, and that the person signing it held the office which he professed to hold at the time when he signed it.

73. If, after the commencement of the trial, the accused person admits before the Court the commission of an offence, the Court may convict him on his own admission, whether such offence is the same as the offence of which he is accused or not.

74. If an accused person abscond, and after due pursuit cannot be arrested, the Court may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution and record their depositions; and any such deposition may, on the arrest of such person, be put in on his trial for the offence with which he is charged if it is not practicable to procure the attendance of the deponent.

75. When a witness is produced, the evidence (if any) given by him before the committing Magistrate may, in the discretion of the presiding Judge, be treated as evidence in the case, if it was duly taken in the presence of the accused person.

EXPLANATION—This section shall not authorise the Court to refer to the record of the evidence given by a witness who is absent, except in the cases in which such evidence may be referred to under the Indian Evidence Act, 1872, or other law in force for the time being upon the subject of evidence.

Commissions

76. Whenever at any time after the commitment it appears that the attendance of a witness cannot be procured without an amount of delay, expense, or inconvenience which, under the circumstances of the case, would be unreasonable, the Court may dispense with his personal attendance.

The Court may direct a Commission to the Magistrate of the District, or to a Magistrate of the first class, in whose jurisdiction such witness may be. The Magistrate to whom the commission is directed shall proceed to the place where such witness is, or shall summon such witness before himself. Such Magistrate shall take the evidence of such witness in the same manner, and shall have for this purpose, and may exercise, the same powers as in trials of warrant cases under the Code of Criminal Procedure.

When the witness is in the territories of any Native Prince or State in India in alliance with Her Majesty, the commission may be directed to any Justice of the Peace or other officer in the service of the Crown resident in such territories, and the provisions of the second clause of this section shall apply to such Justice of the Peace or officer.

If the witness is within the local limits of the ordinary original criminal jurisdiction of any of the High Courts of Judicature at Fort William, Madras, and Bombay, the commission may be directed to any Police Magistrate within such limits, and such Magistrate shall have the like power to compel the attendance and

examination of witnesses as he possesses for that purpose in cases pending before him.

The prosecutor and the accused person may forward interrogatories, upon which the officer to whom the commission is directed shall examine the witness, or the prosecutor may appear personally before the officer to whom the commission is directed, or the prosecutor or accused person may so appear by authorized agent.

After any commission issued under this section has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued, and the commission, the return thereto, and the deposition of such witness may be used as evidence in the case and shall form part of the record.

Tender of Pardon to obtain Evidence

77. The Court may, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in, or privy to, any offence mentioned in column 7 of the fourth schedule annexed to the Code of Criminal Procedure as triable exclusively by the Court of Session, instruct the committing Magistrate to tender, or itself may, at any time before judgment, tender, a pardon to such person or persons, on condition of his or their making a full, true, and fair disclosure of the whole of the circumstances, within his or their knowledge, relative to the crime committed and every other person concerned in the perpetration thereof.

Any person accepting a tender of pardon under this section shall be examined as a witness in the case, under the rules applicable to the examination of witnesses.

Such person, if not on bail, shall be detained in custody pending the termination of the trial.

78. When a pardon has been tendered under Section 77, if it appears to the Court that any person who has accepted such tender has not conformed to the conditions under which it was made, either by wilfully concealing anything essential, or by giving false evidence, the Court may commit, or direct the commitment of, such person, for trial for the offence in respect of which the pardon was tendered, or for any other offence of which he may appear to have been guilty in connection with the same matter.

The statement made by a person under pardon, which pardon has been withdrawn under this section, may be put in evidence against him.

Of securing Attendance of Witnesses and Production of Documents

79. The following procedure shall be pursued in order to obtain the attendance of witnesses before the Court.

80. The Court may, at any stage of any proceeding, inquiry or trial, summon any witness, or examine any person in attendance though not summoned as a witness, and it shall be its duty to do so if the evidence of such person appears essential to the just decision of the case.

81. If the Court has reason to believe that any witness whose attendance is required will not attend to give evidence without being compelled to do so, it may, instead of issuing a summons, issue a warrant of arrest in the first instance.

82. If such warrant cannot be executed, and the Court considers that the witness is absconding or concealing himself for the purpose of avoiding the service thereof, it may issue a proclamation, requiring his attendance to give evidence at a time and place to be named therein, to be affixed on some conspicuous part of his ordinary place of abode,

If the witness does not attend at the time and place named in such proclamation, the Court may order the attachment of any moveable property belonging to such witness, to such amount as seems reasonable, not being in excess of the amount of costs of attachment and of any fine to which he may be liable under the provisions of the next following section.

Such order shall authorize the attachment of any such moveable property within the jurisdiction of the Court by which the order was made; and if any such moveable property be without the jurisdiction of the said Court, such order when endorsed by the Magistrate of the District in which such property is situated, shall authorize the attachment of the property last aforesaid.

83. If the witness appears and satisfies the Court that he did not abscond or conceal himself for the purpose of avoiding the execution of the warrant, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property attached be released from attachment, and shall make such order in regard to the costs of the attachment as the Court thinks fit.

If such witness does not appear, or, appearing, fails to satisfy the Court that he did not abscond or conceal himself for the purpose of avoiding the execution of the warrant, and that he had not such notice of the proclamation as aforesaid, the Court may order the property attached, or any part thereof, to be sold for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which may be imposed upon such witness under the provisions of Section 172 of the Indian Penal Code.

If the witness pays to such Court the costs and fine as aforesaid, his property shall be released from attachment.

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84. If any person summoned to give evidence neglects or refuses to appear at the time and place appointed by the summons, and no reasonable excuse is offered for such neglect or refusal, the Court, upon proof of the summons having been duly served, may issue a warrant under its seal to bring such person before it to testify as aforesaid.

85. The accused person shall be allowed to examine as a witness any person in attendance.

86. Whenever the Court considers that the production of any document is necessary or desirable for the purposes of any investigation or judicial proceeding, the Court may issue a summons to the person in whose possession or power such document is believed to be, requiring him to attend and produce such document at the time and place stated in the summons.

87. If there is reason to believe that the person to whom the summons is addressed will not produce the document as directed in the summons, the Court may issue a search-warrant for the document in the first instance.

88. The Court may, if it thinks fit, impound any document produced before it, or may, at the conclusion of the proceedings, order such document to be returned to the person who produced it.

89. If a witness refuses to answer any question which is put to him or to produce any document in his possession or power which the Court requires him to produce, and does not offer any just excuse for such refusal, he shall be deemed guilty of contempt of Court.

CHAPTER VIII.

OF THE CHARGE TO THE JURY

90. When the case for the defence and the prosecutor's reply, if any, are concluded, the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided.

91. It is the duty of the Judge to decide all questions of law, and especially all questions as to the relevancy of facts which it is proposed to prove, the admissibility of evidence, or the propriety of questions asked by parties or their agents, which may arise in the course of the trial; and, in his discretion, to prevent the production of inadmiss-

sible evidence, whether it is or is not objected to by the parties ;

to decide upon the meaning and construction of all documents given in evidence at the trial ,

to decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given ;

to decide whether any question which arises is for himself or for the jury ; and upon this point his decision shall be final.

The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact, or upon any question of mixed law and fact, relevant to the proceeding.

Illustrations.

(a.) It is proposed to prove a statement made by a person not called as a witness, under circumstances which render evidence of his statement admissible

It is for the Judge, and not for the jury, to decide whether the existence of those circumstances has been proved

(b.) It is proposed to give secondary evidence of a document, the original of which is alleged to have been lost or destroyed

It is the duty of the Judge to decide whether the original has been lost or destroyed

CHAPTER IX.

OF THE VERDICT AND THE DISCHARGE OF THE JURY.

92. After the Judge has finished his charge, the jury may retire to consider their verdict.

Except with the leave of the Court, no person other than a juror shall speak to, or hold any communication with, any member of such jury.

93 It is the duty of the jury—

(a) to decide which view of the facts is true, and then to return the verdict which under such view ought, according to the direction of the Judge, to be returned ;

(b) to determine the meaning of all technical terms and words used in an unusual sense, which it may be necessary to determine, whether such words occur in documents or not ;

(c) to decide all questions which according to law are to be deemed questions of fact ,

(d) to decide whether general, indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure, or unless their meaning is ascertained by law, in either of which cases it is the duty of the Judge to decide their meaning.

Illustrations.

(1.) A is tried for the murder of B.

It is the duty of the Judge to explain to the jury the distinction between murder and culpable homicide, and to tell them under what views of the facts A ought to be convicted of murder, or of culpable homicide or to be acquitted.

It is the duty of the jury to decide which view of the facts is true, and to return a verdict in accordance with the direction of the Judge, whether that direction is right or wrong, and whether they do or do not agree with it

(2) The question is, whether a person entertained a reasonable belief on a particular point Whether work was done with reasonable skill or due diligence

Each of these is a question for the jury.

94. When the jury have considered their verdict, the foreman shall inform the Court what is their verdict, or what is the verdict of a majority.

95. The jury shall return a verdict on all the charges on which the accused is tried, and the Court may ask them such questions as are necessary to ascertain what their verdict is.

96. If the jury are not unanimous, the Judge may require them to retire for further consideration. After such a period as the Judge considers reasonable, the jury may deliver their verdict, although they are not unanimous.

97. A verdict of guilty or not guilty, as the case may be, shall be delivered either when the jury are unanimous in their opinion, or when as many as six are of one opinion and the Judge agrees with them

98. When the jury are satisfied that they will not be unanimous, but six of them are of one opinion, the foreman shall so inform the Judge

If the Judge disagrees with the majority, he shall then discharge the jury.

If there are not so many as six who agree in opinion, the Judge shall, after the lapse of such time as he thinks reasonable, discharge the jury.

99. The Judge may also discharge the jury whenever by reason of illness a juror becomes incapable of attending through the trial or the prisoner becomes incapable of remaining at the bar.

100 Whenever the jury is discharged, the prisoner shall be detained in custody or on bail (as the case may be) and shall be tried by another jury, unless the Judge considers that he should not be re-tried, in which case the Judge shall make an entry to that effect on the charge, and such entry shall operate as an acquittal

101. When any person has in a trial before a Judge of the High Court acting in the exercise of its original criminal jurisdiction, been convicted of an offence, the Judge, if he thinks fit, may reserve for the decision of a Court, consisting of two or more Judges of the High Court, any question of law which has arisen in the course of the trial of

such person and the determination of which would affect the event of the trial.

If the Judge reserves any such question, the person convicted shall, pending the decision thereon, be remanded to jail, or, if the Judge think fit, be admitted to bail, and the High Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment and sentence as to the High Court seem fit.

102. When more charges than one are preferred against the same person, and when a conviction has been had on one or more of several charges, the prosecutor may, with the consent of the Court, withdraw, or the Court of its own accord may direct the withdrawal of the remaining charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges.

CHAPTER X

OF THE SENTENCE.

103. Every warrant for the commitment of a person to custody shall be in writing and signed and sealed by the Judge who issues it.

104. In the case of a High Court holding its sittings elsewhere than in the towns of Calcutta, Madras, or Bombay, the provisions of the Code of Criminal Procedure, Sections 303, 304, and 305 shall apply to the officers therein mentioned.

105. Whenever an offender is sentenced to pay a fine, the Court may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment.

Such warrant may be executed within the jurisdiction of the Court, and it shall authorize the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court, when endorsed by the Magistrate of the District in which such property is situate.

This section shall not apply to cases in which any special procedure is laid down, by any special or local law in force for the time being for the recovery of any fine, but shall apply to cases in which no such procedure is laid down, and to all fines not levied when this Act comes into force, but which might have been levied under this section if it had been in force when they were imposed.

106. Whenever the Court imposes a fine under any law in force for the time being, the Court may order the whole or any part of the fine to be paid in compensation,

(a) for expenses properly incurred in the prosecution;

(b) for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made, as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

In any subsequent civil proceedings relating to the same matter, the Court shall take into account any sum which may have been awarded under this section.

107. In every case punishable under any law in force for the time being with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment, the High Court shall be guided by the provisions of Sections 64, 65, 68, 69 and 70 of the Indian Penal Code in awarding the period of imprisonment in default of payment of the fine.

108. Sentences of whipping shall be executed in manner provided by the Code of Criminal Procedure, Sections 311, 312, and 313.

109. When a person is convicted, at one trial, of two or more offences punishable under the same or different sections of any law for the time being in force, the Court may sentence him, for the offences of which he has been convicted, to the several penalties prescribed by such enactment or enactments, which such Court is competent to inflict; such penalties, when consisting of imprisonment, or transportation, or penal servitude, to commence the one after the expiration of the other.

Provided that in no case shall such person be sentenced to imprisonment for a longer period than fourteen years.

110. When sentence of death or whipping is passed on an escaped convict the Court shall direct the new sentence to take effect without waiting for the expiration of the sentence from which he has escaped.

When any other sentence is passed on an escaped convict severer than the sentence from which he has escaped, the Court shall also direct the new sentence to take effect without waiting for the expiration of the sentence from which he escaped.

When the new sentence is not severer than the sentence from which he has escaped, the Court shall direct the new sentence to take effect after such convict has suffered imprisonment or transportation, or penal servitude, as the case may be, for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

When the former sentence on the escaped convict is or includes transportation or penal servitude for life and the Court does not sentence him to death, the new sentence shall direct that he be, as soon as practicable, sent back to the place from which he escaped.

* EXPLANATION.—For the purpose of this section—

(a) a sentence of transportation or penal servitude shall be deemed severer than a sentence of imprisonment,

(b) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of imprisonment without solitary confinement; and

(c) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

111 When sentence is passed on a person actually undergoing sentence of imprisonment or transportation, and the sentence is for imprisonment or transportation, the Court shall direct such imprisonment or transportation to commence at the expiration of the imprisonment or transportation to which he has been previously sentenced;

or, if he is undergoing a sentence of imprisonment, and the sentence on such subsequent conviction be for transportation or penal servitude, the Court may direct the sentence to commence immediately, or at the expiration of the imprisonment to which such person has been previously sentenced.

Provided that nothing in this section shall be held to excuse such person from any part of the punishment to which he is liable upon such former or subsequent conviction.

112. When any person under the age of sixteen years is sentenced to imprisonment for any offence, the Court may direct that such offender, instead of being imprisoned in the criminal jail, shall be confined in any reformatory established by the Local Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein,

All persons confined under this section shall be subject to the rules so prescribed.

113 When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

114 If a woman sentenced to death be found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may commute the sentence.

115. When the trial is concluded, the Court may make such order as it thinks fit for the disposal of any property produced before it, regarding which any offence appears to have been committed.

Any order under this section may be in the form of a reference to a Magistrate, who shall in such case deal with the property as if it had been seized by the Police and the seizure duly reported to him.

EXPLANATION.—In this section the term 'property' includes not only such property as has been originally in the possession or under the control of any party; but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion, or exchange, whether immediately or otherwise.

116. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General in Council, the Court may order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

CHAPTER XI

OF PREVIOUS CONVICTIONS OR ACQUITTALS

117. A person who has once been tried for an offence and convicted or acquitted of such offence, shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 20, or for which he might have been convicted under section 21.

A person convicted or acquitted of any offence may be afterwards tried for any offence for which a separate charge might have been made against him on the former trial under section 19, paragraph I.

A person convicted or acquitted of any offence in respect of any act causing consequences which, together with such act, constituted a different offence from that for which such person was acquitted or convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was acquitted or convicted.

A person convicted or acquitted of any offence in respect of any facts may, notwithstanding such acquittal or conviction, be subsequently charged with and tried for any other offence which he may have committed in respect of the same facts, if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Illustrations.

(a) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards be charged with the same theft as a servant, or, upon the same facts, with theft simply or with criminal breach of trust.

(b) A is tried upon a charge of murder and acquitted. There is no charge of robbery, but it appears from the facts that A committed robbery at the time when the murder was committed, he may afterwards be charged with, and tried for, robbery.

(c) A is tried for an assault and convicted. The person afterwards dies. A may be tried again for culpable homicide.

(d) A is tried under section 270 of the Indian Penal Code for maliciously doing an act likely to spread the infection of a disease dangerous to life and is acquitted. The act so done afterwards causes a person permanently to lose his eyesight. A may be charged, under section 325, with voluntarily causing grievous hurt to that person.

(e) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried for the murder of B on the same facts.

(f) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B, on the same facts, unless the case comes within paragraph three.

(g) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(h) A, B, and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B, and C may afterwards be charged with, and tried for, dacoity, on the same facts.

118. If the accused person has been previously convicted of any offence, and to be set out in charge if it is intended to prove such previous conviction for the purpose of affecting the punishment which is to be awarded, the fact of the previous conviction must be stated in the charge. If it is omitted, it may be added at any time before sentence is passed, but not afterwards.

119. A previous conviction or acquittal may be proved by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had, to be a copy of the finding and sentence.

CHAPTER XII.

OF CRIMINAL LUNATICS.

120. If any person committed for trial appears at his trial to the Court to be of unsound mind and incapable of making his defence, the Court shall, in the first instance, try the fact of such unsoundness of mind, and if satisfied of the fact, shall give a special judgment that the accused person is of unsound mind and incapable of making his defence; and thereupon the trial shall be postponed.

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The trial of the fact of the unsoundness of mind of the accused person shall be deemed to be part of his trial before the Court.

121. Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Court, if the offence of which he is accused be bailable, may release him on sufficient security being given that he shall be properly taken care of, and shall be prevented from doing injury to himself or to any other person, and for his appearance when required.

If the offence be not bailable, or if the required bail be not given, the Court shall report the case to the Local Government, and the accused person shall be kept in safe custody in such place as the Local Government directs.

122. Whenever a trial is postponed under section 120, the Court may at any time resume the trial, and require the accused person, if detained in custody, to be brought before the Court; or, if he has been released on security, may require his appearance.

The surety of such person shall be bound, at any time, to produce him to any officer whom the Court appoints to inspect him, and the certificate of such officer shall have the same effect as the certificate of an Inspector General of Prisons or the Visitors of Lunatic Asylums, granted under section 127.

123. If, when the accused person appears or is again brought before the Court, it appears to such Court that he is in a fit state of mind to make his defence, he shall be put on his trial.

If it appears that the accused person is still of unsound mind, and incapable of making his defence, the Court shall again act according to the provisions of section 121.

124. Whenever any person is acquitted upon the ground that, at the time at which he is charged with having committed an offence he was, by reason of unsoundness of mind, incapable of knowing the nature of the act charged or that he was doing what was wrong or contrary to law, the finding shall state specially whether such person committed the act or not.

125. Whenever such finding states that the accused person committed the act charged, the Court, before which the trial was held shall, if the act charged would, but for the incapacity found, have amounted to an offence, order him to be kept in safe custody, in such place and manner as the Court thinks fit, and shall report the case for the order of the Local Government.

The Local Government may order such person to be kept in safe custody in a Lunatic Asylum or other suitable place of safe custody.

126. When any person is confined under the provisions of section 121 or 125, the Inspector General of Prisons, if such person is

confined in a jail, or the Visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector General or by two of such Visitors as aforesaid; and such Inspector General or Visitors shall make a special report to the Local Government as to the state of mind of such person.

127. If such person is confined under section 121 and such Inspector General or Visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Court, at such time as it appoints, and the Court shall deal with him under the provisions of section 123, and the certificate of such Inspector General or Visitors as aforesaid shall be receivable as evidence.

128. If such person is confined under the provisions of section 125, and such Inspector General or Visitors as aforesaid shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon either order him to be discharged, or to be detained in custody, or to be transferred to a public Lunatic Asylum, if he has not been already sent to such an Asylum; and may appoint a commission, consisting of a judicial officer and two medical officers, whereof the chief medical officer attached to the Lunatic Asylum shall be one.

The said commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government, who may order his discharge or detention as to it may seem fit.

129. Whenever any relative or friend of any person detained under the provisions of section 125 is desirous that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend, and on his giving security to the satisfaction of such Government that the person detained shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order that the person detained be delivered to such relative or friend.

Whenever such person is so delivered, it shall be upon condition that he shall be subject to be inspected by such officer, and at such times as the Local Government directs.

The provisions of sections 126 and 128 shall apply to persons detained under the provisions of this section; and the certificate of the inspecting officer appointed under this section shall be dealt with as a certificate of the Inspector General of Prisons or the Visitors of Lunatic Asylums, under the said sections.

130. If an accused person, though not insane, cannot be made to understand the proceedings, the Court may proceed with the trial; and if such trial results in a conviction, the Court shall pass thereon such order as it thinks fit.

CHAPTER XIII.

OF PROSECUTIONS IN CERTAIN CASES.

131. A complaint of an offence punishable under Chapter VI. of the Indian Penal Code, except section 127, or punishable under section 294 A of the said Code, shall not be entertained, unless the prosecution be instituted by order of, or under authority from, the Governor General in Council or the Local Government, or some officer empowered by the Governor General in Council to order or authorize such prosecution, or unless instituted by the Advocate General.

132. A complaint of an offence of which any Judge or any public servant not removeable from his office without the sanction of the Government is accused as such Judge or public servant, shall not be entertained against him, except with the sanction or under the direction of the Government, or of some officer empowered by the Government, or of some officer or other authority to which he is subordinate, and whose power so to sanction or direct such prosecution the Government does not think fit to limit or reserve.

No such Judge or public servant shall be prosecuted for any act purporting to be done by him in the discharge of his duty, unless with the sanction of the Government.

The sanction must be given before the commencement of the proceedings.

In this section the expression 'Government' means either the Local Government or the Governor General in Council; and the expressions 'Judge' and 'public servant' have the meanings assigned to them respectively by the Indian Penal Code.

133. A complaint of any offence described in Chapter X. of the Indian Penal Code, not falling within sections 175, 178, 179 or 180 of that Code, shall not be entertained by any High Court, except with the sanction or on the complaint of the public servant concerned, or of his official superior.

134. The sanction referred to in section 133 may be expressed in general terms, and need not name the accused person, and may be given at any time.

EXPLANATION.—In cases under this chapter, the report or application of the public servant shall be deemed sufficient complaint.

135. When the Court is of opinion that there is sufficient ground for inquiring into any charge mentioned in section 133, it may, after making such preliminary inquiry as may be necessary, either commit the case itself, or may send the case for inquiry to any Magistrate having power to try or commit for trial the accused person for the offence charged.

Such Magistrate shall thereupon proceed according to law; and the Court may send the ac-

cused person in custody, or take sufficient bail for his appearance before such Magistrate; and may bind over any person to appear and give evidence on such trial or inquiry.

The Magistrate receiving the case may, if he is authorised to make transfers of cases, transfer the inquiry to some other competent Magistrate, instead of completing the inquiry himself.

CHAPTER XIV.

OF BAIL.

136. The Court may in any case direct that an accused person shall be admitted to bail, or that the bail required by a Magistrate be reduced.

137. Whenever, by reason of default of appearance of the person executing the personal recognizance, the Court is of opinion that proceedings should be had to compel payment of the penalty, mentioned in the recognizance, it shall proceed to enforce the penalty, by issuing a warrant for the attachment and sale of the moveable property belonging to such person, which may be found within its jurisdiction.

Such warrant may be executed within such limits, and it shall authorize the distress and sale of any moveable property belonging to the accused person, without such limits, when endorsed by the Magistrate of the District in which such property is situate.

138. Whenever, by reason of default of appearance by the person bailed, the Court is of opinion that proceedings should be had to compel payment of the penalty mentioned in the recognizance of the surety or sureties, it shall give notice to the surety or sureties to pay the same, or to show cause why it should not be paid.

If such penalty be not paid, and if no sufficient cause for its non-payment be shown, the Court shall proceed to recover the penalty from such surety or sureties, by issuing a warrant for the attachment and sale of any moveable property belonging to him or them which may be found within its jurisdiction.

Such warrant may be executed within such local limits, and it shall authorize the distress and sale of any moveable property belonging to the surety or sureties without such limits, when endorsed by the Magistrate of the District in which such property is situate.

If such penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement, by order of the Court, in the civil jail, during a period not exceeding six months.

Provided that the Court may, at its discretion, remit any portion of the penalty mentioned in the recognizance of the party or witness, or of the surety or sureties, and enforce payment in part only.

The Court may direct any Magistrate to levy the amount due on a forfeited bail-bond executed in respect of attendance before such Court.

Court may direct Magistrate to levy sum forfeited.

139. When any person is required to give bail the Court may permit him to deposit a sum of money or Government promissory notes to such amount as it may fix in lieu of such bail.

Deposit instead of bail.

CHAPTER XV.

OF SECURITY FOR KEEPING THE PEACE.

140. Whenever a person accused of rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such offence,

and the Court is of opinion that it is just and necessary to require such person to give a personal recognizance for keeping the peace,

the Court may, in addition to any other order passed in the case, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding three years, with a provision that, if the same be not given, he shall be kept in simple imprisonment for any time not exceeding three years, unless within such period he executes such formal engagement as aforesaid.

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance, and the imprisonment in default of executing such recognizance, shall commence on the expiration of his sentence.

141. Whenever it appears necessary to require security for keeping the peace, in addition to the personal recognizance of the party so convicted, the Court empowered to require a personal recognizance may require security in addition thereto, and may fix the amount of the security-bond to be executed by the surety or sureties; with a provision that, if the same be not given, the party required to find the security shall be kept in simple imprisonment for any time not exceeding three years.

142. Whenever a person is convicted of an offence attended with criminal force, and it appears to the Court that, by such criminal force, any person has been dispossessed of any immovable property, the Court may cause such person to be restored to possession.

No order made for this purpose shall prejudice any right over such immovable property which any person may be able to show in a civil suit.

Power to restore possession of immovable property.

CHAPTER XVI.

MISCELLANEOUS.

143. Nothing herein contained shall be deemed Saving of Acts XV. of to affect the Prisoners' Testimony Act, 1869, or the Prisoners Act, 1871.

144. The Advocate General may, with the Advocate General previous sanction of the may exhibit informa- Governor General in Council tions or the Local Government, exhibit to the local High Court, against persons subject to the jurisdiction of the said Court, informations for all purposes for which Her Majesty's Attorney-General may exhibit informations on behalf of the Crown in the Court of Queen's Bench of Exchequer.

Such proceedings may be taken upon every such information as may lawfully be taken, in case of similar informations filed by Her Majesty's Attorney-General in England, so far as the circumstances of the case and the course and practice of proceeding in the said High Courts respectively will admit.

All fines, penalties, forfeitures, debts and sums of money recovered or levied under or by virtue of any such information shall belong to the Government of India.

145. Upon charges preferred by the Advocate-General or by any Magistrate or other officer specially empowered by the Government in this behalf, persons committed to custody or held to bail shall be deemed to have been brought before the High Court in due course of law, and (subject to the provisions herein contained as to the amendment and alteration of charges, and subject also to the provisions of section 24) shall be tried upon the charges so recorded.

146. At any stage of any proceeding under this Act, before the return of the verdict, the Advocate-General may, if he think fit, inform the Court on behalf of Her Majesty that he will not further prosecute the defendant upon the information or charge; and thereupon all proceedings and such information or charge against the defendant shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal.

147. Whenever it appears to the High Court of Judicature at Fort William, Madras or Bombay that the direction herein-after mentioned will promote the ends of justice, it may direct the transfer to itself of any particular case from any criminal court situate within the local limits of its ordinary original criminal jurisdiction, and the High Court shall have power to determine the case so transferred, and to quash or affirm any conviction or other proceeding which may have been had therein, but so that the same be not quashed for want of form, but on the merits only.

148. Any of the High Courts of Judicature at Fort William, Madras, and Bombay may, whenever it thinks fit, direct—

- (a) that a prisoner, legally committed and within the local limits of its ordinary original criminal jurisdiction, be brought up before it to be bailed;
- (b) that a person within such limits be brought up before the Court to be dealt with according to law;
- (c) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;
- (d) that a prisoner detained in any gaol situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;
- (e) that a prisoner detained as aforesaid be brought before a Court Martial or any Commissioners acting under the authority of any commission from the Governor-General in Council, for trial, or to be examined touching any matter depending before such Court Martial or Commissioners respectively;
- (f) that a prisoner within such limits be removed from one custody to another for the purpose of trial;
- (g) that the body of a defendant within such limits may be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment;

and neither the High Court nor any Judge thereof shall hereafter issue any writ of *habeas corpus* for any of the above purposes.

Each of the said High Courts shall, as soon as conveniently may be, frame rules to regulate the procedure in cases under this section, and till such rules are framed, the practice of such Courts as to the obtaining, granting and serving of writs of *habeas corpus*, and as to the returns thereto, shall apply in such cases.

Nothing in this section applies to persons detained under Bengal Regulation III of 1818, Madras Regulation II of 1819, or Bombay Regulation XXV of 1827, or the Acts of the Governor-General in Council No. XXXIV. of 1850 or No. III. of 1858.

149. Affidavits and affirmations to be used before any High Court or any officer of such Court, may be sworn and affirmed before such Court or the Clerk of the Crown, or any Commissioner or other person appointed by such Court for that purpose, or any Judge or Commissioner for taking affidavits in any Court of Record in British India, or any Commissioner to administer oaths in Chancery in England or Ireland, or any Magistrate authorised to take affidavits or affirmations in Scotland.

150. Every High Court in the exercise of its original criminal jurisdiction shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them.

But the presiding Judge may, if he thinks fit, order that, during the trial of any particular case, no person shall have access to, or he, or remain

in, the room or building used by the Court, without the consent or permission of the Court

151. In the case of offences which may lawfully be compounded, injured persons may compound the offence out of Court, or in Court with the permission of the Court

Such withdrawal from the prosecution shall have the effect of an acquittal of the accused person.

152 Every Judge of a High Court shall, by virtue of his office, be a Justice of the Peace within and for the whole of British India.

153 Cases pending, when this Act comes into force, in any High Court in the exercise of its original criminal jurisdiction, shall be decided, as far as may be, according to the procedure provided in this Act.

SCHEDULE.

(See Section 2.)

ACTS

No. and year	Subject or Title.	Extent of Repeal.
XXXI of 1838	Supreme Courts, Criminal Law.	So much as has not been repealed
XXII of 1839.	An Act for enabling persons charged with offences to make their defence more effectually	So much as has not been repealed.
IV. of 1849	Criminal lunatics	So much as has not been repealed
XVI of 1852	An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company	So much as has not been repealed.
XVIII of 1859	An Act to amend the law relating to offences declared to be punishable on conviction before a Magistrate	So much as has not been repealed
XVIII of 1862	An Act to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof with amendments, and further to improve the administration of Criminal Justice in Her Majesty's Supreme Courts of Judicature	Sections 1 to 25 (both inclusive) and Sections 36 to 46 (both inclusive) and Sections 54, 55, and 56
XIII of 1865	An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presidency Towns	So much as has not been repealed
IV. of 1866	An Act to amend the constitution of the Chief Court of Judicature in the Panjab and its Dependencies.	Sections 21 to 41 (both inclusive), and section 20, except the first twenty-two words

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THE SCHEDULE—concluded

ACTS—concluded

No and year.	Subject or Title.	Extent of Repeal
XVI of 1866	An Act to relieve the Governor General of India in Council from the duty of signing the commissions mentioned in sections 22 and 44 of the High Courts Criminal Procedure Amendment Act, 1865.	The whole
XXIV of 1866.	An Act to amend the procedure of the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William	Sections 2 to 17 (both inclusive).
XIII. of 1869.	An Act further to amend the procedure of the High Court of Judicature for the North-Western Provinces.	Sections 1 and 2, and so much of sections 3 and 4 as relates to criminal jurisdiction
XXII of 1870	An Act to confirm certain laws affecting European British subjects.	Section three.

STATUTES.

No. and year	Title or abbreviated Title.	Extent of Repeal.
13 Geo III, c. 63.	An Act for establishing certain Regulations for the better management of the affairs of the East India Company, as well in India as in Europe	Section 34 In Section 38 the words "and the Chief Justice and other Judges of the said Supreme Court of Judicature"
33 Geo III, c. 52.	An Act whose title begins with the words An Act for continuing, and ends with the words and Bombay	Sections 153 and 154
53 Geo III, c. 155	An Act whose title begins with the words An Act for continuing, and ends with the words Company's Charter	Sections 100, 102, 103.
9 Geo. IV, c. 74.	An Act for improving the administration of Criminal Justice in the East Indies.	The whole Act except sections one, seven, eight, nine, twenty-five, twenty-six, and fifty six.

WHITLEY STOKES,

Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 8th April 1875.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1875, and was promulgated for general information in the *Gazette of India* of 20th March 1875.—

Act No. XII of 1875.

THE INDIAN PORTS ACT, 1875.

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THE FIRST SCHEDULE —Ports, vessels chargeable, rate of Port-dues, and frequency of payment.

THE SECOND SCHEDULE —Enactments repealed.
An Act to consolidate and amend the Law relating to Ports and Port-dues

WHEREAS it is expedient to consolidate and amend the law relating to Ports and Port-dues;
 Preamble. to Ports and Port-dues;
 It is hereby enacted as follows —

CHAPTER I

PRELIMINARY.

1. This Act may be called "The Indian Ports Short title. Act, 1875."

2 It shall extend—

(a) to the ports mentioned in the first schedule hereto annexed, and to Present local extent such parts of the navigable rivers and channels leading to such ports respectively as have been declared to be subject to Act No XXII. of 1855 (*for the Regulation of Ports and Port-dues*),

(b) to the other ports or parts of rivers or channels to which the Local Government, in exercise of the power hereinafter conferred, applies the provisions of this Act

But nothing herein contained shall—

(c) apply to any vessel belonging to, or in the service of Her Majesty, or the Government of India, or to any vessel of war belonging to any Foreign Prince or State,

(d) deprive any person of any right of property or other private right except as hereinafter expressly provided, or

(e) affect any law or rule relating to the Customs, or any order or direction lawfully made or given pursuant thereto.

And nothing contained in any of the following sections (namely), thirty-eight, thirty-nine, forty and forty-one, shall apply to any port, river or channel to which such section has not been specially extended by the Local Government.

3 The Acts mentioned in the second schedule hereto annexed shall be Repeal of Acts. repealed to the extent specified in the third column thereof

Every declaration, appointment, or rule made under any such Act and now in force shall be deemed to have been made under this Act

The references made to any Act or provision of an Act hereby repealed shall be read as if made to this Act or the corresponding provision of this Act, as the case may be

4 In this Act, unless there be something repugnant in the subject or Interpretation-clause context—

“Vessel” includes anything made for the conveyance by water of human beings, or of property

“Master,” when used in relation to any vessel means any person (except a Pilot or Harbour Master) having for the time being the charge or control of such vessel

“Pilot” means a person for the time being authorized by the Local Government to pilot vessels

“Owner” includes also any agent to whom a vessel is consigned.

“Gunpowder,” includes also rockets and other combustable ammunition

“Magistrate” means a person exercising powers under the Code of Criminal Procedure not less than those of a Magistrate of the Second Class, and includes, in the Towns of Calcutta, Madras and Bombay, a Magistrate of Police; and

“Port” includes also any part of a river or channel in which this Act is for the time being in force

CHAPTER II

OF THE POWERS OF THE LOCAL GOVERNMENT.

5 With the previous sanction of the Governor General in Council, the Local Government may from time to time, by notification in the official Gazette,

(a) extend this Act to any port or to any part of any navigable river or channel leading thereto in which this Act is not in force,

(b) extend specially the provisions of any of the following sections (namely), thirty-eight, thirty-nine, forty and forty-one, to any port or to any part of any such river or channel to which such provisions have not been so extended,

(c) withdraw this Act from any port or any part thereof in which it is for the time being in force —

Provided that every notification under clause (a) or clause (b) of this section may define the limits of the port, river or channel, to which it refers, and that such limits may extend to high-water-mark

Such limits may include any piers, jetties, landing-places, wharfs, quays, docks, and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance and good government of such port, river or channel, whether within or without high-water-mark, and (subject to any rights of private property therein) any portion of the shore or bank within fifty yards of such line

EXPLANATION —In this section ‘high-water-mark’ means the highest point reached by ordinary spring-tides at any season of the year

6 The Local Government may, from time to time, with the like sanction, and subject to the rights referred to in section five, alter the limits of any port, in which this Act may be in force, and declare or describe, by notification in the official Gazette or by means of maps, posts or otherwise, the precise extent of such limits.

7 The Local Government may, from time to time, make such rules, consistent with this Act, as it may think necessary for any of the following purposes, namely,—

(a) for regulating the time at which, and the manner in which, vessels entering or leaving Port shall enter into or go out of any port subject to this Act.

(b) for regulating the berths, stations, and anchorages to be occupied by vessels in any such port.

(c) for striking the yards and top-masts, and striking yards, &c. for rigging-in the booms and yards, of vessels in any such port and for swinging or taking in davits, boats and other things projecting from such vessels

(d) for the removal or proper hanging or removal of anchors, &c. placing of anchors, spars, and other things, in or attached to vessels in any such port

(e) for regulating vessels whilst taking in or taking in or discharging ballast or ing ballast cargo, or any particular kind of cargo, in any such port, and the stations to be occupied by vessels whilst so engaged

(f) for keeping free passages of such width as keeping free passage may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharfs, quays, docks, moorings, and other works in, or adjoining to the same, and for marking out the spaces so to be kept free

(g) for regulating the anchoring, fastening, regulating the anchoring, fastening, and unmooring of vessels in any such port.

(h) for regulating the moving and warping of all vessels within any such port and the use of warps thereon

(i) for regulating the use of the mooring buoys, chain and other moorings, in any such port.

(j) for fixing from time to time the rates to be paid for the use of such moorings when belonging to Government, or of any boat, hawser, or other thing belonging to Government

(k) for licensing and regulating cargo and other boats, and catamarans plying for hire in any such port

(l) for regulating the use of fires and lights fires and lights within any such port :

(m) for enforcing and regulating the use of signal-lights by vessels at night in any such port :

(n) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port :

(o) for fixing the limits within which vessels shall be prohibited from possession of gun-powder, having on board in any such port any quantity of gun-powder in excess of such quantity as the Local Government prescribes in this behalf

CHAPTER III.

OF PORT OFFICERS, THEIR POWERS AND DUTIES.

8 The Local Government shall appoint some officer or body of persons to be Conservator of every port subject to this Act, and may suspend or remove such officer or body

Subject to any direction by the Local Government to the contrary—

(a) in ports where there is a Master Attendant, such Master Attendant shall be the Conservator.

(b) in ports where there is no Master Attendant, but where there is a Harbour-Master, such Harbour-Master shall be the Conservator

Where the Harbour-Master is not Conservator, the Harbour-Master and his Assistants shall be subordinate to, and subject to the control of, the Conservator

The Conservator shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint

9. The Conservator of any port subject to this Act may, in respect of any vessel within such port, give directions for carrying into effect any port-rule for the time being in force therein.

Whoever wilfully, and without lawful excuse, refuses or neglects to obey any lawful direction of such Conservator, after notice thereof has been given to him, shall, for every such offence, be punished with fine which may extend to one hundred rupees, and with a further fine which may extend to one hundred rupees for every day on which he wilfully continues to disobey such direction,

and, in case of such refusal or neglect, the said Conservator may do, or cause to be done, all acts necessary for the purpose of carrying such direction into execution, and may hire and employ proper persons for that purpose, and all reasonable expenses incurred in doing such acts, shall be paid by the person so offending

Expenses caused thereby to be paid by offender that purpose, and all reasonable expenses incurred in doing such acts, shall be paid by the person so offending

Any written notice of a direction given under this Act, left for the Service of written notice Master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of such vessel, shall, for the purposes of this Act, be deemed to have been given to the Master thereof.

10 The Conservator of any such port may, in case of urgent necessity, Power to cut warps, ropes, &c. cut, or cause to be cut, any warp, rope, cable or

hawser, endangering the safety of any vessel in such port, or at or near to the entrance thereof

11. The Conservator may remove, or cause to be removed, any timber, or obstruction, raft, or other thing floating or being in any part of any such port, which obstructs or impedes the free navigation thereof; or anything which obstructs or impedes the lawful use of any pier, jetty, landing-place, wharf, quay, dock, mooring, or other work, on any part of the shore or bank which has been declared to be within the limits of such port, and is not private property,

and the owner of any such timber or raft or other thing shall be liable to pay the reasonable expenses of such removal,

and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such navigation, he shall also be punished with fine which may extend to one hundred rupees

And the Conservator or any Magistrate having jurisdiction over the offence may cause such nuisance to be abated

12. If the owner of any such timber or raft or the person who has caused any such obstruction, impediment, or public nuisance as is mentioned in section eleven, neglects to pay the expense of the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the official Gazette, or in such other manner as the Local Government by general or special order directs, such expenses may be recovered in the same manner as any fine under this Act,

and the Conservator may cause such timber, raft, or other thing, or the materials of any nuisance or obstruction so removed, to be sold by public auction,

and may retain all the expenses of such removal and sale out of the proceeds of such sale, and shall pay the surplus of such proceeds or deliver so much of the said timber or other materials as may remain unsold, to the person entitled to receive the same,

and, if no such person appears, shall cause the same to be kept and deposited in such manner as the Local Government directs,

and may, if necessary, from time to time, realize the expenses of keeping the same, together with the expenses of such sale, by a further sale of so much of the said timber or other materials as may remain unsold.

13. If any obstruction or impediment to the navigation of any port, subject to this Act, has been lawfully made, or

IV.—25 m

has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the Conservator shall report the same for the information of the Local Government, and shall, with the sanction of such Government, cause the same to be removed or altered, making to the person suffering damage by such removal or alteration reasonable compensation for the same

Every dispute arising concerning such compensation, shall be determined according to the law relating to like disputes in the case of land required for public purposes

14. If any vessel hook or get foul of any of the buoys or moorings laid down by or by the authority of the Local Government in any such port, the Master of such vessel shall not, nor shall any other person, except in the case of emergency, lift such buoy or mooring for the purpose of unhooking or getting clear from the same, without the assistance of the Conservator,

and the Conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel,

and the Master of such vessel shall, upon demand, pay such reasonable expense as may be incurred in clearing the vessel

Any Master offending against the provisions of this section shall for every such offence be punished with fine which may extend to one hundred rupees

15. If any vessel be wrecked, stranded or sunk, in any such port, so as to impede or be likely to impede the navigation thereof, the Conservator may cause the same to be raised, removed, or destroyed,

and may recover the same on behalf of the Local Government in the manner provided by section forty-four

16. The Conservator or any of his Assistants may, whenever he suspects that any offence has been, or is about to be, committed contrary to this Act, or whenever it is necessary for him so to do in the discharge of any duty hereby imposed upon him,

and the Collector of Customs, or other officer appointed to collect any Port-dues or other charges payable in respect of any vessel under this Act, may, whenever it is necessary so to do, for the performance of any duty hereby imposed upon such Collector or other officer,

either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port, subject to this Act.

If the Master of such vessel, or if any person in possession or occupation of any such building or place, without lawful excuse refuse to allow any

officer or other person to board or enter such vessel, building or place for the performance of any duty imposed upon him by this Act, he shall for every such offence be punished with fine which may extend to two hundred rupees

17. For the purpose of preventing or extinguishing fire in any port subject to this Act the Conservator may require the Master of any ship within the port to place at his disposal such number as he requires, not exceeding three-fourths of the crew then under the orders of such Master

Any Master refusing or neglecting to comply with such requisition shall be punished with a fine which may extend to five hundred rupees, and any seaman then under his orders who after being directed by the Master to obey the Conservator's orders for the purpose aforesaid refuses to obey such orders shall be punished with fine which may extend to twenty-five rupees

18. All acts, orders or directions by this Act authorized to be done or given by any Conservator may, subject to his control, be done or given by any Harbour-Master or any Assistant of such Conservator or Harbour-Master,

and any person hereby authorized to do any act may call to his aid such assistance as may be necessary

19. The Government shall not be answerable for any act or default of any Master Attendant, Harbour-Master, or other Conservator of any port, subject to this Act, or of any Pilot; or of any Deputy or Assistant of any of the officers above-mentioned, or of any person acting under the authority or direction of any such officer or Assistant, done within the limits of such port,

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to Government, within the said limits, which may be used by such vessel.

Provided that nothing in this section shall protect the Secretary of State for India in Council from a suit in respect of any act done by or under the express order or sanction of Government.

CHAPTER IV

RULES FOR THE SAFETY OF SHIPPING AND THE PRESERVATION OF PORTS

20. No person shall without lawful excuse lift, injure, loosen, or set adrift any buoy, beacon, or mooring, fixed or laid down by or by the authority of the Local Government in any port, subject to this Act

Whoever offends against the provisions of this section shall, for every such offence, be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand

rupees, or to imprisonment for a term which may extend to two years

21. Whoever wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port, without leave or authority from the owner or Master of such vessel, shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

22. No ballast or rubbish, and no other thing likely to form a bank or shoal, or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port, or into or upon any place on shore, from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods

Whoever by himself or another so casts or throws the same, and the Master of any vessel from which the same is cast or thrown, shall be punished with fine which may extend to five hundred rupees over and above any expenses which may be incurred in removing the same. If after receiving notice from the Conservator of the port to desist casting or throwing any such ballast or other thing, any Master continues so to cast or throw it, he shall also be liable to simple imprisonment for a term which may extend to two months

Nothing in this section applies to any case in which such ballast or other thing is cast or thrown into any such port, with the consent in writing of the Conservator, or within any limits within which such act may be authorized by the Local Government

23. If any person grave, bream, or smoke any vessel in any such port, contrary to the directions of the Conservator, or at any time or within any limits at or within which such act is prohibited by any order of the Local Government, such person, and also the Master of such vessel, shall for every such offence be punished with fine which may extend to five hundred rupees.

24. If any person boil or heat any pitch, tar, resin, dammer, turpentine, oil, or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the Local Government or contrary to the order or directions of the Conservator, such person, and also the Master of any vessel on board which such offence is committed, shall for every such offence be punished with fine which may extend to two hundred rupees

25. If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port, subject to this Act, such person, and also the Master of every such vessel, shall for every such offence be punished with fine which may extend to two hundred rupees.

26 Every Master of a vessel in any port subject to this Act shall, when required so to do by the Conservator, permit warps to be made fast to such vessel for the purpose of warping any other vessel in the port and shall not allow any such warp to be let go until required so to do

Any Master offending against the provisions of this section shall be punished for every such offence with a fine which may extend to two hundred rupees.

27 No Master of any vessel shall cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act, after sun-set, in such a manner as to endanger the safety of any boat or other vessel, navigating in such port.

Any Master offending against the provisions of this section shall be punished for every such offence with fine which may extend to two hundred rupees

Gunpowder.

28 The Local Government shall appoint a proper place in which gunpowder in excess of the quantity allowed by rule under section seven, clause (c), for any ship in any port subject to this Act, shall be deposited, and shall also appoint an officer to receive the same.

29 The Local Government may, in such case by order, fix the times at which, and the manner in which, such gunpowder shall be landed and deposited by any vessel inward bound, and also the times at or within which, and the manner in which, the same shall be taken on board any vessel from such place of deposit

30 The Master of such vessel shall, upon such gunpowder being deposited, make and sign a declaration in writing that there is not then, to his knowledge or belief, on board such vessel any gunpowder exceeding the quantity allowed by the rule last aforesaid.

31. The officer, with whom such gunpowder is deposited, shall give a receipt for the same to the Master or other person making the deposit, and he shall be accountable to such Master or other person for the re-delivery of the same

32 If any vessel be prevented by stress of weather from landing or depositing such gunpowder, in excess of the quantity allowed as aforesaid, the master or owner of such vessel shall, so soon as the weather permits, land and deposit the same at the place so appointed as aforesaid, or shall forthwith give notice to the Conservator, or other officer named for that purpose by any order of the Local Government, of his having such gunpowder on board, and shall obey his directions relating to the same.

33. The Local Government may also, in respect to such port, by order, fix the times and places at which, and the manner in which, vessels outward bound, requiring to take in any gunpowder, exceeding the quantity above mentioned, shall take in the same, whether such gunpowder has been previously landed from such vessel or not.

34 The Master of any vessel having on board any gunpowder, contrary to the provisions of this Act, shall for every such offence be punished with fine which may extend to two hundred rupees,

and all gunpowder on board any vessel, contrary to the provisions of this Act, shall be forfeited to Government, and may be seized by the Conservator, or by any Collector of Customs, or by any Custom House officer, or other officer authorized in that behalf by the Local Government, within the limits of their respective jurisdictions

35. Whoever, without lawful excuse, discharges any gun, musket, or other fire-arm in any port subject to this Act, or on or from the landing-places, piers, wharfs, or quays thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the Local Government, shall, for every such offence, be punished with fine which may extend to fifty rupees.

Extinguishment of Fires

36. The master of any vessel in which fire takes place while lying in any port, who wilfully omits to take order to extinguish such fire, shall be punished with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Inflammable Oil.

37 The Local Government may from time to time make rules for regulating

(a) the prevention of injury from fire in ports and places at which vessels entering port with inflammable oil on board are to be moored,

(b) the mode in which such oil shall be landed from or shipped on board of such vessels

Explanation.—"Inflammable oil" includes petroleum, benzole, kerosine and any oil or product of oil that gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer

Special Rules.

38 No vessel of the burden of two hundred tons or upwards, shall be moved in any port to which this section has been specially extended without having a Pilot,

Harbour Master or Assistant of the Master Attendant or Harbour-Master on board, and no vessel of any burden less than two hundred tons and exceeding one hundred tons shall be moved in any such port without having on board a Pilot, Harbour-Master, or Assistant of the Master Attendant or Harbour-Master, unless authority in writing so to do has been obtained from the Conservator or some officer empowered by him to give such authority

If any vessel, except in case of urgent necessity, be moved contrary to the provisions of this section, the master of such vessel shall for every such offence be punished with fine which may extend to two hundred rupees, unless upon application to the proper officer the master be unable to procure a Pilot, Harbour-Master or Assistant of the Master Attendant or Harbour-Master to go on board the said vessel

39. Every vessel exceeding the burden of two hundred tons and lying in any such port shall be provided with force-pump, &c. provided with a proper force-pump, hose and appurtenances, for the purpose of extinguishing any fire that may occur on board.

The master of every such vessel who, having been required by the Conservator to comply with the provisions of this section, without lawful excuse neglects or refuses so to do for the space of seven days after such requisition, shall be punished with fine which may extend to five hundred rupees

40. No person, unless duly authorized by the Conservator, shall sweep in any such port for anchors, cables or other stores lost or supposed to be lost therein

Whoever offends against the provisions of this section shall be punished with fine which may extend to one hundred rupees

41. No person shall, without the permission of the Conservator, remove or carry away any rock, stones, shingle, gravel, or soil, or any artificial protection from any part of the bank or shore of any such port,

and no person shall sink or bury in any part of such bank or shore, whether the same be public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the said Conservator, and with the aid or under the inspection of such person (if any) as he may appoint to take part in or overlook the performance of such work

Whoever offends against the provisions of this section shall for every such offence be punished with fine, which may extend to one hundred rupees, and shall pay the expenses of repairing the injury (if any) done by him to such bank or shore

Publication of Orders

42. Every declaration, order and rule of a Local Government, made in pursuance of this Act, shall be published in the

Official Gazette, and a copy thereof shall be fixed up in some conspicuous place in the office of the Conservator of every port to which such order relates and in the Custom House, if any, of every port subject to this Act.

Whoever disobeys any such order or rule shall be liable to a fine not exceeding one hundred rupees for every such offence

And in the case of disobedience to any rule made under section thirty-seven the owner or master of the vessel concerned shall also be punished with a fine not exceeding two hundred rupees, for each day during which such rule is disobeyed

CHAPTER V

OF SALVAGE IN PORTS

43. If any anchors, wreck, stores, or other property be recovered by any officer employed by the Local Government for that purpose, from the surface, bed or shore of any port subject to this Act, the Local Government shall be entitled to receive a reasonable sum for salvage, having regard to the place of recovery

A register shall be kept of all property so recovered, in such manner and at such place as the Local Government may direct

It shall contain a description of such property, and of the times and places where the same has been recovered;

and it shall be open to public inspection at reasonable office hours, except on Sundays and such holidays as the Local Government may direct

44. If the property recovered under the last preceding section, or by a Conservator acting under section fifteen, is unclaimed,

or if the person claiming the same fails to pay the amount due to the Local Government in respect thereof,

such property may be sold by public auction if of a perishable nature, forthwith, and if not of a perishable nature, at any period not less than six months after the recovery thereof,

and on the realization of the proceeds, the amount due to the Local Government for salvage or for the expenses incurred under section fifteen, shall be deducted therefrom, and credited to the Local Government, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appear and claim the same, shall be held in deposit for payment, without interest, to any person thereafter establishing his right to the same

Provided that he makes his claim within one-year from the date of the sale

CHAPTER VI

OF PORT-DUES AND CHARGES.

45 In each of the ports mentioned in the first schedule hereto annexed, ^{Levy of Port-dues} such port-due not exceeding the amount specified for such port in the third column of the same schedule as the Local Government from time to time directs shall be levied on vessels entering the same port and described in the second column of the same schedule, but not oftener than the time fixed for such port in the fourth column of the same schedule

Whenever the Local Government with the previous sanction of the Governor General in Council has declared or hereafter declares any port to be subject to this Act, it may, with the like sanction, by the same or any subsequent declaration, further declare—

(a) the maximum amount of dues to be levied on vessels entering such port,

(b) the conditions and modifications under which such dues shall be levied;

and may also, from time to time, with the like sanction, vary such conditions and modifications, and such dues shall be levied accordingly

All port-dues now leviable in any of the said ports shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section.

No port-dues or fees shall hereafter be levied in any port except under the authority of this Act

No order increasing or imposing port-dues under this section shall take effect until the expiration of sixty days from the day on which such order has been published in the local official Gazette

46. The Local Government may, from time to time, exempt the vessels ^{Local Government may vary Port-dues} entering any port subject to this Act from the levy of port-dues and cancel such exemption, or it may from time to time vary the rate at which port-dues shall be levied in any such port, in such manner as having regard to the receipts and charges on account of that port, it thinks expedient, by reducing or raising the dues, or any of them :

Provided that the rates shall not in any case exceed the amount authorized to be taken by this Act

47 For every port at which port-dues are levied under this Act, a ^{Proviso} distinct account, to be called ^{Accounts of Port dues.} the Account of the Port Fund of the port to which it relates, shall be kept by such officer as the Local Government may appoint for that purpose.

This account shall show in complete detail the receipts and charges of the port, and an abstract statement of every such account shall be published annually, as soon after the first of May of each year as may be practicable, in which statement the balance at the close of the year at the credit or debit of the port shall be shown.

If, for any of the purposes of this Act, an advance of money has been or shall be made by Government on account of any port subject to this

iv.—25 n

Act, simple interest upon that advance, or upon so much of it as remains or shall remain unrepaid, at such rate as the Governor General in Council may determine, shall be charged in the Port Fund Account thereof

All expenses, including the pay and allowances of all persons upon the establishment of the port, the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in, or entering, or leaving the port, or passing through the rivers or channels leading thereto, but excluding receipts and expenses on account of Pilotage, incurred for the sake of every such port, shall be charged in the Port Fund Account of that port

And all money, including salvage-money, proceeds of waifs, and fines, received under this Act, at or on account of every such port, shall be credited in the Port Fund Account of that port

The Local Government may direct that for the purposes of this section any number of ports shall be regarded as constituting a single port, and thereupon all sums received on account of port-dues at any of the same ports shall form a common fund which shall be available for the payment of all charges incurred on account of any of the same ports, and such balance as may remain after payment of such expenses may be temporarily invested in such manner as the Local Government may from time to time direct.

48. The Collector of Customs at every such Collection of Port-dues port, or such other officer as the Local Government appoints in this behalf, shall collect the Port-dues above mentioned

The officer to whom any such port-dues are paid, shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the port-dues are paid, and the name, tonnage and other proper description of the vessel in respect of which such payment is made.

49. Within twenty-four hours after the arrival ^{Master to report arrival} within the limits of any port subject to this Act of any vessel liable to the payment of port dues under this or any subsequent Act, the Master of such vessel shall report such arrival to the Conservator of such port.

Any Master without lawful excuse failing to make such report within the time aforesaid shall for every such offence be punished with fine which may extend to one hundred rupees.

Nothing in this section applies to tug-steamers, ferry-steamers or river-steamers plying in any of the ports subject to this Act

50 If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern posts thereof for denoting her draught, the Conservator may cause the same to be ascertained by means of the operation of hooking, and the Master of such vessel shall be liable to pay the expenses of such operation.

^{Conservator may in certain cases ascertain draught, and charge expense to Master}

51. In order to ascertain the tonnage of any vessel liable to pay port-dues, the following rules shall be observed.—

(a)—If such vessel be a British registered vessel, or a vessel registered under Act No X of 1841, or Act No XI of 1850, or under the laws for the time being in force for the registration of vessels in India, the Conservator may require the owner or Master of such vessel, or any person having possession of her register, to produce such register for inspection. If any such owner, Master, or other person neglect or refuse to produce such register, or otherwise to satisfy the Conservator as to what is the true tonnage of the vessel in respect of which such port-dues are payable, he shall be punished with fine which may extend to one hundred rupees, and the Conservator may cause such vessel to be measured, and the tonnage thereof to be ascertained, and in such case the owner or Master of such vessel shall also be liable to pay the expenses of such measurement

(b)—If such vessel be not a British registered vessel, or a vessel registered under Act No X of 1841, or Act No XI of 1850, or under the laws for the time being in force for the registration of vessels, in India, and the owner or Master thereof fail to satisfy the Conservator as to what is her true tonnage according to the mode of measurement prescribed by the law in force for the time being for regulating the measurement of British registered vessels, the Conservator shall cause such vessel to be measured and the tonnage thereof, according to the mode aforesaid, to be ascertained, and in such case the owner or Master of such vessel shall be liable to pay the expenses of such measurement

52 If the Master of any vessel, in respect of which any port-dues or charges are payable under this Act, refuses or neglects to pay the same on demand, the Collector of Customs, or other person authorized to collect such port-dues, fees or charges, may distrain or arrest such vessel; and the tackle, apparel, and furniture belonging thereto, or any part thereof, and detain the same until the amount due is paid;

and in case any part of the said port-dues or charges, or of the costs of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest so made, the Collector of Customs, or other such person as aforesaid, may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale may satisfy the port-dues, charges, and costs, including the costs of sale remaining unpaid, and shall render the surplus (if any) to the Master of such vessel upon demand

53. The officer of Government, whose duty it is to grant a port-clearance for any vessel, shall not grant such clearance—

(a) until her owner or Master, or some other person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and charges and of all fines, penalties, and expenses to

which such vessel, or her owner or Master, is liable under this Act;

(b) until all expenses, which by the Merchant Shipping Act, 1854, section 228, are to be borne by her owner, incurred since her arrival in the Port from which she seeks clearance, have been duly paid

54. If the Master of any vessel in respect of which any port-dues or charges are payable causes her to leave any port without having discharged such dues, fees or charges, the Collector of Customs or other officer authorized to collect the same may require in writing the Collector of Customs or other officer as aforesaid, in any other port in British India to which she may proceed or in which she may be, to levy such dues or charges.

Every Collector or other officer to whom such requisition shall be directed shall proceed to levy such dues or charges in the manner prescribed in section fifty-two, and a certificate purporting to be made and signed by the Collector of Customs or other officer as aforesaid of the port where the port-dues or charges became payable, stating the amount so payable, shall be sufficient *prima facie* proof of such amount in any proceeding under the said section, and also (in case the amount payable is disputed) in any subsequent proceeding under section seventy

55 If the Master of any such vessel evades the payment of any port-dues, fees or charges payable under this Act, he shall be liable on conviction to a penalty not exceeding five times the amount so payable.

In any proceeding before a Magistrate for the adjudication of such penalty, any such certificate as is mentioned in section fifty-four stating that the Master has evaded such payment, shall be sufficient *prima facie* proof of the evasion, unless the Master shows to the satisfaction of the Magistrate that the departure of the vessel without having discharged the dues or charges payable was caused by stress of weather, or that there was lawful or reasonable ground for such departure

Any Magistrate having jurisdiction under this Act in any port, to which the vessel may proceed or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

56 Vessels entering any port subject to this Act (other than the ports in British Burma) in ballast and not carrying passengers, shall be charged with a port-due not exceeding three-fourths of the port-due with which they would otherwise be chargeable.

57. When any vessel enters any port, subject to this Act, but does not discharge or take in any cargo or passenger therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), the port-due chargeable in respect of such vessel shall be at a rate equal to one-half the rate chargeable in respect of other vessels.

Provided that no vessel entering any of the ports subject to the Governor of Fort St. George in Council and leaving the same within forty-eight

hours without discharging or taking in any passengers or cargo, shall be charged with any port-dues.

58. No port-due shall be chargeable in respect of any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage

Hospital Port-dues.

59. The Local Government may, from time to time, by notification in the official *Gazette*, order that there shall be paid in respect of every ship entering any port subject to this Act, within a reasonable distance of which there may be a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the Local Government thinks fit

Such port-dues shall be called Hospital Port-dues. No order imposing or increasing Hospital Port-dues shall take effect until the expiration of sixty days from the day on which such order has been published in the official *Gazette*

Whenever the Local Government is satisfied that proper provision has been made by the owners or agents of any ship or class of ships for giving medical aid to the seamen employed on board such ship or class of ships, it may, by notification in the official *Gazette*, exempt such ship or class of ships from any payment under this section. The Local Government may, by like notification, withdraw any such exemption

60. Such Hospital Port-dues shall be applied, as the Local Government may direct, to the support of any such hospital or dispensary as aforesaid or otherwise for providing sanitary superintendence and medical aid for the shipping in such port and for the seamen belonging to such ships, whether such seamen are ashore or afloat

Fees for certain Services

61. Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, re-mooring, hooking, measuring, and other services rendered to vessels at such rates as the Local Government may, from time to time, direct.

Provided that, in the case of fees for pilotage, the previous sanction of the Governor General in Council has been obtained

The fees now chargeable for such services shall continue to be chargeable, unless and until they are altered in exercise of the power conferred by the former part of this section

CHAPTER VII.

OF HOISTING SIGNALS.

62. The Master of every inward or outward bound vessel, on arriving within signal-distance of any signal-station established within the limits of the river Hugh or within the limits of any part of a river or channel subject to this Act shall, on the requisition of the Pilot in charge of the vessel, signify the name of the vessel

by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal station

63. Any Master of a vessel arriving as aforesaid, who refuses or neglects to conform to the above rule, shall be liable on conviction, for each instance of such refusal or neglect, to a fine not exceeding one thousand rupees.

64. Every Pilot in charge of a vessel shall require the number of the vessel of which he is in charge to be duly signalled as provided under section sixty-two

When, on a requisition from the Pilot to that effect, the Master of a vessel refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the Pilot in charge of such vessel may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with

65. Any Pilot in charge of a vessel, who disobeys, or abets within the meaning of the Indian Penal Code disobedience to, any of the provisions of this Chapter, shall be liable to a penalty not exceeding five hundred rupees for each instance of such disobedience or abetment, and in addition shall be liable to dismissal from his appointment

CHAPTER VIII

OF PENALTIES.

66. All offences against this Act shall be triable by a Magistrate. And any Magistrate may, by warrant under his hand, cause the amount of any such penalty imposed upon the owner or Master of any vessel, for any offence committed on board of such vessel, or in the management thereof, or otherwise in relation thereto, whereof such owner or Master is convicted to be levied by distress and sale of such vessel, and the tackle, apparel, and furniture thereof, or so much thereof as is necessary

67. In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of such conviction, in addition to any fine or expenses to which he may be liable.

Such costs may be assessed by the Magistrate, and may be levied and recovered in the same manner as any fine under this Act.

68. Whenever any person is liable, under the provisions of this Act, to pay any sum of money, damages, or expenses not exceeding one thousand rupees, the same may be recovered, and levied in the same manner as any fine under this Act, and, if necessary, the amount thereof may be fixed and assessed by the Magistrate before whom the case is tried.

69. Whenever any fine, damages or expenses are levied under this Act, by distress and sale,

the costs of such distress and sale may be levied, in addition to such fine, damages or expenses and in the same manner.

70. If any dispute arise concerning the amount leviable by any Magistrate to determine the amount to be levied in case of dispute under this Act, or the charges or costs payable under the last preceding section, the person making such distress or using such arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine such amount, and award such costs to be paid by either of the parties to the other of them as he thinks reasonable, and payment of such costs if not paid on demand, shall be enforced in the same manner as any penalty under this Act.

71. Any person offending against the provisions of this Act, in any port, river or channel subject to this Act, shall be punishable by any Magistrate having jurisdiction over any district or place adjoining such port, river or channel, or adjoining either side of that part of the river or channel in which such offence is committed.

Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding the offence may not have been committed locally within such limits, and in case any such Magistrate exercise the jurisdiction hereby vested in him, the offence shall be deemed for all purposes, to have been committed locally within the limits of his jurisdiction.

72. No conviction, order, or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits,

and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.

If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in such depositions.

CHAPTER IX.

MISCELLANEOUS.

73. If any vessel belonging to any of Her Majesty's subjects, or sailing under British colours, hoist, carry, or wear, within the limits of any port subject to this Act, any flag, jack, pendant or colours, the use whereof on board such vessel has been prohibited by the Statute 17th & 18th of Victoria, chapter 104, or any other Statute now or hereafter to be in force, or by any proclamation made or to be made in pursuance of any such Statute, or by any of Her Majesty's Regulations in force for the time being, the

Master of such vessel shall, for every such offence, be punished with fine which may extend to fifty rupees.

Such fine shall be in addition to any other penalty recoverable under the said Statute or any future Statute to be made in that behalf.

Any officer of Her Majesty's Navy, within the limits of such port, or the Conservator of such Port, may enter on board any such vessel, and seize and take away any flag, jack, pendant, or colour so unlawfully hoisted, carried, or worn on board the same.

74. Any Magistrate, upon an application being made to him by the Consul of any Foreign power to which the Foreign Deserters' Act 1852 has by an order of Her Majesty in Council been, or shall hereafter be, declared to be applicable, or by the representative of such Council, and upon complaint on oath of the desertion of any seaman, not being a slave, from any ship of such foreign power, may, until a revocation of such order in Council has been publicly notified, issue his warrant for the apprehension of any such deserter;

and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody till the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month.

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of the deserter during such detention.

Provided also that the detention of such deserter shall not be continued beyond twelve weeks.

75. The provisions contained in sections eleven and twenty-two shall be applicable to all ports heretofore or hereafter declared by the Local Government to be ports for the shipment and landing of goods, but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.

Any penalties imposed by him, and any expenses incurred by his order under the said provisions, shall be recoverable respectively in the manner provided in sections sixty-six and sixty-eight.

In any of the said ports for the shipment and landing of goods the consent referred to in section twenty-two may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the Local Government.

76. Any dispute arising concerning the amount due under section fifteen or section forty-three shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

77. Act No. XIII of 1867, section one, shall be read as if for the words "and such port-due" the following words were substituted (namely).—"The port-due leviable under the Indian Ports Act, 1875, in either of the ports of Maulmain and Bassem."

THE FIRST SCHEDULE

(See Section 2)

PART I—BRITISH BURMA.

Name of Port	Vessels chargeable.	Rate of Port-dues	Due how often chargeable in respect of same vessel.
Maulman	Sea-going vessels of ten tons and upwards, but less than twenty-five tons	Not exceeding four annas per ton	Once in sixty days
	Sea-going vessels of twenty-five tons and upwards	Not exceeding five annas six pie per ton.	Ditto
Rangoon	Sea-going vessels of ten tons and upwards	Not exceeding six annas per ton.	Ditto
Kyook Phyoo	Ditto	Not exceeding four annas per ton.	Ditto
Akyab	Ditto	Ditto ..	Ditto.
Bassein	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Ditto	Ditto
	Sea-going vessels of twenty-five tons and upwards	Not exceeding five annas six pie per ton.	Ditto.

PART II.—THE LOWER PROVINCES

Chittagong	Sea-going vessels of ten tons and upwards.	Not exceeding four and a half annas per ton.	Once in sixty days.
Port Canning ...	Sea-going vessels of twenty tons and upwards	Not exceeding four annas per ton, provided that in the case of <i>dhoms</i> and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels	Whenever the vessel enters the port, except in the case of <i>dhoms</i> and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in ninety days
	Tug steamers and river steamers belonging to Port Canning	Not exceeding four annas per ton	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December in each year
Calcutta	Sea-going vessels of twenty tons and upwards.	Not exceeding four annas per ton, provided that in the case of <i>dhoms</i> and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels	Whenever the vessel enters the port, except in the case of <i>dhoms</i> and country vessels employed in the coasting trade, which shall not be chargeable with port-dues at the same port more than once in sixty days
	Tug steamers and river steamers	Not exceeding four annas per ton	Once between the 1st January and the 30th June, and once between the 1st July and 31st December in each year
Cuttack Ports,—namely, Balasore, Chiraman, Laichunpur, Chánua, Subainrekha, Dhámra and Saatha	Sea-going vessels of three hundred maunds and upwards	Not exceeding six annas per hundred maunds	Whenever the vessel enters the port

THE FIRST SCHEDULE—continued
PART III—THE MADRAS PRESIDENCY.

Name of Port.	Vessels chargeable.	Rate of Port-dues.	Due how often chargeable in respect of same vessel.
<i>Eastern Group—</i> 1. Ganjam ...	Sea-going vessels of fifteen tons and upwards	Not exceeding three annas per ton: provided that in the case of vessels employed in the coasting trade, not being steamers, the rates shall be one-half the rates chargeable in respect of other vessels provided also that any steamer engaged in the coasting trade, when it enters any of the ports of the Eastern and Western Groups, shall pay the highest rate of port-dues leviable at any port of such group, and an addition of half of such highest rate.	(a) No coasting steamer having paid port-dues at any port shall be chargeable with port-dues again at the same or at any other port of the same group within thirty days (b) No coasting vessel other than a coasting steamer shall be chargeable with port-dues at the same port more than once in sixty days. (c) No vessel other than a coasting vessel or a coasting steamer shall be chargeable with port-dues at the same port more than once in ninety days
2. Gopalpur ...	Ditto	Ditto	In the above rules the expression "coasting vessel" means any vessel which at any port discharges cargo exclusively from, or takes in cargo exclusively for, any port on the Continent of India or in the Island of Ceylon.
3. Calingapatam ...	Ditto	Ditto	
4. Bimlipatam ...	Ditto	Ditto	
5. Vizagapatam ...	Ditto	Ditto	
6. Coconada ...	Ditto	Ditto	
7. Coringa* ...			
8. Masulipatam ...	Ditto	Ditto	
9. Madras ...	Ditto	Ditto	
10. Cuddalore ...	Ditto	Ditto	
11. Porto Novo ...	Ditto	Ditto	
12. Tranquebar ...	Ditto	Ditto	
13. Negapatam ...	Ditto	Ditto	
14. Nagore* ...			
15. Tuticorin ...	Ditto	Ditto	
<i>Western Group—</i> 1. Mangalore ...	Ditto	Ditto	
2. Cannanore ...	Ditto	Ditto	
3. Tellicherry ...	Ditto	Ditto	
4. Calicut ...	Ditto	Ditto	
5. Beypore* ...			
6. Cochin ...			

* Note.—As regards the levy of port-dues, each of the following pairs of ports (namely)—Coconada and Coringa, Negapatam and Nagore, Calicut and Beypore—shall be treated as if it were only one port, every vessel in respect of which such dues have been charged and taken at one of any of the said pairs being exempted from the charge on entering the other of the same pair

PART IV.—THE BOMBAY PRESIDENCY.

Bombay ...	Sea-going vessels of ten tons and upwards (except fishing boats)	Not exceeding four annas per ton, and not less than two annas per ton for each class of vessels, as the Trustees incorporated under the Bombay Port Trust Act, 1873, may direct	Once in the same month.
	Tug Steamers, Ferry Steamers, and River Steamers.	Ditto	Once between the 1st January and the 30th June, and once between the 1st July and 31st December in each year

THE FIRST SCHEDULE—*continued.*PART IV—THE BOMBAY PRESIDENCY—*continued.*

Name of Port.	Vessels chargeable	Rate of Port-dues.	Due how often chargeable in respect of same vessel
<i>Northern Group of Ports</i>			
1. Gogo, ...	Sea-going vessels of ten tons and upwards (except fishing boats)	Not exceeding three annas per ton provided that a coasting steamer whenever it enters any port shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
2. Bāvlhāri ..	Ditto	Ditto	Ditto.
3. Khun ..	Ditto	Ditto	Ditto.
4. Tankāria ..	Ditto	Ditto	Ditto.
5. Dehegām ..	Ditto	Ditto	Ditto.
6. Dehej ..	Ditto	Ditto	Ditto.
7. Broach ..	Ditto	Ditto	Ditto.
8. Bhagwā ..	Ditto	Ditto	Ditto.
9. Surat ..	Ditto	Ditto	Ditto.
10. Matwād... ..	Ditto	Ditto	Ditto.
11. Bulsar ..	Ditto	Ditto	Ditto.
12. Umarsāri ...	Ditto	Ditto	Ditto.
13. Kolak ..	Ditto	Ditto	Ditto.
14. Kālai ...	Ditto	Ditto	Ditto.
15. Maroli ...	Ditto	Ditto	Ditto.
16. Umbargām ...	Ditto	Ditto	Ditto.
17. Gbolwad ..	Ditto	Ditto	Ditto.
18. Dāhānu Creek ..	Ditto	Ditto	Ditto.
19. Tārāpur ..	Ditto	Ditto	Ditto.
20. Alhvāri Navāpur ..	Ditto	Ditto	Ditto.
21. Sītpāti Creek ..	Ditto	Ditto	Ditto.
22. Māhim (Kelva) ..	Ditto	Ditto	Ditto.
23. Kelva ..	Ditto	Ditto	Ditto.
24. Dāntivra ..	Ditto	Ditto	Ditto.
25. Arnāla ..	Ditto	Ditto	Ditto.
<i>Southern Group of Ports</i>			
1. Bandora ...	Ditto	Ditto	Ditto
2. Verīva ..	Ditto	Ditto	Ditto
3. Manori ..	Ditto	Ditto	Ditto
4. Utan ..	Ditto	Ditto	Ditto.
5. Bassein ..	Ditto	Ditto	Ditto
6. Bhiwandi ..	Ditto	Ditto	Ditto
7. Kallian ..	Ditto	Ditto	Ditto
8. Tanna ..	Ditto	Ditto	Ditto.
9. Trombay ..	Ditto	Ditto	Ditto
10. Panwel ..	Ditto	Ditto	Ditto.
11. Karanja ..	Ditto	Ditto	Ditto
12. Rewas ..	Ditto	Ditto	Ditto
13. Nagothna ..	Ditto	Ditto	Ditto.
14. Thal ..	Ditto	Ditto	Ditto.
15. Alibāg ..	Ditto	Ditto	Ditto.

THE FIRST SCHEDULE—continued.

PART IV—THE BOMBAY PRESIDENCY—continued

Name of Port.	Vessels chargeable.	Rate of Port-dues	Due how often chargeable in respect of same vessel
<i>Southern Group of Ports—continued.</i>			
16 Revdandá	Sea-going vessels of ten tons and upwards (except fishing boats)	Not exceeding three annas per ton provided that a coasting steamer whenever it enters any port, shall be chargeable with the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate	Once in thirty days at the same port. Provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days
17. Talkhári	Ditto	Ditto	Ditto
18. Bánkot	Ditto	Ditto	Ditto
19. Kelsi	Ditto	Ditto	Ditto
20. Harnai	Ditto	Ditto	Ditto.
21. Anjanwel	Ditto	Ditto	Ditto.
22. Boryá	Ditto	Ditto	Ditto.
23. Jaygarh	Ditto	Ditto	Ditto.
24. Ratnáguri	Ditto	Ditto	Ditto.
25. Purnagarh	Ditto	Ditto	Ditto.
26. Yeshwantgarh	Ditto	Ditto	Ditto.
27. Vizádurg	Ditto	Ditto	Ditto
28. Devgarh	Ditto	Ditto	Ditto.
29. A'chara	Ditto	Ditto	Ditto.
30. Málwan	Ditto	Ditto	Ditto.
31. Nivú	Ditto	Ditto	Ditto.
32. Vengorla	Ditto	Ditto	Ditto.
33. Beri	Ditto	Ditto	Ditto.
34. Trehkol	Ditto	Ditto	Ditto
35. Karwar, including Baitkhol.	Ditto	Ditto	Ditto
36. Chendya	Ditto	Ditto	Ditto.
37. Ankola	Ditto	Ditto	Ditto
38. Gangawali	Ditto	Ditto	Ditto.
39. Tadri	Ditto	Ditto	Ditto.
40. Honáwar	Ditto	Ditto	Ditto.
41. Shiráli	Ditto	Ditto	Ditto.
42. Coomta	Ditto	Ditto	Ditto.
43. Murdhashwar	Ditto	Ditto	Ditto
44. Bhatkal	Ditto	Ditto	Ditto
Karáchi	Ditto	Four annas per ton	Once in three months
	Tug steamers and river steamers	Ditto	Once between the 1st January and the 30th day of June and once between the 1st July and the 31st December in each year
Aden...	Sea-going vessels of ten tons and upwards	Three annas per ton	Once a month

THE SECOND SCHEDULE.

(See Section 3.)

Number and Year	SUBJECT.	Extent of Repeal.
Act XIII of 1839 ...	Port-dues .	So much as has not been repealed.
Act XXII of 1855 ..	Ports and Port-dues ...	Ditto
Act XIII of 1856 ..	Police in Presidency Towns	Section 117
Act XXX. of 1857 ..	Port-dues and Fees (Calcutta)	The whole.
Act XXXI of 1857 ..	Port-dues and Fees (Bombay) ...	Ditto
Act XXXV of 1857 ..	Port-dues and Fees (Maulmain, Rangoon, &c)	Ditto.
Act II of 1858 ...	Port-dues and Fees in certain Ports in the Province of Cuttack.	Ditto.
Act VIII of 1858 ...	Port-dues and Fees (Karachi)	Ditto
Act XV. of 1858 ..	Port-dues and Fees (Port of Aden).	Ditto.
Act XVIII. of 1858 ..	Port-dues and Fees (certain Madras Ports)	Ditto
Act XIX. of 1860 ...	Amending Act XXII of 1855 ...	Ditto
Act XXV. of 1860 ..	Bassein ..	Ditto
Act XIII. of 1867 ..	Amending Act XXV. of 1860 ...	In the title, the words " <i>for the levy of enhanced Port-dues in the Ports of Maulmain and Bassein and</i> " The preamble down to and including the words "mentioned; And" Section one down to and including the word "Bassein."
Act VII. of 1873 ..	Burma Port-dues ...	The whole
Bengal Act I of 1862 ..	Hoisting Signals	Ditto
Bengal Act I of 1863 ..	Port-dues and Fees in the Port of Canning on the River Mutlah.	Ditto.
Bengal Act III. of 1865 ..	Fire in Ports ...	Sections 3 and 4 Section 8, clauses 1 and 2 Section 10
Bengal Act IV. of 1866 ..	Amending Act XIII of 1856	Section 103.
Bengal Act III. of 1867 ..	Ships in Ports	Sections 7, 11, 12, and 13.
Bengal Act III. of 1872 ..	Amending Bengal Act V of 1870 and Act XXII of 1855	Section 5
Madras Act I of 1864 ..	Extension of parts of Act XXII of 1855	The whole
Madras Act VII of 1867 ..	Port-dues ...	Ditto
Madras Act VIII. of 1867 ..	Madras Police	Section 80
Bombay Act IV. of 1863 ..	Amending Act XV of 1858 (Port-dues, Aden)	The whole
Bombay Act XI. of 1866 ..	Port-dues	Ditto
Bombay Act I of 1873 ..	Bombay Port Trust Act, 1873	Section 75.

WHITLEY STOKES,
Secretary to the Government of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th March 1875, and was promulgated for general information in the *Gazette of India* of 20th March 1875.—

Act No. XIII. of 1875.

An Act to amend the law relating to Probates and Letters of Administration

WHEREAS, under the Indian Succession Act, 1865, the effect of an unlimited grant of probate or letters of administration made by any Court in British India is confined to the Province in which such grant is made And whereas it is expedient to extend over British India the effect of such grants when made by a High Court And whereas it is also expedient to amend the Court Fees Act, 1870, as to probates, letters of administration and certificates of administration It is hereby enacted as follows:—

1. To section 3 of the Indian Succession Act, 1865, the following words shall be added (namely) —“ and for the purposes of sections 242, 242A, 246A and 277A, shall include the Court of the Recorder of Rangoon ”

2 To section 242 of the Indian Succession Act, 1865, the following proviso shall be added (namely) —

“ Provided that probates and letters of administration granted by a High Court after the first day of April 1875, shall, unless otherwise directed by the grant, have like effect throughout the whole of British India ”

3 The following section shall be inserted after the said proviso of 1865 (namely) —

“ 242A. Whenever a grant of probate or letters of administration is made by a High Court with such effect as last aforesaid, the Registrar or such other officer as the High Court making the grant appoints in this behalf shall send to each of the other High Courts a certificate to the following effect —

I, *A B*, Registrar [or as the case may be] of the High Court of Judicature at [or as the case may be], hereby certify that on the day of 187 the High Court of Judicature at [or as the case may be] granted probate of the will [or letters of administration of the estate] of *C D*, late of deceased, to *E. F.* of and *G H* of , and that such probate [or letters] has [or have] effect over all the property of the deceased throughout the whole of British India,

and such certificate shall be filed by the High Court receiving the same ”

4 After section 246 of the Indian Succession Act, 1865, the following section shall be inserted (namely) —

“ 246A. Every person applying to a High Court for probate of a will or letters of administration of an estate, intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by section 244 and section 246 of this Act, that to the best of his belief no application has been made to any other High Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid,

or, where any such application has been made, the High Court to which it was made, the person or persons by whom it was made, and the proceedings (if any) had thereon

And the High Court to which any application is made under the proviso to section 242 of this Act may, if it think fit, reject the same.”

5 After section 277 of the Indian Succession Act, 1865, the following section shall be inserted (namely) —

“ 277A. In all cases where it is sought to obtain a grant of probate or letters of administration intended to have effect throughout the whole of British India, the executor, or the person applying for administration after the first day of April, 1875, to the effects of any person dying in British India and leaving property in more than one Province, shall include in the inventory of the effects of the deceased his moveable or immoveable property situate in each of the Provinces.

And the value of such property situate in the said Provinces, respectively, shall be separately stated in such inventory, and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India ”

6 After section nineteen of the Court Fees Act, 1870, the following chapter shall be inserted, (namely) —

“ CHAPTER III A

“ PROBATES, LETTERS OF ADMINISTRATION, AND CERTIFICATES OF ADMINISTRATION

“ 19A. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a Court-fee thereon, if within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue Authority of the Province in which the probate or letters has or have been granted,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required, —

the said Authority may—

(a) cancel the stamp on the probate or letters, if such stamp has not been already cancelled,

(b) substitute another stamp for denoting the Court-fee which should have been paid thereon, and

(c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion

“ 19 B Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from a deceased person, the deceased to such an amount, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount or value of the estate, would have occasioned a less Court-fee to be paid on the probate or letters of administration granted in respect of such estate than has been actually paid thereon under this Act,

such authority may return the difference, provided the same be claimed within three years after the date of such probate or letters

But when, by reason of any legal proceeding the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority may, allow such further time for making the claim as may appear to be reasonable under the circumstances

“ 19 C Whenever such a grant of probate or letters of administration has been or is made in respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act, when a like grant is made in respect of the whole or any part of the same property belonging to the same estate,

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate identical with or including the property to which the former grant relates

“ 19 D. The probate of the will, or the letters of administration of the effects, of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring or assigning any moveable or immovable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included, in the amount or value of the estate in respect of which a Court-fee was paid on such probate or letters of administration

“ 19 E. Where any person on applying for probate or letters of administration has estimated the value of the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a Court-fee thereon, the Chief Controlling Revenue Authority of the Province in

which the probate or letters has or have been granted may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full Court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or if it or they is or are produced after one year from such date, of twenty times, such proper Court-fee, without any deduction of the Court-fee originally paid on such probate or letters

Provided that if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a Court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper Court-fee, the said Authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

“ 19 F In case of letters of administration on which too low a Court-fee has been paid at first, the said Authority shall not cause the same to be duly stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained

“ 19 G Where too low a Court-fee has been paid on any probate or letters of administration in consequence of any mistake, or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the first day of April, 1873, or after the discovery of the mistake or of any effects not known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the Court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent on the amount of the sum wanting to make up the proper Court-fee.

“ 19 H The provisions of sections 19 A to 19 G (both inclusive) shall, *mutatis mutandis*, apply to certificates granted under Act No. XL of 1858 (for making better provision for the case of the persons and property of Minors in the Presidency of Fort William in Bengal) or Act No. XX of 1864 (for making better provision for the case of the persons and property of Minors in the Presidency of Bombay) and to the holders of such certificates

WHITLEY STOKES,

Secretary to the Government of India.

THE



Bombay Government Gazette.

Published by Authority.

FRIDAY, 28TH MAY 1875.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 19th April 1875, and the assent of His Excellency the Governor General on the 19th May 1875, and is published for general information :—

BOMBAY Act No. I. of 1875.

An Act to amend (Bombay) Act No. I of 1865

WHEREAS the date of the 31st March fixed in Section XLII. of the Bombay Survey and Settlement Act as that after which an occupant may not give a written notice of relinquishment of his occupancy has been found productive of inconvenience to Government and hardship to the occupant in certain cases ; it is hereby enacted :—

I. For the purposes of this Act the word " year " shall be taken to mean the period intervening between the 1st day of August in one year and the 31st day of July in the following year, both days inclusive.

II. *Clause 1.*—In the year in which an original or revised Survey Settlement may be introduced in any Village, it shall be competent to the Governor in Council to fix such date, not being earlier than the 31st March or later than the Mrgsal or 5th June, as that up to which notices of relinquishment of occupancy may be given in.

Clause 2.—In the year in the course of which a Survey Settlement, whether original or revised, may be introduced, the dif-

Levy of revised assessment when to commence

ference between the old and new assessment of all lands in which the latter may be in excess of the former shall not be payable, and the revised assessment shall be levied only from the year commencing on the 1st August next after such introduction.

Clause 3.—In the year commencing with the 1st August next after such introduction of a new assessment, any occupant who may be dissatisfied with the increased rate imposed by such

Occupant dissatisfied with increased assessment shall on giving written resignation of occupancy receive remission of increase.

new assessment on all or any of the Survey fields or recognized shares of fields held by him, shall, on giving a written resignation in the manner prescribed by the Rules under Act I. of 1865 of the Governor of Bombay in Council of all or any such Survey fields or recognized shares of fields on or before the 31st March then following, receive a remission of the increase imposed as aforesaid.

III. This Act shall be read with and Construction of Act taken and construed as part of Bombay Act No. I. of 1865.

By order of His Excellency the Governor in Council,

W. LEE WARNER,
Acting Under-Secretary to Government.

Bombay Castle, 27th May 1875.



THE Bombay Government Gazette.

Published by Authority.

TUESDAY, 10TH AUGUST 1875.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th August 1875, and was promulgated for general information in the *Gazette of India* Extraordinary on the 5th August 1875:—

Act No. XVI of 1875.

THE INDIAN TARIFF ACT, 1875.

CONTENTS.

PREAMBLE.

SECTION.

- 1 Short title.
Commencement,
Local extent.
- 2 Repeal of Acts and Notifications.
- 3 Saving clause.
- 4 Duties specified in Schedules to be levied
- 5 Goods partially composed of dutiable articles
- 6 Power to fix value of dutiable goods and to exempt from Customs duties.
- 7 Power to make rules for ascertaining that imported spirit has been rendered unfit for human consumption.
- 8 Export of pepper from Cochin.
- 9 Export of opium.
- 10 Duties on goods crossing frontiers of Foreign European Settlements in Presidencies of Madras and Bombay

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SECTION.

11. Excise duty on spirit distilled in British India.
12. Amendment of Consolidated Customs Act, Sections 27, 57, 66, and 180.

SCHEDULE A.—IMPORT TARIFF.

SCHEDULE B.—EXPORT TARIFF.

An Act to amend the law relating to Customs Duties and for other purposes.

WHEREAS it is expedient to amend the law relating to the duties of Customs on goods imported and exported by sea, and to restrict the export of opium, and to provide for the levy of duties on goods crossing the frontier of certain Foreign European Settlements in India, and for fixing a maximum duty of excise on spirit manufactured in British India, and to amend the Consolidated Customs Act; It is hereby enacted as follows:—

1 This Act may be called
Short title. "The Indian Tariff Act,
1875."

Commencement. And it shall come into force on the passing thereof.

This section and section twelve, clause three,
Local extent, apply to the whole of British India.

The rest of this Act extends to the whole of British India except Aden

2. Act No. XVIII of 1870 (to enable the Government of India to exempt goods from Customs duties), Act No. XIII of 1871 (to consolidate and amend the law relating to Customs duties), and all notifications under either of the said Acts are hereby repealed.

3 Nothing herein contained affects Act No. VI of 1873 (to amend the law relating to the transshipment of Goods imported by Steamer, and for other purposes), or authorizes the levy of duties of Customs on any article carried from one port in British India to another, except salt, salted fish, opium, and spirit.

4. There shall be levied and collected, in every port to which this Act applies, the duties specified in Schedules A and B hereto annexed.

5. Goods not prohibited to be imported into or used in British India, whereof any article liable to duty under this Act forms a part or ingredient, shall be chargeable with the full duty which would be payable on such goods if they were entirely composed of such article, or if composed of more than one article liable to duty, then with the full duty which would be payable on such goods if they were entirely composed of the article charged with the highest rate of duty.

6 The Governor General in Council may from time to time, by notification in the *Gazette of India*,

(a) fix for the purposes of this Act the value of any goods exported or imported by sea on which duties of customs are hereby imposed;

(b) exempt any goods imported or exported into or from British India, or into or from any specified port or place therein, from the whole or any part of the duties of customs to which they are liable under this Act or any other law for the time being in force, and

(c) cancel any such exemption.

7. The Local Government may from time to time prescribe rules for ascertaining and determining what spirit imported into British India shall be deemed to have been effectually and permanently rendered unfit for human consumption, so as to be subject only to an *ad valorem* duty of ten per cent. under Schedule A hereto annexed, and for causing such spirit to be so rendered, if necessary, by their own officers, before the duty of customs leviable thereon is levied, and at the expense of the person importing it.

Such rules, on being published in the official *Gazette*, shall have the force of law; and whoever wilfully contravenes any such rule shall be liable to fine not exceeding five hundred rupees.

In the absence of any such rules, or if any dispute arises as to their applicability, the executive officer of highest rank in the department of customs in the port shall decide what spirit is subject only to the said *ad valorem* duty, and such decision shall be final.

8 On all pepper exported by sea from the port of Cochin there shall be levied such duty not exceeding nine rupees per khand as the Governor of Fort St. George in Council from time to time determines; and at the close of each year, or as soon thereafter as may be convenient, the Collector of Customs at the said port shall, after deducting the expenses of collection, pay the duty collected under this section to the Governments of Travancore and Cochin in such proportion and in such manner as the Governor of Fort St. George in Council from time to time directs

9 No opium shall be exported from any part of British India, unless—

(a) it is covered by a pass granted by an officer appointed in this behalf by the Governor General in Council or the Local Government; or

(b) it is exported under the said Act No. VI of 1873, section seven; or

(c) such export is permitted under the power next hereinafter conferred:

The Governor General in Council may, from time to time, by notification in the *Gazette of India*,

(d) permit the export of opium from any part of British India on payment of such duty, or on such other terms, as the Governor General in Council thinks fit; and

(e) cancel such permission.

10. Duties of customs shall be levied on goods passing by land into or out of Foreign European Settlements situate on the line of coast within the limits of the Presidency of Fort St. George or the Presidency of Bombay at the rates prescribed in the Schedules A and B hereto annexed.

11. And whereas it is expedient that the duty of excise on spirit distilled in British India should bear a due proportion to the customs duty on spirit imported into British India, it is hereby further enacted as follows.—

Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf, the Local Government may from time to time, by notification in the official *Gazette*, fix the duty of excise leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, at any rate not exceeding the rate fixed for imported spirit by Schedule A hereto annexed ;

and all provisions now in force as to the levy of duty now chargeable on spirit shall apply to spirit upon which the duty declared under this section has not been paid.

12. And whereas it is expedient to amend the Consolidated Customs Act in manner hereinafter appearing, it is hereby further enacted as follows —

Section twenty-seven of the Consolidated Customs Act shall be construed, as if, for the words "for which a specific value has not been fixed by the Local Government with the

sanction of the Governor General of India in Council," the following words and figures were substituted (namely) "for which a specific value is not fixed by or under the Indian Tariff Act, 1875;"

And the following proviso shall be added to section fifty-seven of the same Act, (namely), "Provided also that where such goods are arms, ammunition, or military stores, they may be sold or otherwise disposed of at such place (whether within or without British India) and in such manner as the Local Government may from time to time direct,"

And section sixty-six of the same Act shall be construed as if for the words and figures "the value of which shall have been fixed under the provisions of section CLXXIX of this Act," the following words and figures were substituted (namely) "for which a specific value has been fixed by or under the Indian Tariff Act, 1875,"

And section one hundred and eighty of the same Act shall be construed as if for the words "last preceding section" the following words and figures were substituted (namely) "Indian Tariff Act, 1875."

Schedule A.

IMPORT TARIFF.

No	Names of Articles.	Per	Tariff Valuation.	Rate of Duty
1	APPAREL, INCLUDING HABERDASHERY AND MILLINERY, BUT EXCLUDING BOOTS, SHOES AND HOSIERY.	Rs. a. <i>Ad valorem</i>	5 per cent.
2	ARMS, AMMUNITION, AND MILITARY STORES—			} 10 per cent.
	Fire-arms, and parts thereof	..	..
	Gunpowder, common	... lb.	0 5	
	.. " sporting	..	1 0	
	All other sorts	<i>Ad valorem</i>	
3	BRUSHES, ALL SORTS	...	"	} 5 per cent.
4	BUILDING AND ENGINEERING MATERIALS—			
	Asphalt	.. ..	..
	Cements, all sorts	.. ..	..
	Earthen-ware piping	.. ..	..
5	CABINET-WARE AND FURNITURE	...	"	
6	CANDLES—			
	Paraffine	... .. lb.	0 5
	Spermaceti	... .. "	0 8
	Wax	... .. "	1 0
	All other sorts, including composition.	.. .. "	0 5
7	CANES, RATANS, ARTICLES MADE OF CANE OR RATAN, AND BASKET-WORK—			} 5 per cent.
	Canes, Malacca	... .. Doz.	1 0
	Ratans	... .. Cwt.	7 0
	All other sorts, except common bamboos, which are free	... ..	<i>Ad valorem</i>
8	CARRIAGES AND COMPONENT PARTS THEREOF, EXCEPT RAILWAY CARRIAGES AND TRUCKS...	...	"	
9	CHEMICAL PRODUCTS AND PREPARATIONS—			
	Acid, sulphuric...	.. lb.	0 2	
	Alkali, country (sajji khár)	... Cwt.	2 0	
	Alum	.. .. "	4 0
	Arsenic	... .. "	25 0
	.. China mansí	.. .. "	16 0
	Brimstone, flour	.. .. "	7 0
	.. " roll	.. .. "	6 0
	.. " rough	.. .. "	4 8
	Copperas, green	... .. "	3 0
	Sal ammoniac	.. .. "	25 0
	All other sorts	... ..	<i>Ad valorem</i>

IMPORT TARIFF—continued.

No	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.
			Rs. a.	
10	CHINESE AND JAPANESE-WARE, INCLUDING LACQUERED-WARE, BUT EXCLUDING EARTHEN-WARE, CHINA AND PORCELAIN...	.	<i>Ad valorem</i>	
11	CLOCKS, WATCHES, AND OTHER TIME-KEEPERS	...	"	
12	COIR AND ARTICLES MADE OF COIR—			
	Matting ...		"	
	Yarn of all kinds ...	Cwt.	9 0	
	Other articles made of coir, except cables and rope ...	.	<i>Ad valorem</i>	
13	CORAL, REAL ...		"	
14	CORDAGE AND ROPE MADE OF ANY VEGETABLE FIBRE, EXCEPT COTTON AND JUTE—			
	Coir cables, tarred ...	Cwt.	10 0	
	Coir rope ...	"	10 0	
	Cordage, hemp, European ...	"	20 0	
	" Manila ...	"	25 0	
	Twine, European, Sail ...	lb.	0 8	
	All other sorts. ...	...	<i>Ad valorem</i>	
15	CORK AND ARTICLES MADE OF CORK—			
	Bottle-corks ...	Gross	1 8	
	Vial-corks ...	"	0 8	
	All other sorts... ..	..	<i>Ad valorem</i>	
16	COTTON AND ARTICLES MADE OF COTTON—			5 per cent.
	Cotton hosiery ...	...	"
	Cotton, Raw, not the produce of Continental Asia or Ceylon ...	...	"
	Cotton rope ...	Cwt.	25 0	
	Country canvas ...	"	50 0	
	Piece Goods—			
	Grey—			
	Jaconets, exceeding 10 × 10 to the quarter-inch ...	lb.	0 12	
	Jaconets, other sorts ..	"	0 10½	
	Mulls ...	"	1 1	
	Printers ...	"	0 10½	
	Shirtings and longcloths ...	"	0 9	
	T cloths 18 reed and upwards, and madapollams ..	"	0 9½	
	T cloths under 18 reed, jeans, domestics, sheetings, and drills ...	"	0 8	
	Other sorts ...	...	<i>Ad valorem</i>	
	Sewing thread—			
	Goa and Country ...	Cwt.	30 0	
	On reels or cards containing 100 yards each, and <i>pro rata</i> above and below*	Gross	3 0	
	White and coloured ...	lb.	1 0	

* Duty to be charged either on the mark or on the actual length.

IMPORT TARIFF—continued.

No.	Names of Articles	Per	Tariff Valuation.	Rate of Duty
	COTTON AND ARTICLES MADE OF COTTON— <i>contd</i>		Rs. a.	
	Twist—			
	Mule—No. 15 and lower Nos.	lb.	0 5	} 3½ per cent.
	Nos. 16 to 24	..	0 7	
	„ 25 to 32	...	0 8	
	„ 33 to 42	...	0 9½	
	„ 43 to 52	..	0 11	
	„ 53 to 60	...	0 12½	
	„ 61 to 70	..	0 14	
	„ 71 to 80	...	0 15	
	And so on, one anna to be added to the valuation per lb for every count often, or part of a count often, above 80			
	Water—No. 20 and lower Nos	..	0 8	
	Nos. 21 to 30	..	0 9½	
	„ 31 to 40	..	0 11½	
	„ 41 to 50	..	0 13	
	„ Above 50	...	1 0	
	Twist, Orange, Red, and other colours except Turkey Red*	..	0 13	
	Twist, Turkey Red, all kinds*	..	1 6	
	Cotton goods, all other sorts		<i>Ad valorem</i>	
17	DRUGS AND MEDICINES, EXCEPT OPIUM—			
	Aloes, black	Cwt	11 0	} 5 per cent.
	„ Socotra	..	25 0	
	Assafetida (hing)	..	55 0	
	„ coarse (hingrá)	..	10 0	
	Camphor, Bhemsum (baras)	lb.	80 0	
	„ refined, cake	Cwt	65 0	
	„ crude, in powder	..	40 0	
	Cassia lignea	..	38 0	
	Salep	..	80 0	
	Senna leaves	..	5 0	
	All other sorts, except gumme, which is free		<i>Ad valorem</i>	
18	DYEING AND COLOURING MATERIALS—			
	Ambine dyes—Magenta and Roseine	oz	0 4	} 5 per cent.
	Cochineal	lb	1 4	
	Gallnuts, country, Myrabolan	Cwt.	4 0	
	„ Persian	..	25 0	
	Madder or manjith	..	12 0	
	Orchilla weed	..	5 0	
	Sapan wood and root	..	5 0	
	All other sorts	...	<i>Ad valorem</i>	
19	EARTHEN-WARE (EXCEPT EARTHEN-WARE PIPING), CHINA, CHINA CLAY AND PORCELAIN.			
20	FIREWORKS—			
	China	Box of 133½ lbs.	30 0	}
	All other sorts	..	<i>Ad valorem</i>	
21	FLAX, AND ARTICLES MADE OF FLAX—			
	Canvas, European sail, not exceeding 40 yards	Bolt	15 0	}
	Piece goods	..	<i>Ad valorem</i>	
	All other sorts, including linen thread...	..	..

* Duty to be charged on the grey weight of the coloured yarn when this is not ascertainable, the actual wharf weight, or in weight, to be taken.

IMPORT TARIFF—continued.

No	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.
22	FRUITS AND VEGETABLES—		Rs. a.	
	Almonds, without shell . . .	Cwt.	30 0	
	" in the shell . . .	"	11 0	
	Cajoo kernels . . .	"	10 0	
	Cocoanuts . . .	Thousand	30 0	
	" kernel (khopra) . . .	Cwt.	8 8	
	Currants, European . . .	"	35 0	
	" Persian . . .	"	12 0	
	Dates, dry, in bags . . .	"	4 8	
	" wet, in bags . . .	"	3 8	
	" " in pots . . .	"	7 0	
	Figs, European . . .	"	42 0	
	" Persian, dried . . .	"	6 8	
	Garlic . . .	"	5 0	
	Pistachio nuts . . .	"	20 0	
	Prunes, Bussorah . . .	"	16 0	
	Raisins, black, Persian Gulf, Red Sea, and Kishmish . . .	"	16 0	
	" Munakka, Persian Gulf, and Red Sea . . .	"	7 0	
	" Malaga and bloom . . .	lb.	0 10	
	" other sorts . . .	"	<i>Ad valorem</i>	
	Walnuts . . .	Cwt.	5 8	
	All other sorts, except Bed-mushk, Bajarbattu nuts, and fresh fruits and vegetables not separately enu- merated, which are free. . .	"	<i>Ad valorem</i>	
23	GLASS, GLASS-WARE, BEADS, FALSE PEARLS AND FALSE CORALS—			
	Bangles, Glass, China, gilt . . .	100 pairs	6 0	
	" " not gilt . . .	"	3 0	
	Beads, China . . .	Cwt.	30 0	5 per cent.
	Coral, false . . .	"	<i>Ad valorem</i>	
	Glass, China, of all colors . . .	133½ lbs.	32 0	
	" Crown, colored . . .	100 Supl feet.	25 0	
	" " of sizes . . .	"	7 0	
	Pearls, false—			
	Bajria . . .	Lakh	5 0	
	Boria . . .	Thousand	1 4	
	Jouria . . .	Lakh	8 0	
	Nathia . . .	Thousand	0 6	
	Tachea . . .	"	1 0	
	Wattanah . . .	Lakh.	10 0	
	All other sorts of beads, false pearls and glass, except bottles used to bottle beer, wine, spirit, or aerated waters, which are free . . .	"	<i>Ad valorem</i>	
	GUMS, GUM RESINS, AND ARTICLES MADE OF GUM OR GUM RESIN—			
	Copal . . .	Cwt.	65 0	
	Cutch and Gambier . . .	"	10 0	
	Gum Ammoniac . . .	"	12 0	
	" Arabic . . .	"	15 0	
	" Bdellium (common gum) . . .	"	5 0	
	" Benjamin . . .	"	40 0	
	" Bysabol (coarse myrrh) . . .	"	12 0	
	" Olibanum or frankincense . . .	"	12 0	
	Kuo . . .	"	10 0	
	Myrrh . . .	"	30 0	
	" Persian (false) . . .	"	3 0	
	Rosin . . .	"	5 0	
	All other sorts . . .	"	<i>Ad valorem</i>	

IMPORT TARIFF—continued.

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.
			Rs. a.	
25	HARDWARE AND CUTLERY, INCLUDING IRON-MONGERY AND PLATED-WARE, BUT EXCLUDING MACHINERY AND THE COMPONENT PARTS THEREOF WHICH ARE FREE, AND AGRICULTURAL IMPLEMENTS WHICH ALSO ARE FREE ...		<i>Ad valorem</i>	5 per cent.
26	HEMP, AND ARTICLES MADE OF HEMP—			
	Piece goods ...	...	"
	All other sorts except rope ...	...	"
27	HIDES AND SKINS, EXCEPT RAW OR SALTED HIDES OR SKINS, WHICH ARE FREE—			
	Hides—			
	Border ...	Each	30 0	
	Buffalo ...	Score	80 0	
	Cow ...	"	60 0	
	Skins—			
	Calf ...	Doz.	45 0	
	Chamois ...	"	6 0	
	Goat ...	Score	16 0	
	Lamb ...	"	6 0	
	Roan ...	Doz.	30 0	
	Sheep ...	Score.	11 0	
	All other sorts... ..		<i>Ad valorem</i>	
28	INSTRUMENTS AND APPARATUS—			
	Musical ..		"	
	Drawing, Measuring, Optical, Photographic (including materials for photography), Surveying, and Surgical (including surgical appliances) ...	...	"
29	IVORY AND IVORY-WARE—			
	Unmanufactured—			
	Elephants' grinders ...	Cwt.	125 0	
	Elephants' tusks, each exceeding 20 lbs. in weight ...	"	450 0	
	Elephants' tusks not less than 10 lbs. and not exceeding 20 lbs. each ...	"	325 0	
	Elephants' tusks, each less than 10 lbs ...	"	175 0	
	Sea-cow or moya teeth, each not less than 3 lbs. ...	"	175 0	
	Sea-cow or moya teeth, each less than 3 lbs. ...	"	60 0	
	Articles made of ivory ...	...	<i>Ad valorem</i>

IMPORT TARIFF—continued

No	Names of Articles.	Per	Tariff Valuation	Rate of Duty	
			Rs a		
30	JEWELLERY, INCLUDING PLATE—				
	Silver-ware, Plain	Tolah.	1 2	} 5 per cent.	
	“ Embossed or chased } Other than European	“	1 8		
	All other sorts, except precious stones and pearls, which are free	...	<i>Ad valorem</i>		
31	LEATHER, AND ARTICLES MADE OF LEATHER, INCLUDING BOOTS, SHOES, HARNESS AND SADDLERY, BUT EXCLUDING BELTING FOR DRIVING MACHINERY, WHICH IS FREE		“		
32	LIQUORS—				
	Ale, beer, and porter	} Impl Gallon or six quart bottles	}	One anna.	
	Cider, and other fermented liquors				Rs 4.
	Liqueurs	“			
	Spirit for use exclusively in arts or manufactures or in chemistry, which has been rendered effectually and permanently unfit for human consumption	...	<i>Ad valorem</i>	10 per cent	
	Spirit, other sorts	} Impl Gallon or six quart bottles of the strength of London proof.	}	Rs 4, and the duty to be increased in proportion as the strength of the spirit exceeds London proof	
	Wines—				
	Champagne and all other sparkling wines	} Impl Gallon or six quart bottles	}	Rs. 2-8	
	Claret, and Still Burgundy				Re 1
	All other sorts of still wines				Re 1-8
33	MATCHES, LUCIFER, AND ALL OTHER SORTS		<i>Ad valorem</i>		
34	MATS—				
	Floor-matting, China and Singapore, of all sorts	Hundred.	70 0		
	All other sorts, except coir matting	...	<i>Ad valorem</i>		
35	METALS, UNWROUGHT, WROUGHT, AND ARTICLES MADE OF METALS—				
	Brass—				
	Beads, Ghúngri, China	Thousand.	0 14	} 5 per cent.	
	Old	Cwt	35 0		
	Sheets, rolls, very thin	“	90 0		
	Wire	lb	0 8		
	All other sorts	“	<i>Ad valorem</i>		
	Copper—				
	Australian Cake	Cwt	50 0		
	Bolt	“	50 0		
	Brazier's	“	52 0		
	China cash	“	30 0		
	Japan	“	48 0		
	Nails and composition nails	“	48 0		
	Old	“	48 0		
	Pigs and slabs, foreign	“	46 0		
	Sheet, sheathing, and plate	“	52 0		
	Tiles, ingots, cakes, and bricks	“	48 0		
	Other sorts, unmanufactured	“	<i>Ad valorem</i>		
	China white copper-ware	lb.	1 2		
	Foil or dakpana	100 leaves	3 0		
	Wire	lb	0 10		
	All other sorts	“	<i>Ad valorem</i>		
	Gold Leaf, European	100 leaves	3 0		
	“ Mock	20 books	5 0		

IMPORT TARIFF—continued.

No	Names of Articles	Per	Tariff Valuation.	Rate of Duty
	<i>Metals, &c.—contd.</i>		Rs. a.	
	Iron—			
	Anchors and cables		<i>Ad valorem</i>	} 1 per cent.
	Angle and T iron	---	"	
	Beams, pillars, girders, bridge-work, and other descriptions of iron, imported exclusively for building purposes	-	"	
	Flat, square and bolt, including			
	Scotch	Ton	100 0	
	Galvanised	Cwt.	11 0	
	" sheets and ridging			
	Hoop, plate and sheet	Ton	135 0	
	Nails, rose, clasp, and flat-headed, rivets and washers	Cwt.	12 8	
	Nails, other sorts, including galvanised		<i>Ad valorem</i>	
	Nail rod	Ton	120 0	
	Old	Cwt.	2 0	
	Pig	Ton	55 0	
	Pipes and tubes	...	<i>Ad valorem</i>	
	Rice bowls	Set of ten	4 0	
	" "	" six	2 0	
	Rod, round, British, not exceeding half-inch diameter	Ton	130 0	
	" exceeding half-inch diameter	"	100 0	
	Swedish, flat and square	"	160 0	
	Tinned plates	Cwt.	15 0	
	All other sorts, including wire, but excluding Railway materials, and kentledge, which last-named article is free	...	<i>Ad valorem</i>	
	Lametta, double reels	Score	4 8	
	" single "	"	2 4	
	Lead—			
	Ore, Galena	Cwt.	13 0	} 5 per cent.
	Pig	"	11 0	
	Pipes	...	<i>Ad valorem</i>	
	Sheets, tea	Cwt.	20 0	
	" other sorts	"	12 0	
	Orasduie and brass leaves, foreign, European.	lb.	1 2	
	" " " " China	"	0 14	
	Patent or Yellow Metals, sheathing, sheets, and bolts	Cwt.	42 0	
	Ditto ditto old	"	37 0	
	Quicksilver	lb	2 8	
	Shot, bird	Cwt.	16 0	
	Steel, excluding Railway materials—			
	Blistered	...	9 0	
	British and foreign other than Swedish	...	9 0	
	Cast	...	25 0	
	Spring	...	10 0	
	Swedish	...	10 0	
	Tin, Block	...	50 0	
	" other sorts	...	<i>Ad valorem</i>	

IMPORT TARIFF—*continued.*

No	Names of Articles	Per	Tariff Valuation	Rate of Duty
	METALS, &c— <i>contd.</i>		Rs. a.	
	Zinc or Spelter—			
	Nails	Cwt.	14 0	} 5 per cent.
	Plate and other shapes, soft	"	15 0	
	" " " " hard ..	"	11 0	
	Sheet or zinc sheathing	"	17 0	
	All other sorts ..	...	<i>Ad valorem</i>
36	MILITARY AND OTHER UNIFORMS AND ACCOUTREMENTS, &c, EXCEPT UNIFORMS AND ACCOUTREMENTS IMPORTED BY A PUBLIC SERVANT FOR HIS PERSONAL USE, WHICH ARE FREE	"	
37	NAVAL STORES NOT OTHERWISE DESCRIBED, EXCEPT OAKUM, WHICH IS FREE	"	
38	OILS—			} 5 per cent.
	Cassia	lb.	3 0	
	Cocoanut	Cwt.	15 0	
	Grass	lb.	1 12	
	Jingli or til	Cwt.	15 0	
	Kerosine, paraffine, petroleum, rock and shale oils of all descriptions	Impl Gallon.	9 12	
	Linseed, European	"	2 0	
	Naphtha	Cwt.	30 0	
	Otto of sorts	oz	10 0	
	Sandalwood	lb	8 0	
	Turpentine	Impl Gallon	1 10	
	Whale (except spermaceti) and fish ..	Cwt.	15 0	
	Wood	"	15 0	
	All other sorts, except cocum and slush fat, which are free ..	..	<i>Ad valorem</i>
39	OIL AND FLOOR CLOTH	"	
40	OPIUM NOT COVERED BY A GOVERNMENT PASS	Seer of 80-tolahs	..	Rs. 24
41	PAINTS, COLOURS, PAINTERS' MATERIALS, AND COMPOSITIONS FOR APPLICATION TO LEATHER AND METALS—			} 5 per cent.
	Ochre other than European, all colours	Cwt.	1 8	
	Paints of sorts	"	12 0	
	" Composition	"	25 0	
	" Patent driers	"	14 0	
	Prussian blue, China	lb	0 8	
	" " European	"	1 8	
	Red lead	Cwt.	14 0	
	Turpentine	Impl Gallon	1 10	
	Verdigris	Cwt.	75 0	
	Vermilion, Canton	Box of 90 bundles	150 0	
	White lead	Cwt.	12 0	
	All other sorts .. .. .	...	<i>Ad valorem</i>
42	PAPER—			
	Wall paper	"	
43	PERFUMERY—			
	Atary, Persian	Cwt.	15 0	

IMPORT TARIFF—continued.

No	Names of Articles.	Per	Tariff Valuation	Rate of Duty
	PERFUMERY—continued.		Rs. a.	
	Perfumed spirit in wood, or in bottles containing more than half a pint	Impl. Gallon		Rs. 4.
	Rose-flowers, dried	Cwt	13 0	
	Rose-water	Impl. Gallon	1 12	
	All other sorts, including perfumed spirit in bottles containing not more than half a pint		<i>Ad valorem</i>	
44	PIECE GOODS, NOT OTHERWISE DESCRIBED.		"	
45	PIPES AND OTHER IMPLEMENTS USED IN THE CONSUMPTION OF TOBACCO		"	
46	PITCH, TAR, AND DAMMER—			
	Bitumen		"	5 per cent.
	Dammer	Cwt.	5 0	
	Pitch, American and European	"	6 0	
	Coal	"	2 8	
	Tar, American and European	"	6 0	
	Coal	"	2 8	
	Mineral	"	<i>Ad valorem</i>	
47	PROVISIONS AND OILMAN'S STORES—			
	Bacon in canisters, jowls and cheeks	lb.	0 9	12 annas.*
	Beef and pork	Tierce of three cwt	60 0	
		Barrel of two "	40 0	
	Cheese	lb	0 10	
	China preserves	Box of six jars	8 0	
	Flour	Barrel or sack of 200 lbs.	15 0	
	Ghee	Cwt	36 0	
	Groceries not otherwise described		<i>Ad valorem</i>	
	Pork hams	lb	0 10	
	Salted fish*	Cwt		
	Tongues, salted	Keg of six.	10 0	5 per cent.
	Vinegar, European, in wood	Impl. Gallon.	1 8	
	" Persian	"	0 12	
	" Country	"	0 6	
	All other sorts, except bêche-de-mer, fishmaws, shark-fins, singally and sozille, which are free		<i>Ad valorem</i>	
48	RAILWAY MATERIALS—			
	Of iron		"	1 per cent.
	Steel rails and other articles made of steel intended for the permanent-way of railways		"	
	All other sorts, including carriages and trucks		"	5 per cent.
49	SALT—			
	Imported into British Burma	Indian maund of 3,200 tolahs.	...	3 annas.
	" into Bengal	"	...	Rs. 3-4.
	" into any other part of British India	"	...	" 1-13.
	SEEDS—			
	Castor	Cwt	4 8	5 per cent.
	Cumin	"	13 0	

* Duty to be levied only on salted fish imported into the Bombay Presidency except Sindh, and into such other parts of British India as the Governor General in Council may, by notification in the *Gazette of India*, from time to time, direct.

IMPORT TARIFF—continued.

	Names of Articles.	Per	Tariff Valuation	Rate of Duty	
			Rs. a.		
	<i>SEEDS—continued.</i>				
	Cumin, black	Cwt.	4 8	} 5 per cent.	
	Linseed	"	5 8		
	Methi	"	4 0		
	Mustard, rape, or sarson	"	4 8		
	Quince seed or bihi-dana	"	30 0		
	Sozirá	"	20 0		
	All other sorts, except seeds imported by any Public Society for gratuitous distribution, which are free ... ..	...	<i>Ad valorem</i>	
51	<i>SHELLS AND COWRIES—</i>				
	<i>Chunks—</i>				
	Large shells, for cameos	Hundred	10 0		} 5 per cent.
	White, live	"	6 0		
	" dead... ..	"	3 0		
	<i>Cowras—</i>				
	From Mozambique and Zanzibar	"	3 0		
	From other places	"	0 8		
	<i>Cowries—</i>				
	Bazar, common	Cwt.	2 8		
	Maldiva	"	10 0		
	Sankhi	"	50 0		
	Yellow, superior quality... ..	"	5 0		
	Mother-of-pearl	"	30 0		
	Tortoise-shell	lb.	6 0		
	" nakh... ..	"	1 0		
	All other sorts, including nakhla .. ..	...	<i>Ad valorem</i>	
52	<i>SILK AND ARTICLES MADE OF SILK—</i>				
	Floss	lb.	8 0	} 5 per cent.	
	Piece Goods ... ..	...	<i>Ad valorem</i>	
	<i>Raw Silk—</i>				
	Chaháram and Cochin China	lb.	4 0		
	Mathow	"	1 12		
	Other kinds of China	"	7 0		
	Panjam and Kachra	"	1 4		
	Persian	"	5 0		
	Siam	"	2 8		
	Sewing thread, China	"	8 0		
	All other sorts ... ..	...	<i>Ad valorem</i>	
53	<i>SOAP</i>				
54	<i>SPICES—</i>				
	Aniseed star	Cwt.	35 0	} 5 per cent.	
	<i>Betelnuts—</i>				
	Goa	"	12 0		
	In the husk	Thousand	2 0		
	White, Srivardhan	Cwt.	18 0		
	All other sorts	"	5 0		

IMPORT TARIFF—concluded.

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty
	SPICES—continued.		Rs. a.	
	Chilies, dried	Cwt.	8 0	
	Cloves	"	40 0	
	" in seeds, Narlavang	"	16 0	
	Mace	lb	1 2	
	Nutmegs	"	1 0	
	" in shell	"	0 8	
	Pepper, black and long	Cwt.	25 0	
	" white	"	32 0	
	All other sorts .. .. .	...	<i>Ad valorem</i>	
55	STATIONERY (EXCEPT PAPER, WHICH IS FREE) .. .. .	...	"
56	SUGAR—			
	China, candy	Cwt.	20 0	
	Loaf	"	23 0	
	Soft	"	13 8	
	All other sorts of saccharine produce .. .. .	...	<i>Ad valorem</i>	
57	TEA—			
	Black	lb.	0 12	
	Green	"	1 4	
58	TOBACCO—			5 per cent.
	Manufactured .. .. .	...	<i>Ad valorem</i>	
	Unmanufactured .. .. .	...	"
59	TOILET REQUISITES, NOT OTHERWISE DESCRIBED .. .. .	...	"
60	TOYS AND REQUISITES FOR ALL GAMES .. .. .	...	"
61	UMBRELLAS—			
	China paper kettisals	Box of 110	30 0	
	Cotton, steel-ribbed	Each	0 13	
	" cane-ribbed	"	0 12	
	" oiled, other than European	"	0 10	
	All other sorts .. .. .	...	<i>Ad valorem</i>	
62	WOOLLEN GOODS—			
	Braid .. .. .	...	"
	Hosiery .. .. .	...	"
	Piece goods .. .. .	...	"
	All other sorts .. .. .	...	"

Schedule B.

EXPORT TARIFF.

No	Names of Articles.	Per	Tariff Valuation	Rate of Duty
	DYEING AND COLOURING MATERIALS—		Rs. a.	
	Indigo—			
	Leaves, green or dry ...	Ton	..	} Rs. 3
	Manufactured ..	Indian maund of 3,200 tolahs.	...	
2	GRAIN AND PULSE—			
	Rice in the husk (paddy) ..	"	..	} 3 annas.
	" not in the husk ..	"	...	
3	LAC—			
	Button ..	Cwt.	65 0	} 4 per cent
	Seed ..	"	45 0	
	Shell ...	"	80 0	
	Stick ..	"	35 0	
	All other sorts, except lac-dyé, which is free ...	...	<i>Ad valorem</i>	

WHITLEY STOKES,
Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 26th August 1875.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th August 1875, and was promulgated for general information in the *Gazette of India* Extraordinary on the 5th August 1875:—

Act No XVI of 1875.

THE INDIAN TARIFF ACT, 1875.

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PREAMBLE

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10. Duties on goods crossing frontiers of Foreign European Settlements in Presidencies of Madras and Bombay
11. Excise duty on spirit distilled in British India.
12. Amendment of Consolidated Customs Act, Sections 27, 57, 66, and 180

SCHEDULE A.—IMPORT TARIFF.

SCHEDULE B.—EXPORT TARIFF.

An Act to amend the law relating to Customs Duties and for other purposes.

WHEREAS it is expedient to amend the law relating to the duties of Customs on goods imported and exported by sea, and to restrict the export of opium, and to provide for the levy of duties on goods crossing the frontier of certain Foreign European Settlements in India, and for fixing a maximum duty of excise on spirit manufactured in British India, and to amend the Consolidated Customs Act; It is hereby enacted as follows:—

1. This Act may be called
Short title. "The Indian Tariff Act,
1875."

IV.—30 e

Commencement. And it shall come into force on the passing thereof.

This section and section twelve, clause three,
Local extent. apply to the whole of British India.

The rest of this Act extends to the whole of British India except Aden.

2. Act No. XVIII of 1870 (to enable the Government of India to exempt goods from Customs duties), Act No. XIII of 1871 (to consolidate and amend the law relating to Customs duties), and all notifications under either of the said Acts are hereby repealed.

3. Nothing herein contained affects Act No. VI of 1873 (to amend the law relating to the transshipment of Goods imported by Steamer, and for other purposes), or authorizes the levy of duties of Customs on any article carried from one port in British India to another, except salt, salted fish, opium, and spirit.

4. There shall be levied and collected, in every port to which this Act applies, the duties specified in Schedules A and B hereto annexed.

5. Goods not prohibited to be imported into or used in British India, whereof any article liable to duty under this Act forms a part or ingredient, shall be chargeable with the full duty which would be payable on such goods if they were entirely composed of such article, or if composed of more than one article liable to duty, then with the full duty which would be payable on such goods if they were entirely composed of the article charged with the highest rate of duty.

6 The Governor General in Council may from time to time, by notification in the *Gazette of India*,

(a) fix for the purposes of this Act the value of any goods exported or imported by sea on which duties of customs are hereby imposed,

(b) exempt any goods imported or exported into or from British India, or into or from any specified port or place therein, from the whole or any part of the duties of customs to which they are liable under this Act or any other law for the time being in force; and

(c) cancel any such exemption.

7 The Local Government may from time to time prescribe rules for ascertaining and determining what spirit imported into British India shall be deemed to have been effectually and permanently rendered unfit for human consumption, so as to be subject only to an *ad valorem* duty of ten per cent. under Schedule A hereto annexed, and for causing such spirit to be so rendered, if necessary, by their own officers, before the duty of customs leviable thereon is levied, and at the expense of the person importing it.

Such rules, on being published in the official *Gazette*, shall have the force of law; and whoever wilfully contravenes any such rule shall be liable to fine not exceeding five hundred rupees.

In the absence of any such rules, or if any dispute arises as to their applicability, the executive officer of highest rank in the department of customs in the port shall decide what spirit is subject only to the said *ad valorem* duty, and such decision shall be final.

8 On all pepper exported by sea from the port of Cochin there shall be levied such duty not exceeding nine rupees per khandi as the Governor of Fort St George in Council from time to time determines, and at the close of each year, or as soon thereafter as may be convenient, the Collector of Customs at the said port shall, after deducting the expenses of collection, pay the duty collected under this section to the Governments of Travancore and Cochin in such proportion and in such manner as the Governor of Fort St George in Council from time to time directs.

9. No opium shall be exported from any part of British India, unless—

(a) it is covered by a pass granted by an officer appointed in this behalf by the Governor General in Council or the Local Government; or

(b) it is exported under the said Act No. VI. of 1873, section seven, or

(c) such export is permitted under the power next hereinafter conferred:

The Governor General in Council may, from time to time, by notification in the *Gazette of India*,

(d) permit the export of opium from any part of British India on payment of such duty, or on such other terms, as the Governor General in Council thinks fit; and

(e) cancel such permission.

10. Duties of customs shall be levied on goods passing by land into or out of Foreign European Settlements situate on the line of coast within the limits of the Presidency of Fort St. George or the Presidency of Bombay at the rates prescribed in the Schedules A and B hereto annexed.

11. And whereas it is expedient that the duty of excise on spirit distilled in British India should bear a due proportion to the customs duty on spirit imported into British India, it is

hereby further enacted as follows:—

Subject to any general rules or special orders which the Governor General in Council may from time to time make in this behalf, the Local Government may from time to time, by notification in the official *Gazette*, fix the duty of excise leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, at any rate not exceeding the rate fixed for imported spirit by Schedule A hereto annexed;

and all provisions now in force as to the levy of duty now chargeable on spirit shall apply to spirit upon which the duty declared under this section has not been paid.

12. And whereas it is expedient to amend the Consolidated Customs Act in manner hereinafter appearing, it is hereby further enacted as follows:—

Section twenty-seven of the Consolidated Customs Act shall be construed, as if, for the words "for which a specific value has not been fixed by the Local Government with the sanction of the Governor General of India in Council," the following words and figures were substituted (namely) "for which a specific value is not fixed by or under the Indian Tariff Act, 1875,"

And the following proviso shall be added to section fifty-seven of the same Act, (namely), "Provided also that where such goods are arms, ammunition, or military stores, they may be sold or otherwise disposed of at such place (whether within or without British India) and in such manner as the Local Government may from time to time direct;"

And section sixty-six of the same Act shall be construed as if for the words and figures "the value of which shall have been fixed under the provisions of section CLXXIX. of this Act," the following words and figures were substituted (namely) "for which a specific value has been fixed by or under the Indian Tariff Act, 1875;"

And section one hundred and eighty of the same Act shall be construed as if for the words "last preceding section" the following words and figures were substituted (namely) "Indian Tariff Act, 1875"

Schedule A.

IMPORT TARIFF.

No.	Names of Articles.	Per	Tarif Valuation.	Rate of Duty
			Rs. a.	
1	APPAREL, INCLUDING HABERDASHERY AND MILLINERY, BUT EXCLUDING BOOTS, SHOES AND HOSIERY. ...	..	<i>Ad valorem</i>	5 per cent.
2	ARMS, AMMUNITION, AND MILITARY STORES—			} 10 per cent.
	Fire-arms, and parts thereof	...	"	
	Gunpowder, common	lb.	0 5	
	" sporting	"	1 0	
	All other sorts	...	<i>Ad valorem</i>	
3	BRUSHES, ALL SORTS	...	"	} 5 per cent.
4	BUILDING AND ENGINEERING MATERIALS—			
	Asphalt	...	"	
	Cements, all sorts	...	"	
	Earthen-ware piping	...	"	
5	CABINET-WARE AND FURNITURE	...	"	
6	CANDLES—			
	Paraffine	lb.	0 5	
	Spermaceti	"	0 8	
	Wax	"	1 0	
	All other sorts, including composition.	"	0 5	
7	CANES, RATANS, ARTICLES MADE OF CANE OR RATAN, AND BASKET-WORK—			} 5 per cent.
	Canes, Malacca	Doz.	1 0	
	Ratans	Cwt.	7 0	
	All other sorts, except common bamboos, which are free	..	<i>Ad valorem</i>	
8	CARRIAGES AND COMPONENT PARTS THEREOF, EXCEPT RAILWAY CARRIAGES AND TRUCKS.	..	"	
9	CHEMICAL PRODUCTS AND PREPARATIONS—			
	Acid, sulphuric...	lb.	0 2	
	Alkali, country (sajji khár)	Cwt.	2 0	
	Alum	"	4 0	
	Arsenic	"	25 0	
	" China mansil	"	16 0	
	Brimstone, flour	"	7 0	
	" roll	"	6 0	
	" rough	"	4 8	
	Copperas, green	"	3 0	
	Sal ammoniac	"	25 0	
	All other sorts	...	<i>Ad valorem</i>	

IMPORT TARIFF—continued.

No	Names of Articles.	Per	Tarif Valuation.	Rate of Duty.
			Rs. a.	
10	CHINESE AND JAPANESE-WARE, INCLUDING LACQUERED-WARE, BUT EXCLUDING EARTHEN- WARE, CHINA AND PORCELAIN...	...	<i>Ad valorem</i>	} 5 per cent.
11	CLOCKS, WATCHES, AND OTHER TIME-KEEPERS	...	"	
12	COIR AND ARTICLES MADE OF COIR—			
	Matting .. .. .	..	"
	Yarn of all kinds	Cwt.	9 0	
	Other articles made of coir, except cables and rope .. .. .	..	<i>Ad valorem</i>
13	CORAL, REAL .. .. .	..	"
14	CORDAGE AND ROPE MADE OF ANY VEGETABLE FIBRE, EXCEPT COTTON AND JUTE—			
	Coir cables, tarred	Cwt.	10 0	
	Coir rope .. .. .	..	10 0
	Cordage, hemp, European .. .. .	..	20 0
	" Manilla .. .. .	..	25 0
	Twine, European, Sail	lb.	0 8	
	All other sorts .. .. .	..	<i>Ad valorem</i>
15	CORK AND ARTICLES MADE OF CORK—			
	Bottle-corks	Gross	1 8	
	Vial-corks .. .. .	..	0 8
	All other sorts... .. .	..	<i>Ad valorem</i>
16	COTTON AND ARTICLES MADE OF COTTON—			
	Cotton hosiery .. .. .	..	"
	Cotton, Raw, not the produce of Conti- nental Asia or Ceylon .. .. .	..	"
	Cotton rope	Cwt.	25 0	
	Country canvas .. .. .	..	50 0
	Piece Goods—			
	Grey—			
	Jaconets, exceeding 10 × 10 to the quarter-inch	lb.	0 12	
	Jaconets, other sorts .. .. .	..	0 10½
	Mulls .. .. .	..	1 1
	Printers .. .. .	..	0 10½
	Shirtings and longcloths .. .. .	..	0 9
	T cloths 18 reed and upwards, and madapollams .. .. .	..	0 9½
	T cloths under 18 reed, jeans, do- mestics, sheetings, and drills .. .. .	..	0 8
	Other sorts .. .. .	..	<i>Ad valorem</i>
	Sewing thread—			
	Goa and Country	Cwt.	30 0	
	On reels or cards containing 100 yards each, and <i>pro rata</i> above and below*	Gross	3 0	
	White and coloured	lb.	1 0	

* Duty to be charged either on the mark or on the actual length.

IMPORT TARIFF—continued.

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty	
	COTTON AND ARTICLES MADE OF COTTON—contd				
			Rs. a.		
	Twist—				
	Mule—No. 15 and lower Nos. ..	lb.	0 5	} 3½ per cent.	
	Nos. 16 to 24 . . . . .	..	0 7	
	.. 25 to 32 . . . . .	..	0 8	
	.. 33 to 42 .. . . .	..	0 9½	
	.. 43 to 52 . . . . .	..	0 11	
	.. 53 to 60 . . . . .	..	0 12½	
	.. 61 to 70 . . . . .	..	0 14	
	.. 71 to 80 . . . . .	..	0 15	
	And so on, one anna to be added to the valuation per lb. for every count of ten, or part of a count of ten, above 80.				
	Water—No. 20 and lower Nos	..	0 8		
	Nos. 21 to 30 . . . . .	..	0 9½	
	.. 31 to 40 . . . . .	..	0 11½	
	.. 41 to 50 . . . . .	..	0 13	
	Above 50 . . . . .	..	1 0	
	Twist, Orange, Red, and other colours except Turkey Red*	..	0 13		
	Twist, Turkey Red, all kinds*	..	1 6		
	Cotton goods, all other sorts	..	<i>Ad valorem</i>		
17	DRUGS AND MEDICINES, EXCEPT OPIUM—				
	Aloes, black	Cwt	11 0	} 5 per cent.	
	.. Socotra . . . . .	..	25 0	
	Assafetida (hing) . . . . .	..	55 0	
	.. coarse (hingra) . . . . .	..	10 0	
	Camphor, Bhemsami (baras)	lb.	80 0		
	.. refined, cake	Cwt.	65 0		
	.. crude, in powder . . . . .	..	40 0	
	Cassia lignea . . . . .	..	38 0	
	Salep . . . . .	..	80 0	
	Senna leaves . . . . .	..	5 0	
	All other sorts, except gumme, which is free . . . . .	..	<i>Ad valorem</i>	
18	DYEING AND COLOURING MATERIALS—				
	Amiline dyes—Magenta and Roseine ..	oz	0 4		} 5 per cent.
	Cochineal	lb.	1 4		
	Gallnuts, country, Myrabolan	Cwt.	4 0		
	.. Persian . . . . .	..	25 0	
	Madder or manyth . . . . .	..	12 0	
	Orchilla weed . . . . .	..	5 0	
	Sapan wood and root . . . . .	..	5 0	
	All other sorts . . . . .	..	<i>Ad valorem</i>	
19	EARTHEN-WARE (EXCEPT EARTHEN-WARE PIPING), CHINA, CHINA CLAY AND PORCELAIN.				
20	FIREWORKS—				
	China	Box of 133½ lbs.	30 0	} 5 per cent.	
	All other sorts . . . . .	..	<i>Ad valorem</i>	
21	FLAX, AND ARTICLES MADE OF FLAX—				
	Canvas, European sail, not exceeding 40 yards	Bolt	15 0	} 5 per cent.	
	Piece goods . . . . .	..	<i>Ad valorem</i>	
	All other sorts, including linen thread ..	..	..

* Duty to be charged on the grey weight of the coloured yarn when this is not ascertainable, the actual wharf weight, or invoice weight, to be taken.

IMPORT TABLE—continued.

No	Names of Articles.	Per	Tariff Valuation.	Rate of Duty
22	FRUITS AND VEGETABLES—		Rs. a.	
	Almonds, without shell ..	Cwt.	30 0	} 5 per cent.
	" in the shell ...	"	11 0	
	Cajoo kernels ..	"	10 0	
	Cocoanuts ..	Thousand	30 0	
	" kernel (khopra) ..	Cwt.	8 8	
	Currants, European ..	"	35 0	
	" Persian ..	"	12 0	
	Dates, dry, in bags ..	"	4 8	
	" wet, in bags ...	"	3 8	
	" " in pots ...	"	7 0	
	Figs, European ..	"	42 0	
	" Persian, dried ..	"	6 8	
	Garlic ..	"	5 0	
	Pistachio nuts ..	"	20 0	
	Prunes, Bussorah ..	"	16 0	
	Raisins, black, Persian Gulf, Red Sea, and Kishmish ..	"	16 0	
	" Munakka, Persian Gulf, and Red Sea ..	"	7 0	
	" Malaga and bloom ..	lb.	0 10	
	" other sorts ..	"	<i>Ad valorem</i>	
	Walnuts ..	Cwt.	5 8	
	All other sorts, except Bed-mushk, Bajarbattu nuts, and fresh fruits and vegetables not separately enu- merated, which are free...	"	<i>Ad valorem</i>	
23	GLASS, GLASS-WARE, BEADS, FALSE PEARLS AND FALSE CORALS—			
	Bangles, Glass, China, gilt ..	100 pairs	6 0	} 5 per cent.
	" " not gilt ..	"	3 0	
	Beads, China ..	Cwt.	30 0	
	Coral, false ..	"	<i>Ad valorem</i>	
	Glass, China, of all colours ..	133½ lbs.	32 0	
	" Crown, coloured ..	100 Supl. feet.	25 0	
	" " of sizes ..	"	7 0	
	Pearls, false—			
	Bajria ..	Lakh	5 0	
	Boria ..	Thousand	1 4	
	Jouria ..	Lakh	8 0	
	Nathia ..	Thousand	0 6	
	Tachea ..	"	1 0	
	Wattanah ..	Lakh.	10 0	
	All other sorts of beads, false pearls and glass, except bottles used to bottle beer, wine, spirit, or aerated waters, which are free ..	"	<i>Ad valorem</i>	
24	GUMS, GUM RESINS, AND ARTICLES MADE OF GUM OR GUM RESIN—			
	Copal ..	Cwt.	65 0	} 5 per cent.
	Cutch and Gambier ..	"	10 0	
	Gum Ammoniac ..	"	12 0	
	" Arabic ..	"	15 0	
	" Bdelhum (common gum) ..	"	5 0	
	" Benjamin ..	"	40 0	
	" Bysabol (coarse myrrh) ..	"	12 0	
	" Olibanum or frankincense ..	"	12 0	
	Kmo ..	"	10 0	
	Myrrh ..	"	30 0	
	" Persian (false) ..	"	3 0	
	Rosin ..	"	5 0	
	All other sorts ..	"	<i>Ad valorem</i>	

IMPORT TARIFF—*continued.*

No.	Names of Articles.	Per	Tariff Valuation.	Rate of Duty.
			Rs. a.	
25	HARDWARE AND CUTLERY, INCLUDING IRON-MONGERY AND PLATED-WARE, BUT EXCLUDING MACHINERY AND THE COMPONENT PARTS THEREOF, WHICH ARE FREE, AND AGRICULTURAL IMPLEMENTS, WHICH ALSO ARE FREE	..	<i>Ad valorem</i>	} 5 per cent.
26	HEMP, AND ARTICLES MADE OF HEMP—			
	Piece goods	...	"	
	All other sorts except rope	..	"	
27	HIDES AND SKINS, EXCEPT RAW OR SALTED HIDES OR SKINS, WHICH ARE FREE—			
	Hides—			
	Border	Each	30 0	
	Buffalo	Score	80 0	
	Cow	"	60 0	
	Skins—			
	Calf	Doz.	45 0	
	Chamois	"	6 0	
	Goat	Score	16 0	
	Lamb	"	6 0	
	Roan	Doz.	30 0	
	Sheep	Score.	11 0	
	All other sorts	..	<i>Ad valorem</i>	
28	INSTRUMENTS AND APPARATUS—			
	Musical	..	"	
	Drawing, Measuring, Optical, Photographic (including materials for photography), Surveying, and Surgical (including surgical appliances)	...	"	
29	IVORY AND IVORY-WARE—			
	Unmanufactured—			
	Elephants' grinders	Cwt.	125 0	
	Elephants' tusks, each exceeding 20 lbs in weight	"	450 0	
	Elephants' tusks not less than 10 lbs. and not exceeding 20 lbs. each	"	325 0	
	Elephants' tusks, each less than 10 lbs.	"	175 0	
	Sea-cow or moye teeth, each not less than 3 lbs.	"	175 0	
	Sea-cow or moye teeth, each less than 3 lbs.	"	60 0	
	Articles made of ivory	..	<i>Ad valorem</i>	

IMPORT TARIFF—continued.

	Names of Articles.	Per	Tariff Valuation	Rate of Duty.
			Rs. a.	
30	JEWELLERY, INCLUDING PLATE—			
	Silver-ware, Plain ... }	Total.	1 2	} 5 per cent.
	„ Embossed or chased. } Other than European. }	„	1 8	
	All other sorts, except precious stones and pearls, which are free ..	...	<i>Ad valorem</i>
31	LEATHER, AND ARTICLES MADE OF LEATHER, INCLUDING BOOTS, SHOES, HARNESS AND SADDLERY, BUT EXCLUDING BELTING FOR DRIVING MACHINERY, WHICH IS FREE		„	
32	LIQUORS—			
	Ale, beer, and porter ... }	Impl. Gallon or six quart bottles }	..	One anna.
	Cider, and other fermented liquors }	„	..	Rs. 4.
	Liqueurs ... }	„	..	
	Spirit for use exclusively in arts or manufactures or in chemistry, which has been rendered effectually and permanently unfit for human consumption	<i>Ad valorem</i>	10 per cent.
	Spirit, other sorts	{ Impl. Gallon or six quart bottles of the strength of London proof. }	..	{ Rs. 4, and the duty to be increased in proportion as the strength of the spirit exceeds London proof }
	Wines—			
	Champagne and all other sparkling wines }	Impl. Gallon or six quart bottles ... }	..	Rs 2-8
	Claret, and Still Burgundy ..	„	..	Re 1
	All other sorts of still wines ..	„	..	Re. 1-8
33	MATCHES, LUCIFER, AND ALL OTHER SORTS	..	<i>Ad valorem</i>	
34	MATS—			
	Floor-matting, China and Singapore, of all sorts	Hundred	70 0	
	All other sorts, except coir matting	<i>Ad valorem</i>	
35	METALS, UNWROUGHT, WROUGHT, AND ARTICLES MADE OF METALS—			
	Brass—			
	Beads, Ghúngrí, China	Thousand.	0 14	} 5 per cent.
	Old ..	Cwt.	35 0	
	Sheets, rolls, very thin ..	„	90 0	
	Wire	lb.	0 8	
	All other sorts .. ..	..	<i>Ad valorem</i>
	Copper—			
	Australian Cake	Cwt.	50 0	
	Bolt	„	50 0	
	Brazier's	„	52 0	
	China cash	„	30 0	
	Japan	„	48 0	
	Nails and composition nails ..	„	48 0	
	Old	„	48 0	
	Pigs and slabs, foreign	„	46 0	
	Sheet, sheathing, and plate ..	„	52 0	
	Tiles, ingots, cakes, and bricks ..	„	48 0	
	Other sorts, unmanufactured ..	..	<i>Ad valorem</i>
	China white copper-ware ..	lb	1 2	
	Foil or dakpana	100 leaves	3 0	
	Wire	lb	0 10	
	All other sorts .. ..	..	<i>Ad valorem</i>
	Gold Leaf, European	100 leaves	3 0	
	„ Mock	20 books	5 0	

IMPORT TARIFF—continued.

No.	Names of Articles	Per	Tariff Valuation.	Rate of Duty.
			Rs a.	
	<i>METALS, &c—contd.</i>			
	Iron—			
	Anchors and cables	<i>Ad valorem</i>	} 1 per cent.
	Angle and T iron	"	
	Beams, pillars, girders, bridge-work, and other descriptions of iron, imported exclusively for building purposes	"	
	Flat, square and bolt, including Scotch	Ton	100 0	
	Galvanised	Cwt.	11 0	
	" sheets and ridging	"	"	
	Hoop, plate and sheet	Ton	135 0	
	Nails, rose, clasp, and flat-headed, rivets and washers	Cwt.	12 8	
	Nails, other sorts, including galvanised . . . . .	.	<i>Ad valorem</i>
	Nail rod	Ton	120 0	
	Old	Cwt.	2 0	
	Pig	Ton	55 0	
	Pipes and tubes . . . . .	.	<i>Ad valorem</i>
	Rice bowls	Set of ten	4 0	
	"	" six	2 0	
	Rod, round, British, not exceeding half-inch diameter	Ton	130 0	
	" exceeding half-inch diameter	"	100 0	
	Swedish, flat and square	"	160 0	
	Tinned plates	Cwt.	15 0	
	All other sorts, including wire, but excluding Railway materials, and kentledge, which last-named article is free . . . . .	.	<i>Ad valorem.</i>
	Lametta, double reels	Score	4 8	
	" single "	"	2 4	
	Lead—			
	Ore, Galena	Cwt.	13 0	} 5 per cent.
	Pig	"	11 0	
	Pipes . . . . .	.	<i>Ad valorem</i>
	Sheets, tea	Cwt.	20 0	
	" other sorts	"	12 0	
	Orsidue and brass leaves, foreign, European	lb.	1 2	
	" " " China	"	0 14	
	Patent or Yellow Metals, sheathing, sheets, and bolts	Cwt.	42 0	
	Ditto ditto old	"	37 0	
	Quicksilver	lb	2 8	
	Shot, bird	Cwt.	16 0	
	Steel, excluding Railway materials—			
	Blistered	"	9 0	
	British and foreign other than Swedish	"	9 0	
	Cast	"	25 0	
	Spring	"	10 0	
	Swedish	"	10 0	
	Tin, Block	"	50 0	
	" other sorts	<i>Ad valorem</i>	

IMPORT TARIFF—continued.

No.	Names of Articles	Per	Tariff Valuation	Rate of Duty
	METALS, &c— <i>contd</i>		Rs. a.	
	Zinc or Spelter—			
	Nails	Cwt.	14 0	}
	Plate and other shapes, soft	"	15 0	
	" " " " hard	"	11 0	
	Sheet or zinc sheathing	"	17 0	
	All other sorts . . . . .	...	<i>Ad valorem</i>
36	MILITARY AND OTHER UNIFORMS AND ACCOUTREMENTS, &c, EXCEPT UNIFORMS AND ACCOUTREMENTS IMPORTED BY A PUBLIC SERVANT FOR HIS PERSONAL USE, WHICH ARE FREE	...	"	
37	NAVAL STORES NOT OTHERWISE DESCRIBED, EXCEPT OAKUM, WHICH IS FREE	..	"	
38	OILS—			} 5 per cent
	Cassia	lb.	3 0	
	Cocconut	Cwt.	15 0	
	Grass	lb	1 12	
	Jungli or til	Cwt.	15 0	
	Kerosine, paraffine, petroleum, rock and shale oils of all descriptions	Impl. Gallon	0 12	
	Linseed, European	"	2 0	
	Naphtha	Cwt.	30 0	
	Otto of sorts	oz.	10 0	
	Sandalwood	lb.	8 0	
	Turpentane	Impl. Gallon	1 10	
	Whale (except spermaceti) and fish	Cwt.	15 0	
	Wood	"	15 0	
	All other sorts, except cocum and slush fat, which are free . . . . .	..	<i>Ad valorem</i>
39	OIL AND FLOOR CLOTH		"	
40	OPIMUM NOT COVERED BY A GOVERNMENT PASS.	Seer of 80 tolahs		Rs. 24.
41	PAINTS, COLOURS, PAINTERS' MATERIALS, AND COMPOSITIONS FOR APPLICATION TO LEATHER AND METALS—			} 5 per cent.
	Ochre other than European, all colours	Cwt.	1 8	
	Paints of sorts	"	12 0	
	" Composition	"	25 0	
	" Patent driers	"	14 0	
	Prussian blue, China	lb.	0 8	
	" " European	"	1 8	
	Red lead	Cwt.	14 0	
	Turpentane	Impl. Gallon	1 10	
	Verdigris	Cwt.	75 0	
	Vermilion, Canton	Box of 90 bundles	150 0	
	White lead	Cwt.	12 0	
	All other sorts . . . . .	...	<i>Ad valorem</i>
42	PAPER—			
	Wall paper		"	
43	PERFUMERY—			
	Atary, Persian.	Cwt.	15 0	

IMPORT TARIFF—*continued.*

No	Names of Articles	Per	Tariff Valuation	Rate of Duty
	PERFUMERY— <i>continued.</i>		Rs. a.	
	Perfumed spirit in wood, or in bottles containing more than half a pint	Impl. Gallon		Rs. 4.
	Rose-flowers, dried	Cwt	13 0	
	Rose-water	Impl. Gallon	1 12	
	All other sorts, including perfumed spirit in bottles containing not more than half a pint		<i>Ad valorem</i>	
44	PIECE GOODS, NOT OTHERWISE DESCRIBED.		"	
45	PIPES AND OTHER IMPLEMENTS USED IN THE CONSUMPTION OF TOBACCO		"	
46	PITCH, TAR, AND DAMMER—			
	Bitumen		" 5 0	5 per cent.
	Dammer	Cwt.	6 0	
	Pitch, American and European	"	2 8	
	" Coal	"	6 0	
	Tar, American and European	"	2 8	
	" Coal	"	<i>Ad valorem</i>	
47	PROVISIONS AND OILMAN'S STORES—			
	Bacon in canisters, jowls and cheeks	lb.	0 9	12 annas.*
	Beef and pork	Trierce of three cwt	60 0	
	Cheese	Barrel of two "	40 0	
	China preserves	lb	0 10	
	Flour	Box of six jars	8 0	
	Ghee	Barrel or sack of 200 lbs	15 0	
	Groceries not otherwise described	Cwt.	36 0	
	Pork hams	<i>Ad valorem</i>	0 10	
	Salted fish*	lb	0 10	
	Tongues, salted	Cwt	10 0	
	Vinegar, European, in wood	Keg of six	1 8	5 per cent.
	" Persian	Impl. Gallon	0 12	
	" Country	"	0 6	
	All other sorts, except béche-de-mer, fishmaws, shark-fins, singally and sozille, which are free		<i>Ad valorem</i>	
48	RAILWAY MATERIALS—			
	Of iron		"	1 per cent.
	Steel rails and other articles made of steel intended for the permanent-way of railways		"	
	All other sorts, including carriages and trucks		"	5 per cent.
49	SALT—			
	Imported into British Burma	Indian maund of 3,200 tolahs	"	3 annas.
	" into Bengal	"	"	Rs. 3-4
	" into any other part of British India	"	"	" 1-13.
50	SEEDS—			
	Castor	Cwt.	4 8	5 per cent.
	Cummin	"	13 0	

* Duty to be levied only on salted fish imported into the Bombay Presidency except Sind, and into such other parts of British India as the Governor General in Council may, by notification in the *Gazette of India*, from time to time, direct.

IMPORT TARIFF—continued.

No	Names of Articles.	Per	Tariff Valuation.	Rate of Duty	
			Rs. a.		
	<i>SEEDS—continued.</i>				
	Cummir, black	Cwt.	4 8	} 5 per cent	
	Lunseed	"	5 8		
	Methi	"	4 0		
	Mustard, rape, or sarson ..	"	4 8		
	Quince seed or bihi-dana ..	"	30 0		
	Sozira	"	20 0		
	All other sorts, except seeds im- ported by any Public Society for gratuitous distribution, which are free .. ..	...	<i>Ad valorem</i>	
51	<i>SHELLS AND COWRIES—</i>				
	<i>Chanks—</i>				
	Large shells, for cameos	Hundred	10 0		} 5 per cent
	White, live	"	6 0		
	" dead	"	3 0		
	<i>Cowras—</i>				
	From Mozambique and Zanzibar ..	"	3 0		
	From other places	"	0 8		
	<i>Cowries—</i>				
	Bazar, common	Cwt.	2 8		
	Maldiva	"	10 0		
	Sankhh	"	50 0		
	Yellow, superior quality... ..	"	5 0		
	Mother-of-pearl	"	30 0		
	Tortoise-shell	lb.	6 0		
	" nakh... ..	"	1 0		
	All other sorts, including nakhla ..	...	<i>Ad valorem</i>	
52	<i>SILK AND ARTICLES MADE OF SILK—</i>				
	Floss	lb.	8 0	} 5 per cent	
	Piece Goods .. ..	...	<i>Ad valorem</i>	
	<i>Raw Silk—</i>				
	Chaháram and Cochin China ..	lb.	4 0		
	Mathow	"	1 12		
	Other kinds of China	"	7 0		
	Panjam and Kachra	"	1 4		
	Persian	"	5 0		
	Siam	"	2 8		
	Sewing thread, China	"	8 0		
	All other sorts .. ..	...	<i>Ad valorem</i>	
53	<i>SOAP</i>				
54	<i>SPICES—</i>				
	Aniseed star	Cwt.	35 0	} 5 per cent	
	<i>Betelnuts—</i>				
	Goa	"	12 0		
	In the husk	Thousand	2 0		
	White, Srivardhan	Cwt.	18 0		
	All other sorst	"	5 0		

IMPORT TARIFF—*concluded*

No	Names of Articles	Per	Tariff Valuation.	Rate of Duty
			Rs. a.	
	<i>SPICES—continued</i>			
	Chilies, dried	Cwt	8 0	} 5 per cent.
	Cloves	"	40 0	
	" in seeds, Narlavang	"	16 0	
	Mace	lb	1 2	
	Nutmegs	"	1 0	
	" in shell	"	0 8	
	Pepper, black and long	Cwt.	25 0	
	" white	"	32 0	
	All other sorts .. .. .	...	<i>Ad valorem</i>
55	STATIONERY (EXCEPT PAPER, WHICH IS FREE)		"	
56	<i>SUGAR—</i>			
	China, candy	Cwt	20 0	} 5 per cent.
	Loaf	"	23 0	
	Soft	"	13 8	
	All other sorts of saccharine produce		<i>Ad valorem</i>	
57	<i>TEA—</i>			
	Black	lb	0 12	} 5 per cent.
	Green	"	1 4	
58	<i>TODACCO—</i>			
	Manufactured	<i>Ad valorem</i>	} 5 per cent.
	Unmanufactured .. .. .	...	"
59	TOILET REQUISITES, NOT OTHERWISE DESCRIBED			
		...	"	
60	TOYS AND REQUISITES FOR ALL GAMES			
		...	"	
61	<i>UMBRELLAS—</i>			
	China paper kettasals	Box of 110	30 0	} 5 per cent.
	Cotton, steel-ribbed	Each	0 13	
	" cane-ribbed	"	0 12	
	" oiled, other than European	"	0 10	
	All other sorts .. .. .	...	<i>Ad valorem</i>
62	<i>WOOLLEN GOODS—</i>			
	Braid	"	} 5 per cent.
	Hosiery .. .. .	...	"
	Piece goods .. .. .	...	"
	All other sorts .. .. .	...	"

Schedule B.

EXPORT TARIFF.

No	Names of Articles.	Per	Tariff Valuation.	Rate of Duty
			Rs a.	
1	DYING AND COLOURING MATERIALS—			
	Indigo—			
	Leaves, green or dry ...	Ton	..	} Rs. 3.
	Manufactured ...	Indian maund of 3,200 tolahs.	..	
2	GRAIN AND PULSE—			
	Rice in the husk (paddy) ...	..	..	} 3 annas.
	„ not in the husk ..	..	..
3	LAC—			
	Button ..	Cwt.	65 0	} 4 per cent.
	Seed ..	..	45 0	
	Shell ...	..	80 0	
	Stick ...	..	35 0	
	All other sorts, except lac-dye, which is free ..	..	<i>Ad valorem</i>	

WHITLEY STOKES,
Secretary to the Government of India

THE



Bombay Government Gazette

Published by Authority.

MONDAY, 18TH OCTOBER 1875.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 29th September 1875, and the assent of His Excellency the Governor General on the 14th October 1875, and is published for general information :—

BOMBAY Act No. II. of 1875.

An Act to empower the Municipal Corporation of the City of Bombay to aid in the reception of His Royal Highness the Prince of Wales on the occasion of his visit to India.

Whereas His Royal Highness the Prince of Wales purposes visiting India some time in the month of November 1875 ; and whereas the Municipal Corporation of the City of Bombay is desirous of contributing from the Municipal Fund towards the fitting reception of His Royal Highness ; and whereas it is expedient to empower the said Corporation to make a contribution from the Municipal Fund for the said purpose, and to provide for the payment of the same out of the cash balance which the said Corporation is required by the Bombay Municipal Act of 1872 to retain at the end of each year, and for the restoration of the said cash balance to its proper amount

iv.—31

after three years ; It is enacted as follows :—

1. It shall be lawful for the Municipal Corporation of the City of Bombay, anything contained in the Bombay Municipal Act of 1872 to the contrary notwithstanding, to contribute from the Municipal Fund towards the expense of providing for the becoming reception of His Royal Highness the Prince of Wales and for the public rejoicings during His Royal Highness' stay in the said City, such sum not exceeding half a lakh of rupees as the said Corporation shall deem fit,

2. The operation of every portion of the Bombay Municipal Act of 1872, which requires that provision shall be made for a cash balance of not less than one lakh, and a half of rupees at the end of each year shall be and is hereby declared to be suspended so far as concerns the years eighteen hundred and seventy-five, eighteen hundred and seventy-six, and eighteen hundred and seventy-seven: Provided that the cash balance at the end of each of the said years shall not be less than as follows, viz.:

At the end of 1875, one lakh of rupees;
 „ 1876, one lakh and seven-
 teen thousand rupees;
 „ 1877, one lakh and thirty-
 four thousand rupees.

By order of His Excellency the Governor in Council,

W. LEE WARNER,

Acting Under Secretary to Government.

Poona, 16th October 1875.



Bombay Government Gazette

Published by Authority.

THURSDAY, 21ST OCTOBER 1875.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 13th October 1875, and was promulgated for general information in the *Gazette of India* on the 16th October 1875 —

Act No. XVIII. of 1875

An Act for the improvement of Law Reports

Whereas it is expedient to diminish the multitude and expense of the law reports published in British India, and to improve their quality And whereas with a view to furthering these objects, the Governor General in Council purposes to authorize the publication of reports of cases decided by the High Courts of Judicature established under the 24th and 25th of Victoria, Chapter 104, It is hereby enacted as follows —

- Short title. 1. This Act may be called "The Indian Law Reports Act, 1875."
- Local extent. It extends to the whole of British India.

And it shall come into force on such day as the Governor General in Council notifies in this behalf in the *Gazette of India*.

2. Act No. II. of 1875 (to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority) is hereby repealed.

3. No Court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council.

4. Nothing herein contained shall be construed to give to any judicial decision any further or other authority than it would have had if this Act had not been passed.

WHITLEY STOKES,
Secretary to the Government of India

IX on

My dear Mr. Nagob

I have looked through the
Act for 1873, 74 & 75 & the
following is a list of Acts I
have copied. There are two or more copies of
any of the Acts in the file you
sent me. & therefore there will be
no duplicates.

1872. No. II on

1873. No. V. Govt Savings Bank Act.

No. XII

The Repealing Act of 1873.

1874. No. II

Administrator General Act

Moved Women's Property Act

No. IX

European Vagrancy Act.

No. VI. (Bombay)

District Municipal Act

No XI

To Amend Code of Criminal
Procedure and

to amend the Code of Criminal
Procedure and to amend
the provisions relating to
the trial of offences
under the Indian Penal Code
and to amend the provisions
relating to the trial of
offences under the
Code of Criminal Procedure
1875.

1875.

No II (Bombay) of 1874

The Juries Act No. 18 of 1873

No I (G. of Madras) of 1873

The Juries Act No. 11 of 1873

No I (Bombay) of 1875

The Juries Act No. 1 of 1875

If you have any objection to these
I will be glad to receive your
views. I shall be much obliged
to you if you will
write to me.

Yours truly

W. B. B. B.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 13th October 1875, and was promulgated for general information in the *Gazette of India* on the 16th October 1875:—

Act No. XVIII. of 1875.

Act for the improvement of Law Reports.

Preamble. It is expedient to diminish the multitude and expense of the law reports published in British India, and to improve their quality. And whereas with a view to furthering these objects, the Governor General in Council purposes to authorize the publication of reports of cases decided by the High Courts of Judicature established under the 24th and 25th of Victoria, Chapter 104, It is hereby enacted as follows:—

- | | |
|---------------|---|
| Short title. | 1. This Act may be called "The Indian Law Reports Act, 1875." |
| Local extent. | It extends to the whole of British India; |

And it shall come into force on such day as the Governor General in Council notifies in this behalf in the *Gazette of India*.

2. Act No. II. of 1875 (to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority) is hereby repealed.

3. No Court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council.

4. Nothing herein contained shall be construed to give to any judicial decision any further or other authority than it would have had if this Act had not been passed.

WHITLEY STOKES,
Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 4th November 1875.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 29th September 1875, and the assent of His Excellency the Governor General on the 12th October 1875, and is published for general information :—

BOMBAY Act No. II. of 1875.

An Act to empower the Municipal Corporation of the City of Bombay to aid in the reception of His Royal Highness the Prince of Wales on the occasion of his visit to India.

Whereas His Royal Highness the Prince of Wales purposes visiting India some time in the month of November 1875; and whereas the Municipal Corporation of the City of Bombay is desirous of contributing from the Municipal Fund towards the fitting reception of His Royal Highness; and whereas it is expedient to empower the said Corporation to make a contribution from the Municipal Fund for the said purpose, and to provide for the payment of the same out of the cash balance which the said Corporation is required by the Bombay Municipal Act of 1872 to retain at the end of each year, and for the restoration of the said cash balance to its proper amount after three years; It is enacted as follows :—

1. It shall be lawful for the Municipal Corporation of the City of Bombay, anything contained in the Bombay Municipal Act of 1872 to the contrary notwithstanding, to contribute from the Municipal Fund towards the expense of providing for the becoming reception of His Royal Highness the Prince of Wales and for the public rejoicings during His Royal Highness' stay in the said City, such sum not exceeding half a lakh of rupees as the said Corporation shall deem fit.

2. The operation of every portion of the Bombay Municipal Act of 1872, which requires that provision shall be made for a cash balance of not less than one lakh and a half of rupees at the end of each year shall be and is hereby declared to be suspended so far as concerns the years eighteen hundred and seventy-five, eighteen hundred and seventy-six, and eighteen hundred and seventy-seven: Provided that the cash balance at the end of each of the said years shall not be less than as follows, viz.:

At the end of 1875,	one lakh of rupees;
„ 1876,	one lakh and seven- teen thousand rupees;
„ 1877,	one lakh and thirty- four thousand rupees.

At the end of 1875, one lakh of rupees ;
 „ 1876, one lakh and seven-
 teen thousand rupees ;
 „ 1877, one lakh and thirty-
 four thousand rupees.

By order of His Excellency the Governor in Council,

W. LEE WARNER,

Acting Under Secretary to Government.

Poona, 16th October 1875.

[Published with the "Bombay Government Gazette" on the 6th January 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 8th October 1875, and the assent of His Excellency the Governor General on the 20th December 1875, and is published for general information :—

BOMBAY Act No. III. of 1875.

An Act for enabling Government to levy Tolls on Public Roads and Bridges in the Presidency of Bombay.

WHEREAS Tolls have been levied in the Presidency of Bombay in accordance with Act XV. of 1864 since the 30th day of July 1864, but doubts have arisen whether the said Act has been formally extended to the said Presidency; and whereas it is expedient to remove the said doubts and to consolidate in one Act the provisions for the levy of Tolls upon Public Roads and Bridges in the said Presidency; It is enacted as follows :—

I. Act VIII. of 1851 is hereby repealed in so far as it affects the Presidency of Bombay.

II. Act XV. of 1864 shall be deemed to have been extended to the Presidency of Bombay as from the 30th day of July 1864, and all Tolls levied within the Presidency of Bombay upon any public roads or bridges (from whatever funds the same may have been constructed) between the said 30th day of July 1864 and the coming into operation of this Act, shall be deemed to have been levied under the provisions of Act XV. of 1864 and to have been duly and lawfully levied and collected.

III. The Governor in Council may cause such Rates of Tolls to be levied, not exceeding the rates mentioned in the Schedule annexed to this Act, to be levied upon any Road or Bridge which has been or shall hereafter be made or repaired at the expense of the Government or from funds collected under the provisions of Bombay Act III. of 1869, or other funds levied under the authority and subject to the general control of Government, and may place the collection of such Tolls under the management of such persons as may appear to him proper; and all persons employed in the management and collection of such Tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of the Land Revenue. Until such rates of tolls shall be fixed by the Governor in Council, the tolls now levied shall continue to be levied by the persons under whose management the same are now collected, who shall be held to have been appointed under the provisions of this Act.

Clause 2. The word "persons" in this section shall include Local Fund Committees established under Bombay Act III. of 1869.

IV. In case of non-payment of any such Toll on demand, the officers appointed to collect the same may in the first place seize any part of the burden or load of the carriage or animal on which the toll is chargeable of sufficient value to defray the toll, or in the event of the burden or load being insufficient, such carriage or animal; and if any Toll remains undischarged for 24 hours with the cost arising from such seizure, the case shall be brought before the officer appointed to superintend the collection of the said Toll, who may sell the property seized for discharge

of the Toll, and all expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain to be returned on demand to the owner of the property; and the said officer on receipt of the property shall forthwith issue a notice, that at noon of the next day, exclusive of Sunday or any close holiday, he will sell the property by auction: Provided that if at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred and of double the Toll payable by him, the said officer shall forthwith release the property seized.

V. No Tolls shall be paid for the passage of Troops and Military Stores and Equipages on their march, or of Police Officers on duty, or of any person or property in their custody. And it shall further be lawful for His Excellency the Governor in Council, by notification in the *Government Gazette*, to grant and define other exemptions from payment of the Tolls levied under this Act.

VI. All Police Officers shall be bound to assist the Toll Collectors, when required, in the execution of this Act, and for that purpose shall have the same power which they have in the exercise of their ordinary Police duties.

VII. Every person, other than the persons appointed to collect the Tolls under this Act, who shall levy or demand any Toll on any Public Road or Bridge, or for passing through any Bazaar situated thereon, and also every person who shall unlawfully and extortionately demand or take any other or higher Toll than the lawful Toll, or under colour of this Act seize or sell any property, knowing such seizure or sale to

be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be liable, on conviction before a Magistrate, to imprisonment of either description for any term not exceeding six calendar months, or to fine not exceeding Rs. 200, any part of which fine may be awarded by the Magistrate to the person aggrieved, but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court of the District.

VIII. A table of the Tolls authorized to be taken at any Toll gate or station legibly written or printed in English words and figures, and also in those of the vernacular language of the District, to which shall be annexed written or printed in like manner a statement of the penalties for refusing to pay the Tolls and for taking any unlawful Toll shall be furnished by Government to the Collector of Tolls, and the same shall by him be kept in a conspicuous place near such gate or station.

IX. Any person entrusted with the management of the collection of Tolls under this Act, may in his discretion compound for any period, not exceeding one year, with any person for a certain sum to be paid by such person for himself or for any vehicle or animal kept by him, in lieu of the rates of Tolls specified in the Schedule to this Act.

X. The net proceeds of the Tolls levied under this Act shall be applied wholly to the construction, repair and maintenance of roads and bridges within the Presidency of Bombay: Provided that the net proceeds of Tolls levied on roads or bridges constructed by or belonging to any Local Fund Committee shall be applied to the construction and maintenance of roads or bridges in the district under the superintendence of such Local Fund Committee.

[SCHEDULE.]

SCHEDULE.

	Rs.	a.	p.
On every four-wheeled carriage on springs	1	0	0
On every two-wheeled carriage on springs	0	8	0
On every ekka or hackery on springs	0	2	0
On every cart and hackery not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0
Ditto if not laden	0	8	0
On every cart and hackery not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	12	0
Ditto if not laden	0	6	0
On every cart and hackery not on springs drawn by 4 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	8	0
Ditto if not laden	0	4	0
On every cart and hackery not on springs drawn by 2 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
Ditto if not laden	0	2	0
Buffaloes, or bullocks, per head, if laden	0	1	0
Ditto ditto if not laden	0	0	6
On every elephant	1	8	0
On every camel, if laden	0	4	0
Ditto if not laden	0	2	0
On every horse, if laden or ridden	0	1	6
Ditto unladen or led	0	0	9
On every pony or mule, if laden or ridden	0	0	9
Ditto unladen or led	0	0	6
On every ass, if laden or ridden	0	0	6
Ditto unladen or led	0	0	3
On every sheep, or goat, or pig	0	0	1
On every palanquin, dooly, palna, or tonjon, with 8 bearers	1	0	0
Ditto ditto ditto with 6 bearers	0	12	0
Ditto ditto ditto with 4 bearers	0	8	0
On every foot passenger with the special sanction of Government on bridges or hill roads	0	0	3

Explanation I.—Animals drawing any vehicle for which Toll can be demanded are not to be also charged with Toll.

Explanation II.—No second toll shall be levied on the same carriage or animal returning on the same day.

By order of His Excellency the Governor in Council,

W. LEE WARNER,

Acting Under-Secretary to Government.

Bombay Castle, 27th December 1875.



Bombay Government Gazette.

Published by Authority.

THURSDAY, 13TH JANUARY 1876.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 4th January 1876, and was promulgated for general information in the *Gazette of India* of the 8th January 1876:—

Act No. I. of 1876

THE INDIAN TELEGRAPH ACT 1876,

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Local extent.
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2. Repeal of Acts
Saving of existing orders and rules.
3. Interpretation-clause.
- II.—Privileges Powers of Government
4. Exclusive privilege of establishing telegraphs.
Proviso as to possession of telegraphs established by license.
5. Power to license
to establish telegraphs on land of railway company.
6. Power to frame rules for the conduct of Government telegraphs.

SECTION

8. Power to frame rules for telegraphs established by license, and to declare Act applicable to telegraphs established within British India by Foreign Powers
9. Government not responsible for loss or damage
- III.—Penalties.
10. Penalty for establishing or maintaining unlicensed telegraphs.
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14. For unlawfully learning the contents of messages
15. For damaging, &c, telegraphs with intent to prevent transmission, to tap, or to commit mischief
Such offences to be cognizable and non-bailable
16. Power to employ additional police in places where mischief to telegraphs is repeatedly committed
17. Penalty for omitting to transmit or deliver messages
For intercepting or divulging messages
For divulging purport of signals
18. For offering bribes to telegraph officers
19. For misconduct.
20. For sending messages without payment to Government
21. For sending fabricated messages.
22. For retaining messages, &c, delivered by mistake.
23. For abetment of and attempts to commit, offences

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

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

I.—Preliminary.

1. This Act may be called "The Indian Telegraph Act, 1876":
 Short title. graph Act, 1876":
 It extends to the whole of British India, and,
 Local extent. so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty,

And it shall come into force at once

2. Act No. XXXIV of 1854 (for regulating the establishment and management of Electric Telegraphs in India) and Act No. VIII of 1860 (for regulating the establishment and management of Electric Telegraphs in India) are hereby repealed:

But all licenses granted, declarations made, and rules framed under either of the said Acts and now in force, shall be deemed to have been respectively granted, made and framed under this Act.

3. In this Act—
 Interpretation-clause. "Telegraph" means an electric or magnetic Telegraph;
 "Telegraph officer" means any person employed either permanently or temporarily in connection with a telegraph established or maintained and worked by the Government, or by a company or person licensed under this Act; and
 "Message" means any communication sent by telegraph, or given to a telegraph officer to be sent by telegraph or to be delivered.

II.—Privileges and Powers of Government.

4. Within British India, the Governor General in Council shall have the exclusive privilege of establishing lines of telegraph.

Provided that the Governor General in Council may grant a license to any person or Company to establish or to maintain a line of telegraph within any part of British India, which license shall be revocable on the breach of any of the conditions therein contained.

5. On the occurrence of any public emergency, or in the interest of the public safety, the Governor General in Council or the Local Government may take temporary possession of any line of telegraph established or maintained by any Company or person licensed under this Act, or may order that any message to or from any person or relating to any specified

subject shall be intercepted or communicated to the Government or any officer thereof mentioned in such order.

If any doubt arises as to the existence of a public emergency or whether any act done under this section was in the interest of the public safety, a certificate signed by a Secretary to the Government of India or to the Local Government shall be conclusive evidence on the point

6. Any railway company, on being required so to do by the Governor General in Council, shall permit the Government to establish upon the land of such company, whether within or without the railway fence as the Governor General in Council may in each case determine, a line of telegraph, and shall give every reasonable facility for establishing, maintaining and using the same.

7. The Governor General in Council may, from time to time, frame rules for the conduct of Government telegraphs consistent with this Act for the conduct of telegraphs heretofore, or hereafter established by Government, and may therein prescribe the regulations, conditions and restrictions according to which all messages and signals shall be transmitted by such telegraphs.

8. The Governor General in Council may from time, by notification in the *Gazette of India*,

(a) prescribe rules for the conduct of any telegraph established or maintained by any Company or person licensed under this Act,

(b) declare what portions of this Act shall be applicable to such telegraph and to persons using the same, or employed in connexion therewith;

(c) declare that this Act, or such portions thereof as may be specified in the notification, shall be applicable to any telegraph established or to be established within British India by any Foreign Prince or State with the consent of the Government of India, and to persons using such telegraph or employed in connexion therewith;

All rules prescribed under this section shall have the force of law.

9. The Government of India shall not be responsible for any loss or damage which may occur in consequence of any telegraph officer failing to transmit with accuracy or to deliver any message given to him for transmission or delivery, and no such officer shall be responsible for any loss or damage, unless he causes the same negligently, maliciously or fraudulently.

III.—Penalties.

10. Whoever, otherwise than under a license duly granted as aforesaid, or maintaining unlicensed establishments, or after revocation of such license maintains a line of telegraph within British India, shall be liable to a fine not exceeding one thousand

and rupees, and for every week during which such line shall be maintained, shall be liable to a further fine not exceeding five hundred rupees.

11. Whoever, knowing or having reason to believe that a telegraph has been established or is maintained in contravention of this Act, uses such telegraph for the purpose of sending or receiving messages, or performs any service incidental thereto, shall for every such offence be liable to a fine not exceeding fifty rupees.

12. Every railway company and every officer of a railway company, neglecting or refusing to comply with the provisions of section six, shall be liable to a fine not exceeding one thousand rupees for every day during which such neglect or refusal continues.

13. Whoever, without permission of some competent authority, enters the signal-room of a telegraph office of the Government or of a company or person licensed under this Act, and whoever enters a fenced enclosure round such a telegraph office in contravention of any rule or notice not to do so, and whoever refuses to quit such room or enclosure on being requested to do so by any officer or servant employed therein, and whoever wilfully obstructs or impedes any such officer or servant in the performance of his duty, shall be liable to a fine not exceeding five hundred rupees.

14. Whoever does any of the acts mentioned in section thirteen with the intention of unlawfully learning the contents of any message, or for any other unlawful purpose, shall (in addition to the fine to which he is liable under section thirteen) be liable to imprisonment for a term which may extend to a year.

15. Whoever, intending—

(a) to prevent or obstruct the transmission, conveyance or delivery of any message,

(b) to intercept or to acquaint himself with the contents of any message, or

(c) to commit mischief, damages, removes, tampers with, or touches any battery, machinery, wire, cable, post or other thing whatever, being part of or in or about any telegraph or in the working thereof,

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

All offences under this section shall be cognizable and non-bailable within the meaning of the Code of Criminal Procedure.

Such offences to be cognizable and non-bailable.

16. Whenever it appears to the Director General of Telegraphs that any act causing or likely to cause wrongful damage to any telegraph is repeatedly or maliciously committed in any place,

and that the employment of an additional police force in such place is thereby rendered necessary, the Local Government may, on the application of the said Director General, send such additional force to such place; and employ the same therein so long as such necessity continues;

and the inhabitants of such place shall be charged with the cost of such additional police force,

and the Local Government may by order in each case define the limits of any place for the purposes of this section;

and the Magistrate of the District, after enquiry if necessary, shall, subject to the orders of the Local Government, assess the proportion in which such cost is to be paid by the said inhabitants according to his judgment of their respective means.

All monies payable under this section shall be recoverable either under the warrant of a Magistrate by distress and sale of the goods of the defaulter within the local limits of such Magistrate's jurisdiction, or by suit in any competent Court, and shall be applied to the maintenance of the police force, or otherwise as the Governor General in Council may from time to time direct.

17. Any telegraph officer who wilfully secretes, makes away with, alters or omits to transmit any message which he may have received for transmission or delivery, or

wilfully, or otherwise than by the official order of a Secretary to the Government of India or to the Local Government, or

of such other officer as the Governor General in Council authorizes to give such order, intercepts any message or any part thereof, or divulges any message, or the purport of any message or of any part thereof, to any person not entitled to receive the same, or

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

shall be liable to imprisonment for a term not exceeding three years, or to fine, or to both.

18. Every telegraph officer shall be deemed a public servant within the meaning of sections 161, 162, 163, 164 and 165 of the Indian Penal Code.

And in the definition of "legal remuneration" contained in the said section 161, the word "Government" shall, for the purposes of this Act, be deemed to include a person or company licensed under this Act.

19. Any telegraph officer guilty of any act of drunkenness, carelessness, or other misconduct, whereby the transmission or delivery of any message is endangered, or who loiters or makes delay

in the transmission or delivery of any message, shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred rupees, or to both.

20. Any telegraph officer who transmits by telegraph any message upon which the prescribed charge has not been paid, intending thereby to defraud the Government, shall be liable to imprisonment for a term which may extend to three years, or to fine, or to both.

21. Whoever transmits or causes to be transmitted by a telegraph a message which he knows to be false or fabricated, shall be liable to imprisonment for a term which may extend to three years, to fine, or to both.

22. Whoever fraudulently retains, or wilfully secretes, or makes away with, or keeps, or detains a message which ought to have been delivered to some other person, or being required by a telegraph officer to deliver up any such message, neglects or refuses to do so, shall be liable to imprisonment for a term which may extend to two years, or to fine or to both.

23. Whoever abets within the meaning of *Indian Penal Code*, any offence under this Act, and whoever attempts to commit, any such offence, shall be punishable with the punishment herein provided for such offence.

WHITLEY STOKES,

Secretary to the Government of India



Bombay Government Gazette.

Published by Authority.

THURSDAY, 9TH MARCH 1876.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 12th January 1876, and the assent of His Excellency the Governor General on the 1st March 1876, and is published for general information :—

BOMBAY Act No. I. of 1876.

An Act to amend (Bombay) Act VIII. of 1867

WHEREAS doubts have arisen whether a police patel, or other village police servant, may lawfully be suspended from office either during inquiry into alleged misconduct, or by way of punishment for misconduct, and it is expedient to remove such doubts; It is enacted as follows :—

I. This Act may be cited as “The Bombay Village Police Act Amendment Act, 1876.”

II. The following section shall be substituted for section nine of the Bombay Village Police Act, 1867 (namely) :—

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“ Any police patel, or member of a village establishment hable to be called on for the performance of police duties, who shall be careless or neghgent in the discharge thereof, shall be liable to be fined under the order of any Magistrate of the 1st class to any amount not exceeding the fourth part of the annual emoluments of his office.

“ If he shall be accused of any violation of duty, or breach of rule, or of other misconduct which shall seem to such Magistrate to require a heavier punishment, he may suspend him from office during inquiry into such accusa-

tion, and at the close of such inquiry, if the said Magistrate shall consider him guilty of misconduct meriting such punishment, he may suspend him from office for a further period not exceeding six months, or dismiss him: Provided that no person of the rank of patel shall be dismissed under this section without the sanction of the Police Commissioner."

III. After section nine of the said Act the following section shall be inserted:—
New section added after section 9 (Bombay) Act VIII. of 1867

"9 A.—Nothing in the last preceding section shall affect the liability of any police patel or other member of a village establishment to a criminal prosecution for any offence with which he may be charged.

Liability to criminal prosecution not affected.

"Any Magistrate of the 1st class may suspend any such person subjected to any such prosecution pending the inquiry and trial."

Accused may be suspended during trial.

By order of His Excellency the Governor in Council.

G. C. WHITWORTH,

Acting Under Secretary to Government.

Bombay Castle, 6th March 1876.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th February 1876, and was promulgated for general information in the *Gazette of India* on the 4th March 1876.—

Act No. V of 1876.

THE REFORMATORY SCHOOLS ACT, 1876.

CONTENTS.

Preamble

I.—Preliminary

SECTION

- 1 Short title
- Local extent
- Commencement
- 2 Section 318 of Code of Criminal Procedure repealed.
- 3 Interpretation-clause

II.—Reformatory Schools

4. Power to establish and discontinue Reformatory Schools
- 5 Requisites of schools
- 6 Inspection of schools.
- 7 Power of Courts to direct youthful offenders to be sent to Reformatories.
- 8 Power of Magistrates to direct boys under sixteen sentenced to imprisonment to be sent to Reformatories
- “Magistrate” defined
- 9 Government to determine Reformatory to which such offenders shall be sent
- 10 Boys above eighteen not to be detained in school
- 11 Discharge or removal by order of Government.

III.—Management of Reformatory Schools.

12. Appointment of Superintendent and Committee of Visitors or Board of Management.
- 13 Superintendent may license youthful offenders to employers of labour.
14. Cancellation of license.
If complaint of employers just, no fresh license until expiry of twelve months.
- 15 Determination of license.
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- 17 Superintendent to be deemed guardian of youthful offenders.
Power to apprentice youthful offender.
18. Duties of Committee of Visitors
19. Powers of Board of Management.
- 20 Power to appoint trustees or other managers of a school to be a Board of Management
21. Power of Board to make rules
22. Power of Government of India to make rules.

IV.—Offences in relation to Reformatory Schools.

23. Penalty for abetting escape of youthful offender.
24. Arrest of escaped youthful offenders

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An Act to provide Reformatory Schools.

WHEREAS it is expedient to provide Reformatory Schools for male youthful offenders, It is hereby enacted as follows—

I.—Preliminary.

- 1 This Act may be called “The Reformatory Schools Act, 1876”.

• Local extent. It extends to the whole of British India,

And it shall come into force in each Province of British India on such day as the Local Government by notification in the official Gazette directs in that behalf

Section 318 of Code of Criminal Procedure repealed.

2. On and from that day section 318 of the Code of Criminal Procedure shall be repealed therein.

Interpretation-clause. 3. In this Act—
“Youthful offender” means any boy who, being at the time under the age of sixteen years, has been convicted of any offence punishable with imprisonment or transportation

“Inspector General” includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector of Jails.

II.—Reformatory Schools

Power to establish and discontinue Reformatory Schools.

4. With the previous sanction of the Governor General in Council the Local Government may—

(a) establish Reformatory Schools at such places as it thinks fit,

(b) use as Reformatory Schools schools kept by persons willing to act in conformity with such rules consistent with this Act as the Local Government may from time to time prescribe in this behalf,

(c) direct that any school so established or used shall cease to exist as a Reformatory School or to be used as such

5. Every school so established or used must

Requisites of schools. provide—

- (a) sufficient means of separating the inmates at night;

(b) proper sanitary arrangements, water-supply, food, clothing and bedding for the youthful offenders detained therein;

(c) the means of giving such offenders industrial training;

(d) an infirmary or proper place for the reception of such offenders when sick.

6. Every Reformatory School shall, before being used as such, be inspected by the Inspector General of Jails, and if he reports that the requirements of section five have been complied with and that in his opinion such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette, and the school shall thereupon be deemed a Reformatory School.

Every such school shall from time to time, and at least once in every year, be visited by the said Inspector General, who shall send to the Local Government a report on the condition of the school in such form as the Local Government may from time to time prescribe.

7 Whenever any youthful offender is sentenced to transportation or imprisonment, and is in the judgment of the Court by which he is sentenced (a) under the age of sixteen years and (b) a proper person to be an inmate of a Reformatory School, the Court may direct that, instead of undergoing his sentence, he shall be sent to a Reformatory School, and be there detained for a period which shall be not less than two years and not more than seven years, and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

The powers so conferred on the Court shall be exercised only by (a) the High Court, (b) the Court of Session, (c) a Magistrate of the first class, and (d) a Magistrate of Police or Presidency Magistrate in the towns of Calcutta, Madras and Bombay.

8 Whenever any youthful offender under the age of sixteen years has been or shall be sentenced to imprisonment, the officer in charge of the Jail in which such offender is confined, may bring him before the Magistrate within whose jurisdiction such Jail is situate, and the Magistrate, if he thinks the offender (a) under the age of sixteen years and (b) a proper person to be an inmate of a Reformatory School, may direct him to be sent to a Reformatory School, and to be there detained for a period which shall be not less than two and not more than seven years, and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

In this section "Magistrate" means in the towns of Calcutta, Madras and Bombay a Magistrate of Police or Presidency Magistrate, and elsewhere a Magistrate of the first class.

9. Every youthful offender so directed by a Court or Magistrate to be sent to a Reformatory School shall be sent to such Reformatory School as the Local Government may from time to time appoint for the reception of youthful offenders so dealt with by such Court or Magistrate.

10 Nothing contained in section seven, eight or nine shall be deemed to authorize the detention in a Reformatory School of any person after he is proved to be above the age of eighteen years.

11. The Local Government may at any time order any youthful offender—

(a) to be discharged from a Reformatory School

(b) if so discharged before the expiration of his sentence, to undergo the residue of such sentence at such place as the Local Government thinks fit; or

(c) to be removed from one Reformatory School to another such school situate within the territories subject to such Government, but so that the whole period of his detention in a Reformatory School shall not be increased by such removal.

III.—Management of Reformatory Schools

12. For the control and management of every Reformatory School the Local Government shall appoint either (a) a Superintendent and a Committee of Visitors or Board of Management, or (b) a Board of Management.

Every Committee and every Board so appointed must consist of not less than five persons, of whom two at least shall be Natives of India.

The Local Government may from time to time suspend or remove any Superintendent or any Member of a Committee or Board so appointed.

13 Every Superintendent so appointed may permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, by license under his hand, to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government or of a Municipality, being an employer of labour and willing to receive and take charge of him, on the condition that the employer shall keep such offender employed at some trade, occupation, or calling.

The license shall be in force for three months and no longer, but may, at any time before the expiration of the period for which the offender has been directed to be detained, be renewed from time to time for three months.

14 The license shall be cancelled at the desire of the employer named in the license;

and if it appears to the Superintendent that any complaint made by the employer of misconduct on the part of the youthful offender is just, no other license in respect of the same offender shall be given until twelve months after the expiration of the former license.

15. If during the term of the license the employer named therein die, or cease from business, or the period for which the youthful offender has

been directed to be detained in the Reformatory School expires, the license shall thereupon cease and determine.

16. If it appears to the Superintendent that the employer has ill-treated the offender, or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

17. The Superintendent of any Reformatory School shall be deemed to be the guardian of every youthful offender, detained in such school, within the meaning of Act No. XIX. of 1850. (*concerning the binding of apprentices*),

and if it appear to the Superintendent that any youthful offender licensed under section thirteen has behaved well during one or more periods of his license, the Superintendent may, apprentice him under the provisions of the said Act, and on such apprenticeship the right to detain such offender in the school shall cease and the unexpired term (if any) of his sentence shall be cancelled.

18. Every Committee of Visitors appointed under section twelve for any Reformatory School shall, at least once in every month,

(a) visit the school, to hear complaints and see that the requirements of section five have been complied with, and that the management of the school is proper in all respects;

(b) examine the punishment-book,

(c) bring any special cases to the notice of the Inspector General, and

(d) see that no person is illegally detained in the school.

19. If in exercise of the power conferred by section twelve, the Local Government appoints a Board of Management for any Reformatory School, such Board shall have the powers and perform the functions of the Superintendent under sections thirteen to seventeen, both inclusive, and the license mentioned in section thirteen may be under the hand of their chairman, and they shall be deemed to be the guardians of the youthful offenders detained in such school.

20. The Local Government may, declare any body of Trustees or Managers of a school, who are willing to act in conformity with the rules referred to in section four, clause (b), to be a Board of Management under this

Act, and thereupon such body or Managers shall have all the powers and perform all the functions of such Board of Management.

21. With the previous sanction of the Local Government, every Board of Management of a Reformatory School may from time to time make rules consistent with this Act to regulate—

(a) the conduct of business of the Board,

(b) the management of the school,

(c) the education and industrial training of youthful offenders,

(d) visits to and communication with youthful offenders,

(e) punishments for offences committed by youthful offenders,

(f) the granting of licenses for employment of youthful offenders.

In the absence of a Board of Management the Local Government may from time to time make rules consistent with this Act to regulate for any Reformatory School the matters mentioned in clauses (b), (c), (d), (e) and (f) of this section, and also the mode in which the Committee of Visitors shall conduct their business.

22. The Governor General in Council may from time to time make rules consistent with this Act for regulating the periods for which Courts and Magistrates may send youthful offenders to Reformatory Schools according to their ages, the nature of their respective offences, or other considerations.

All rules made under this section shall be published in the *Gazette of India*.

IV—Offences in relation to Reformatory Schools

23. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employer of such offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one hundred rupees, or with both.

24. A Police officer may, without orders from a Magistrate, and without a warrant, arrest any youthful offender sent to a Reformatory School under this Act, who has escaped from such school, or from his employer, and take him back to such school or to his employer.

WHITLEY STOKES,

Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 23rd March 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 12th January 1876, and the assent of His Excellency the Governor-General on the 1st March 1876, and is published for general information :—

BOMBAY Act No. I. of 1876.

An Act to amend (Bombay) Act VIII. of 1867.

WHEREAS doubts have arisen whether a police patel, or other village police servant, may lawfully be suspended from office either during inquiry into alleged misconduct, or by way of punishment for misconduct, and it is expedient to remove such doubts, It is enacted as follows :—

I This Act may be cited as "The Bombay Village Police Act Amendment Act, 1876."

II. The following section shall be substituted for section 9 of the Bombay (Bombay) Act VIII Village Police Act, 1867 (namely) :—

"Any police patel, or member of a village establishment hable to be called on for the performance of police duties, who shall be careless or negligent in the discharge thereof, shall be liable to be fined under the order of any Magistrate of the 1st class to any amount not exceeding the fourth part of the annual emoluments of his office.

Penalties for neglect of duty, &c.

"If he shall be accused of any violation of duty, or breach of rule, or of other misconduct which shall

Penalties for serious misconduct.

seem to such Magistrate to require a heavier punishment, he may suspend him from office during inquiry into such accusation, and at the close of such inquiry, if the said Magistrate shall consider him guilty of misconduct meriting such punishment, he may suspend him from office for a further period not exceeding six months, or dismiss him : Provided that no person of the rank of patel shall be dismissed under this section without the sanction of the Police Commissioner."

III. After section nine of the said Act the following section shall be inserted :—

New section added after section 9 (Bombay) Act VIII. of 1867

A.—Nothing in the last preceding section shall affect the liability of any police patel or other member of a village establishment to a criminal prosecution for any offence with which he may be charged.

Liability to criminal prosecution not affected

"Any Magistrate of the 1st class may suspend any such person subjected to any such prosecution pending the inquiry and trial."

Accused may be suspended during trial.

By order of His Excellency the Governor in Council,

G C. WHITWORTH,

Acting Under Secretary to Government.

Bombay Castle, 6th March 1876.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th February 1876, and was promulgated for general information in the *Gazette of India* on the 4th March 1876 :—

Act No. V. of 1876.

THE REFORMATORY SCHOOLS ACT, 1876.

CONTENTS.

Preamble

I.—Preliminary.

SECTION.

1. Short title
- Local extent.
- Commencement.
2. Section 318 of Code of Criminal Procedure repealed.
3. Interpretation-clause.

II.—Reformatory Schools.

4. Power to establish and discontinue Reformatory Schools
5. Requisites of schools.
6. Inspection of schools.
7. Power of Courts to direct youthful offenders to be sent to Reformatories.
8. Power of Magistrates to direct boys under sixteen sentenced to imprisonment to be sent to Reformatories.
- "Magistrate" defined
9. Government to determine Reformatory to which such offenders shall be sent.
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Power to apprentice youthful offender.
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21. Power of Board to make rules.
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23. Penalty for abetting escape of youthful offender.
24. Arrest of escaped youthful offenders.

IV.—36 d

An Act to provide Reformatory Schools.

WHEREAS it is expedient to provide Reformatory Schools for male youthful offenders, It is hereby enacted as follows :—

I.—Preliminary

1. This Act may be called "The Reformatory Schools Act, 1876".

Local extent. It extends to the whole of British India ;

And it shall come into force in each Province of British India on such day as the Local Government by notification in the official Gazette directs in that behalf

Section 318 of Code of Criminal Procedure repealed. 2. On and from that day section 318 of the Code of Criminal Procedure shall be repealed therein

Interpretation-clause. 3. In this Act—

"Youthful offender" means any boy who, being at the time under the age of sixteen years, has been convicted of any offence punishable with imprisonment or transportation

"Inspector General" includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector of Jails.

II.—Reformatory Schools

Power to establish and discontinue Reformatory Schools. 4. With the previous sanction of the Governor General in Council the Local Government may—

(a) establish Reformatory Schools at such places as it thinks fit,

(b) use as Reformatory Schools schools kept by persons willing to act in conformity with such rules consistent with this Act as the Local Government may from time to time prescribe in this behalf,

(c) direct that any school so established or used shall cease to exist as a Reformatory School or to be used as such

Requisites of schools. 5. Every school so established or used must provide—

(a) sufficient means of separating the inmates at night ;

(b) proper sanitary arrangements, water-supply, food, clothing and bedding for the youthful offenders detained therein,

(c) the means of giving such offenders industrial training ;

(d) an infirmary or proper place for the reception of such offenders when sick

6. Every Reformatory School shall, before being used as such, be inspected by the Inspector General of Jails, and if he reports that the requirements of section five have been complied with and that in his opinion such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette, and the school shall thereupon be deemed a Reformatory School.

Every such school shall from time to time, and at least once in every year, be visited by the said Inspector General, who shall send to the Local Government a report on the condition of the school in such form as the Local Government may from time to time prescribe.

7. Whenever any youthful offender is sentenced to transportation or imprisonment, and is in the judgment of the Court by which he is sentenced (a) under the age of sixteen years and (b) a proper person to be an inmate of a Reformatory School, the Court may direct that, instead of undergoing his sentence, he shall be sent to a Reformatory School, and be there detained for a period which shall be not less than two years and not more than seven years, and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

The powers so conferred on the Court shall be exercised only by (a) the High Court, (b) the Court of Session, (c) a Magistrate of the first class, and (d) a Magistrate of Police or Presidency Magistrate in the towns of Calcutta, Madras, and Bombay.

8. Whenever any youthful offender under the age of sixteen years has been or shall be sentenced to imprisonment, the officer in charge of the Jail in which such offender is confined, may bring him before the Magistrate within whose jurisdiction such Jail is situate, and the Magistrate, if he thinks the offender (a) under the age of sixteen years and (b) a proper person to be an inmate of a Reformatory School, may direct him to be sent to a Reformatory School, and to be there detained for a period which shall be not less than two and not more than seven years, and which shall be in conformity with any rules made under section twenty-two and for the time being in force.

In this section "Magistrate" means in the towns of Calcutta, Madras, and Bombay, a Magistrate of Police or Presidency Magistrate, and elsewhere a Magistrate of the first class.

9. Every youthful offender so directed by a Court or Magistrate to be sent to a Reformatory School shall be sent to such Reformatory School as the Local Government may from time to time appoint for the reception of youthful offenders so dealt with by such Court or Magistrate.

10. Nothing contained in section seven, eight, or nine shall be deemed to authorize the detention in a Reformatory School of any person after he is proved to be above the age of eighteen years.

11. The Local Government may at any time order any youthful offender—

(a) to be discharged from a Reformatory School; (b) if so discharged before the expiration of his sentence, to undergo the residue of such sentence at such place as the Local Government thinks fit; or

(c) to be removed from one Reformatory School to another such school situate within the territories subject to such Government, but so that the whole period of his detention in a Reformatory School shall not be increased by such removal.

III.—Management of Reformatory Schools.

12. For the control and management of every Reformatory School the Local Government shall appoint either (a) a Superintendent and a Committee of Visitors, or (b) a Board of Management.

Every Committee and every Board so appointed must consist of not less than five persons, of whom two at least shall be Natives of India.

The Local Government may from time to time suspend or remove any Superintendent or any Member of a Committee or Board so appointed.

13. Every Superintendent so appointed may permit any youthful offender sent to a Reformatory School who has attained the age of fourteen years, by license under his hand, to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government or of a Municipality, being an employer of labour and willing to receive and take charge of him, on the condition that the employer shall keep such offender employed at some trade, occupation, or calling.

The license shall be in force for three months and no longer, but may, at any time before the expiration of the period for which the offender has been directed to be detained, be renewed from time to time for three months.

14. The license shall be cancelled at the desire of the employer named in the license,

and if it appears to the Superintendent that any complaint made by the employer of misconduct on the part of the youthful offender is just,

no other license in respect of the same offender shall be given until twelve months after the expiration of the former license.

15. If during the term of the license the employer named therein dies, or ceases from business, or the period for which the youthful offender has

been directed to be detained in the Reformatory School expires, the license shall thereupon cease and determine.

16. If it appears to the Superintendent that the employer has ill-treated the offender, or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

17. The Superintendent of any Reformatory School shall be deemed to be the guardian of every youthful offender retained in such school, within the meaning of Act No. XIX. of 1850 (concerning the binding of apprentices),

and if it appear to the Superintendent that any youthful offender licensed under section thirteen has behaved well during one or more periods of his license, the Superintendent may apprentice him under the provisions of the said Act, and on such apprenticeship the right to detain such offender in the school shall cease and the unexpired term (if any) of his sentence shall be cancelled.

18. Every Committee of Visitors appointed under section twelve for any Reformatory School shall, at least once in every month,

(a) visit the school, to hear complaints and see that the requirements of section five have been complied with, and that the management of the school is proper in all respects,

(b) examine the punishment-book,

(c) bring any special cases to the notice of the Inspector General, and

(d) see that no person is illegally detained in the school.

19. If in exercise of the power conferred by section twelve, the Local Government appoints a Board of Management for any Reformatory School, such Board shall have the powers and perform the functions of the Superintendent under sections thirteen to seventeen, both inclusive, and the license mentioned in section thirteen may be under the hand of their chairman, and they shall be deemed to be the guardians of the youthful offenders detained in such school.

20. The Local Government may declare any body of Trustees or Managers of a school, who are willing to act in conformity with the rules referred to in section four, clause (b), to be a Board of Management under this

Act, and thereupon such body or Managers shall have all the powers and perform all the functions of such Board of Management.

21. With the previous sanction of the Local Government, every Board of Management of a Reformatory School may from time to time make rules consistent with this Act to regulate—

(a) the conduct of business of the Board,

(b) the management of the school,

(c) the education and industrial training of youthful offenders,

(d) visits to and communication with youthful offenders,

(e) punishments for offences committed by youthful offenders,

(f) the granting of licenses for employment of youthful offenders.

In the absence of a Board of Management the Local Government may from time to time make rules consistent with this Act to regulate for any Reformatory School the matters mentioned in clauses (b), (c), (d), (e), and (f) of this section, and also the mode in which the Committee of Visitors shall conduct their business.

22. The Governor General in Council may from time to time make rules consistent with this Act for regulating the periods for which Courts and Magistrates may send youthful offenders to Reformatory Schools according to their ages, the nature of their respective offences, or other considerations.

All rules made under this section shall be published in the *Gazette of India*.

IV.—Offences in relation to Reformatory Schools.

23. Whoever abets an escape, or an attempt to escape, on the part of a youthful offender from a Reformatory School, or from the employer of such offender, shall be punishable with imprisonment for a term which may extend to six months, or with fine not exceeding one hundred rupees, or with both.

24. A Police officer may, without orders from a Magistrate, and without a warrant, arrest any youthful offender sent to a Reformatory School under this Act, who has escaped from such school, or from his employer, and take him back to such school or to his employer.

WHITLEY STOKES,

Secretary to the Government of India.



Bombay Government Gazette.

Published by Authority.

THURSDAY, 6TH APRIL 1876.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and was promulgated for general information in the *Gazette of India* on the 1st April 1876:—

Act No. VIII of 1876.

THE NATIVE PASSENGER SHIPS ACT, 1876.

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3. Commencement
4. Repeal of Acts
5. Interpretation-clause

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SCHEDULE.	
<i>An Act to consolidate and amend the law relating to Native Passenger Ships</i>	
WHEREAS it is expedient to consolidate and amend the law relating to Native Passenger Ships, It is hereby enacted as follows—	

CHAPTER I.	
PRELIMINARY.	
Short title	1. This Act may be called "The Native Passenger Ships Act, 1876."

2.	It extends to the whole of British India, and applies— Extent and applica- tion of Act. (a) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty (b) to all Native Indian subjects of Her Majesty without and beyond British India; and, (c) subject to the exceptions mentioned in the subsequent part of this section, to vessels carrying more than thirty passengers, being Natives of Asia or Africa Nothing herein contained applies— (d) to any Ship-of-War or Transport belonging to, or in the service of, Her Majesty; (e) to any Ship-of-War belonging to any Foreign Prince or State, (f) to any sailing-vessel not carrying as passengers more than thirty Natives of Asia or Africa; (g) to any steamer not carrying as passengers more than sixty of such Natives; (h) to any sailing-vessel or steamer not intended to convey passengers to or from any port in British India.
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3.	This Act shall come into force on such day as the Governor General in Council directs by notification in the <i>Gazette of India</i>
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4.	On and from that day the Acts specified in the Schedule hereto annexed shall be repealed.
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But all ports, places and officers appointed, and all certificates granted, under any of such Acts, shall be deemed to be respectively appointed and granted under this Act;

and the last clause of section one of Act No. II of 1860 (to amend the law relating to the Carriage of passengers by sea) shall be read as follows.—

"Voyages from ports in British India to ports in the Red Sea or Persian Gulf, under the Native Passenger Ships Act, 1876"

5.	In this Act— Interpretation-clause. the expression "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class, and includes a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistants; the expression "ship" includes every description of vessel used in navigation not propelled by oars: "Ship" the expression "Master" includes every person (other than a pilot) having command or charge of a ship: "Master" the expression "Passenger" means a person above the age of twelve years, or two persons between the ages of one year and twelve years; but it does not include a person in attendance on another person who is not a Native of Asia or Africa, nor a child under one year of age: "Passenger" the expression "voyage" means the whole distance between the ship's port of departure and her final port of arrival: "Voyage."
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the expression "long voyage" means any voyage during which the ship performing it will under ordinary circumstances be one hundred and twenty hours or upwards continuously out of port :

the expression "short voyage" means any voyage during which the ship performing it will never under ordinary circumstances be one hundred and twenty hours continuously out of port :

Illustration.

A ship starts from port A, and is destined finally to arrive at port B, between which ports the ordinary distance is ten days but she is to touch at four intermediate ports, no one of which is under ordinary circumstances more than five days from the next one. This is a short voyage.

The expression "Chief Officer of Customs" means the executive officer of highest rank in the Department of Customs in any port to which this Act applies.

CHAPTER II.

RULES FOR ALL VOYAGES.

6. No ship carrying passengers shall depart or proceed from, or shall discharge passengers at, any port or place within British India other than such ports and places as the Local Government may from time to time appoint in this behalf,

and after any ship has departed or proceeded upon any voyage from a port or place so appointed, no person shall be received on board as a passenger, except at some other port or place so appointed.

7. The master, owner or agent of every ship so departing or proceeding shall give notice to an officer authorized in this behalf by the Local Government that the ship is to carry Native passengers, and of her destination, and of the proposed time of sailing

Such notice shall be given not less than twenty-four hours before such time.

8. After receiving such notice, the officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein.

9. No ship intended to carry passengers shall commence any voyage from any port or place appointed under this Act, unless the Master holds two certificates to the effect hereinafter mentioned.

And the officer of Government whose duty it is to grant a port-clearance for such ship shall not grant the same unless the Master holds such certificates.

10. The first of such certificates (hereinafter called "certificate A") shall state that the ship is seaworthy and properly equipped, fitted, and ventilated; and the number of passengers that she is capable of carrying.

11. The second of such certificates (hereinafter called "certificate B") shall state—

(a) the voyage which the ship is intended to make, and the intermediate ports (if any) at which she is intended to touch;

(b) that she has the proper complement of officers and seamen;

(c) that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things (if any) prescribed for the ship by rule under section forty-six, have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section;

(d) that the Master holds certificate A;

(e) if she is intended to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather;

(f) such other particulars (if any) as may for the time being be required for such ship under this Act.

12. The person by whom certificate B is to be granted shall in all cases be the officer referred to in section seven.

13. The person by whom certificate A is to be granted shall be the officer aforesaid, except that if the Master of a ship produce to such officer either of the following certificates (namely)—

(a) a valid certificate granted by the Board of Trade or by any British Colonial Government;

(b) a certificate granted under the authority of any British Indian Government, and dated not more than six months before the proposed day of sailing,

and if the particulars required by section ten are certified thereby,

such officer may take any such certificate as evidence of such particulars, and it shall then be a valid certificate for the purposes of this Act.

14. After receiving the notice required by section seven, the officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for her intended voyage:

Provided that he shall not cause any ship holding any certificate mentioned in section thirteen, clause (a) or clause (b), to be surveyed unless, from the ship having met

with damage or having undergone alterations; or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for her intended voyage.

If the officer aforesaid causes a survey to be made of any vessel holding any such certificate, and if the surveyors report that the vessel is seaworthy and properly equipped, fitted and ventilated for her intended voyage, and that there was no reasonable ground why the officer aforesaid should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for her intended voyage, the expense of the survey shall be paid by the Local Government.

15. The officer authorized to grant a certificate under this Act, in respect of any ship, shall not grant the same, unless he is satisfied that she has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

But save as aforesaid, and subject to the provisions of section sixteen, the grant or withholding of a certificate under this chapter shall in all cases be in the discretion of the officer aforesaid.

16. In the exercise of such discretion such officer shall be subject to the control of the Local Government or of any intermediate authority which that Government may from time to time appoint in this behalf.

17. The Owner or Master shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of each of the said certificates granted by an officer appointed under this Act in respect of the ship, and shall keep such copies in such position during the voyage.

18. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who has contracted to furnish his own provisions, and who has, in the opinion of such officer as the Local Government appoint in this behalf, actually furnished such provisions of the quality and to the amount for the time being prescribed by rules made under section forty-six.

CHAPTER III.

RULES FOR SHORT VOYAGES.

19. For seasons of fair weather, every ship performing a short voyage shall contain in the between-decks at least six superficial feet and thirty-six cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and six superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by sails and performing a short voyage, shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and twelve superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each passenger and nine superficial feet for each upper-deck passenger.

But in such seasons no ship shall carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather.

20. If any ship performing a short voyage takes any additional passengers on board at any intermediate port or place, the Master shall obtain a supplementary certificate from the proper officer at such port, stating—

(a) the number of passengers so taken on board, and

(b) that provisions, fuel and pure water (over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by rule under section forty-six) have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the total number of passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section.

Provided that, if the certificate B held by the Master of such ship states that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for her by rule under section forty-six have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the full number of passengers that she is capable of carrying, the Master shall not be bound to obtain any such supplementary certificate.

21. When the ship reaches her final port of arrival, the Master shall notify to such officer as the Governor General in Council may appoint in this behalf, the date and supposed cause of death of every passenger dying on the voyage.

CHAPTER IV.

RULES FOR LONG VOYAGES.

22. Every ship propelled by sails and performing a long voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every passenger.

Every ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every passenger.

23. The Master of every such ship, before departing or proceeding on any long voyage from any port or place in British India, shall sign two statements, specifying the number and the respective sexes of all the passengers, and stating the number of the crew; and shall deliver them to the officer last aforesaid, who shall thereupon (after having first satisfied himself that the numbers are correct) countersign and return to the Master one of such statements.

24. The Master shall note in writing on such last mentioned statement, and on any additional statement to be made under the next following section, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the ship at her destination or at any port at which it may be intended to land passengers, and before any passengers are landed, produce the statement, with any additions thereto made, to any person lawfully exercising consular authority on behalf of Her Majesty at the port of arrival if it be a foreign port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act to receive such statements, at any port or place at which it is intended to land the passengers or any of them.

25. If, after the ship has departed or proceeded on any long voyage, any additional passengers are taken on board at a port or taken on board at a port or place within British India appointed under this Act for the embarkation of passengers,

or if such ship upon her voyage touch or arrive at any such port, having previously received on board additional passengers at any place without British India,

the Master shall obtain a fresh certificate to the effect of certificate B from the proper officer at such port, and shall make additional statements specifying the number and the respective sexes of all such additional passengers,

and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or statement made under this section

26. In the case of every ship sailing from any port within British India to any port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such ship shall not grant such clearance unless and until the owner, agent, or master of such ship and two sureties resident in British India have by a joint and several bond become bound unto the Secretary of State for India in Council in the

iv.—33

penal sum of five thousand rupees for the purpose of binding the ship to touch at Aden on the outward voyage, and there to obtain a clean bill of health, and to do the same on the homeward voyage if she continue (being propelled by sails) to carry more than thirty passengers, or (being propelled by steam or partly by steam and partly by sails) to carry more than sixty passengers.

27. Every ship carrying more than thirty passengers being Natives of Asia or Africa, and sailing from any port in British India to any port in the Red Sea,

or sailing from any port in Red Sea to any port in British India,

shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

28. No bill of health shall be granted under section twenty-six or section twenty-seven in case the ship has on board a greater number of passengers than in the proportion prescribed for her by this Act,

CHAPTER V.

PENALTIES.

29. If any ship departs or proceeds upon a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of section six or section nine,

or if any person is received as a passenger on board a ship in contravention of the provisions of the second clause of section six,

the Owner or Master shall, for every passenger conveyed in such ship, or for every passenger so discharged or received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both;

and the ship, if found within two years in any port within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act by her Owner or Master have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions hereinafter contained.

30. Any person impeding or refusing to allow the entry or inspection authorized under this Act shall be liable to a fine not exceeding five hundred rupees for each offence or to imprisonment for a term not exceeding three months, or to both.

31. Any Owner or Master wilfully failing to comply with the requirements of section seventeen, as to copies of certificates, shall, for every such failure, be liable

to fine not exceeding two hundred rupees or to imprisonment for any term not exceeding a month, or to both.

32 Any master failing to comply with any of the requirements of section twenty-three or section twenty-four, as to the statement of passengers,

Penalty for non compliance with requirements as to list of passengers,

or wilfully making any false entry or note in or any such statement,

or wilfully failing to obtain any such supplementary certificate as is mentioned in section twenty, or to report deaths as required by section twenty-one, or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers, as is mentioned in section twenty-five,

Penalty for failing to obtain fresh certificate for additional passengers taken.

shall be liable to a fine not exceeding five hundred rupees for every such offence, or to imprisonment for a term not exceeding three months, or to both.

33. Any Master who, after having obtained any of the certificates mentioned in section nine or section twenty, or section twenty-five, fraudulently does or suffers to be done anything whereby such certificate becomes inapplicable to the altered state of the ship, her passengers, or other matters to which such certificate relates, shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for fraudulent alteration in ship after certificate obtained.

34. Any Master wilfully, and without satisfactory excuse, omitting to supply to any passenger the allowance of food, fuel, and water prescribed by rule made under this Act and for the time being in force, shall be liable to a fine not exceeding twenty rupees for every passenger who has sustained detriment by such omission.

Penalty for failing to supply passengers with prescribed provisions.

35 The Master of any ship described in section twenty-seven, who wilfully fails to touch at Aden, or leaves that port without having obtained the bill of health there mentioned, shall, for every such offence, be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for not obtaining bill of health

36. If any ship has on board any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, or, if arriving from a port where no certificate could be procured, has on board a number of passengers exceeding the number allowed by this Act for such ship, the Owner and Master shall, for every passenger over and above the number allowed

Penalty for excess of number specified in certificate.

by the certificate, be each liable to a fine not exceeding twenty rupees, and the Master shall further be liable for each of such passengers to imprisonment not exceeding one week: provided that the total term of imprisonment awarded under this section shall in no case exceed six months.

Any officer authorized in this behalf by the Local Government may cause all passengers over and above such number to disembark, and may forward them to any port of British India, and may recover the cost of so forwarding them from the Owner or Master of the ship as if such cost was a fine imposed under this Act, and a certificate under the hand of such officer shall be conclusive evidence of the amount of the cost aforesaid.

37. If any ship bringing Native passengers from any port or place beyond British India, in Eastern port in excess of authorized proportion, to any port or place in British India, has on board a greater number of passengers than in the proportion prescribed by section nineteen, section twenty-two or section forty-nine (as the case may be), or than the number allowed by the license or certificate (if any) granted in respect of such ship at her port or place of departure, the Owner and Master shall, for every passenger in excess of such proportion or of the number so allowed, be each liable to a fine not exceeding twenty rupees.

Penalty for bringing Native passengers from Eastern port in excess of authorized proportion.

38. If the Master of any ship to which this Act applies lands any passenger 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 every such offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Penalty for landing passenger at a place other than that at which he has contracted to land.

Procedure

39 All offences against this Act shall be punishable in a summary manner by a Magistrate.

Adjudication of offences

If the person on whom any fine is imposed under this Act is the Master or Owner of a ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary 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.

Fine leviable by distress on ship

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

Jurisdiction.

41. The penalties to which Masters and Owners of ships are made liable by this Act, shall be enforced only by information laid at the instance of the officers appointed

By whom proceedings for penalties to be instituted

to grant certificates under this Act, or, at any port or place where there is no such officer, at the instance of the Chief Officer of Customs.

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

43. Whenever, in the course of any legal proceeding under this Act, the testimony of any witness is required in relation to the subject-matter of such proceeding, any deposition that he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where such proceedings are instituted), or any British consular officer elsewhere, shall be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceeding is instituted:

Provided that such deposition shall not be admissible unless—

- (a) it is authenticated by the signature of the Justice, Magistrate, or consular officer;
- (b) it was made in the presence of the person accused, and
- (c) the fact that it was so made is certified by the Justice, Magistrate, or consular officer.

It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition, and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

CHAPTER VI.

MISCELLANEOUS.

44. The Chief Officer of Customs, or the officer (if any) appointed under this Act, at any port or place within British India at which any ship to which this Act applies touches or arrives, shall, with advertence to the provisions herein contained, send any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the office at the port from which the ship commenced her voyage, and also to the officer at any other port within British India where the passengers or any of them embarked.

And any officer appointed under this Act may at any port or place in British India at which any ship to which this Act applies touches, board such ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and otherwise have been complied with

45. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

46. The Governor General in Council may from time to time make rules consistent with this Act, to regulate, in the case of any ship or class of ships to which this Act applies, all or any of the following matters—

- (a) the scale on which provisions, fuel and water are to be supplied to the passengers and the quality of such provisions, fuel and water;
- (b) the medical stores and other appliances and fittings for maintaining health, cleanliness and decency to be provided on board;
- (c) the boats, anchors and cables to be provided on board;
- (d) the instruments for purposes of navigation to be supplied;
- (e) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires;
- (f) and, generally, to carry out the provisions of this Act.

All such rules shall be published in the *Gazette of India*, and shall thereupon have the force of law.

47. The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties conferred and imposed by this Act.

48. The Governor General in Council may from time to time declare, by notification in the *Gazette of India*, what shall be deemed 'seasons of fair weather' and 'long voyages.' shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "seasons of foul weather," and for sailing vessels and steamers respectively, a "long voyage" and a "short voyage."

49. The Governor General in Council may from time to time direct, in the case of any ship or class of ships, and for all of any voyages to which this Act applies, the number of superficial or of cubic feet of space to be contained for the passengers, and such direction shall override the provisions of sections nineteen and twenty-two so far as they apply to such ship or class of ships.

SCHEDULE.

(See Section 4.)

Number and year.	Title
XXV. of 1859 ...	An Act to prevent the over-crowding of Vessels carrying Native Passengers in the Bay of Bengal.
XII. of 1870 ...	An Act for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages
XII of 1872 ...	An Act to amend Act XII of 1870 (<i>The Native Passenger Ships Act</i>).
Madras Act II of 1862.	An Act to extend the provisions of Act XXV of 1859, entitled An Act to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal.

WHITLEY STOKES,

Secy. to the Govt. of India.

The following Act of the Governor General of India in Council received the assent of his Excellency the Governor General on the 28th March 1876, and was promulgated for general information in the *Gazette of India* on the 1st April 1876.

Act No. IX. of 1876.

An Act to enable the Government of India to declare certain Coins of Native States to be a legal tender in British India

WHEREAS it is expedient to enable the Governor General in Council to declare that a tender of payment of money, if made in certain coins made for or issued by Native States, shall be a legal tender in British India; It is hereby enacted as follows:—

- This Act may be called "The Native Coinage Act, 1876".
 Short title. It extends to the whole of British India;
 Local extent. And it shall come into force at once.
 Commencement.
- In this Act "Native State" means any State in India which is under the protection or political control of Her Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.
 Interpretation-clause.
- Subject to the provisions of section four the Governor General in Council may from time to time, by notification in the *Gazette of India*,
 Power to declare that the coins of a Native State shall be legal tender.

declare that a tender of payment of money, if made in the coins, or the coins of any specified metal, made under this Act for any Native State shall be a legal tender in British India;

and the provisions of the Indian Coinage Act, 1870, shall apply to the coins to which such notification refers, so far as such provisions are applicable thereto, and save as expressly provided by such notification.

4. The power conferred by the first clause of section three shall be exercisable only when coins referred to in such notification comply with the following conditions (that is to say)—

in the case of coins of gold, silver, or bronze,

(a) their fineness is identical with that for the time being prescribed by law for coin of the Government of India of the same metal;

in the case of coins whether of gold, silver bronze or copper,

(b) they are identical in weight with some coins of the Government of India of the same metal, which may for the time being be legally coined at any Mint of the Government of India, or bear such relation thereto as is approved by the Governor General in Council;

(c) the devices upon their obverse and reverse differ from the devices on coins now made or issued by any such Native State, and have been approved by the Governor General in Council;

(d) upon each of such coins its value in money of the Government of India is inscribed in the English language,

(e) the Native State for which they are coined has undertaken to abstain during a term of not less than thirty years, from the date of the notification, from coining in its own mint gold, silver, bronze or copper, as the case may be, and has also undertaken that no coins resembling coins for the time being a legal tender in British India shall, after the expiration of the said term, be struck under its authority or with its permission at any place within or without its jurisdiction;

(f) such State has formally declared that a tender of payment of money, if made in coins of the Government of India of the same metal shall, in the territories subject to such State, be a legal tender in the cases in which payment made in such coins would, under the law for the time being in force, be a legal tender in British India.

(g) such State has also agreed that the law and rules for the time being in force respecting the cutting and breaking of coin of the Government of India reduced in weight by reasonable wearing or otherwise, or counterfeit, or called in by proclamation, shall apply to the coins made for such State under this Act, and that it will

defray the cost of cutting and breaking them; and

(h) such State has also agreed not to issue the same coins below their nominal value, and not to allow any discount or other advantage to any persons in order to bring them into circulation.

5 It shall be lawful for any such State to send metal to any mint in British India made into coin under this Act, and, subject to the Mint-rules for the time being in force, and to the provisions hereinafter contained, the Mint-master shall receive such metal and convert it into coin, provided that it be fit for coinage.

Nothing herein contained shall be deemed to entitle any such State to have coins made under this Act at any Mint of the Government of India of any metal which is not for the time being legally coined at such mint.

6. The Governor General in Council may impose on any metal sent to a mint for coinage under this Act the duty (if any) leviable on the same metal under the Indian Coinage Act, 1870, and also a charge sufficient to defray the expenses of coinage over and above the expenses of assay and refining, and the Mint-master shall coin such metal at the charge so imposed.

7. The Governor General in Council may, from time to time, with reference to the reasonable requirements of the population of any Native State, fix the maximum number of any coins of any particular metal that shall be coined under this Act.

WHITLEY STOKES,
Secy. to the Govt of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and was promulgated for general information in the *Gazette of India* on the 1st April 1876:—

Act No. X. of 1876.

THE BOMBAY REVENUE JURISDICTION ACT, 1876.

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SCHEDULE

An Act to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the Land-revenue, and for other purposes

WHEREAS in certain parts of the Presidency of Bombay, the jurisdiction of the Civil Courts in matters connected with the land-revenue is more extensive than it is in the rest of the said Presidency;

And whereas it is expedient that the jurisdiction of all the Civil Courts in the said Presidency should be limited in manner hereinafter appearing;

And whereas it is also expedient to amend the Bombay Civil Courts Act, section thirty-two, and to revive certain provisions of the thirteenth section of Regulation XVII. of 1827 of the Bombay Code, which was repealed by the Land Improvement Act, 1871, and to provide for the recovery by the Local Government of advances made for purposes other than those specified in section three of the Land Improvement Act, 1871;

It is hereby enacted as follows:—

1. This Act may be called "The Bombay Revenue Jurisdiction Act, 1876"

So much of section four as relates to claims to set aside, on the ground of irregularity, mistake

or any other ground except fraud, sales for arrears of land-revenue, shall come into force on such day as the Governor General in Council directs in that behalf by notification in the *Gazette of India*. The rest of this Act shall come into force on the passing thereof,

And it shall extend to all the territories for the time being under the government of the Governor of Bombay in Council, but not so as to affect—

(a) any suit regarding the assessment of revenue on land situate in the Collectorate of Bombay, or the collection of such revenue,

(b) any of the provisions of Bombay Acts V of 1862 and VI. of 1862, or of Act XV. of 1871, or of Act XXIII. of 1871,

(c) any suit instituted before the passing of this Act

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof

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

“Land” includes the sites of villages, towns, and cities: it also includes trees, growing crops and grass, fruit upon, and juice in trees, rights-of-way, ferries, fisheries, and all other benefits to arise out of land, and things attached to the earth, or permanently fastened to things attached to the earth.

“Land-revenue” means all sums and payments, in money or in kind, received or claimable by or on behalf of Government from any person on account of any land held by or vested in him, and any cess or rate authorized by Government under the provisions of any law for the time being in force

“Revenue officer” means any officer employed in or about the business of the land-revenue, or of the surveys, assessment, accounts or records connected therewith.

4 Subject to the exceptions hereinafter appearing, no Civil Court shall exercise jurisdiction as to any of the following matters.—

(a) claims against Government relating to any property appertaining to the office of any hereditary officer appointed or recognised under Bombay Act No III of 1874, or any other law for the time being in force, or of any other village-officer or servant, or

claims to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service, or

suits to set aside or avoid any order under the same Act or any other law relating to the same subject for the time being in force passed by Government or any officer duly authorized in that behalf, or

claims against Government relating to lands held under treaty, or to lands granted or held as *saranjám*, or on other political tenure, or to lands declared by Government or any officer duly authorized in that behalf to be held for service;

(b) objections—

to the amount or incidence of any assessment of land-revenue authorized by Government, or

to the mode of assessment, or to the principle on which such assessment is fixed, or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement;

(c) claims connected with or arising out of any proceedings for the realization of land-revenue or the rendering of assistance by Government or any officer duly authorized in that behalf to superior holders or occupants for the recovery of their dues from inferior holders or tenants,

claims to set aside on account of irregularity, mistake, or any other ground except fraud, sales for arrears of land-revenue,

(d) claims against Government—

(1) to be entered in the revenue survey or settlement records or village papers as liable for the land-revenue, or as superior holder, inferior holder, occupant or tenant, or

(2) to have any entry made in any record of a revenue survey or settlement, or

(3) to have any such entry either omitted or amended;

(e) the distribution of land or allotment of land-revenue on partition of any estate under Bombay Act IV. of 1868, or any other law for the time being in force,

(f) claims against the Government—

to hold land wholly or partially free from payment of land-revenue, or

to receive payments charged on or payable out of the land-revenue, or

to set aside any cess or rate authorized by Government under the provisions of any law for the time being in force, or

respecting the occupation of waste or vacant land belonging to Government,

(g) claims regarding boundaries fixed under Bombay Act No. I. of 1865, or any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks

Provided that if any person claim to hold land wholly or partially exempt from payment of land-revenue under—

(h) any enactment for the time being in force expressly creating an exemption not before existing in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(i) an instrument or sanad given by or by order of the Governor of Bombay in Council under Bombay Act No. II. of 1863, section one, clause first, or Bombay Act No. VII of 1863, section two, clause first, or

(j) any other written grant by the British Government expressly creating or confirming such exemption, or

(k) a judgment by a Court of law, or an adjudication duly passed by a competent officer under Bombay Regulation XVII of 1827, Chapter X, or under Act No. XI of 1852, which declares the particular property in dispute to be exempt,

such claim shall be cognizable in the Civil Courts.

Illustrations to (h)

(1). It is enacted that, in the event of the proprietary right in lands, the property of Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of Rs 100. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the Civil Court against over-assessment.

(2). It is enacted that when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A's claim is not cognizable in a Civil Court.

(3) It is enacted that land-revenue shall not be leviable from any land held and entered in the land-registers as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land-register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A's claim is cognizable in a Civil Court.

(4) It is enacted that the Collector shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(5) It is enacted that assessment shall be fixed with reference to certain considerations, and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no objection to an assessment under such an enactment is cognizable in a Civil Court.

5. Nothing in section four shall be held to prevent the Civil Courts from entertaining the following suits —

(a) suits against Government to contest the amount claimed, or paid under protest, or recovered, as land-revenue on the ground that such amount is in excess of the amount authorized in that behalf by Government, or that such amount had previous to such claim, payment, or recovery been satisfied, in whole or in part, or

that the plaintiff, or the person whom he represents, is not the person liable for such amount.

(b) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any record of a revenue survey or settlement or in any village papers,

(c) suits between superior holders or occupants and inferior holders or tenants regarding the dues claimed or recovered from the latter,

and nothing in section four, clause (g) shall be held to prevent the Civil Courts from entertaining suits, other than suits against Government, for possession of any land being a whole survey number or a recognized share of a survey number

6. Revenue officers shall not be liable to be sued for damages in any Civil Court for any act *bonâ fide* done, or ordered to be done, by them as such in pursuance of the provisions of any law for the time being in force.

If any Revenue officer absconds or does not attend when called on by his official superior, and if the Collector of the District proceeds against him or his sureties for public money, papers or property according to the provisions of any law for the time being in force, such Collector shall not be liable to pay damages or costs in any suit brought against him by such officers or sureties, although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers, or property demanded of him.

7 Nothing in any law for the time being in force which authorizes the punishment departmentally of any Revenue officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer

8 If any act done by a Revenue officer under orders from superior authority subsequently forms the ground of a civil suit against him, he shall appear and answer in such suit as if the act had been done solely by his own authority

9 In every case in which but for the passing of this Act any act or omission of a Revenue officer would have been open to question in a Civil Court, any party aggrieved by such act or omission may, if no other appeal is given by any law for the time being in force, present an appeal, within two months from the date of such act or omission, to the immediate official superior of such officer, and if such official superior be of a grade inferior to that of a Commissioner of Revenue, then the party aggrieved by his decision on appeal may present a

further appeal against such decision to the Commissioner of Revenue or such other officer as the Local Government appoints in this behalf.

Such further appeal must be presented within one month from the date of the decision complained of.

Any appeal under this section may be admitted after the period of limitation prescribed therefor when the appellant satisfies the officer appealed to that he had sufficient cause for not presenting the appeal within such period.

In computing any period of limitation so prescribed, the day on which the act, omission or decision complained of took place or was pronounced shall be excluded.

10 The Local Government may call for and examine the record of the proceedings on appeal under section nine of any officer for the purpose of satisfying itself as to the legality or propriety of any order passed by him, and may reverse or modify his order, or, if it think fit, may direct that additional evidence be taken, or that the appeal be re-heard.

11. No Civil Court shall entertain any suit against Government on account of any act or omission of any Revenue officer unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force, as within the period of limitation allowed for bringing such suit, it was possible to present.

12. If in the trial or investigation of any suit, claim or objection, which, but for the passing of this Act, might have been tried or investigated by a Civil Court there arises any question on which the Governor General in Council or the Local Government desires to have the decision of the High Court, the Governor General in Council or the Local Government, as the case may be, may cause a statement of the question to be prepared, and may refer such question for the decision of the High Court of Judicature at Bombay.

The said High Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court-house.

The parties to the case may appear and be heard in the High Court in person or by their advocates or pleaders.

The High Court, when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court, to the Government by which the reference was made, and subject to any appeal which may be presented to Her Majesty in Council, the case shall be disposed of conformably to such decision.

If the High Court considers that any such statement is imperfectly framed, the High Court may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the High Court in each case directs.

13. If any suit instituted, or in any appeal presented in a Civil Court, the Judge doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the High Court.

The High Court may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the High Court on any such reference shall be subject to appeal to Her Majesty in Council, and save as aforesaid, shall be final.

14. Every reference under section twelve or section thirteen shall be heard by a Bench consisting of such number of Judges not less than three, as the Chief Justice from time to time directs.

15. For section thirty-two of the Bombay Civil Courts Act, No. XIV. of 1869, the following shall be substituted (namely) :—
"No Subordinate Judge or Court of Small Causes shall receive or register a suit in which the Government or any officer of Government in his official capacity is a party, but in every such case such Judge or Court shall refer the plaintiff to the District Judge, in whose Court alone (subject to the provisions of section nineteen) such suit shall be instituted."

16. Whenever any suit is brought in any District Court against Government,

or against any Revenue officer, and the Local Government undertakes the defence thereof,

it shall be lawful for the Local Government, by a certificate signed by a Secretary thereto, to require—

(a) that such suit shall be tried by the District Judge himself, and shall not be transferred for trial to an Assistant Judge; and

(b) that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court; and the Court shall give effect to every such requirement.

The privilege conferred on the Local Government by the clause (b) of this section shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section.

17. Notwithstanding any repeal effected by the Revival of Bombay Regulation XVII. of 1827, section 13, the Land Improvement Act, 1871, arrears of land-revenue of former years shall be recoverable by the Collector in the same way as current land-revenue, except that the preference given to demands for current land-revenue, as specified in section five of Bombay Regulation XVII. of 1827, shall not extend to demands on account of the arrears for former

So much of the said Regulation as is for the time being in force in any part of the territories to which this Act extends shall be deemed to be in force and to have always been in force in the sites of all villages, towns and cities in such part.

All advances made by the Local Government for purposes other than those specified in the Land Improvement Act, 1871, section four, may be recovered from the persons to whom such advances are made as if they were arrears of land-revenue.

SCHEDULE.

(See Section 2)

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Title or abbreviated Title.	Extent of repeal.
XVI. of 1838	Suits, Bombay	In section 1, the words "or of the wuttans of hereditary district or village officers"
X. of 1848	An Act for annexing the lapsed State of Mandvi to the Presidency of Bombay.	So much of section 2 as is not repealed.
XI. of 1852	An Act for the adjudication of titles to certain estates claimed to be wholly or partially rent-free in the Presidency of Bombay.	Section 7.
VIII. of 1853	An Act for bringing the lapsed State of Colaba under the laws of the Presidency of Bombay.	So much of section 2 as is not repealed.

ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year	Title or abbreviated Title.	Extent of repeal.
II. of 1863	An Act to facilitate the adjustment of unsettled claims to exemption from the payment of land-revenue, &c.	Section 13, from and including the words "it shall not" down to and including the words "is concerned." Section 14.

ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL— continued.

Number and year.	Title or abbreviated Title.	Extent of repeal
III. of 1863	An Act for bringing under the Regulations and Acts of the Presidency of Bombay the territories of Sattara, certain villages and lapsed states in the Collectorate of Sholapoor, &c.	Section 3.
VII. of 1863	An Act for the summary settlement of claims to exemption from the payment of Government land-revenue, &c.	Section 2, Clause 4, Section 28, from and including the words "it shall not" down to and including the words "the said Act" Section 29.
I. of 1865	An Act to provide for the survey, demarcation, assessment, and administration of lands held under Government in the districts belonging to the Presidency of Bombay, &c.	The proviso to section 14.
II. of 1866	An Act to divest Courts of Revenue or jurisdiction in certain cases, &c.	So much as has not been repealed.
XIV. of 1866	An Act to bring the Pergunnas of Edulabad and Wurrungoom under the general Regulations and Acts of the Presidency of Bombay.	Section 2.
II. of 1871	An Act for imposing duties on the non-agricultural classes, &c.	Section 17, from and including the words "and no suit" to the end.

BOMBAY REGULATIONS.

Number and year	Title or abbreviated Title.	Extent of repeal.
XVI. of 1827	A Regulation defining the duties of the Collector, and his powers, &c.	Section 6, Section 11, clause 5, Section 14, clause 4, Section 27, clause 3.

BOMBAY REGULATIONS—*continued.*

Number and year.	Title or abbreviated Title.	Extent of repeal.
XVII. of 1827 ...	A Regulation for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the land-revenue, &c.	Section 9, Section 16, clause 5.
XXIX. of 1827 ...	A Regulation for bringing under the operation of the Regulations the Bombay territories in the Deccan and Khandesh.	So much of section 6 as is not repealed.

BOMBAY REGULATIONS—*concluded.*

Number and year.	Title or abbreviated Title.	Extent of repeal.
V. of 1830 ...	A Regulation providing for the appointment of a Revenue Commissioner, &c.	Section 1, clause 6, from the words "But if any act" to the end.
VII. of 1830 ..	A Regulation for bringing under the operation of the Regulations the Territories comprised in the Southern Mahratta Country, &c.	So much of section 2 as makes section 6 of Regulation XXIX of 1827 applicable to the Territories comprised in the Southern Mahratta Country.

WHITLEY STOKES,

Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 13th April 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

Registered No. 42 of 1876.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and was promulgated for general information in the *Gazette of India* on the 1st April 1876 —

Act No. VIII. of 1876.

THE NATIVE PASSENGER SHIPS ACT, 1876.

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SCHEDULE.

An Act to consolidate and amend the law relating to Native Passenger Ships

WHEREAS it is expedient to consolidate and amend the law relating to Native Passenger Ships; It is hereby enacted as follows—

CHAPTER I

PRELIMINARY.

1. This Act may be called "The Native Passenger Ships Act, 1876."
2. It extends to the whole of British India, and applies—
- (a) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty.
- (b) to all Native Indian subjects of Her Majesty without and beyond British India; and,
- (c) subject to the exceptions mentioned in the subsequent part of this section, to vessels carrying more than thirty passengers, being Natives of Asia or Africa.
- Nothing herein contained applies—
- (d) to any Ship-of-War or Transport belonging to, or in the service of, Her Majesty;
- (e) to any Ship-of-War belonging to any Foreign Prince or State;
- (f) to any sailing-vessel not carrying as passengers more than thirty Natives of Asia or Africa;
- (g) to any steamer not carrying as passengers more than sixty of such Natives;
- (h) to any sailing-vessel or steamer not intended to convey passengers to or from any port in British India.

3. This Act shall come into force on such day as the Governor General in Council directs by notification in the *Gazette of India*.

4. On and from that day the Acts specified in the Schedule hereto annexed shall be repealed

But all ports, places and officers appointed, and all certificates granted, under any of such Acts, shall be deemed to be respectively appointed and granted under this Act,

and the last clause of section one of Act No. II of 1860 (*to amend the law relating to the Carriage of passengers by sea*) shall be read as follows:—

"Voyages from ports in British India to ports in the Red Sea or Persian Gulf, under the Native Passenger Ships Act, 1876."

Interpretation-clause 5. In this Act—

the expression "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class, and includes a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistants.

the expression "ship" includes every description of vessel used in navigation not propelled by oars:

the expression "Master" includes every person (other than a pilot) having command or charge of a ship:

the expression "Passenger" means a person above the age of twelve years, or two persons between the ages of one year and twelve years, but it does not include a person in attendance on another person who is not a Native of Asia or Africa, nor a child under one year of age:

the expression "voyage" means the whole distance between the ship's port of departure and her final port of arrival:

the expression "long voyage" means any voyage during which the ship performing it will under ordinary circumstances be one hundred and twenty hours or upwards continuously out of port

the expression "short voyage" means any voyage during which the ship performing it will never under ordinary circumstances be one hundred and twenty hours continuously out of port:

Illustration.

A ship starts from port A, and is destined finally to arrive at port B, between which ports the ordinary distance is ten days: but she is to touch at four intermediate ports, no one of which is under ordinary circumstances more than five days from the next one. This is a short voyage.

"The expression "Chief Officer of Customs" means the executive "Chief Officer of Customs," officer of highest rank in the Department of Customs in any port to which this Act applies.

CHAPTER II.

RULES FOR ALL VOYAGES.

No ship carrying passengers shall depart or proceed from, or shall discharge passengers at, any port or place within British India other than such ports and places as the Local Government may from time to time appoint in this behalf ;

and after any ship has departed or proceeded upon any voyage from a port or place so appointed, no person shall be received on board as a passenger, except at some other port or place so appointed.

7 The Master, Owner or Agent of every ship so departing or proceeding shall give notice to an officer authorized in this behalf by the Local Government that the ship is to carry Native passengers, and of her destination, and of the proposed time of sailing

Such notice shall be given not less than twenty-four hours before such time.

8. After receiving such notice, the officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein.

9. No ship intended to carry passengers shall commence any voyage from any port or place appointed under this Act, unless the Master holds two certificates to the effect hereinafter mentioned

And the officer of Government whose duty it is to grant a port-clearance for such ship shall not grant the same unless the Master holds such certificates

10 The first of such certificates (hereinafter called "certificate A") shall state that the ship is seaworthy and properly equipped, fitted, and ventilated ; and the number of passengers that she is capable of carrying.

11. The second of such certificates (hereinafter called "certificate B") shall state—

(a) the voyage which the ship is intended to make, and the intermediate ports (if any) at which she is intended to touch,

(b) that she has the proper complement of officers and seamen,

(c) that provisions, fuel and pure water, over and above what is necessary for the crew, and other things (if any) prescribed for the ship by rule under section forty-six, have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section,

(d) that the Master holds certificate A ;

(e) if she is intended to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather ;

(f) such other particulars (if any) as may for the time being be required for such ship under this Act

12 The person by whom certificate B is to be granted shall in all cases be the officer referred to in section seven.

13. The person by whom certificate A is to be granted shall be the officer aforesaid, except that if the Master of a ship produces to such officer either of the following certificates (namely)—

(a) a valid certificate granted by the Board of Trade or by any British Colonial Government ;

(b) a certificate granted under the authority of any British Indian Government, and dated not more than six months before the proposed day of sailing,

and if the particulars required by section ten are certified thereby,

such officer may take any such certificate as evidence of such particulars, and it shall then be a valid certificate for the purposes of this Act.

14 After receiving the notice required by section seven, the officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for her intended voyage :

Provided that he shall not cause any ship holding any certificate mentioned in section thirteen, clause (a) or clause (b), to be surveyed unless, from the ship having met with damage or having undergone alterations, or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for her intended voyage.

If the officer aforesaid causes a survey to be made of any vessel holding any such certificate, and if the surveyors report that the vessel is seaworthy and properly equipped, fitted and ventilated for her intended voyage, and that there was no reasonable ground why the officer aforesaid should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for her intended voyage, the expense of the survey shall be paid by the Local Government.

15. The officer authorized to grant a certificate under this Act, in respect of any ship, shall not grant the same, unless he is satisfied that she has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

But save as aforesaid, and subject to the provisions of section sixteen, the grant or withholding of a certificate under this chapter shall in all cases be in the discretion of the officer aforesaid.

16. In the exercise of such discretion such officer shall be subject to the control of the Local Government or of any intermediate authority which that Government may from time to time appoint in this behalf.

17. The Owner or Master shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of each of the said certificates granted by an officer appointed under this Act in respect of the ship, and shall keep such copies in such position during the voyage.

18. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who has contracted to furnish his own provisions, and who has, in the opinion of such officer as the Local Government appoints in this behalf, actually furnished such provisions of the quality and to the amount for the time being prescribed by rules made under section forty-six.

CHAPTER III.

RULES FOR SHORT VOYAGES

19. For seasons of fair weather, every ship performing a short voyage shall contain in the between-decks at least six superficial feet and thirty-six cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and six superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by sails and performing a short voyage shall

contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and twelve superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each passenger and nine superficial feet for each upper-deck passenger.

But in such seasons no ship shall carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather.

20. If any ship performing a short voyage takes any additional passengers on board at any intermediate port or place, the Master shall obtain a supplementary certificate from the proper officer at such port, stating—

(a) the number of passengers so taken on board, and

(b) that provisions, fuel and pure water (over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by rule under section forty-six) have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the total number of passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section.

Provided that, if the certificate B held by the Master of such ship states that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for her by rule under section forty-six have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the full number of passengers that she is capable of carrying, the Master shall not be bound to obtain any such supplementary certificate.

21. When the ship reaches her final port of arrival, the Master shall report of deaths on the voyage to such officer as the Governor General in Council may appoint in this behalf, the date and supposed cause of death of every passenger dying on the voyage.

CHAPTER IV.

RULES FOR LONG VOYAGES.

22. Every ship propelled by sails and performing a long voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every passenger.

Every ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every passenger.

23. The Master of every such ship, before departing or proceeding on any long voyage from any port or place in British India, shall sign two statements, specifying the number and the respective sexes of all the passengers, and stating the number of the crew; and shall deliver them to the officer last aforesaid, who shall thereupon (after having first satisfied himself that the numbers are correct) countersign and return to the Master one of such statements.

24. The Master shall note in writing on such last mentioned statement, and on any additional statement to be made under the next following section, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the ship at her destination or at any port at which it may be intended to land passengers, and before any passengers are landed, produce the statement, with any additions thereto made, to any person lawfully exercising consular authority on behalf of Her Majesty at the port of arrival if it be a foreign port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act to receive such statements, at any port or place at which it is intended to land the passengers or any of them.

25. If, after the ship has departed or proceeded on any long voyage, any additional passengers are taken on board at a port or place within British India appointed under this Act for the embarkation of passengers,

or if such ship upon her voyage touch or arrive at any such port, having previously received on board additional passengers at any place without British India,

the Master shall obtain a fresh certificate to the effect of certificate B from the proper officer at such port, and shall make additional statements specifying the number and the respective sexes of all such additional passengers;

and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or statement made under this section.

26. In the case of every ship sailing from any port within British India to any port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such ship shall not grant such clearance unless and until the owner, agent, or master of such ship and two sureties resident in British India have by a joint and several bond become bound unto the Secretary of State for India in Council in the

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penal sum of five thousand rupees for the purpose of binding the ship to touch at Aden on the outward voyage, and there to obtain a clean bill of health, and to do the same on the homeward voyage if she continue (being propelled by sails) to carry more than thirty passengers, or (being propelled by steam or partly by steam and partly by sails) to carry more than sixty passengers

27. Every ship carrying more than thirty passengers being Natives of Asia or Africa, and sailing from any port in British India to any port in the Red Sea,

or sailing from any port in the Red Sea to any port in British India,

shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

28. No bill of health shall be granted under section twenty-six or section twenty-seven in case the ship has on board a greater number of passengers than in the proportion prescribed for her by this Act.

CHAPTER V

PENALTIES

29. If any ship departs or proceeds upon a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of section six or section nine,

or if any person is received as a passenger on board a ship in contravention of the provisions of the second clause of section six,

the Owner or Master shall, for every passenger conveyed in such ship, or for every passenger so discharged or received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both;

and the ship, if found within two years in any port within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act by her Owner or Master have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions hereinafter contained.

30. Any person impeding or refusing to allow the entry or inspection authorized under this Act shall be liable to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

31. Any Owner or Master wilfully failing to comply with the requirements of section seventeen, as to copies of certificates, shall, for every such failure, be liable

to fine not exceeding two hundred rupees or to imprisonment for any term not exceeding a month, or to both.

32. Any master failing to comply with any of the requirements of section twenty-three or section twenty-four, as to the statement of passengers,

Penalty for non compliance with requirements as to list of passengers.

or wilfully making any false entry or note in or any such statement,

or wilfully failing to obtain any such supplementary certificate as is mentioned in section twenty, or to report deaths as required by section twenty-one, or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers, as is mentioned in section twenty-five,

Penalty for failing to obtain fresh certificate for additional passengers taken

shall be liable to a fine not exceeding five hundred rupees for every such offence, or to imprisonment for a term not exceeding three months, or to both.

33. Any Master who, after having obtained any of the certificates mentioned in section nine or section twenty, or section twenty-five, fraudulently does or suffers to be done anything whereby such certificate becomes inapplicable to the altered state of the ship, her passengers, or other matters to which such certificate relates, shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for fraudulent alteration in ship after certificate obtained

34. Any Master wilfully, and without satisfactory excuse, omitting to supply to any passenger the allowance of food, fuel, and water prescribed by rule made under this Act and for the time being in force, shall be liable to a fine not exceeding twenty rupees for every passenger who has sustained detriment by such omission.

Penalty for failing to supply passengers with prescribed provisions

35. The Master of any ship described in section twenty-seven, who wilfully fails to touch at Aden, or leaves that port without having obtained the bill of health therein mentioned, shall, for every such offence, be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for not obtaining bill of health

36. If any ship has on board any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, or, if arriving from a port where no certificate could be procured, has on board a number of passengers exceeding the number allowed by this Act for such ship, the Owner and Master shall, for every passenger over and above the number allowed

Penalty for excess of number specified in certificate.

by the certificate, be each liable to a fine not exceeding twenty rupees, and the Master shall further be liable for each of such passengers to imprisonment not exceeding one week, provided that the total term of imprisonment awarded under this section shall in no case exceed six months.

Any officer authorized in this behalf by the Local Government may cause all passengers over and above such number to disembark, and may forward them to any port of British India, and may recover the cost of so forwarding them from the Owner or Master of the ship as if such cost was a fine imposed under this Act, and a certificate under the hand of such officer shall be conclusive evidence of the amount of the cost aforesaid.

37. If any ship bringing Native passengers from any port or place beyond British India, into any port or place in British India, has on board a greater number of passengers than in the proportion prescribed by section nineteen, section twenty-two or section forty-nine (as the case may be), or than the number allowed by the license or certificate (if any) granted in respect of such ship at her port or place of departure, the Owner and Master shall, for every passenger in excess of such proportion or of the number so allowed, be each liable to a fine not exceeding twenty rupees.

Penalty for bringing Native passengers from Eastern port in excess of authorized proportion.

38. If the Master of any ship to which this Act applies lands any passenger 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 every such offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Penalty for landing passenger at a place other than that at which he has contracted to land.

Procedure.

39. All offences against this Act shall be punishable in a summary manner by a Magistrate.

If the person on whom any fine is imposed under this Act is the Master or Owner of a ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary 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.

Fine leviable by distress on ship.

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

Jurisdiction.

41. The penalties to which Masters and Owners of ships are made liable by this Act, shall be enforced only by information laid at the instance of the officers appointed

By whom proceedings for penalties to be instituted.

to grant certificates under this Act, or, at any port or place where there is no such officer, at the instance of the Chief Officer of Customs.

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

43. Whenever, in the course of any legal proceeding under this Act, the testimony of any witness is required in relation to the subject-matter of such proceeding, any deposition that he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where such proceedings are instituted), or any British consular officer elsewhere, shall be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceeding is instituted:

Provided that such deposition shall not be admissible unless—

(a) it is authenticated by the signature of the Justice, Magistrate, or consular officer;

(b) it was made in the presence of the person accused, and

(c) the fact that it was so made is certified by the Justice, Magistrate, or consular officer.

It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition, and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

CHAPTER VI.

MISCELLANEOUS.

44. The Chief Officer of Customs, or the officer (if any) appointed under this Act, at any port or place within British India at which any ship to which this Act applies touches or arrives, shall, with advertence to the provisions herein contained, send any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the office at the port from which the ship commenced her voyage, and also to the officer at any other port within British India where the passengers or any of them embarked.

And any officer appointed under this Act may at any port or place in British India at which any ship to which this Act applies touches, board such ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and otherwise have been complied with.

45. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

46. The Governor General in Council may from time to time make rules consistent with this Act, to regulate, in the case of any ship or class of ships to which this Act applies, all or any of the following matters:—

(a) the scale on which provisions, fuel and water are to be supplied to the passengers and the quality of such provisions, fuel and water,

(b) the medical stores and other appliances and fittings for maintaining health, cleanliness and decency to be provided on board,

(c) the boats, anchors and cables to be provided on board;

(d) the instruments for purposes of navigation to be supplied;

(e) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires;

(f) and, generally, to carry out the provisions of this Act.

All such rules shall be published in the *Gazette of India*, and shall thereupon have the force of law.

47. The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties conferred and imposed by this Act.

48. The Governor General in Council may from time to time declare, by notification in the *Gazette of India*, what shall be deemed "seasons of fair weather" and "long voyages," shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "seasons of foul weather," and for sailing vessels and steamers respectively, a "long voyage" and a "short voyage."

49. The Governor General in Council may from time to time direct, in the case of any ship or class of ships, and for all or any voyages to which this Act applies, the number of superficial or of cubic feet of space to be contained for the passengers; and such direction shall override the provisions of sections nineteen and twenty-two so far as they apply to such ship or class of ships.

SCHEDULE.

(See Section 4.)

Number and year.	Title.
XXV. of 1859	An Act to prevent the over-crowding of Vessels carrying Native Passengers in the Bay of Bengal.
XII of 1870	An Act for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages.
XII. of 1872	An Act to amend Act XII. of 1870 (<i>The Native Passenger Ships Act</i>).
Madras Act II. of 1862	An Act to extend the provisions of Act XXV. of 1859, entitled An Act to prevent the over-crowding of Vessels carrying Native Passengers in the Bay of Bengal.

WHITLEY STOKES,

Secy. to the Govt of India.

The following Act of the Governor General of India in Council received the assent of his Excellency the Governor General on the 28th March 1876, and was promulgated for general information in the *Gazette of India* on the 1st April 1876 —

Act No. IX. of 1876.

An Act to enable the Government of India to declare certain Coins of Native States to be a legal tender in British India.

WHEREAS it is expedient to enable the Governor General in Council to declare that a tender of payment of money, if made in certain coins made for or issued by Native States, shall be a legal tender in British India, It is hereby enacted as follows —

1. This Act may be called "The Native Coinage Act, 1876".

Local extent. It extends to the whole of British India;

Commencement. And it shall come into force at once.

2. In this Act "Native State" means any State in India which is under the protection or political control of Her Majesty, or of which the Government shall have acknowledged the supremacy of the British Crown.

3. Subject to the provisions of section four, the Governor General in Council may from time to time, by notification in the *Gazette of India*, declare that a tender of payment of money, if made in the coins, or the coins of any specified metal, made under this Act for any Native State, shall be a legal tender in British India,

and the provisions of the Indian Coinage Act, 1870, shall apply to the coins to which such notification refers, so far as such provisions are applicable thereto, and save as expressly provided by such notification.

4. The power conferred by the first clause of section three shall be exercisable only when coins referred to in such notification comply with the following conditions (that is to say) —

(a) their fineness is identical with that for the time being prescribed by law for coin of the Government of India of the same metal,

(b) they are identical in weight with some coins of the Government of India of the same metal, which may for the time being be legally coined at any Mint of the Government of India, or bear such relation thereto as is approved by the Governor General in Council,

(c) the devices upon their obverse and reverse differ from the devices on coins now made or issued by any such Native State, and have been approved by the Governor General in Council;

(d) upon each of such coins its value in money of the Government of India is inscribed in the English language;

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(e) the Native State for which they are coined has undertaken to abstain during a term of not less than thirty years, from the date of the notification, from coining in its own mint gold, silver, bronze or copper, as the case may be, and has also undertaken that no coins resembling coin for the time being a legal tender in British India shall, after the expiration of the said term, be struck under its authority, or with its permission at any place within or without its jurisdiction,

(f) such State has formally declared that a tender of payment of money, if made in coins of the Government of India of the same metal shall, in the territories subject to such State, be a legal tender in the cases in which payment made in such coins would, under the law for the time being in force, be a legal tender in British India.

(g) such State has also agreed that the law and rules for the time being in force respecting the cutting and breaking of coin of the Government of India reduced in weight by reasonable wearing or otherwise, or counterfeit, or called in by proclamation, shall apply to the coins made for such State under this Act, and that it will defray the cost of cutting and breaking them; and

(h) such State has also agreed not to issue the same coins below their nominal value, and not to allow any discount or other advantage to any persons in order to bring them into circulation.

5. It shall be lawful for any such State to send to any mint in British India metal to be made into coin under this Act; and, subject to the Mint-rules for the time being in force, and to the provisions hereinafter contained, the Mint-master shall receive such metal and convert it into coin, provided that it be fit for coinage.

Nothing herein contained shall be deemed to entitle any such State to have coins made under this Act at any Mint of the Government of India of any metal which is not for the time being legally coined at such mint.

6. The Governor General in Council may impose on any metal sent to a mint for coinage under this Act the duty (if any) leviable on the same metal under the Indian Coinage Act, 1870, and also a charge sufficient to defray the expenses of coinage over and above the expenses of assay and refining, and the Mint-master shall coin such metal at the charge so imposed.

7. The Governor General in Council may, from time to time, with reference to the reasonable requirements of the population of any Native State, fix the maximum number of any coins of any particular metal that shall be coined under this Act.

WHITLEY STOKES,
Secretary to the Govt. of India.

[Published with the "Bombay Government Gazette" on the 20th April 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and was promulgated for general information in the *Gazette of India* on the 15th April 1876.—

Act No. VIII. of 1876.

THE NATIVE PASSENGER SHIPS ACT, 1876.

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SCHEDULE.

An Act to consolidate and amend the law relating to Native Passenger Ships.

WHEREAS it is expedient to consolidate and amend the law relating to Native Passenger Ships; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

- I. This Act may be called "The Native Passenger Ships Act, 1876."
2. It extends to the whole of British India, and applies—
 - (a) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty.
 - (b) to all Native Indian subjects of Her Majesty without and beyond British India; and,
 - (c) subject to the exceptions mentioned in the subsequent part of this section, to vessels carrying more than thirty passengers, being Natives of Asia or Africa.

Nothing herein contained applies—

 - (d) to any Ship-of-War or Transport belonging to, or in the service of, Her Majesty;
 - (e) to any Ship-of-War belonging to any Foreign Prince or State;
 - (f) to any sailing-vessel not carrying as passengers more than thirty Natives of Asia or Africa;
 - (g) to any steamer not carrying as passengers more than sixty of such Natives;
 - (h) to any sailing-vessel or steamer not intended to convey passengers to or from any port in British India.

3. This Act shall come into force on such day as the Governor General in Council directs by notification in the *Gazette of India*.

4. On and from that day the Acts specified in the Schedule hereto annexed shall be repealed.

But all ports, places and officers appointed, and all certificates granted, under any of such Acts, shall be deemed to be respectively appointed and granted under this Act;

and the last clause of section one of Act No. II, of 1860 (to amend the law relating to the Carriage of passengers by sea) shall be read as follows:—

"Voyages from ports in British India to ports in the Red Sea or Persian Gulf, under the Native Passenger Ships Act, 1876."

Interpretation-clause. 5. In this Act—

the expression "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class, and includes a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistants:

the expression "ship" includes every description of vessel used in navigation not propelled by oars:

the expression "Master" includes every person (other than a pilot) having command or charge of a ship:

the expression "Passenger" means a person above the age of twelve years, or two persons between the ages of one year and twelve years; but it does not include a person in attendance on another person who is not a Native of Asia or Africa, nor a child under one year of age:

the expression "voyage" means the whole distance between the ship's port of departure and her final port of arrival:

the expression "long voyage" means any voyage during which the ship performing it will under ordinary circumstances be one hundred and twenty hours or upwards continuously out of port.

the expression "short voyage" means any voyage during which the ship performing it will never under ordinary circumstances be one hundred and twenty hours continuously out of port:

Illustration.

A ship starts from port A, and is destined finally to arrive at port B, between which ports the ordinary distance is ten days: but she is to touch at four intermediate ports, no one of which is under ordinary circumstances more than five days from the next one. This is a short voyage.

The expression "Chief Officer of Customs" means the executive "Chief Officer of Customs," officer of highest rank in the Department of Customs in any port to which this Act applies.

CHAPTER II.

RULES FOR ALL VOYAGES.

6. No ship carrying passengers shall depart or proceed from, or shall discharge passengers at, any port or place within British India other than such ports and places as the Local Government may from time to time appoint in this behalf;

and after any ship has departed or proceeded upon any voyage from a port or place so appointed, no person shall be received on board as a passenger, except at some other port or place so appointed.

7. The Master, Owner or Agent of every ship so departing or proceeding shall give notice to an officer authorized in this behalf by the Local Government that the ship is to carry Native passengers, and of her destination, and of the proposed time of sailing

Such notice shall be given not less than twenty-four hours before such time.

8. After receiving such notice, the officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the ship and the fittings, provisions and stores therein.

9. No ship intended to carry passengers shall commence any voyage from any port or place appointed under this Act, unless the Master holds two certificates to the effect hereinafter mentioned

And the officer of Government whose duty it is to grant a port-clearance for such ship shall not grant the same unless the Master holds such certificates.

10. The first of such certificates (hereinafter called 'certificate A') shall state that the ship is seaworthy and properly equipped, fitted, and ventilated; and the number of passengers that she is capable of carrying.

11. The second of such certificates (hereinafter called 'certificate B') shall state—

(a) the voyage which the ship is intended to make, and the intermediate ports (if any) at which she is intended to touch;

(b) that she has the proper complement of officers and seamen;

(c) that provisions, fuel and pure water, over and above what is necessary for the crew, and the other things (if any) prescribed for the ship by rule under section forty-six, have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section;

(d) that the Master holds certificate A;

(e) if she is intended to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather,

(f) such other particulars (if any) as may for the time being be required for such ship under this Act.

12. The person by whom certificate B is to be granted shall in all cases be the officer referred to in section seven.

13. The person by whom certificate A is to be granted shall be the officer aforesaid, except that if the Master of a ship produce to such officer either of the following certificates (namely)—

(a) a valid certificate granted by the Board of Trade or by any British Colonial Government;

(b) a certificate granted under the authority of any British Indian Government, and dated not more than six months before the proposed day of sailing,

and if the particulars required by section ten are certified thereby,

such officer may take any such certificate as evidence of such particulars, and it shall then be a valid certificate for the purposes of this Act.

14. After receiving the notice required by section seven, the officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for her intended voyage

Provided that he shall not cause any ship holding any certificate mentioned in section thirteen, clause (a) or clause (b), to be surveyed unless, from the ship having met with damage or having undergone alterations, or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for her intended voyage.

If the officer aforesaid causes a survey to be made of any vessel holding any such certificate, and if the surveyors report that the vessel is seaworthy and properly equipped, fitted and ventilated for her intended voyage, and that there was no reasonable ground why the officer aforesaid should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for her intended voyage, the expense of the survey shall be paid by the Local Government

15 The officer authorized to grant a certificate under this Act, in respect of any ship, shall not grant the same, unless he is satisfied that she has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

But save as aforesaid, and subject to the provisions of section sixteen, the grant or withholding of a certificate under this chapter shall in all cases be in the discretion of the officer aforesaid.

16. In the exercise of such discretion such officer shall be subject to the control of the Local Government or of any intermediate authority which that Government may from time to time appoint in this behalf.

17 The Owner or Master shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of each of the said certificates granted by an officer appointed under this Act in respect of the ship, and shall keep such copies in such position during the voyage

18. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who has contracted to furnish his own provisions, and who has, in the opinion of such officer as the Local Government appoints in this behalf, actually furnished such provisions of the quality and to the amount for the time being prescribed by rules made under section forty-six.

CHAPTER III.

RULES FOR SHORT VOYAGES.

19. For seasons of fair weather, every ship performing a short voyage shall contain in the between-decks at least six superficial feet and thirty-six cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and six superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by sails and performing a short voyage shall

contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and twelve superficial feet for each upper-deck passenger.

For seasons of foul weather, every ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and nine superficial feet for each upper-deck passenger.

But in such seasons no ship shall carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning or other sufficient protection against the weather

20. If any ship performing a short voyage takes any additional passengers on board at any intermediate port or place, the Master shall obtain a supplementary certificate from the proper officer at such port, stating—

(a) the number of passengers so taken on board, and

(b) that provisions, fuel and pure water (over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by rule under section forty-six) have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the total number of passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section.

Provided that, if the certificate B held by the Master of such ship states that provisions, fuel, and pure water, over and above what is necessary for the crew, and the other things, if any, prescribed for her by rule under section forty-six have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the full number of passengers that she is capable of carrying, the Master shall not be bound to obtain any such supplementary certificate.

21 When the ship reaches her final port of arrival, the Master shall notify to such officer as the Governor General in Council may appoint in this behalf, the date and supposed cause of death of every passenger dying on the voyage.

CHAPTER IV.

RULES FOR LONG VOYAGES.

22 Every ship propelled by sails and performing a long voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every passenger.

Every ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every passenger.

23. The Master of every such ship, before departing or proceeding on any long voyage from any port or place in British India, shall sign two statements, specifying the number and the respective sexes of all the passengers, and stating the number of the crew; and shall deliver them to the officer last aforesaid, who shall thereupon (after having first satisfied himself that the numbers are correct) countersign and return to the Master one of such statements.

24. The Master shall note in writing on such last mentioned statement, and on any additional statement to be made under the next following section, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the ship at her destination or at any port at which it may be intended to land passengers, and before any passengers are landed, produce the statement, with any additions thereto made, to any person lawfully exercising consular authority on behalf of Her Majesty at the port of arrival if it be a foreign port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act to receive such statements, at any port or place at which it is intended to land the passengers or any of them.

25. If, after the ship has departed or proceeded on any long voyage, any additional passengers are taken on board at a port or place within British India appointed under this Act for the embarkation of passengers,

or if such ship upon her voyage touch or arrive at any such port, having previously received on board additional passengers at any place without British India,

the Master shall obtain a fresh certificate to the effect of certificate B from the proper officer at such port, and shall make additional statements specifying the number and the respective sexes of all such additional passengers,

and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or statement made under this section

26. In the case of every ship sailing from any port within British India to any port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such ship shall not grant such clearance unless and until the owner, agent, or master of such ship and two sureties resident in British India have by a joint and several bond become bound unto the Secretary of State for India in Council in the

IV.—40 g

penal sum of five thousand rupees for the purpose of binding the ship to touch at Aden on the outward voyage, and there to obtain a clean bill of health, and to do the same on the homeward voyage if she continue (being propelled by sails) to carry more than thirty passengers, or (being propelled by steam or partly by steam and partly by sails) to carry more than sixty passengers.

27. Every ship carrying more than thirty passengers being Natives of Asia or Africa, and sailing from any port in British India to any port in the Red Sea,

or sailing from any port in the Red Sea to any port in British India,

shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

28. No bill of health shall be granted under section twenty-six or section twenty-seven in case the ship has on board a greater number of passengers than in the proportion prescribed for her by this Act.

CHAPTER V.

PENALTIES

29. If any ship departs or proceeds upon a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of section six or section nine,

or if any person is received as a passenger on board a ship in contravention of the provisions of the second clause of section six,

the Owner or Master shall, for every passenger conveyed in such ship, or for every passenger so discharged or received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both;

and the ship, if found within two years in any port within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act by her Owner or Master have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions hereinafter contained.

30. Any person impeding or refusing to allow the entry or inspection authorized under this Act shall be liable to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

31. Any Owner or Master wilfully failing to comply with the requirements of section seventeen, as to copies of certificates, shall, for every such failure, be liable

to fine not exceeding two hundred rupees or to imprisonment for any term not exceeding a month, or to both.

32. Any master failing to comply with any of the requirements of section twenty-three or section twenty-four, as to the statement of passengers,

Penalty for non-compliance with requirements as to list of passengers,

or wilfully making any false entry or note in or on any such statement,

or wilfully failing to obtain any such supplementary certificate as is mentioned in section twenty, or to report deaths as required by section twenty-one, or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers, as is mentioned in section twenty-five,

Penalty for failing to obtain fresh certificate for additional passengers taken.

shall be liable to a fine not exceeding five hundred rupees for every such offence, or to imprisonment for a term not exceeding three months, or to both.

33. Any Master who, after having obtained any of the certificates mentioned in section nine or section twenty, or section twenty-five, fraudulently does or suffers to be done anything whereby such certificate becomes inapplicable to the altered state of the ship, her passengers, or other matters to which such certificate relates, shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for fraudulent alteration in ship after certificate obtained.

Penalty for failing to supply passengers with prescribed provisions,

34. Any Master wilfully, and without satisfactory excuse, omitting to supply to any passenger the allowance of food, fuel, and water prescribed by rule made under this Act and for the time being in force, shall be liable to a fine not exceeding twenty rupees for every passenger who has sustained detriment by such omission.

35. The Master of any ship described in section twenty-seven, who wilfully fails to touch at Aden, or leaves that port without having obtained the bill of health therein mentioned, shall, for every such offence, be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for not obtaining bill of health.

36. If any ship has on board any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, or, if arriving from a port where no certificate could be procured, has on board a number of passengers exceeding the number allowed by this Act for such ship, the Owner and Master shall, for every passenger over and above the number allowed

Penalty for excess of number specified in certificate.

by the certificate, be each liable to a fine not exceeding twenty rupees, and the Master shall further be liable for each of such passengers to imprisonment not exceeding one week, provided that the total term of imprisonment awarded under this section shall in no case exceed six months.

Any officer authorized in this behalf by the Local Government may cause all passengers over and above such number to disembark, and may forward them to any port of British India, and may recover the cost of so forwarding them from the Owner or Master of the ship as if such cost was a fine imposed under this Act, and a certificate under the hand of such officer shall be conclusive evidence of the amount of the cost aforesaid.

37. If any ship bringing Native passengers from any port or place beyond British India, into any port or place in British India, has on board a greater number of passengers than in the proportion prescribed by section nineteen, section twenty-two or section forty-nine (as the case may be), or than the number allowed by the license or certificate (if any) granted in respect of such ship at her port or place of departure, the Owner and Master shall, for every passenger in excess of such proportion or of the number so allowed, be each liable to a fine not exceeding twenty rupees.

Penalty for bringing Native passengers from Eastern port in excess of authorized proportion.

38. If the Master of any ship to which this Act applies lands any passenger 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 every such offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Penalty for landing passenger at a place other than that at which he has contracted to land.

Procedure.

39. All offences against this Act shall be punishable in a summary manner by a Magistrate.

If the person on whom any fine is imposed under this Act is the Master or Owner of a ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary 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.

Fine leviable by distress on ship.

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

Jurisdiction.

41. The penalties to which Masters and Owners of ships are made liable by this Act, shall be enforced only by information laid at the instance of the officers appointed

By whom proceedings for penalties to be instituted

to grant certificates under this Act; or, at any port or place where there is no such officer, at the instance of the Chief Officer of Customs.

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

43. Whenever, in the course of any legal proceeding under this Act, the testimony of any witness is required in relation to the subject-matter of such proceeding, any deposition that he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where such proceedings are instituted), or any British consular officer elsewhere, shall be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceeding is instituted:

Provided that such deposition shall not be admissible unless—

(a) it is authenticated by the signature of the Justice, Magistrate, or consular officer,

(b) it was made in the presence of the person accused, and

(c) the fact that it was so made is certified by the Justice, Magistrate, or consular officer.

It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

CHAPTER VI

MISCELLANEOUS.

44. The Chief Officer of Customs, or the officer (if any) appointed under this Act, at any port or place within British India at which any ship to which this Act applies touches or arrives, shall, with advertence to the provisions herein contained, send any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the office at the port from which the ship commenced her voyage, and also to the officer at any other port within British India where the passengers or any of them embarked

And any officer appointed under this Act may at any port or place in British India at which any ship to which this Act applies touches, board such ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and otherwise have been complied with.

45. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

46. The Governor General in Council may from time to time make rules consistent with this Act, to regulate, in the case of any ship or class of ships to which this Act applies, all or any of the following matters:—

(a) the scale on which provisions, fuel and water are to be supplied to the passengers and the quality of such provisions, fuel and water;

(b) the medical stores and other appliances and fittings for maintaining health, cleanliness and decency to be provided on board;

(c) the boats, anchors and cables to be provided on board;

(d) the instruments for purposes of navigation to be supplied;

(e) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires;

(f) and, generally, to carry out the provisions of this Act.

All such rules shall be published in the *Gazette of India*, and shall thereupon have the force of law.

47. The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties conferred and imposed by this Act.

48. The Governor General in Council may from time to time declare, by notification in the *Gazette of India*, what shall be deemed "seasons of fair weather" and "long voyages," and what shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "seasons of foul weather," and for sailing vessels and steamers respectively, a "long voyage" and a "short voyage."

49. The Governor General in Council may from time to time direct, in the case of any ship or class of ships, and for all or any voyages to which this Act applies, the number of superficial or of cubic feet of space to be contained for the passengers; and such direction shall override the provisions of sections nineteen and twenty-two so far as they apply to such ship or class of ships.

SCHEDULE

(See Section 4.)

Number and year	Title.
XXV. of 1859	An Act to prevent the over-crowding of Vessels carrying Native Passengers in the Bay of Bengal.
XII. of 1870	An Act for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages
XII. of 1872	An Act to amend Act XII of 1870 (<i>The Native Passenger Ships Act</i>).
Madras Act II. of 1862	An Act to extend the provisions of Act XXV. of 1859, entitled An Act to prevent the over-crowding of Vessels carrying Native Passengers in the Bay of Bengal.

WHITLEY STOKES,
Secretary to the Government of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 28th March 1876, and was promulgated for general information in the *Gazette of India* on the 15th April 1876 —

Act No. X. of 1876.

THE BOMBAY REVENUE JURISDICTION ACT, 1876.

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Recovery of certain advances made by Local Government.

SCHEDULE.

IV.—40 i

An Act to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the Land-revenue, and for other purposes.

WHEREAS in certain parts of the Presidency of Bombay, the jurisdiction of the Civil Courts in matters connected with the land-revenue is more extensive than it is in the rest of the said Presidency,

And whereas it is expedient that the jurisdiction of all the Civil Courts in the said Presidency should be limited in manner hereinafter appearing;

And whereas it is also expedient to amend the Bombay Civil Courts Act, section thirty-two, and to revive certain provisions of the thirteenth section of Regulation XVII. of 1827 of the Bombay Code, which was repealed by the Land Improvement Act, 1871, and to provide for the recovery by the Local Government of advances made for purposes other than those specified in section three of the Land Improvement Act, 1871,

It is hereby enacted as follows:—

1. This Act may be called "The Bombay Revenue Jurisdiction Act, 1876."

So much of section four as relates to claims to Commencement. set aside, on the ground of irregularity, mistake or any other ground except fraud, sales for arrears of land-revenue, shall come into force on such day as the Governor General in Council directs in that behalf by notification in the *Gazette of India*. The rest of this Act shall come into force on the passing thereof;

And it shall extend to all the territories for the time being under the government of the Governor of Bombay in Council, but not so as to affect—

(a) any suit regarding the assessment of revenue on land situate in the Collectorate of Bombay, or the collection of such revenue,

(b) any of the provisions of Bombay Acts V of 1862 and VI. of 1862, or of Act XV of 1871, or of Act XXIII of 1871,

(c) any suit instituted before the passing of this Act

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof

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

"Land" includes the sites of villages, towns, and cities; it also includes trees, growing crops and grass, fruit upon, and juice in trees, rights-of-way, ferries, fisheries, and all other benefits to arise out of land, and things attached to the earth, or permanently fastened to things attached to the earth.

"Land-revenue" means all sums and payments, in money or in kind, received or claimable by or on behalf of Government from any person on account of any land held by or vested in him, and any cess or rate authorized by Government under the provisions of any law for the time being in force.

"Revenue officer" means any officer employed in or about the business of the land-revenue, or of the surveys, assessment, accounts or records connected therewith.

4 Subject to the exceptions hereinafter appearing, no Civil Court shall exercise jurisdiction as to any of the following matters:—

(a) claims against Government relating to any property appertaining to the office of any hereditary officer appointed or recognised under Bombay Act No. III. of 1874, or any other law for the time being in force, or of any other village-officer or servant, or

claims to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service, or

suits to set aside or avoid any order under the same Act or any other law relating to the same subject for the time being in force passed by Government or any officer duly authorized in that behalf, or

claims against Government relating to lands held under treaty, or to lands granted or held as *saranjam*, or on other political tenure, or to lands declared by Government or any officer duly authorized in that behalf to be held for service,

(b) objections—

to the amount or incidence of any assessment of land-revenue authorized by Government, or

to the mode of assessment, or to the principle on which such assessment is fixed, or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement,

(c) claims connected with or arising out of any proceedings for the realization of land-revenue or the rendering of assistance by Government or any officer duly authorized in that behalf to superior holders or occupants for the recovery of their dues from inferior holders or tenants;

claims to set aside on account of irregularity, mistake, or any other ground except fraud, sales for arrears of land-revenue;

(d) claims against Government—

(1) to be entered in the revenue survey or settlement records or village papers as liable for the land-revenue, or as superior holder, inferior holder, occupant or tenant, or

(2) to have any entry made in any record of a revenue survey or settlement, or

(3) to have any such entry either omitted or amended;

(e) the distribution of land or allotment of land-revenue on partition of any estate under Bombay Act IV. of 1863, or any other law for the time being in force,

(f) claims against the Government—

to hold land wholly or partially free from payment of land-revenue, or

to receive payments charged on or payable out of the land-revenue, or

to set aside any cess or rate authorized by Government under the provisions of any law for the time being in force, or

respecting the occupation of waste or vacant land belonging to Government;

(g) claims regarding boundaries fixed under Bombay Act No. I of 1865, or any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks

Provided that if any person claim to hold land wholly or partially exempt from payment of land-revenue under—

Proviso.

(h) any enactment for the time being in force expressly creating an exemption not before existing in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(i) an instrument or sanad given by or by order of the Governor of Bombay in Council under Bombay Act No. II. of 1863, section one, clause first, or Bombay Act No. VII. of 1863, section two, clause first, or

(j) any other written grant by the British Government expressly creating or confirming such exemption, or

(k) a judgment by a Court of law, or an adjudication duly passed by a competent officer under Bombay Regulation XVII. of 1827, Chapter X, or under Act No. XI. of 1852, which declares the particular property in dispute to be exempt,

such claim shall be cognizable in the Civil Courts.

Illustrations to (h).

(1) It is enacted that, in the event of the proprietary right in lands, the property of Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of Rs. 100. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the Civil Court against over-assessment.

(2) It is enacted that when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A's claim is not cognizable in a Civil Court.

(3) It is enacted that land-revenue shall not be leviable from any land held and entered in the land-registers as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land-register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and A's claim is cognizable in a Civil Court.

(4) It is enacted that the Collector shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(5) It is enacted that assessment shall be fixed with reference to certain considerations, and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no objection to an assessment under such an enactment is cognizable in a Civil Court.

5 Nothing in section four shall be held to prevent the Civil Courts from entertaining the following suits.—

(a) suits against Government to contest the amount claimed, or paid under protest, or recovered, as land-revenue on the ground that such amount is in excess of the amount authorized in that behalf by Government, or that such amount had previously to such claim, payment, or recovery been satisfied, in whole or in part, or that the plaintiff, or the person whom he represents is not the person liable for such amount;

(b) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any record of a revenue survey or settlement or in any village papers,

(c) suits between superior holders or occupants and inferior holders or tenants regarding the dues claimed or recovered from the latter;

and nothing in section four, clause (g) shall be held to prevent the Civil Courts from entertain-

ing suits, other than suits against Government, for possession of any land being a whole survey number or a recognized share of a survey number.

6 Revenue officers shall not be liable to be sued for damages in any Civil Court for any act *bona fide* done, or ordered to be done, by them as such in pursuance of the provisions of any law for the time being in force.

If any Revenue officer absconds or does not attend when called on by his official superior, and if the Collector of the District proceeds against him or his sureties for public money, papers or property according to the provisions of any law for the time being in force, such Collector shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties, although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him.

7. Nothing in any law for the time being in force which authorizes the punishment departmentally of any Revenue officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer.

8 If any act done by a Revenue officer under orders from superior authority subsequently forms the ground of a civil suit against him, he shall appear and answer in such suit as if the act had been done solely by his own authority.

9. In every case in which but for the passing of this Act any act or omission of a Revenue officer would have been open to question in a Civil Court, any party aggrieved by such act or omission may, if no other appeal is given by any law for the time being in force, present an appeal, within two months from the date of such act or omission, to the immediate official superior of such officer, and if such official superior be of a grade inferior to that of a Commissioner of Revenue, then the party aggrieved by his decision on appeal may present a further appeal against such decision to the Commissioner of Revenue or such other officer as the Local Government appoints in this behalf.

Such further appeal must be presented within one month from the date of the decision complained of.

Any appeal under this section may be admitted after the period of limitation prescribed therefor when the appellant satisfies the officer appealed to that he had sufficient cause for not presenting the appeal within such period.

In computing any period of limitation so prescribed, the day on which the act, omission or decision complained of took place or was pronounced shall be excluded.

10. The Local Government may call for and examine the record of the proceedings on appeal under section nine of any officer for the purpose of satisfying itself as to the legality or propriety of any order passed by him, and may reverse or modify his order, or, if it think fit, may direct that additional evidence be taken, or that the appeal be re-heard.

11. No Civil Court shall entertain any suit against Government on account of any act or omission of any Revenue officer unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force, as within the period of limitation allowed for bringing such suit, it was possible to present.

12. If in the trial or investigation of any suit, claim or objection, which, but for the passing of this Act, might have been tried or investigated by a Civil Court there arises any question on which the Governor General in Council or the Local Government desires to have the decision of the High Court, the Governor General in Council or the Local Government, as the case may be, may cause a statement of the question to be prepared, and may refer such question for the decision of the High Court of Judicature at Bombay.

The said High Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court-house.

The parties to the case may appear and be heard in the High Court in person or by their advocates or pleaders.

The High Court, when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court, to the Government by which the reference was made, and subject to any appeal which may be presented to Her Majesty in Council, the case shall be disposed of conformably to such decision.

If the High Court considers that any such statement is imperfectly framed, the High Court may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the High Court in each case directs.

13. If in any suit instituted, or in any appeal presented in a Civil Court, the Judge doubts whether he is precluded by this Act from taking cogni-

Power of Civil Judge to refer questions of jurisdiction to High Court.

zance of the suit or appeal, he may refer the matter to the High Court.

The High Court may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the High Court on any such reference shall be subject to appeal to Her Majesty in Council, and, save as aforesaid, shall be final.

14. Every reference under section twelve or section thirteen shall be heard by a Bench consisting of such number of Judges not less than three, as the Chief Justice from time to time directs.

15. For section thirty-two of the Bombay Civil Courts Act, No. XIV. of 1869, the following shall be substituted (namely):
"No Subordinate Judge or Court of Small Causes shall receive or register a suit in which the Government or any officer of Government in his official capacity is a party, but in every such case such Judge or Court shall refer the plaintiff to the District Judge, in whose Court alone (subject to the provisions of section nineteen) such suit shall be instituted."

16. Whenever any suit is brought in any District Court against Government,

or against any Revenue officer, and the Local Government undertakes the defence thereof,

it shall be lawful for the Local Government, by a certificate signed by a Secretary thereto, to require—

(a) that such suit shall be tried by the District Judge himself, and shall not be transferred for trial to an Assistant Judge; and

(b) that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court;

and the Court shall give effect to every such requirement.

The privilege conferred on the Local Government by the clause (b) of this section shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section.

17. Notwithstanding any repeal effected by the Land Improvement Act, 1871, arrears of land-revenue of former years shall be recoverable by the Collector in the same way as current land-revenue, except that the preference given to demands for current land-revenue, as specified in section five of Bombay Regulation XVII. of 1827, shall not extend to demands on account of the arrears for former years.

Revival of Bombay Regulation XVII. of 1827, section 13.

So much of the said Regulation as is for the same being in force in any part of the territories to which this Act extends shall be deemed to be in force and to have always been in force in the sites of all villages, towns and cities in such part.

All advances made by the Local Government for Recovery of certain advances made by Local Government, purposes other than those specified in the Land Improvement Act, 1871, section four, may be recovered from the persons to whom such advances are made as if they were parts of land-revenue.

SCHEDULE.

(See Section 2.)

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Title or abbreviated Title.	Extent of repeal.
XVI. of 1838	Suits, Bombay	In section 1, the words "or of the writtings of hereditary district or village officers."
X. of 1849	An Act for annexing the lapsed State of Mandri to the Presidency of Bombay.	So much of section 2 as is not repealed.
XI. of 1853	An Act for the adjudication of titles to certain estates claimed to be wholly or partially rest-free in the Presidency of Bombay.	Section 7.
VIII. of 1853	An Act for bringing the lapsed State of Colaba under the laws of the Presidency of Bombay.	So much of section 2 as is not repealed.

ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Title or abbreviated Title.	Extent of repeal.
II. of 1863	An Act to facilitate the adjustment of unsettled claims to exemption from the payment of land-revenue, &c.	Section 13, from and including the words "it shall not" down to and including the words "is concerned." Section 14.

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**ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL—
continued.**

Number and year.	Title or abbreviated Title.	Extent of repeal.
III. of 1863	An Act for bringing under the Regulations and Acts of the Presidency of Bombay the territories of Sattara, certain villages and lapsed states in the Collectorate of Shalapur, &c.	Section 3.
VII. of 1863	An Act for the summary settlement of claims to exemption from the payment of Government land-revenue, &c.	Section 2, Clause 4. Section 28, from and including the words "it shall not" down to and including the words "the said Act." Section 29.
I. of 1865	An Act to provide for the survey, demarcation, assessment, and administration of lands held under Government in the districts belonging to the Presidency of Bombay, &c.	The proviso to section 14.
II. of 1866	An Act to divest Courts of Revenue of jurisdiction in certain cases, &c.	So much as has not been repealed.
XIV. of 1868	An Act to bring the Pergunnas of Edulabad and Warrangams under the general Regulations and Acts of the Presidency of Bombay.	Section 2.
II. of 1871	An Act for imposing duties on the non-agricultural classes, &c.	Section 17, from and including the words "and no out" to the end.

BOMBAY REGULATIONS.

Number and year.	Title or abbreviated Title.	Extent of repeal.
XVI. of 1827	A Regulation defining the duties of the Collector, and his powers, &c.	Section 6. Section 11, clause 5. Section 14, clause 4. Section 27, clause 3.

BOMBAY REGULATIONS—*continued.*

Number and year	Title or abbreviated Title	Extent of repeal.
XVII. of 1827 ..	A Regulation for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the land-revenue, &c.	Section 9, Section 16, clause 5.
XXIX. of 1827 .	A Regulation for bringing under the operation of the Regulations the Bombay territories in the Deccan and Khandesh.	So much of section 6 as is not repealed.

BOMBAY REGULATIONS—*concluded.*

Number and year	Title or abbreviated Title.	Extent of repeal.
V. of 1830 ...	A Regulation providing for the appointment of a Revenue Commissioner, &c.	Section 1, clause 6, from the words "But if any act" to the end.
VII. of 1830 ...	A Regulation for bringing under the operation of the Regulations the Territories comprised in the Southern Mahratta Country, &c.	So much of section 2 as makes section 6 of Regulation XXIX of 1827 applicable to the Territories comprised in the Southern Mahratta Country.

WHITLEY STOKES,
Secretary to the Government of India.



Bombay Government Gazette.

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THURSDAY, 20TH APRIL 1876.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th April 1876, and was promulgated for general information in the *Gazette of India* on the 15th April 1876 —

Act No. XI. of 1876.

THE PRESIDENCY BANKS ACT, 1876.

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SCHEDULE.

An Act for constituting and regulating the Banks of Bengal, Madras and Bombay

WHEREAS the Bank of Bengal is now constituted and regulated by
Preamble. Act No. IV of 1862, as amended by Acts No. VI of 1862 and No. XIX of 1870, and its capital consists of twenty-two millions of rupees, in shares of one thousand rupees each;

And whereas the Bank of Madras is now constituted and regulated by Madras Act No. VI of 1866, as amended by Madras Act No. I of 1871, and its capital consists of five millions six hundred and twenty-five thousand rupees, in shares of one thousand rupees each ;

And whereas a Bank named the Bank of Bombay was constituted and regulated by Bombay Act No. X of 1863, as amended by Bombay Acts No. XV of 1866 and No. I of 1867 ; but such Bank has been wound up, and the said Bombay Acts are now obsolete and should be expressly repealed,

And whereas on the tenth day of December 1867, a joint-stock Banking Company was registered and incorporated at Bombay, by virtue of the India Companies' Act, 1866, under the name of "The New Bank of Bombay, Limited," with a Memorandum of Association and Articles of Association then also registered, and prescribing the constitution and regulations for the management of such Bank,

And whereas the Government of India now holds two thousand two hundred shares in the said Bank of Bengal, and five hundred and sixty-two and a half shares in the said Bank of Madras ; and, under the provisions of the said Acts, No. IV of 1862 and Madras Act No. VI of 1866, is bound to appoint, and has power to remove, certain of the directors of the said Banks of Bengal and Madras respectively, and has also power to give a proxy to any person whom the Governor General in Council may appoint, to attend and vote at any meeting of the proprietors of each of the same Banks ;

And whereas the Government of India has determined to sell its said shares and to surrender its said powers ; and it is expedient to relieve the said Government from the said duty of appointing directors, and to repeal the said enactments and to consolidate such of them as relate to the said Banks of Bengal and Madras respectively with the changes rendered necessary or desirable by such sale, surrender and relief ;

And whereas it is expedient to reduce the said capital of the Bank of Bengal by two millions of rupees and to reduce the said capital of the Bank of Madras by six hundred and twenty-five thousand rupees, and to divide the capital so reduced of each of the same Banks into shares of five hundred rupees each ;

And whereas it is expedient that the said New Bank of Bombay, Limited, should be reconstituted and regulated, in manner in this Act provided, under the name of the Bank of Bombay ;

It is hereby enacted as follows —

CHAPTER I.

PRELIMINARY

1. This Act may be called "The Presidency Banks Act, 1876 ;"

And it shall come into force on the first day of May 1876.

2. On and from that day the statute specified in the first part of the schedule hereto annexed shall be repealed to the extent mentioned in the

third column thereof, and the Acts specified in the second, third and fourth parts of the same schedule shall be wholly repealed. But all bye-laws and regulations made under any such Act, and then in force, shall, so far as they are consistent with this Act, be deemed to have been made hereunder.

The references made in the Indian Companies' Act, 1866, to the Bank of Bengal, the Bank of Madras and the Bank of Bombay, shall be deemed to be made respectively to the Bank of Bengal, the Bank of Madras and the Bank of Bombay as constituted by this Act.

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

"Bank" means the Bank of Bengal; the Bank of Madras, or the Bank of Bombay (as the case may be), as constituted and regulated by this Act :

"Capital" means the capital for the time being of the Bank :

"Shares" means the shares for the time being of the capital, and includes also half shares :

"Capital Stock" means that part of the capital into which wholly paid-up shares have been converted or consolidated, and in the case of the Bank of Bengal and the Bank of Madras includes the present consolidated stock of such Banks respectively :

"Registered" means registered in the books of the Bank :

"Shareholders" means the duly registered holders from time to time of the shares of the Bank :

"Proprietors" means the duly registered holders from time to time of the capital stock of the Bank :

"Directors" means the Directors assembled for the purpose of performing any of their functions under this Act :

"Board" means a meeting of the Directors duly called and constituted, or, as the case may be, the Directors assembled at a Board :

"Auditors" and "Secretary" mean those respective officers from time to time of the Bank, and "Secretary" includes a Secretary and Treasurer and a Deputy Secretary :

"General Meeting" means the meeting of proprietors or shareholders or both, held annually under section forty-nine ; it includes any adjourned holding thereof :

"Special Meeting" means a meeting of proprietors or shareholders or both, held for the transaction of some particular business specified in the notice convening the meeting ; it includes any adjourned holding thereof :

"Special Resolution" means a resolution passed at a special meeting :

"Office" means the office or principal office for the time being of the Bank :

"Goods" includes also bullion, wares and merchandise :

"Presidency of Fort St. George" means the territories now under the government of the Governor of Fort St. George in Council :

"Presidency of Bombay" means the territories now under the Government of the Governor of Bombay in Council; and

"Presidency of Fort William" means all the territories in British India other than the Presidency of Fort St. George and the Presidency of Bombay.

CHAPTER II. CONSTITUTION.

4. The several persons who, when this Act comes into force, are respectively the proprietors and shareholders of the said Bank of Bengal, Bank of Madras and New Bank of Bombay, Limited (hereinafter called the present Banks), or who shall, at any time thereafter, by virtue of this or any other Act regulating the Bank, become proprietors or shareholders, shall continue and constitute and be bodies corporate with perpetual succession, under the name,

in the case of the proprietors and shareholders of the said Bank of Bengal—of "The Bank of Bengal,"

in the case of the proprietors and shareholders of the said Bank of Madras—of "The Bank of Madras,"

and in the case of the shareholders and proprietors of the said New Bank of Bombay, Limited—of "The Bank of Bombay,"

and shall respectively possess and enjoy all the rights, powers, and immunities incident by law to a corporation aggregate; subject, nevertheless, to the provisions of this or any other Act for the time being in force regulating the Bank,

* and, in particular, the proprietors of the Bank shall not be liable for its debts and engagements, and the shareholders of the Bank shall be so liable only to the extent of their shares not fully paid up.

The several persons who are then proprietors and shareholders of each of the present Banks of Bengal and Madras, or the executors or administrators of such proprietors and shareholders respectively, shall be entitled to be registered as proprietors and holders of a like quantity of stock and a proportionate number of shares, as is or are then registered in their names respectively, or in the names of the persons whom they represent respectively in the books of each of the said present Banks of Bengal and Madras, two shares in the Bank of Bengal as constituted by this Act being deemed equivalent to one share in the present Bank of Bengal, and two shares in the Bank of Madras as constituted by this Act being deemed equivalent to one share in the present Bank of Madras,

and the several persons who are then shareholders of the said New Bank of Bombay, Limited, or the executors or administrators of such shareholders respectively, shall be registered as holders of a like number of shares of the Bank of Bombay as constituted by this Act as are then,

registered in their names respectively, or in the names of the persons whom they represent respectively, in the books of the said New Bank of Bombay, Limited; and all such shares upon which the sum of five hundred rupees has then been paid, shall be deemed to have been fully paid up.

5. All the property, moveable and immoveable, and all the securities, claims and demands, and the benefits of all agreements, of or to which the present Banks are or shall be respectively possessed or entitled, or which shall, or but for this Act might be, on the said first day of May 1876, or might at any time thereafter have been, due to, or claimed by, the said Banks respectively shall, by virtue of this Act, become vested in and devolve upon, and may be claimed, made and recovered by,

in the case of the said Bank of Bengal,—the Bank of Bengal as constituted by this Act,

in the case of the said Bank of Madras,—the Bank of Madras as constituted by this Act,

and in the case of the said New Bank of Bombay, Limited,—the Bank of Bombay as constituted by this Act;

and the Bank shall, from and after the said first day of May 1876, be liable and subject to all debts, claims and demands which shall then be due or claimable from, or which, but for this Act, might be then, or might at any time thereafter, have been due or claimable from or made against the said Bank of Bengal, Bank of Madras or New Bank of Bombay, Limited, as the case may be,

and no suit or legal proceeding then pending by or against the said Bank of Bengal, Bank of Madras or New Bank of Bombay, Limited, shall cease, or abate, or become defective, in consequence of this Act, but may be continued and prosecuted by or against the Bank.

6. The transfer of the assets and liabilities of the said New Bank of Bombay, Limited, wound-up, to the Bank of Bombay by virtue of this Act, shall operate as a winding-up and liquidation of the said New Bank of Bombay, Limited.

No shareholder or creditor of the said New Bank of Bombay, Limited, shall take any proceedings for winding-up the same under the Indian Companies' Act, 1866, or any Act for the time being in force relating to the winding-up of Companies;

and no person shall make, assert or take any claims, demands or proceedings against the same Bank, or the directors or officers thereof, except so far as may be necessary for enforcing the provisions of this or any other Act for the time being in force regulating the Bank of Bombay

7. The Bank shall sue and be sued by its said corporate name:

and shall use such corporate seal as the directors from time to time appoint;

and may as such body corporate acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any property whatsoever, moveable or immoveable, and transfer, assign and convey the same

8 The seal of the Bank shall not be affixed to any instrument except in the presence of at least two directors and of the Secretary and Treasurer, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness.

Unless so signed as aforesaid, such instrument shall be of no validity.

9. Contracts may be made on behalf of the Bank as follows —

(a) any contract, which, if made between private persons, would be by law required to be in writing, and, if made according to English law, to be under seal, may be made on behalf of the Bank in writing under its corporate seal, and such contract may be in the same manner varied or discharged

(b) any contract, which, if made between private persons, would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Bank by writing signed by any person acting under the express or implied authority of the Bank, and such contract may in the same manner be varied and discharged ;

(c) any contract, which, if made between private persons, would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the Bank by any person acting under the express or implied authority of the Bank, and such contract may in the same manner be varied and discharged,

and all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Bank and other parties thereto and their legal representatives.

CHAPTER III. CAPITAL.

10 The capital of the Bank of Bengal shall consist of twenty millions of rupees in shares of five hundred rupees each, divisible into half shares, with power to increase the same, in manner hereinafter provided, to thirty millions of rupees.

The capital of the Bank of Madras shall consist of five millions of rupees, in shares of five hundred rupees each divisible into half shares, with power to increase the same, in manner hereinafter provided, to twelve millions of rupees.

The capital of the Bank of Bombay shall consist of ten millions of rupees in shares of five hundred rupees each, divisible into

half-shares, with power to increase the same, in manner hereinafter provided to twenty millions of rupees.

11. The capital of the said New Bank of Bombay, Limited, already created, shall, on the first day of May 1876, constitute the capital of the Bank of Bombay, subject to be increased as aforesaid.

12. Any shareholder may from time to time surrender his wholly paid up shares, or any of them to the directors, and demand and receive from the Bank, in lieu thereof, capital stock to the amount represented by the shares so surrendered ;

and any proprietor may from time to time surrender his stock, or any portion thereof, to the directors, and demand and receive from the Bank in lieu thereof shares to the like amount, or as near thereto as practicable

13. The proprietors and shareholders of the Bank may from time to time by special resolution and with the previous sanction of the Governor General in Council increase or reduce the capital of the Bank

Provided that no such special resolution shall be deemed to have been passed, unless at least one-third in number of the proprietors or shareholders, holding at least one-half of the paid-up capital of the Bank for the time being, be present in person or by proxy, and a majority poll by open voting in favour of the said resolution.

14. When any such special resolution to increase the capital has been passed, the directors may, subject to the provisions of this or any other Act for the time being in force regulating such Bank, and to the special direction (if any) given in reference thereto by the meeting at which such resolution has been passed,

(a) make such orders as they think fit for the opening of subscriptions towards such increase of capital by the proprietors and shareholders ;

(b) allow to the proprietors and shareholders such period to fill up the subscription as to the directors seems fit ;

(c) prescribe the manner in which the proprietors and shareholders shall subscribe and pay into the Bank the proportions of new capital which they may respectively desire to subscribe; and

(d) make such orders as the directors think fit for the disposal and allotment of the amount of new capital that may not be subscribed for and paid up in manner aforesaid :

Provided that the capital shall not exceed, in the case of the Bank of Bengal, thirty millions of rupees in the case of the Bank of Madras, twelve millions of rupees, and in the case of the Bank of Bombay, twenty millions of rupees.

15. When any such special resolution to reduce the capital has been passed, the directors may (subject as aforesaid) prescribe the manner in which the reduction shall be carried into effect.

16. Any new capital created under the provisions of section thirteen shall be subject to the provisions of this or any other Act regulating the Bank in force for the time being.

CHAPTER IV.

FORFEITURE OF STOCK AND SHARES.

17. If any proprietor or shareholder is indebted to the Bank, the Bank may withhold payment of the dividends on the stock or shares of such proprietor or shareholder not being registered as held in trust, or as executor or administrator, and apply them in payment of the debt;

and the Bank may refuse to register the transfer of any such stock or shares until payment of such debt;

and after demand and default of payment, and notice in that behalf given to such proprietor or shareholder, or his constituted agent, or by public advertisement in the local official Gazette, if the debt remain unpaid for the space of three months after such notice, the Bank may advertise in the local official Gazette such stock or shares for sale on a day not less than fifteen days from the publication of such advertisement;

and may, on such day, sell by public auction and subject to such conditions, if any, as the Bank thinks fit, such stock or shares, or so much or so many thereof as may be necessary, and apply the proceeds thereof in or towards payment of the said debt, with interest, from the day appointed for the payment of such debt to the time of actual payment, at such rate as may have been agreed upon, or, in the absence of such agreement, at the highest rate current for advances by way of local discounts by the Bank;

and shall pay over the surplus, if any, to such proprietor or shareholder or to his lawful representative

CHAPTER V.

CERTIFICATES, TRANSFER AND TRANSMISSION OF SHARES AND STOCK.

18. Every shareholder shall be entitled to a certificate, under the corporate seal of the Bank, and signed by two Directors and the Secretary and Treasurer, specifying the shares held by him, and in the case of shares which are not wholly paid up, the amount paid thereon,

and any holder of more than one-half share may, at his option, demand a certificate for each such half share, or one or more certificates for all or any such half shares, and such certificate or

certificates shall be delivered to him accordingly: provided that the number of such certificates shall in no case exceed the number of half shares in respect of which they are so delivered.

Every proprietor of capital stock shall be entitled to a receipt signed by two Directors and the Secretary and Treasurer, and specifying the amount of stock held by him; and any such proprietor may, at his option, demand one receipt for the whole of the stock, or separate receipts for any portions of the stock, so held by him, and such receipt or receipts shall be delivered to him accordingly: Provided that no receipt shall be delivered for a portion of stock less than two hundred and fifty rupees.

For every certificate and receipt delivered under this section there shall be paid such fee as may for the time being be prescribed under section sixty-three, clause (b): Provided that no fee shall be payable for certificates or receipts delivered to the persons referred to in section four for shares in or stock of the Bank.

Every such certificate and receipt shall be *prima facie* evidence of the title of the shareholder or proprietor to the shares or stock therein specified

19. The stock and shares of every proprietor and shareholder shall be moveable property, capable of being transferred in manner provided by the regulations contained herein, or in any other Act regulating the Bank for the time being in force, and shall not be of the nature of immoveable property; and each share shall be distinguished by its appropriate number.

20. Every transfer of stock or shares may be by endorsement on the certificate or in such other form as the Board from time to time may approve, and shall be presented to the Bank accompanied by such evidence as the Board may require to prove the title of the transferor.

Every such transfer shall be verified in such manner as the Board require, and the Board may refuse to register any such transfer until the same be so verified, and in the case of shares not fully paid up, unless the transferee is approved by the Board.

The transferor shall be deemed to remain the proprietor or holder of the stock or shares transferred until the name of the transferee is registered in respect thereof.

21. The directors may from time to time close the register and transfer-books of the Bank for any period or periods not exceeding in the whole thirty days in any twelve consecutive months.

22. The proprietors and shareholders for the time being, and no other registered proprietors or shareholders only respectively of the bodies corporate hereby constituted,

and, except for the purpose of excluding the provisions of section seventeen, the Bank shall not be bound or affected by notice of any trust to which any stock or share may be subject in the hands of the proprietor or holder thereof,

and when any stock or share is vested in more than one proprietor or holder, such proprietors or shareholders shall, as between themselves and the Bank, be considered as joint owners with benefit of survivorship.

Provided that, as regards voting at meetings, service of notices, and receipt of dividend, the person whose name stands first in the register as one of the proprietors or holders of such stock or shares shall be deemed the sole proprietor or holder thereof.

23. When by the death of any proprietor or shareholder his stock or shares shall devolve on his legal representative, the Bank shall not be bound to recognize any legal representative of such proprietor or shareholder other than a person who has taken out from a Court having jurisdiction in this behalf probate of the will or letters of administration to the estate of the deceased.

Any person becoming entitled to stock or shares in consequence of the insolvency or bankruptcy of any proprietor or shareholder, or in consequence of the marriage of any female proprietor or shareholder, may be registered as a proprietor or shareholder upon such evidence being produced as the directors may from time to time require.

CHAPTER VI.

DIRECTORS.

24. The business of the Bank shall be managed by the Board, which shall in the first instance consist of six directors, and may subsequently consist of such number, not less than six, and not more than nine, as may be fixed by a special resolution.

Such directors shall be selected by vote of a general or special meeting.

Three of the directors shall form a quorum for the transaction of business.

25. The persons who, on the first day of May 1876, are respectively directors of the Bank of Bengal, the Bank of Madras, and the New Bank of Bombay, Limited, shall be respectively directors of the Bank of

Bengal, the Bank of Madras, and the Bank of Bombay, as constituted by this Act, subject to removal as hereinafter provided and to the other provisions herein contained.

26. The two directors who have been longest in office shall go out of office at the general meeting by rotation annually.

Any director so retiring may be re-elected at such meeting, and, if any question arise as to which of the directors who have been the same time in office shall retire, such question shall be decided by the directors by ballot.

27. *Clause 1*—No person shall be qualified to serve as a director of a Bank who is not a proprietor or holder in his own right of unencumbered stock or shares of such Bank, to the nominal amount of ten thousand rupees at the least.

Clause 2—No person shall be disqualified to serve as a director—

If he holds the office of director, provisional director, promoter, agent or manager of any other joint-stock Bank established, or having a branch or agency, in British India, or advertised as about to be established, or to have a branch or agency, in British India; or

If he is a salaried officer of Government not specially authorised by the Governor General in Council to serve as a director,

And the office of director shall be vacated—

If the person holding it resigns his office or dies,

If he accepts or holds any other office of profit under the Bank,

If he becomes insolvent or bankrupt, or compounds with his creditors,

If he is declared lunatic, or becomes of unsound mind,

If he is absent from the Board for more than three consecutive months;

If he ceases to hold in his own right the amount or number of unencumbered stock or shares required to qualify him for the office.

Clause 3—No two persons who are partners of the same mercantile firm, or one of whom is the general agent of, or holds a power of procuration from, the other, or from a mercantile firm of which the other is a partner, shall be eligible or qualified to serve as directors at the same time.

Clause 4—The proprietors or shareholders may, by a special resolution passed by the votes of proprietors or shareholders holding in the aggregate not less than one-half of the capital, remove any director before the expiration of his period of office, and appoint, in his stead, a qualified person, who shall in all respects stand in his place.

28. At the first meeting of the directors in every year, they shall choose a president and vice-president from among themselves,

and whenever the office of president or vice-president becomes vacant, they shall, at their next meeting, choose a successor for the remainder of the current year.

The president, or in his absence the vice-president, shall be chairman at all meetings whether of directors or of proprietors or shareholders, or of proprietors and shareholders, and shall have an additional or casting vote

in all cases of an equal division of votes: Provided that if both the president and vice-president be absent at any meeting, the directors present shall elect a chairman for such meeting from among themselves, and such chairman shall, in case of an equal division of votes, have an additional or casting vote

29. The Board shall have power at any time, and from time to time, to supply any vacancies in their number arising from the death, resignation, or disqualification under section twenty-seven, of any director.

Any director so appointed shall, for the purposes of section twenty-six, be considered to have held office from the date on which the director in whose place he is appointed was elected, or (where such director was appointed under this section) from the date on which his mediate or immediate predecessor was elected.

30. All acts done by any person acting in good faith as a director shall be as valid as if he was a director, notwithstanding it be afterwards discovered that there was some defect in his appointment or qualification.

31. Every director shall be indemnified by the Bank against all losses and expenses incurred by him in or about the discharge of his duties, except such as happen from his own wilful act or default

No director shall be responsible for any other director or for any officer, clerk or servant of the Bank, or for any loss or expense happening to the Bank by the insufficiency or deficiency of value of, or title to, any property or security acquired or taken on behalf of the Bank, or by the insolvency, bankruptcy or wrongful act of any customer or debtor of the Bank, or by anything done in the execution of the duties of his office or in relation thereto, or otherwise than for his own wilful act or default

CHAPTER VII

OFFICERS OF THE BANK.

32. The directors shall have power—

Appointment, salaries, suspension, and removal of officers.

to appoint such officers, clerks and servants as may be necessary to conduct the business of the Bank,

to grant salaries, pensions and other emoluments to such officers, clerks and servants, and to suspend or remove any officer, clerk or servant of the Bank.

33. The Secretary and such other officers of Accounts, receipts, and documents of Bank by whom to be signed. the Bank as the directors may by writing notified in the local official Gazette (and, in the case of the Bank of Bengal, also in the *Gazette of India*) are hereby severally empowered for and on behalf of the Bank to endorse, and transfer promissory notes, stock-receipts, stock, debentures, shares, securities and documents of title to goods, standing in the name of, or held by, the Bank,

and to draw, accept and endorse bills of exchange, bank-post-bills, and letters of credit, in the current and authorized business of the Bank, and to sign all other accounts, receipts and documents connected with such business.

34. No Secretary, Inspector, Manager, or Accountant in the service of the Bank, and no Khazanchi, Cashier or Shroff in the service of the Bank at the principal office,

and, without the previous sanction of the Board, no agent Khazanchi, Cashier or Shroff at any branch or agency of the Bank,

shall engage in any other banking or commercial business, either on his own account or as agent for any other person or persons, or shall act as broker or agent for the sale or purchase of Government or other securities

35. Every person appointed to hold, or act in, any one or more of the said offices, and every other officer from whom the directors may from time to time think fit to require it, shall give security to the directors, for the faithful discharge of his duty to the satisfaction of the directors, in such amount and in such manner as they think proper.

The security to be given as aforesaid by the person holding or acting in the office of Secretary shall not be in a less amount than fifty thousand rupees

CHAPTER VIII.

BUSINESS

36. The Bank is authorized to carry on and transact the several kinds of business hereinafter specified (that is to say):

(a) the advancing and lending money, and opening cash-credits, upon the security of—

(1) promissory notes, debentures, stock and other securities of the Government of India, or of the United Kingdom of Great Britain and Ireland;

(2) bonds, debentures and annuities charged by the Imperial Parliament on the revenues of India;

- (3) stock or debentures of, or shares in Railway or other Companies, the interest whereon shall have been guaranteed by the Secretary of State for India in Council,
- (4) debentures or other securities for money issued by, or on behalf of, any municipal body under the authority of any Act of a legislature established in British India;
- (5) bullion or other goods which, or the documents of title to which, are deposited with, or assigned to, the Bank as security for such advances, loans or credits; and
- (6) accepted bills of exchange and promissory notes endorsed by the payees.

Provided that such advances and loans may be made, if the directors think fit, to the Secretary of State for India in Council, without any specific security;

(b) the selling and realization of the proceeds of sale of any such promissory notes, debentures, stock receipts, bonds, annuities, stock, shares, securities, bullion or goods which, or the documents of title to which, have been deposited with, or assigned to, the Bank as security for such advances, loans or credits, or which are held by the Bank, or over which the Bank is entitled to any lien or charge in respect of any such loan or advance or credit or any debt or claim of the Bank, and which have not been redeemed in due time in accordance with the terms and conditions (if any) of such deposit or assignment;

(c) the drawing, discounting, buying and selling of bills of exchange and other negotiable securities payable in India, or (in the case of the Bank of Madras) in Ceylon;

(d) the investing of the funds of the Bank upon any of the securities specified in paragraph (a) of this section, clauses (1), (2), (3), and (4), and converting the same into money when required,

and from time to time altering, converting and transposing such investments for or into others of the investments above specified,

(e) the making, issuing and circulating of bank-post-bills and letters of credit made payable in India, or (in the case of the Bank of Madras) in Ceylon, to order, or otherwise than to the bearer on demand;

(f) the buying and selling of gold and silver, whether coined or uncoined,

(g) the receiving of deposits and keeping cash-accounts on such terms as may be agreed on;

(h) the acceptance of the charge and management of plate, jewels, title-deeds or other valuable goods on such terms as may be agreed upon;

(i) the selling and realizing of all property, whether moveable or immovable, which may in any way come into the possession of the Bank in satisfaction or part satisfaction of any of its claims,

(j) the transacting of pecuniary agency business on commission,

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(k) the acting as agent on commission in the transaction of the following kinds of business (namely) :—

- (1) the buying, selling, transferring and taking charge of any securities, or any shares in any public Company,
- (2) the receiving of the proceeds, whether principal, interest or dividends, of any securities or shares;
- (3) the remittance of such proceeds at the risk of the principal by public or private bills of exchange, payable either in India or elsewhere,

(l) the drawing of bills of exchange, and the granting of letters of credit, payable out of India, for the use of principals for the purpose of the remittances mentioned in the last preceding clause of this section;

(m) the buying, for the purpose of meeting such bills or letters of credit, of bills of exchange payable out of India, at any usance not exceeding six months,

(n) and, generally, the doing of all such matters and things as may be incidental or subsidiary to the transacting of the various kinds of business hereinbefore specified,

(o) It shall also be lawful for the Bank under any arrangement or agreement with the Secretary of State for India in Council—

- (1) to act as banker for, and to pay, receive, collect and remit money, bullion, and securities on behalf of the Government;
- (2) to undertake and transact any other business which the Government may from time to time entrust to the Bank;

And the directors shall have power from time to time to arrange and settle with the Governor General in Council the terms of remuneration on which such business shall be undertaken by the Bank, and also as to the examination and audit from time to time of the accounts and affairs of the Bank by or on behalf of the Governor General in Council.

37 The directors shall not transact any kind of banking business other than those above specified, and in particular they shall not make any loan or advance—

- (a) for a longer period than three months, or
- (b) upon the security of stock or shares of the Bank of which they are directors, or
- (c) upon mortgage, or in any other manner upon the security, of any immovable property, or the documents of title relating thereto

(d) Nor shall they lend or advance, by discount of bills or otherwise, to any individual or partnership firm (except upon the security mentioned in section thirty-six, paragraph (a), numbers (1) to (5) inclusive), any sums of money exceeding in the whole at any one time such sum as may be prescribed by the bye-laws for the time being in force.

(e) Nor shall they discount or buy, or advance and lend, or open cash-credits on the security of any negotiable instrument of any individual or partnership firm, payable in the town or at the place where it is presented for discount, which does not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership.

(f) Nor shall they discount or buy, or advance and lend, or open cash-credits on the security of any negotiable security having at the date of the proposed transaction a longer period to run than three months, or if drawn after sight, drawn for a longer period than three months provided that, in the case of the Bank of Madras, the directors may discount negotiable securities payable in Ceylon having at the date of the transaction a period to run not exceeding four months

Nothing contained in this Act shall be deemed to prevent the directors from allowing any person who keeps an account with the Bank from overdrawing such account, without security, to the extent of sums not exceeding at any one time two thousand rupees in the whole.

38. Until the expiration of at least fourteen days after notice has been given by notification to the Government of the Governor General in Council published, in the case of the Bank of Bengal, in the *Gazette of India* and the *Calcutta Gazette*, and in the cases of the Bank of Madras and the Bank of Bombay, in the local official Gazette, that the Bank will no longer act as banker for, or pay, receive, collect or remit money, bullion and securities on behalf of the Government,

all sums payable by or to the Secretary of State for India in Council, or by or to the Governor General in Council, or the Government of Bengal or the Governor of Fort St George in Council or the Governor of Bombay in Council, on behalf of the Secretary of State for India in Council, at the General Treasury of Fort William in Bengal, or at the General Treasury at Madras, or at the General Treasury at Bombay,

shall be payable—

in the case of the Secretary of State for India in Council, or the Governor General in Council—at the office of the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be,

in the case of the Government of Bengal—at the office of the Bank of Bengal,

in the case of the Governor of Fort St George in Council—at the office of the Bank of Madras; and

in the case of the Governor of Bombay in Council—at the office of the Bank of Bombay.

39. Whenever presentment of any promissory note, bond or other security for payment or any other purpose at any of the said General Treasuries would heretofore have been necessary or sufficient presentment for such

purpose shall be necessary or sufficient (as the case may be) until the expiration of fourteen days after the giving of the notice mentioned in section eleven—

in the case of the General Treasury of Fort William—at the office of the Bank of Bengal;

in the case of the General Treasury at Madras—at the office of the Bank of Madras, and

in the case of the General Treasury at Bombay—at the office of the Bank of Bombay.

40. The office of the Bank of Bengal shall be at Calcutta, that of the Bank of Madras shall be at Madras, and that of the Bank of Bombay shall be in the Island of Bombay;

and the business of the Bank shall be carried on at its office, and at such other place or places in India as the Board may deem advisable, under the provisions of section forty-two.

41. For the purpose of providing offices and places in and at which to carry on and manage the business of the Bank, and proper residences for its agents, the directors may—

(a) acquire any interest in immovable property, and

(b) sell, buy in, re-sell, exchange, let, furnish, repair, insure against fire and otherwise deal with all or any part of the same as they may consider most conducive to the interests of the Bank.

42. It shall be lawful for the directors to maintain as branches or agencies of the Bank, any branches or agencies of the present Banks, which may be in existence on the first day of May 1876,

and, from time to time, to establish branches or agencies at such places within the Presidency in which the Bank is situate as they deem advantageous to the interest of the Bank,

and, with the previous consent of the Governor General in Council, and subject to such restrictions as to the business to be transacted as he thinks fit in each case to impose (such consent and restrictions being notified in the *Gazette of India*), to establish branches or agencies at such places outside the Presidency in which the Bank is situate as the directors deem advantageous for the interests of the Bank:

Provided that no agency of the Bank now or hereafter established in Bombay, Calcutta or Madras shall advance, or lend money, or open cash-credits on securities, or receive deposits and keep cash-accounts, or discount bills of exchange drawn and payable in the Presidency in which it is so established,

or shall act as agent on commission, or transact any business except as agent of its principal Bank, or any of its branches or other agencies.

The directors may discontinue any branch or agency maintained or established under this section.

CHAPTER IX.

ACCOUNTS AND DIVIDENDS.

43. The directors shall cause the books of the Bank to be balanced on every thirty-first day of December and every thirtieth day of June.

A statement of the balance at every such period, signed by a majority of the directors, shall be forthwith sent to a Secretary to the Government of India, and in the cases of the Bank of Madras and the Bank of Bombay, also to a Secretary to the Local Government.

The Governor General in Council in the case of each of the said Banks, and the Local Government in the case of the Bank of Madras and the Bank of Bombay, shall (so long as any such arrangement with the Government as aforesaid, which has already been, or shall hereafter be, entered into, remains in force) at all times be entitled to require of the directors any information touching the affairs of the Bank and the production of any document of the Bank,

and in the case of each of the said Banks the Governor General in Council may require the publication of such statements of its assets and liabilities at such intervals and in such form and manner as the Governor General in Council thinks fit.

Every requisition under this section shall be signified in writing under the hand of a Secretary to the Government of India or to the Local Government (as the case may be), and the directors shall comply with every such requisition.

44. An account of the profits of the Bank during the previous half-year shall be taken on or immediately after every thirty-first day of December and every thirtieth day of June,

and a dividend shall be made as soon thereafter as conveniently may be,

and the amount of such dividend shall be determined by the directors, subject to the provisions of section forty-five,

No unpaid dividend shall bear interest as against the Bank

45. The directors, before declaring any dividend, may set aside out of the profits of the Bank such a sum as they think proper as a reserve-fund, and invest the same upon any of the securities specified in section thirty-six, paragraph (a), clauses (1), (2), (3) and (4).

46. The directors may from time to time apply such portion as they think fit of the reserve-fund to meet contingencies, or for equalizing dividends, or for any other purposes of the Bank, which they from time to time deem expedient.

CHAPTER X.

AUDIT.

47. Two auditors shall be elected and their remuneration fixed at the annual general meeting

The auditors may be proprietors or shareholders, but no director or other officer of the Company is eligible during his continuance in office.

Who may be auditors.

Any auditor shall be re-eligible on his quitting office.

Auditors re-eligible.

The persons who shall be auditors on the first day of May 1876, and all auditors elected under this section, shall severally be and continue to act as auditors until the first general meeting after their respective elections.

Provided that if any casual vacancy occurs in the office of any auditor, the directors shall forthwith call a special meeting for the purpose of supplying the same.

48. Every auditor shall be supplied with a copy of the half-yearly balance-sheet, and it shall be his duty to examine the same, with the accounts and vouchers relating thereto.

Every auditor shall have a list delivered to him of all books kept by the Bank, and shall at all reasonable times have access to the books, accounts and other documents of the Bank, and may (at the expense of the Bank) employ accountants or other persons to assist him in investigating such accounts, and may, in relation to such accounts, examine the directors or any other officer of the Bank

The auditors shall make a report to the proprietors and shareholders upon the annual balance-sheet and accounts; and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the particulars required by the by-laws made under this Act and properly drawn up so as to exhibit a true and correct view of the state of the Bank's affairs, and in case they have called for any explanation or information from the directors whether it has been given by the directors and whether it has been satisfactory.

Such report shall be read together with the report of the directors at the annual general meeting

CHAPTER XI.

MEETINGS.

49. On the first Monday of the month of August in every year, or as soon after such day as is convenient, a general meeting shall be held, at which the directors shall submit to the proprietors and shareholders a statement of the affairs of the Bank made up to the preceding thirtieth day of June.

A notice convening such meeting, signed by the Secretary, shall be published in the local official Gazette, and in the case of the Bank of Bengal also in the *Gazette of India*, at least fifteen days before the meeting is held.

50. Any ten or more proprietors or shareholders holding stock or shares, or Special meetings both, to the aggregate amount of fifty thousand rupees, or any three directors, may convene a special meeting upon giving fifteen days' previous notice of such meeting, and of the purpose for which the same is convened, as well to the directors as also by public advertisement in the local official Gazette, and in two of the English daily newspapers and one of the Vernacular newspapers:

Provided that three months' previous notice shall be thus given of any special meeting held for the purpose of increasing or reducing the capital of the Bank, and shall also be served on every proprietor and shareholder.

51. No business shall be transacted at any meeting, whether general or special, unless a quorum of twenty proprietors or shareholders, or both, in person or by proxy, is present at the commencement of such business.

If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened by proprietors or shareholders not being directors, shall be dissolved, in any other case it shall stand adjourned to the same day in the following week at the same time and place, and if at such adjourned meeting a quorum is not present it shall be adjourned *sine die*.

52. At meetings, whether general or special, every election and other matter submitted to the meeting shall be decided by a majority of votes, except as in section thirteen, and in section twenty-seven, clause 4, is specially provided,

and no person shall be allowed to vote at any such meeting in respect of any stock or share acquired by transfer, unless such transfer shall have been completed and registered at least three months before the time of such meeting.

And no shareholder shall be entitled to vote at any meeting in respect of any shares held by him alone or jointly, whilst any call due from him alone or jointly remains unpaid.

53. A declaration by the chairman of any meeting, except a special meeting held under section thirteen, that a resolution has been carried thereat upon a show of hands, shall be conclusive, and an entry to that effect in the book of proceedings of the Bank shall be sufficient evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, such resolution, unless, immediately on such declaration, a poll be demanded in writing by five proprietors or shareholders present and entitled to vote at such meeting.

54. If a poll be demanded, it shall be taken at such time and place, and (except at the special meeting last aforesaid) either by open voting or by ballot, as the chair-

man directs, and the results of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

55. The proceedings at any meeting, and all resolutions and decisions of such meeting, shall be valid and binding on the Bank, so far as such proceedings, resolutions and decisions are consistent with the provisions of this or any other Act for the time being in force and regulating the Bank.

56. At all such meetings the proprietors or shareholders shall vote according to the following scale:—

The proprietor of capital stock amounting to Rs 2,000, or the holder of shares of which the total nominal amounts are equal to Rs 2,000, shall be entitled to 1 vote.	
The proprietor of capital stock amounting to Rs 10,000, or the holder of shares of which the total nominal amounts are equal to Rs 10,000, shall be entitled to 2 votes.	
The proprietor of capital stock amounting to Rs 20,000, or the holder of shares of which the total nominal amounts are equal to Rs 20,000, shall be entitled to 3 "	
The proprietor of capital stock amounting to Rs 30,000, or the holder of shares of which the total nominal amounts are equal to Rs 30,000, shall be entitled to 4 "	
The proprietor of capital stock amounting to Rs 40,000, or the holder of shares of which the total nominal amounts are equal to Rs 40,000, shall be entitled to 5 "	
The proprietor of capital stock amounting to Rs 50,000, or the holder of shares of which the total nominal amounts are equal to Rs 50,000 shall be entitled to 6 "	
The proprietor of capital stock amounting to Rs 75,000, or the holder of shares of which the total nominal amounts are equal to Rs 75,000, shall be entitled to 7 "	
The proprietor of capital stock amounting to Rs 1,00,000, or the holder of shares of which the total nominal amounts are equal to Rs 1,00,000, shall be entitled to 8 "	
The proprietor of capital stock amounting to Rs 1,25,000, or the holder of shares of which the total nominal amounts are equal to Rs 1,25,000, shall be entitled to 9 "	
The proprietor of capital stock amounting to Rs 1,50,000, or the holder of shares of which the total nominal amounts are equal to Rs 1,50,000, shall be entitled to 10 "	
The proprietor of capital stock amounting to Rs 1,75,000, or the holder of shares of which the total amounts are equal to Rs 1,75,000, shall be entitled to 11 "	
The proprietor of capital stock amounting to Rs 2,00,000 or the holder of shares of which the total amounts are equal to Rs 2,00,000, shall be entitled to 12 "	

Where a person is both a proprietor of stock and a holder of shares, his shares shall, for the purpose of this section, be deemed to be stock.

No proprietor or shareholder shall be entitled to more than twelve votes at any such meeting.

57. Any proprietor or shareholder entitled to vote at any meeting under this Act may give a proxy in writing, either general or special, under his hand or the hand of his at-

torney duly authorized, to any other proprietor or shareholder.

Such proxy shall be produced at the time of voting, and shall entitle the person to whom it is given to vote on such matters as shall be authorized by the tenor of such proxy.

But no person shall be permitted to vote in virtue of such proxy unless it has been left for registration at the office of the Bank at least three clear days before the time for holding the meeting at which it is intended to be used.

Provided that a general proxy which has been registered at such office need not be again left for registration previous to any subsequent meeting.

Proxies existing and in force with reference to any of the present Banks, on the first day of May 1876, shall continue in force and be available at meetings under this Act, anything herein contained notwithstanding.

A general power-of-attorney shall be deemed a proxy within the meaning of this section

58. If any proprietor or shareholder is a lunatic or idiot, he may vote by his committee or other legal curator, and if any proprietor or shareholder is a minor, he may vote by his guardian, or any one of his guardians, if more than one.

CHAPTER XII.

NOTICES

59. Every notice or other document requiring to be served by the Bank upon any proprietor or shareholder may be served, either personally, or by leaving it for, or sending it through the post by registered letter addressed to, him at his registered place of abode;

and every notice sent through the post shall be deemed to have been served at the time at which, in the usual course of post, it would have been delivered.

60. Any proprietor or shareholder who changes his name or place of abode or being a female marries, and the husband of any such female, respectively, shall not be entitled to recover any dividend or to vote until notice of the change of name or abode or marriage be given to the Bank, in order that the same may be registered.

Every notice to be given on the part of any proprietor or shareholder shall be left at the office of the Bank, or sent through the post by registered letter addressed to the Secretary of the Bank at its principal office.

61. Every person who by operation of law, transfers or otherwise becomes entitled to any stock or shares, shall be bound by any and every notice or other document which, previously to his name and address being entered upon the register of the Bank in respect of such stock or shares, has been given to the person from whom he derives his title thereto.

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62. When any notice or document is delivered or sent in accordance with this Act, at or to the registered place of abode of a proprietor or shareholder, then, and notwithstanding he be then deceased, and whether or not the Bank have notice of his decease, such service of the notice or other document shall, for all purposes of this Act, be deemed service thereof on him, or, if dead, on his heirs, executors, administrators, and every of them.

CHAPTER XIII

BYE-LAWS.

63. The directors shall, as soon as may be, make, and may from time to time alter, bye-laws regulating the following matters or any of them —

(a) the maximum amount which may be advanced or lent by discount of bills, or otherwise, to any individual or partnership, without the security mentioned in section thirty-six, paragraph (a), Nos (1) to (5) inclusive,

(b) the circumstances under which alone advances may be made to directors or officers of the Bank, or the relatives of such directors or officers, or to companies, firms or individuals with which or with whom such directors, officers, or relatives are connected as partners, directors, managers, servants, shareholders, or otherwise,

(c) the particulars to be contained in the half-yearly balance-sheet.

The directors may from time to time make bye-laws regulating the following matters or any of them —

(d) the distribution of business amongst the directors,

(e) their remuneration,

(f) the delegation of any powers of the directors to committees consisting of members of their body,

(g) the procedure at the meetings of the board or of any committee of the directors,

(h) the books and accounts to be kept at the head and other offices respectively,

(i) the reports and statements to be prepared and made by the Chief Accountant, the heads of departments, and the other officers of the Bank,

(j) the management of the branches and agencies.

(k) the fees payable for certificates of shares or receipts for stock, or for registration of transfers of shares or stock

(l) the renewal of certificates of shares and receipts for stock, which have been worn out or lost,

(m) and, generally, for the conduct of the business of the Bank.

Provided that no bye-law, or alteration or revision of any bye-law, shall be of any validity, except in so far as the same is consistent with the provisions of this Act, and has been previously

approved by the Governor General in Council, and such approval has been signified in writing under the hand of a Secretary to the Government of India.

CHAPTER XIV.

MISCELLANEOUS

64. The directors may institute, conduct, defend, compromise, refer to arbitration and abandon legal and other proceedings and claims by or against the Bank or the directors or officers of the Bank, and otherwise concerning its affairs.

Power to institute and compromise suits.

65. In any suit brought against any shareholder to recover any debt due for any call or other monies due from him in his character of shareholder, it shall be sufficient to allege that the defendant is a shareholder of the Bank, and is indebted to the Bank in respect of a call made or other monies due, whereby a right to sue has accrued to the Bank,

Evidence in legal proceedings against shareholders

and, on the hearing of any suit brought by the Bank against any shareholder to recover any debt due for any call, it shall be sufficient to prove that the name of the defendant is on the register of shareholders of the Bank as the holder of the shares in respect of which such debt accrued, and that the call was made, and that notice of such call was duly given to the defendant in pursuance of this or any other Act for the time being in force regulating the Bank;

and it shall not be necessary to prove the appointment of the directors who made such call, nor that a quorum of directors was present at the Board at which such call was made, nor that the meeting at which it was made was duly convened or constituted.

66. Nothing in the Thirty-third of George the Third, session two, chapter fifty-two, shall be deemed to render it unlawful for any servant of Government, or for any Judge of a High Court, to become a member of any corporation established under this Act.

Modification of 33 Geo. III, sess 2, cap 52

67. Notwithstanding anything contained in this Act or in section 231 of Act No. X of 1866, whenever the proprietors and shareholders have passed a special resolution that the Bank shall be wound up voluntarily under the Indian Companies Act, 1866 the Bank shall be wound up accordingly, as if it were a Company under that Act:

Power to wind up Bank under Indian Companies Act.

Provided that no such special resolution shall be deemed to have been passed unless at least one-third of the proprietors and shareholders holding at least one-half of the paid-up capital of the Bank for the time being, be present in person or by proxy, and a majority poll by open

voting in favour of the said resolution, and such resolution has been confirmed by a majority of such proprietors and shareholders at a subsequent special meeting held at an interval of not less than one month, nor more than two months, from the date of the meeting at which such resolution was first passed.

68. And whereas the Government of India has agreed to sell, and the directors of the present Bank of Bengal have agreed to purchase, at a premium of twenty-two and a half per centum, the said two thousand two hundred shares of one thousand rupees each held by the Government of India in the same Bank; and it is intended that the directors of the Bank of Bengal as constituted by this Act shall cancel two thousand of such shares, and sell for the benefit of the Bank four hundred shares in the same Bank corresponding with the remaining two hundred shares so agreed to be sold and purchased;

Sale to Banks of Bengal and Madras of Government shares therein.

And whereas the Government of India has agreed to sell, and the directors of the present Bank of Madras have agreed to purchase, at a premium of ten per centum, the said five hundred and sixty-two and a half shares held by the Government of India in the same Bank: and it is intended that the directors of the Bank of Madras as constituted by this Act shall cancel the same shares;

And whereas the directors of the present Bank of Madras have purchased and cancelled other sixty-two and a half shares in such Bank;

Purchase and cancellation by directors of 62½ shares in present Bank of Madras.

And whereas the said respective directors of the present Bank of Bengal and Bank of Madras had no power to enter into the said agreements with the Government of India, and the directors of the Bank of Bengal as constituted by this Act have no power to sell the four hundred shares referred to in this section, and the said directors of the present Bank of Madras had no power to purchase and cancel the said other sixty-two and a half shares;

And whereas the directors of the Bank of Bengal as constituted by this Act have no power to cancel the said two thousand shares and the said directors of the Bank of Madras as constituted by this Act have no power to cancel the said five hundred and sixty-two and a half shares;

And whereas it is expedient to confirm the said agreements with the Government of India, and to indemnify the said respective directors of the present Bank of Bengal and Bank of Madras for entering into the same, and to confirm the said purchase of the said other sixty-two and a half shares by the directors of the present Bank of Madras, and to indemnify the same directors for making the same, and for cancelling the same shares, and to empower the directors of the Bank of Bengal as constituted by this Act to sell the said four hundred shares, and to empower the respective directors of the Bank of Bengal and Bank of Madras as constituted by this Act to

cancel the said shares so intended to be cancelled, It is hereby further enacted as follows.—

(a)—The said agreements with the Government of India are hereby confirmed, and the said respective directors of the present Bank of Bengal and Bank of Madras are hereby indemnified for entering into the same, and no suit or other proceeding shall be maintained against any such director in respect of any thing *bond fide* done in pursuance of either of such agreements.

(b).—The said purchase of the said other sixty-two and a half shares is hereby confirmed, and the said directors of the present Bank of Madras are hereby indemnified for making the same and for cancelling the same shares; and no suit or other proceeding shall be maintained against any such director in respect of any thing *bond fide* done in effecting such purchase and cancellation.

(c).—The directors of the Bank of Bengal as constituted by this Act shall have power to sell, and shall as soon as conveniently may be, sell, the said four hundred shares, either together or in parcels, and either by public auction or private contract, and shall apply the proceeds in or towards paying the price of the shares of the Government of India so agreed to be purchased by the directors of the present Bank as aforesaid, or otherwise for the benefit of the Bank of Bengal as constituted by this Act.

(d).—The directors of the Bank of Bengal as constituted by this Act shall have power to cancel, and shall, as soon as conveniently may be, cancel, the said two thousand shares, and the directors of the Bank of Madras as constituted by this Act shall have power to cancel, and shall as soon as conveniently may be, cancel, the said five hundred and sixty-two and a half shares.

SCHEDULE

(SEE SECTION 2.)

Part I—Statute.

Number and year.	Abbreviated title.	Extent of repeal.
47 George III, sess. 2, cap 68	An Act for the better government of the Settlements of Fort St. George and Bombay, &c.	Sections eight, nine and ten.

Part II—Acts of the Governor General in Council.

Number and year.	Title.
IV of 1862	An Act for regulating the Bank of Bengal.
V of 1862	An Act to provide for the payment at the Banks of Bengal, Madras and Bombay, of monies payable at the General Treasuries of Calcutta, Madras and Bombay.
VI of 1862.	An Act to annex a schedule to Act IV of 1862.
XXIX of 1863.	An Act to declare the receipts of the Banks of Bengal, Madras and Bombay to be sufficient in lieu of the receipts of the Sub-Treasurers of Fort Wilham, Fort St. George and Bombay, respectively
XIX of 1870.	An Act to enable the Directors of the Bank of Bengal to act by a quorum.

Part III.—Acts of the Governor of Fort St. George in Council.

Number and year	Title
VI of 1866	An Act for repealing Madras Act V of 1862, and for regulating the Bank of Madras
I of 1871 ...	An Act to amend Madras Act VI of 1866, to give validity to certain acts done by the directors of the Bank of Madras, and to enable outgoing Directors to be re-elected.

Part IV—Acts of the Governor of Bombay in Council.

Number and year.	Title
X of 1863 ..	An Act for the Re-incorporation and Re-constitution of the Bank of Bombay.
XV of 1866	An Act to amend Act No. X of 1863 (Bombay).
I of 1867	An Act to reduce the amount of the capital of the Bank of Bombay and of the shares thereon, and to amend Act X of 1863 and Act XV of 1863 (Bombay)

WHITLEY STOKES,
Secretary to the Govt. of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th April 1876, and was promulgated for general information in the *Gazette of India* on the 15th April 1876.—

Act No. XII. of 1876

An Act for the repeal of certain Obsolete Enactments.

WHEREAS it is expedient that the enactments mentioned in the schedule to this Act, which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repealed prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows—

1. The enactments described in the schedule annexed to this Act are hereby repealed to the extent mentioned in the third column of the same schedule:

Provided that the repeal by this Act of any enactment shall not affect any Statute, Act or

Regulation, in which such enactment has been applied, incorporated, or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, of the proof of any past act or thing.

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived, by, in, or from any enactment hereby repealed.

Nor shall this Act provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage or practice not now existing or in force.

2. This Act may be cited as "The Repealing Act, 1876": it extends to the whole of British India and it shall come into force at once

Short title
Local extent.
Commencement.

SCHEDULE.

A description or citation of a portion of an Act or Regulation is inclusive of the words, section or other part, first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

PART I.

Acts of the Governor General in Council.

Number and year	Subject	Extent of repeal.
IX of 1835 ..	Salt, Bengal	The whole.
XIX of 1838 ..	Coasting Vessels, Bombay.	Section nine. In section twelve, the word "India." In section thirteen, the words "Justice of the Peace or person exercising the powers of a Magistrate."
XXIX of 1838 ...	Salt, Bengal	So much of section fifteen as has not been repealed
VI of 1840 ...	Bills of Exchange	So much as has not been repealed. In section five, the words "after the passing of this Act."
XVIII of 1841 ...	Arms and Ammunition	Section two
XIX of 1841 ..	Wrongful possession in case of succession.	In section nine, the word "that" where it occurs before the word "all," and in section eighteen, the word "that" where it occurs before the word "for"
XVI of 1844 ..	Salt, Bombay	So much as has not been repealed.
I of 1846 ...	Pleaders	In section seven, the word "that" where it occurs before the word "it." Section nine down to the words "and that," and in the same section, the word "such" where it first occurs.
VIII of 1846 ..	Settlement, N. W. Provinces.	So much as has not been repealed
XI of 1846 ...	Deregulationising certain territories.	The words "and the Zillah Ahmednuggur" wherever they occur.

Acts of the Governor General in Council—continued.

Number and year	Subject.	Extent of repeal.
XX of 1847 ...	Copyright ..	In section seven, the words "after the passing of this Act" and "in such part of the said territories"; and from "if he shall have so offended" down to "charter" and from "to a special" to "no Zillah Court"
XV of 1848 .	Supreme Court Officers ...	In section thirteen, the word "that" where it occurs after the words "Trover, and."
IX of 1850 ...	Presidency Small Cause Courts,	In section four, the words "or the East India Company."
XXXVII of 1850 ..	Public Servants ...	Sections three, forty-seven and ninety.
XL of 1850 ...	Fawnbrokers, Straits Settlements.	In section one, the last thirty-seven words.
VIII of 1851 ...	Tolls on Roads and Bridges	In section eight, the words "not exceeding three."
XVII of 1852 ...	Special Cases, Supreme Court,	In section one hundred and one, the words "after the passing of this Act."
XXI of 1852 ...	Deputy Collectors, Bombay	Section seventeen.
XXX of 1852 ..	Naturalization ..	So much as has not been repealed,
XVIII of 1854 ...	Railways ..	In section six, the words "of the zillah."*
XXI of 1852 ...	Deputy Collectors, Bombay	Section twenty-six, from "which according" to "referred, but."
XXX of 1852 ..	Naturalization ..	Section thirty,
XVIII of 1854 ...	Railways ..	In section thirty-two, the words "and also the Court of Judicature of Prince of Wales' Island, Singapore and Malacca."
XXI of 1852 ...	Deputy Collectors, Bombay	Section thirty-three.
XXX of 1852 ..	Naturalization ..	In section one, the words "zillah or."
XVIII of 1854 ...	Railways ..	The last sixteen words of the schedule.
XXI of 1852 ...	Deputy Collectors, Bombay	In section thirty-four, the words "or by any Assistant to a Magistrate or Deputy Magistrate."
XXX of 1852 ..	Naturalization ..	In section thirty-five, the words "and district or Joint Police officers in the Presidency of Bombay."
XVIII of 1854 ...	Railways ..	In section forty, the words "within the said territories"
XXXI of 1854 ...	Real Actions, Conveyances	In section thirteen, the words "in the possession and"
VI of 1855 ..	Execution, Supreme Courts	Section fourteen, from "and the term" to the end
XXIV of 1855	Penal Servitude ..	In section one, the words "in the possession and."
VIII of 1856	Goals, Bombay ..	In section two, the first eight words.
II of 1857 ...	Calcutta University	In the preamble, the last four words.
IV of 1857 ...	Tobacco, Bombay Town ..	Section four, from "and the first" to the end.
XI of 1857 ...	Offences against the State .	In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859," and the words "the Vice-Chancellor hereinbefore nominated or"
XXII of 1857 ..	Bombay University ...	In section three, <i>clause</i> 1, the words "within the said territories," "of the crimes mentioned in the preceding sections, or any other."
		In section four, the words "the attendance or futwa of a Law Officer or."
		Sections seven, eight, nine and ten.
		In section eleven, the words "lawfully exercising the powers of a Magistrate and any Assistant to a Magistrate or Deputy Magistrate"
		In the preamble, the last four words.
		In section four, the last twelve words.
		In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859," and the words "the Vice-Chancellor hereinbefore nominated or."

Acts of the Governor General in Council—continued.

Number and year.	Subject.	Extent of repeal.
XXVII of 1857 ...	Madras University	In the preamble, the last four words. In section four, the last fourteen words. In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinafter nominated shall go out of office on the first day of January 1859," and the words "the Vice-Chancellor hereinafter nominated or."
XXIX of 1857 ...	Land Customs, Bombay ..	In section eleven, the words "by the said schedules," In section thirteen, the words "entered in either of the said schedules as."
I of 1859 ...	Merchant Seamen ..	In section sixty-three, the words "or in any station of the Settlement of Prince of Wales' Island, Singapore and Malacca, to the Court of Judicature there." In section sixty-seven, the words "and in the Straits Settlements in such manner as the Governor shall notify"
III of 1859 ..	Cantonment Joint Magistrates.	In the title, the words "and for constituting those Officers Registers of Deeds." In the preamble, the words "and that they should also be appointed Registers of Deeds within the same limits." Section three, so far as it relates to the Presidency of Madras. Section five.
XV of 1859 ..	Patents	Sections thirteen and thirty-six.
XXXI of 1861 ...	Saltpetre	So much as has not been repealed.
XIII of 1863 ...	Imprisonment of Convicts, Bombay.	The whole
XIV of 1863 ...	Amending Act X of 1859	So much as has not been repealed.
III of 1864 ...	Foreigners ..	In section twenty-four, the words "and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca."
XVII of 1864 ...	Official Trustee ..	In section three, the words "the said."
XXII of 1864 ..	Cantonments ..	In section eight, the words "and for constituting those officers Registrars of Deeds."
XI of 1865 ..	Mofussil Small Cause Courts	In section twelve, the words "or District" "and for constituting those officers registers of Deeds" so much as relates to the trial of small suits in military bazzars, cantonments and stations in the Presidency of Madras, and the last twenty-one words
XV of 1865 ..	Parsi Marriage and Divorce	So much of section fifty-three as has not been repealed.
XXIX of 1865 ..	Pleaders ..	Sections one, two and three.
XII of 1866 ..	Private Water-courses	The whole.
XIV of 1866 ...	Post Office ..	Section fifty-five, and in section fifty-six, the words "or by any Assistant to a Magistrate or Deputy Magistrate."
XXV of 1866 ..	Transfer of securities to Government.	The preamble from "And whereas" to "purposes aforesaid."
VII of 1867 ...	Purchases from Soldiers ...	In section one, the first eight words.
XIII of 1867 ..	Port dues Coast lights ..	Section two.
XIV of 1869 ...	Bombay Civil Courts ..	The second paragraph of section five. The second paragraph of section fourteen. Sections thirty and thirty-one.
X of 1870 ..	Land Acquisition ..	In section thirty-nine, the words "by the Code of Civil Procedure."
XXII of 1870 ..	European British Subjects	Section one.
XXIII of 1870 ..	Comage ..	Section eighteen, paragraph one.
XXVII of 1871 ..	Criminal Tribes ...	Section twenty-three.
III of 1872 ...	Marriage ..	Section twenty and the fourth schedule.
X of 1872 ...	Criminal Procedure Code..	Section three.
XVIII of 1872 ...	Amending Evidence Act ...	Section eight.

Acts of the Governor General in Council—concluded.

Number and year.	Subject	Extent of repeal
XXI of 1872.	Sepoy Lunatics ..	Section six.
X of 1873	Oaths ..	In section one, the third paragraph.
XVI of 1873	Village Police N. W. Provinces. ..	In section one, the third paragraph.
III of 1874	Married Women ..	Section three.
IV of 1874	Foreign Recruiting ..	In section one, the third clause.
V of 1874...	Kullu Appeals ..	Section four.
XV of 1874	Laws Local Extent ..	Section nine and the seventh schedule. So much of the second schedule as relates to Madras Regulations I of 1819, III of 1831 and VII of 1832, and to section four of Madras Regulation IV of 1821, and to Act No. VIII of 1856. So much of the fourth schedule as relates to Bengal Regulations LVIII of 1795 and IV of 1829.
XVI of 1874...	Repealing Act, 1874 ..	The whole.
III of 1875	Amending Repealing Act, 1874 ..	The whole.
IV of 1875	Merchant Shipping ..	Section two, and the third clause of section one.
VII of 1875	Burma Fisheries ..	In section one, clause three.
VIII of 1875	Inland Customs ..	Section two and the schedule.
X of 1875..	High Courts' Criminal Procedure. ..	Section thirty-nine and one hundred and fifty-three.
XVI of 1875...	Tariff ..	Section two.
XVIII of 1875	Law reports ..	Section two.

PART II.

Regulations of the Bengal Code.

Number and year.	Subject	Extent of repeal.
II of 1793..	Collectors and Board of Revenue. ..	In section eight, clause thirteen, the words and figures "by any Regulation published in the manner directed in Regulation XLI, 1793."
VIII of 1793..	Decennial Settlement ...	Sections sixteen, seventeen, eighteen, twenty-eight, twenty-nine, forty-eight, fifty-six, fifty-seven, fifty-nine, sixty and sixty-seven (except the fifth clause).
XIX of 1793...	Non-bādshāhī Lākhīrāj ..	Sections forty-five and forty-six.
XLVIII of 1793	Quinquennial Register ..	Sections twenty-six, twenty-eight and twenty-nine.
III of 1794...	Revenue arrears, &c ..	In section sixteen, the words "dewan or other" and the words "If the property shall be within the cities of Patna, Dacca or Moorshedabad, the collector is to apply to the judge of the zillah through the vakeel of Government, to make application to the judge of such city to attach and deliver it into the charge of the nearest collector" In sections seventeen and eighteen, the words "or in either of the cities of Patna, Dacca or Moorshedabad"
I of 1795	Permanent Settlement, Benares. ..	In section three, clauses <i>third</i> and <i>fourth</i> , the words and figures "and printed and published in the manner prescribed in Regulation XLI, 1793" In clause <i>fifth</i> , the words and figures "which may be printed and published in the manner prescribed in Regulation XLI, 1793."
XV of 1795	Extending Regulation XVI of 1793 to Benares. ..	Section four.
LVIII of 1795.	Commission on jama : copies of decrees. ..	In section three, clause <i>first</i> , "to the City Court or," and "or to the Provincial Court of Appeal." So much as has not been repealed.

Regulations of the Bengal Code—continued.

Number and year	Subject.	Extent of repeal.
XV of 1797...	Fees on division and transfer of estates.	In section two, clause two, the words and figures "that may take place under Regulation XXV, 1793, or XXVI, 1895," and in section seven, the words and figures "in Regulation XXV, 1793, or XXVI, 1795, (according to the Province in which the lands may be situated)"
I of 1801.. XXXIII of 1803.	Realization of revenue ... Embezzlement of public money C P.	In section fourteen, the last sentence. In section one, the word "tehseldars." In section two, clause <i>First</i> , the word "tehseldars" and the whole of clause <i>Second</i> of that section.
XIII of 1805	Police, Katak	In section thirteen, the words "and likewise such of the rules contained in Regulation IV, 1804, as are not either specifically or virtually rescinded by the present Regulation."
XIV of 1805 .	Civil suits, Katak	.. So much as has not been repealed
XI of 1806 .	Passage of troops	... Sections ten, thirteen to nineteen inclusive.
XX of 1810 ..	Army retainers; Military bázars.	In section twenty, from the words "in the meantime" to the end of the section.
XI of 1811...	Jama on divided estates . .	In section four, clause <i>First</i> , the words "or Board of Commissioners according as the lands may be situated in the districts subject to the control of those Boards in all matters connected with the land revenue respectively"; and clause <i>Second</i> , the words "or Board of Commissioners"
V of 1812.	Collection of land-revenue	In section twenty-four, the words "and Board of Commissioners respectively." In section twenty-five, "and Board of Commissioners"
XI of 1816	Succession, Katak	.. In section twelve, the words and figure "under section X"
V of 1817...	Hidden Treasures	.. In section six, the words "or city" where they occur before "judge"
XII of 1817..	Patwáris	.. In section eight, the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," and "or Commissioner" In sections thirteen, fifteen and sixteen, the words "the Board of Commissioners, or the Commissioner in Behar and Benares" In section seventeen, the words "Board of Commissioners, or Commissioner in Behar and Benares." Sections twenty-six and twenty-eight and sections thirty and thirty-three so far as they relate to section twenty-six.
XX of 1817..	Police	.. In section twenty-one, clause <i>tenth</i> , the last sentence. Section twenty-eight In section twenty-nine, the words "manufacturer, molungee, or any" "manufacturers, molungees, or to" "molungee, or any other manufacturer, or," and the words "salt, or" wherever they occur. Section thirty-two.
II of 1819	Resumption of revenue	.. In section eleven, the word ' <i>First</i> ' and clause <i>second</i> . Section nineteen, clause third. Section thirty, clause fifth.
VI of 1819...	Ferries: Police	.. In section three, clause three, the words "through the superintendents of police"
IV of 1821 ..	Magistrates	... In section ten, the words and figures "by section VII, Regulation XVIII, 1817." Section one down to the words "Magistrate; and." Sections four, five and six. In section eight, the words "of the Honourable Company."

Regulations of the Bengal Code—concluded.

Number and year.	Subject.	Extent of repeal.
VII of 1822	Settlement, Ceded and Conquered Provinces.	Section twenty-seven. In section twenty-nine, clause one, the words "and shall be written on stamped paper of the value of two rupees," and in clause fifth, the words "and shall be rendered in a roobakarree written on stamped paper of the value of two rupees"
VI of 1823	Indigo suits	... In section one, and in section three, clause <i>Seventh</i> , the words and figures "under the provisions of Regulation XX, 1812"
VI of 1825...	Passage of troops	... In section five, the words "on the stamped paper prescribed for other appeals to the Revenue Boards"
XVIII of 1825	Chinsurah	... So much as has not been repealed.
III of 1827	Extortion by Native officers	In section five, the words "on the stamped paper prescribed for miscellaneous petitions."
III of 1828.	Special Commissions	In section six, <i>Fourth</i> clause, the words "the Provincial Courts or" And in section seven, clause <i>Second</i> , the words "Provincial Courts and."
IV of 1828	Power of Collectors in making or revising settlements.	In section one, the words and figures "under the rules of Regulation XV, 1824."
IV of 1829	Appeals under Regulation III of 1828	The whole.
XI of 1829	Embankments	The whole.
XI of 1831	Police powers of Tahsildars	Section four.
V of 1832...	Delhi territory	The whole
XIII of 1833	Zilas of Rámghar, Jungle Maháls and Midnapur.	The whole.

PART III,

Regulations of the Madras Code

Number and year.	Subject	Extent of repeal
III of 1802	Procedure of Civil Courts	Section eleven, In section sixteen, clause <i>Second</i> , the words "Hindoo," "the judge of the Court of Adawlut or," and "other," and the words and figures "under the general rule contained in Section V, Regulation II, 1802, and proceed thereupon according to the regulations" In clause <i>Third</i> , the words "when they are to proceed thereupon according to the general regulations."
XIII of 1802	Records of Courts,	In section fifteen, the words and figures "in the same manner as is prescribed to the Provincial Courts of Appeal in section XII"
XXIX of 1802	Karnams	Section one down to the words "kurnum. But" Section four. In sections eighteen and nineteen, the words "before the Court of Circuit."
II of 1803	Collectors	Sections twenty-seven, twenty-eight and twenty-nine
IX of 1803	Customs Officer, Madras	So much as has not been repealed
V of 1804	Court of Wards	In section six, clause <i>Third</i> , the words "Courts of Appeal or to the," "as it shall seem fit," and "respectively." In section twenty-four, clause <i>Second</i> , from "and it shall" to the end of that clause

Regulations of the Madras Code—continued

Number and year.	Subject	Extent of repeal
I of 1805.	Salt	In section eight, clause <i>First</i> , the words "after the date of the Regulation," clause <i>Second</i> , the words "commercial residents" In section fourteen, clauses <i>First</i> , <i>Second</i> , and <i>Fourth</i> the words "commercial residents," "by commercial residents" In section fifteen, the words "commercial residents" In section sixteen, the words "commercial residents." Section twenty-two
II of 1806	District Courts	The whole Regulation except section VII, Clause <i>Second</i> .
VII of 1808...	Martial Law	In the preamble, the words and figures "from the 1st day of October, 1808" Section four, from "or before any special court" to the end of that section
IV of 1816...	Village Munsifs	Section four, clause <i>First</i> , and the words ' <i>Second</i> ' and ' <i>Third</i> ' In sections five and twenty-seven, the word "Arcot." In section ten, clause <i>Second</i> the words "in the form prescribed in section XXXVI of this Regulation."
V of 1816	Village Pancháyats	Sections thirty-two and thirty-four In sections three, four and sixteen, the word "Arcot" wherever it occurs In section ten, the words "and no stamp paper need be used in plaint, answer, or any process." In section eleven, clause <i>First</i> , the words "upon stamp paper of the prescribed rate according to the amount of the suit." In clause <i>Fourth</i> , the words "by the oaths of two credible witnesses at the least," and "Provincial." Section fifteen. In section seventeen, the words "on stamped paper of the prescribed rate, according to the amount decreed."
XI of 1816...	Heads of Villages, &c.	In section forty-seven the words and figures "as directed in section X, Regulation III 1810."
XII of 1816	References to Village and District Pancháyats	In section three, the words and figures "by Clauses Second and Third, Section XIV, Regulation VI. 1816" In sections five and nine, the word "Arcot" Section six, clause <i>First</i> , so far as it relates to Regulation VII. 1816 In section six, clause <i>Second</i> , the words and figures "without requiring the agreement specified in clause <i>Second</i> , section IV, Regulation VII. 1816" In section nine, clause <i>First</i> , the words "by the oaths of two credible witnesses at the least," and "Provincial." In section eleven, the words "exempt from all stamp-duties, and shall be," and the words and figures "or to such charges as are specified in Regulation VII. 1816, if decided by a district punchayet."
XIV of 1816 ..	Pleaders	In the preamble, the words "and to transfer to the Provincial Courts the control now exercised by the Sudder Adawlut in the appointment and removal of yakeels or native pleaders in the Zillah Courts and in the Provincial Courts." In section three, clause <i>First</i> , the words "and the several Provincial Courts," "in their respective courts," "being natives of India of the Hindoo or Mahomedan persuasion, and" and clause <i>Second</i> "for the approbation of the Provincial Court of the division," "being a native of India and otherwise," from "and shall communicate" to the end of that section.

Regulations of the Madras Code—continued.

Number and year.	Subject.	Extent of repeal.
VIII of 1817 II of 1819	Estates of Native Soldiers. State Prisoners	<p>In section four, the words "the Provincial Courts" and "which is not required to be written on stamped paper."</p> <p>In section eight, the words "and the Provincial Court, on consideration of the judge's report"</p> <p>In section ten, clause <i>First</i>, the words "and the several Provincial Courts," clause <i>Second</i>, the words "a register or" and "report the circumstances of the case, together with his own opinion upon it, to the Provincial Court, who will."</p> <p>In section eleven, the words "without the previous sanction of the Provincial Court," and from and including the words, "but in such" to the end of the section</p> <p>In section thirteen, the words "on unstamped paper."</p> <p>In section fourteen, the word "Arcot" wherever it occurs.</p> <p>In section fifteen, clause <i>Second</i>, the words, "or registers" and "either by a deduction from the fees which may be become due to the offender, or"</p> <p>In section eighteen, clause <i>First</i>, the word "register", clause <i>Third</i>, the words "Provincial Courts or to the"; the second sentence; and the words "Provincial Courts and of the."</p> <p>In section twenty, the words "of the Provincial Courts," and "under the provisions contained in the following clauses of this section."</p> <p>In section twenty-five, clause <i>First</i>, the words "the Provincial Courts" and the word "Arcot" wherever it occurs, clause <i>Third</i>, the words and figures "written on the stamped paper prescribed in Section XI, Regulation XIII 1816."</p> <p>In section thirty-six, the words "on unstamped paper"</p> <p>In section thirty-nine, the words "or district" in each of the places where they occur, and the figures "VI" and "VII"</p> <p>In the Appendix No. 1, the words "or in the Provincial Court for the division of."</p> <p>In the Appendix No 2, the words "or the Provincial Court for the division of"</p> <p>The Appendix, except No. 5.</p> <p>In the preamble, the last nine words</p> <p>Section eight</p>
IV of 1821 IX of 1822	Petty thefts . . Embezzlement by Public Servants	<p>In section nine, the words "to the Provincial Court of Appeal and Circuit"</p> <p>In section six, clause <i>First</i>, the word "Madras."</p> <p>In the preamble, the last ten words</p> <p>In section three, clause <i>Third</i>, the words and figures "in the manner prescribed in section VII, Regulation III of 1802."</p> <p>In section four, the second sentence</p> <p>In section five, clause <i>Fourth</i>, the word "Arcot"</p> <p>In section eight, the words "before the criminal judge (who is hereby empowered to take cognizance of such cases)" and "by him"</p> <p>In section nine, the words "on oath."</p> <p>Section ten, from the words "and the rules" to the end of the section.</p>
III of 1823	Subordinate and Assistant Collectors.	<p>Sections seventeen and eighteen</p> <p>In section one, the last ten words.</p>

Regulations of the Madras Code.—concluded.

Number and year.	Subject.	Extent of repeal
VII of 1828	Subordinate and Assistant Collectors.	In section one, the last ten words. Section seven
V of 1829	Hindú Wills	In section one, the last ten words
I of 1830	Sah	In section one, the words "from the time of their promulgation." In section four, clauses <i>First</i> and <i>Third</i> , the words "before the Court of Circuit." In the same section, clause <i>Second</i> , the words "at the discretion of the Court of Circuit."
VI of 1831	Hereditary Village Offices.	Section four, clause <i>Fourth</i> , from "and for this purpose" to the end of that clause. The same section, clause <i>Fifth</i> .
X of 1831	Prohibition of sale of Minors' Estates for arrears of revenue	In section one, the last ten words. Section three, down to the words "enacted that"
XI of 1832	Hidden treasure	In section one, the words "as soon as promulgated." In sections two and seven, the word "Madras" wherever it occurs. In section three, the words "or to the assistant judge of the auxiliary court" In section four, the words "or assistant." In section six, the words "Madras" and "or assistant" In section eight, the words "or to the assistant judge of the auxiliary court" In section nine, the words "or of the assistant judges of the auxiliary courts," and the words "to the Provincial Courts" Section ten.
XIV of 1832	Buying Soldiers' necessaries.	In section one, the last ten words In section two, clause <i>First</i> and <i>Second</i> , the words "from and after the date of the promulgation of this regulation," and "before the criminal, joint criminal, or native criminal judge within the limits of whose local jurisdiction the offence may have been committed," and the word "Madras."

PART IV.

Regulations of the Bombay Code.

Number and year	Subject	Extent of repeal
II of 1827	Pleaders	Appendixes A, D, E, F, G, H
V of 1827	Limitation	In the title, the words "defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and" and the word "interest."
XII of 1827	Police	The preamble. In section nineteen, clause <i>Sixth</i> , the words "personal restraint." In the same section, clause <i>Seventh</i> , the words "which shall be tried before the judge, or one of his assistants, exclusively"
XIII of 1827	Criminal Courts	Appendix C In section thirty-four, clause <i>Third</i> , the words "or to the magistrate abovementioned."
XVI of 1827	Revenue Administration	In the preamble, the words "to have effect throughout the zillah subordinate to Bombay." In section two, clause <i>Second</i> , the words and figures "decide certain civil suits and" and "as more particularly specified in Regulation XVII. A. D. 1827, Chapters VIII and X."

Regulations of the Bombay Code—continued.

Number and year.	Subject.	Extent of repeal.
XVII of 1827	Jurisdiction of Revenue Authorities.	In the title to Chapter III, the words "of hereditary district and village officers inclusive." Section twenty-five. The title from "vesting" to the end. In the preamble, the words "to have effect throughout the territories subordinate to Bombay" In section twelve, clause <i>Sixth</i> ; the words "Sudder, or any" In the title to Chapter IV., the words, "and penal jurisdiction of the zillah magistrate and criminal judge in such cases." In section fifteen, clause <i>Second</i> , and clause <i>Third</i> so far as it relates to clause <i>Second</i>
XIX of 1827	Revenue Administration	The title from "and for Collecting" down to "Horses," and the words "and also for levying Fees in the Court of Petty Sessions and Police Offices." In the preamble, the words "and whereas it has further been deemed expedient, under the authority of the British legislature for such purpose given, to levy certain taxes and fees at the presidency of Bombay." In section thirteen, clause <i>First</i> , the words "in the mode prescribed in the preceding section." In section twenty-nine, the words "in the manner and before the authority specified in section XIV., clause <i>First</i> , or by confession before the said authority," and from "and in case" down to "provided for."
XXI of 1827	Duty on Opium	The title from "made with" down to "India." In the preamble, from "that the importation and sale at Bombay of tobacco" down to "be prohibited" In section two, clause <i>First</i> , the words "(either such as established by this or any other Regulation)" Sections forty-seven and forty-eight. In section fifty-seven, the last eight words. In section sixty, clause <i>Second</i> , the last twenty words.
XXII of 1827	Military Courts	In the preamble, the words "which shall have effect within the territories subordinate to the presidency of Bombay."
XXV of 1827	State Prisoners	Section six. In section seven, the words "and to the Sudder Adawlut"
XXIX of 1827	Dekkhan and Khandesh	In the preamble, the words and figures "to have effect from the 1st September 1827" Section two, from "and the said territories" to the end of clause <i>Second</i> . Section three, clause <i>First</i> , from "it is hereby" down to the word "First." In section five, clause <i>Third</i> , the last twenty-one words.
XVI of 1828 V of 1830	Subsidiary jails Revenue Administration	So much as has not been repealed. In section one, clause <i>Third</i> , the words "and zillahs." Clause <i>Fifth</i> and in clause <i>Sixth</i> , the words "zillahs throughout" and the words "and the department of police."
VII of 1830	Dharwar	In the preamble, the words and figures "to have effect from the 1st of June, 1830." In section two, the first six words.
XIII of 1830 III of 1834	Jágrdárs Town duty, Bombay	In section four, the last thirteen words. So much as has not been repealed.

Acts of the Governor of Bombay in Council.

Number and year.	Subject	Extent of repeal
IV of 1862	Markets and fairs	Section five.
V of 1862...	Bhāgdārs and Narwadārs...	In section two, the words "and it is hereby further enacted, that."
VI of 1862...	Ahmedabad Talukdārs ...	In section fourteen, from "upon oath" down to "perjury."
II of 1863...	Claims to exemption from Land-Revenue.	In section three, the words "either at law or in equity." In section six, clause <i>Second</i> , section ten and section eleven, clauses <i>eighth</i> and <i>tenth</i> the words "or Court of Law or Equity."
V of 1863...	Gas Companies	In section twenty-eight, the words "Joint Magistrate, or."
VI of 1863...	Public Conveyances	In section seven, the words "standing in the name of the Commissioner of Customs."
VII of 1863...	Summary Settlement of Claims to exemption from Land-Revenue.	In section seven, the words "either at law or in equity." In sections nine and fourteen, the words "or Court of Law or Equity."
V of 1864...	Māmlatdārs' Courts	Section eighteen.
XIII of 1866	Witnesses before Legislative Council.	Section five.
XIV of 1866...	Edulabad and Wurrungaom	The preamble, and sections one and four.
III of 1867...	Cantonments	In section fifteen, the words "Bombay Act No. IV of 1865 (<i>an Act for the Regulation of Mofussil Gaols and the enforcement of discipline therein</i>) or by," and the word "other." Section twenty-eight. The words "and Regulations," "or Regulation," "or Regulations," wherever they occur
VIII of 1867...	Village Police	In section five, clause second, from "of Act V" down to "other Acts." Section twenty-three
III of 1869...	Funds for local works	In section nine, the words "Act XXVI of 1850, or" and "other"
I of 1872...	Bombay City Police Superannuation Fund.	Sections one and nine. In section three, the words "as well as all moneys and securities which have accumulated under the Sections of Act XIII of 1856, repealed by this Act."
II of 1872...	Repayment of loan to Bombay Corporation.	In section three, the words under Bombay Act II of 1865."
III of 1872..	Bombay Municipal Act	Section nine, down to "enacted that." Sections one, forty-eight, sixty-three, seventy-two, one hundred and forty-one, three hundred and six In section sixty-two, the words "on and from the date when this Act comes into operation" in each of the places where they occur. In section sixty-four, the words "from and after the day on which this Act comes into operation." In sections two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, the words "within three months after the passing of this Act and" and "thereafter." In section two hundred and twenty-nine, the first eleven words, and the words "after the date when this Act comes into operation" In sections two hundred and thirty-five and two hundred and forty-one, the words "after the passing of this Act."

Acts of the Governor of Bombay in Council—concluded.

Number and year	Subject	Extent of repeal.
I of 1873	Bombay Port Trust	In sections two hundred and eight, two hundred and forty-seven, two hundred and forty-eight, the words "after this Act comes into operation" In section three hundred and seven, the words "from the date referred to in the preceding section" Section fifty-seven, from "Until such" to the end. Section fifty-eight. In section seventy-three, the proviso.
II of 1873...	Amending Bombay Municipal Act.	Section three.
IV of 1873...	Amending Bombay Act II of 1864	Section two, clause I and the word and figure 'clause 2'
V of 1873 ..	Steam boilers	Section one.
VI of 1873	District Municipalities.	Section one Section four, clause four Section nineteen, clause two.
VII of 1873	Salt	Sections two, seven and sixty-four.
II of 1874	Jails, Bombay City	Section one. Section six, down to "Governor General, and."
III of 1874	Hereditary Offices	Section seven, the first thirteen words. Section two and the schedule.

PART VI.

Act of the Lieutenant Governor of Bengal in Council.

Number and year.	Subject	Extent of repeal.
II of 1863...	Smoke nuisances, Calcutta	In section seven, the words and figures "Act XIII of 1856 (for regulating the Police of the towns of Calcutta, Madras and Bombay) and Act XLVIII of 1860 (to amend Act XIII of 1856)," and the word "other."

WHITLEY STOKES,

Secy. to the Govt. of India.

[Published with the "Bombay Government Gazette" on the 27th April 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th April 1876, and was promulgated for general information in the *Gazette of India* on the 22nd April 1876 :—

Act No. XI. of 1876.

THE PRESIDENCY BANKS ACT,

1876.

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SCHEDULE.

An Act for constituting and regulating the Banks of Bengal, Madras and Bombay.

WHEREAS the Bank of Bengal is now constituted and regulated by
Preamble Act No. IV of 1862, as amended by Acts No. VI of 1862 and No. XIX of 1870, and its capital consists of twenty-two millions of rupees, in shares of one thousand rupees each;

And whereas the Bank of Madras is now constituted and regulated by Madras Act No. VI of 1866, as amended by Madras Act No. I of 1871, and its capital consists of five millions six hundred and twenty-five thousand rupees, in shares of one thousand rupees each;

And whereas a Bank named the Bank of Bombay was constituted and regulated by Bombay Act No. X of 1863, as amended by Bombay Acts No. XV of 1866 and No. I of 1867; but such Bank has been wound up, and the said Bombay Acts are now obsolete and should be expressly repealed;

And whereas on the tenth day of December 1867, a joint-stock Banking Company was registered and incorporated at Bombay, by virtue of the Indian Companies' Act, 1866, under the name of "The New Bank of Bombay, Limited," with a Memorandum of Association and Articles of Association then also registered, and prescribing the constitution and regulations for the management of such Bank;

And whereas the Government of India now holds two thousand two hundred shares in the said Bank of Bengal, and five hundred and sixty-two and a half shares in the said Bank of Madras; and, under the provisions of the said Act No. IV of 1862 and Madras Act No. VI of 1866, is bound to appoint, and has power to remove, certain of the directors of the said Banks of Bengal and Madras respectively, and has also power to give a proxy to any person whom the Governor General in Council may appoint, to attend and vote at any meeting of the proprietors of each of the same Banks;

And whereas the Government of India has determined to sell its said shares and to surrender its said powers; and it is expedient to relieve the said Government from the said duty of appointing directors, and to repeal the said enactments and to consolidate such of them as relate to the said Banks of Bengal and Madras respectively with the changes rendered necessary or desirable by such sale, surrender and relief;

And whereas it is expedient to reduce the said capital of the Bank of Bengal by two millions of rupees and to reduce the said capital of the Bank of Madras by six hundred and twenty-five thousand rupees, and to divide the capital so reduced of each of the same Banks into shares of five hundred rupees each;

And whereas it is expedient that the said New Bank of Bombay, Limited, should be reconstituted and regulated, in manner in this Act provided, under the name of the Bank of Bombay;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY

1. This Act may be called "The Presidency Banks Act, 1876;"
Short title.
- And it shall come into force on the first day
Commencement. of May 1876.
2. On and from that day the statute specified
in the first part of the
Repeal of enactments. schedule hereto annexed
shall be repealed to the extent mentioned in the

third column thereof, and the Acts specified in the second, third and fourth parts of the same schedule shall be wholly repealed. But all bye-laws and regulations made under any such Act, and then in force, shall, so far as they are consistent with this Act, be deemed to have been made hereunder.

The references made in the Indian Companies' Act, 1866, to the Bank of Bengal, the Bank of Madras and the Bank of Bombay, shall be deemed to be made respectively to the Bank of Bengal, the Bank of Madras and the Bank of Bombay as constituted by this Act

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

"The Bank" means the Bank of Bengal, the Bank of Madras, or the Bank of Bombay (as the case may be), as constituted and regulated by this Act:

"Capital" means the capital for the time being of the Bank:

"Shares" means the shares for the time being of the capital, and includes also half shares.

"Capital Stock" means that part of the capital into which wholly paid-up shares have been converted or consolidated, and in the case of the Bank of Bengal and the Bank of Madras includes the present consolidated stock of such Banks respectively:

"Registered" means registered in the books of the Bank:

"Shareholders" means the duly registered holders from time to time of the shares of the Bank:

"Proprietors" means the duly registered holders from time to time of the capital stock of the Bank:

"Directors" means the Directors assembled for the purpose of performing any of their functions under this Act:

"Board" means a meeting of the Directors duly called and constituted, or, as the case may be, the Directors assembled at a Board:

"Auditors" and "Secretary" mean those respective officers from time to time of the Bank, and "Secretary" includes a Secretary and Treasurer and a Deputy Secretary.

"General Meeting" means the meeting of proprietors or shareholders or both, held annually under section forty-nine, it includes any adjourned holding thereof:

"Special Meeting" means a meeting of proprietors or shareholders or both, held for the transaction of some particular business specified in the notice convening the meeting, it includes any adjourned holding thereof:

"Special Resolution" means a resolution passed at a special meeting:

"Office" means the office or principal office for the time being of the Bank:

"Goods" includes also bullion, wares and merchandise:

"Presidency of Fort St. George" means the territories now under the government of the Governor of Fort St. George in Council:

"Presidency of Bombay" means the territories now under the Government of the Governor of Bombay in Council, and

"Presidency of Fort William" means all the territories in British India other than the Presidency of Fort St. George and the Presidency of Bombay.

CHAPTER II.

CONSTITUTION.

4. The several persons who, when this Act comes into force, are respectively the proprietors and shareholders of the said Bank of Bengal, Bank of Madras and New Bank of Bombay, Limited (hereinafter called the present Banks), or who shall, at any time thereafter, by virtue of this or any other Act regulating the Bank, become proprietors or shareholders, shall continue and constitute and be bodies corporate with perpetual succession, under the name,

in the case of the proprietors and shareholders of the said Bank of Bengal—of "The Bank of Bengal,"

in the case of the proprietors and shareholders of the said Bank of Madras—of "The Bank of Madras,"

and in the case of the shareholders and proprietors of the said New Bank of Bombay, Limited—of "The Bank of Bombay,"

and shall respectively possess and enjoy all the rights, powers, and immunities incident by law to a corporation aggregate; subject, nevertheless, to the provisions of this or any other Act for the time being in force regulating the Bank,

and, in particular, the proprietors of the Bank shall not be liable for its debts and engagements, with limited liability, and the shareholders of the Bank shall be so liable only to the extent of their shares not fully paid up.

The several persons who are then proprietors and shareholders of each of the present Banks of Bengal and Madras, or the executors or administrators of such proprietors and shareholders respectively, shall be entitled to be registered as proprietors and holders of a like quantity of stock and a proportionate number of shares, as is or are then registered in their names respectively, or in the names of the persons whom they represent respectively in the books of each of the said present Banks of Bengal and Madras, two shares in the Bank of Bengal as constituted by this Act being deemed equivalent to one share in the present Bank of Bengal, and two shares in the Bank of Madras as constituted by this Act being deemed equivalent to one share in the present Bank of Madras,

and the several persons who are then shareholders of the said New Bank of Bombay, Limited, or the executors or administrators of such shareholders respectively, shall be registered as holders of a like number of shares of the Bank of Bombay as constituted by this Act as are then

registered in their names respectively, or in the names of the persons whom they represent respectively, in the books of the said New Bank of Bombay, Limited; and all such shares upon which the sum of five hundred rupees has then been paid, shall be deemed to have been fully paid up.

5. All the property, moveable and immoveable, and all the securities, claims and demands, and the benefits of all agreements, of or to which the present Banks are or shall be respectively possessed or entitled, or which shall, or but for this Act, might be, on the said first day of May 1876, or might at any time thereafter have been, due to, or claimed by, the said Banks respectively shall, by virtue of this Act, become vested in and devolve upon, and may be claimed, made and recovered by,

in the case of the said Bank of Bengal,—the Bank of Bengal as constituted by this Act,

in the case of the said Bank of Madras,—the Bank of Madras as constituted by this Act,

and in the case of the said New Bank of Bombay, Limited,—the Bank of Bombay as constituted by this Act;

and the Bank shall, from and after the said first day of May 1876, be liable and subject to all debts, claims and demands which shall then be due or claimable from, or which, but for this Act, might be then, or might at any time thereafter, have been due or claimable from or made against the said Bank of Bengal, Bank of Madras or New Bank of Bombay, Limited, as the case may be,

and no suit or legal proceeding then pending by or against the said Bank of Bengal, Bank of Madras or New Bank of Bombay, Limited, shall cease, or abate, or become defective, in consequence of this Act, but may be continued and prosecuted by or against the Bank.

6. The transfer of the assets and liabilities of the said New Bank of Bombay, Limited, wound-up, to the Bank of Bombay by virtue of this Act, shall operate as a winding-up and liquidation of the said New Bank of Bombay, Limited.

No shareholder or creditor of the said New Bank of Bombay, Limited, shall take any proceedings for winding-up the same under the Indian Companies' Act, 1866, or any Act for the time being in force relating to the winding-up of Companies;

and no person shall make, assert or take any claims, demands or proceedings against the same Bank, or the directors or officers thereof, except so far as may be necessary for enforcing the provisions of this or any other Act for the time being in force regulating the Bank of Bombay

7. The Bank shall sue and be sued by its said corporate name:

and shall use such corporate seal as the directors from time to time appoint;

and may as such body corporate acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any property whatsoever, moveable or immoveable, and transfer, assign and convey the same.

8 The seal of the Bank shall not be affixed to any instrument except in the presence of at least two directors and of the Secretary and Treasurer, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness.

Unless so signed as aforesaid, such instrument shall be of no validity.

9. Contracts may be made on behalf of the Bank as follows:—

(a) any contract, which, if made between private persons, would be by law required to be in writing, and, if made according to English law, to be under seal, may be made on behalf of the Bank in writing under its corporate seal, and such contract may be in the same manner varied or discharged,

(b) any contract, which, if made between private persons, would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Bank by writing signed by any person acting under the express or implied authority of the Bank, and such contract may in the same manner be varied and discharged;

(c) any contract, which, if made between private persons, would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the Bank by any person acting under the express or implied authority of the Bank, and such contract may in the same manner be varied and discharged,

and all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Bank and other parties thereto and their legal representatives

CHAPTER III.

CAPITAL.

10 The capital of the Bank of Bengal shall consist of twenty millions of rupees in shares of five hundred rupees each, divisible into half shares, with power to increase the same, in manner hereinafter provided, to thirty millions of rupees.

The capital of the Bank of Madras shall consist of five millions of rupees, in shares of five hundred rupees each, divisible into half shares, with power to increase the same, in manner hereinafter provided, to twelve millions of rupees.

The capital of the Bank of Bombay shall consist of ten millions of rupees in shares of five hundred rupees each, divisible into

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half shares, with power to increase the same, in manner hereinafter provided to twenty millions of rupees.

11. The capital of the said New Bank of Bombay, Limited, already created, shall, on the first day of May 1876, constitute the capital of the Bank of Bombay, subject to be increased as aforesaid.

12. Any shareholder may from time to time surrender his wholly paid up shares, or any of them, to the directors, and demand and receive from the Bank, in lieu thereof, capital stock to the amount represented by the shares so surrendered;

and any proprietor may from time to time surrender his stock, or any portion thereof, to the directors, and demand and receive from the Bank in lieu thereof shares to the like amount, or as near thereto as practicable

13. The proprietors and shareholders of the Bank may from time to time by special resolution and with the previous sanction of the Governor General in Council increase or reduce the capital of the Bank.

Provided that no such special resolution shall be deemed to have been passed, unless at least one-third in number of the proprietors or shareholders, holding at least one-half of the paid-up capital of the Bank for the time being, be present in person or by proxy, and a majority poll by open voting in favour of the said resolution.

14. When any such special resolution to increase the capital has been passed, the directors may, subject to the provisions of this or any other Act for the time being in force regulating such Bank, and to the special direction (if any) given in reference thereto by the meeting at which such resolution has been passed,

(a) make such orders as they think fit for the opening of subscriptions towards such increase of capital by the proprietors and shareholders,

(b) allow to the proprietors and shareholders such period to fill up the subscription as to the directors seems fit,

(c) prescribe the manner in which the proprietors and shareholders shall subscribe and pay into the Bank the proportions of new capital which they may respectively desire to subscribe, and

(d) make such orders as the directors think fit for the disposal and allotment of the amount of new capital that may not be subscribed for and paid up in manner aforesaid.

Provided that the capital shall not exceed, in the case of the Bank of Bengal, thirty millions of rupees in the case of the Bank of Madras, twelve millions of rupees, and in the case of the Bank of Bombay, twenty millions of rupees.

15. When any such special resolution to reduce the capital has been passed, the directors may (subject as aforesaid) prescribe the manner in which the reduction shall be carried into effect.

16 Any new capital created under the provisions of section thirteen shall be subject to the provisions of this or any other Act regulating the Bank in force for the time being.

CHAPTER IV.

FORFEITURE OF STOCK AND SHARES.

17 If any proprietor or shareholder is indebted to the Bank, the Bank may withhold payment of the dividends on the stock or shares of such proprietor or shareholder not being registered as held in trust, or as executor or administrator, and apply them in payment of the debt,

and the Bank may refuse to register the transfer of any such stock or shares until payment of such debt;

and after demand and default of payment, and notice in that behalf given to such proprietor or shareholder, or his constituted agent, or by public advertisement in the local official Gazette, if the debt remain unpaid for the space of three months after such notice, the Bank may advertise in the local official Gazette such stock or shares for sale on a day not less than fifteen days from the publication of such advertisement;

and may, on such day, sell by public auction and subject to such conditions, if any, as the Bank thinks fit, such stock or shares, or so much or so many thereof as may be necessary, and apply the proceeds thereof in or towards payment of the said debt, with interest, from the day appointed for the payment of such debt to the time of actual payment, at such rate as may have been agreed upon, or, in the absence of such agreement, at the highest rate current for advances by way of local discounts by the Bank;

and shall pay over the surplus, if any, to such proprietor or shareholder or to his lawful representative.

CHAPTER V.

CERTIFICATES, TRANSFER AND TRANSMISSION OF SHARES AND STOCK.

18. Every shareholder shall be entitled to a certificate, under the corporate seal of the Bank, and signed by two Directors and the Secretary and Treasurer, specifying the shares held by him, and in the case of shares which are not wholly paid up, the amount paid thereon,

and any holder of more than one-half share may, at his option, demand a certificate for each such half share, or one or more certificates for all or any such half shares, and such certificate or

certificates shall be delivered to him accordingly: provided that the number of such certificates shall in no case exceed the number of half shares in respect of which they are so delivered.

Every proprietor of capital stock shall be entitled to a receipt signed by two Directors and the Secretary and Treasurer, and specifying the amount of stock held by him; and any such proprietor may, at his option, demand one receipt for the whole of the stock, or separate receipts for any portions of the stock, so held by him, and such receipt or receipts shall be delivered to him accordingly. Provided that no receipt shall be delivered for a portion of stock less than two hundred and fifty rupees.

For every certificate and receipt delivered under this section there shall be paid such fee as may for the time being be prescribed under section sixty-three, clause (k). Provided that no fee shall be payable for certificates or receipts delivered to the persons referred to in section four for shares in or stock of the Bank.

Every such certificate and receipt shall be *prima facie* evidence of the title of the shareholder or proprietor to the shares or stock therein specified.

19. The stock and shares of every proprietor and shareholder shall be moveable property, capable of being transferred in manner provided by the regulations contained herein, or in any other Act regulating the Bank for the time being in force, and shall not be of the nature of immovable property; and each share shall be distinguished by its appropriate number.

20. Every transfer of stock or shares may be by endorsement on the certificate or in such other form as the Board from time to time may approve, and shall be presented to the Bank accompanied by such evidence as the Board may require to prove the title of the transferor.

Every such transfer shall be verified in such manner as the Board require, and the Board may refuse to register any such transfer until the same be so verified, and in the case of shares not fully paid up, unless the transferee is approved by the Board.

The transferor shall be deemed to remain the proprietor or holder of the stock or shares transferred until the name of the transferee is registered in respect thereof.

21. The directors may from time to time close the register and transfer-books of the Bank for any period or periods not exceeding in the whole thirty days in any twelve consecutive months.

22. The proprietors and shareholders for the Corporation to consist of time being, and no other registered proprietors or persons, shall be members shareholders only. respectively of the bodies corporate hereby constituted,

and, except for the purpose of excluding the provisions of section seventeen, the Bank shall not be bound or affected by notice of any trust to which any stock or share may be subject in the hands of the proprietor or holder thereof,

and when any stock or share is vested in more than one proprietor or holder, such proprietors or shareholders shall, as between themselves and the Bank, be considered as joint owners with benefit of survivorship :

Provided that, as regards voting at meetings, service of notices, and receipt of dividend, the person whose name stands first in the register as one of the proprietors or holders of such stock or shares shall be deemed the sole proprietor or holder thereof.

23. When by the death of any proprietor or shareholder his stock or shares shall devolve on his legal representative, the Bank shall not be bound to recognize any legal representative of such proprietor or shareholder other than a person who has taken out from a Court having jurisdiction in this behalf probate of the will or letters of administration to the estate of the deceased.

Any person becoming entitled to stock or shares in consequence of the insolvency or bankruptcy of any proprietor or shareholder, or in consequence of the marriage of any female proprietor or shareholder, may be registered as a proprietor or shareholder upon such evidence being produced as the directors may from time to time require.

CHAPTER VI.

DIRECTORS

24. The business of the Bank shall be managed by the Board, which shall in the first instance consist of six directors, and may subsequently consist of such number, not less than six, and not more than nine, as may be fixed by a special resolution

Such directors shall be selected by vote of a general or special meeting

Three of the directors shall form a quorum for the transaction of business

25. The persons who, on the first day of May 1876, are respectively directors of the Bank of Bengal, the Bank of Madras, and the New Bank of Bombay, Limited, shall be respectively directors of the Bank of

Bengal, the Bank of Madras, and the Bank of Bombay, as constituted by this Act, subject to removal as hereinafter provided and to the other provisions herein contained.

26. The two directors who have been longest in office shall go out of office at the general meeting by rotation annually.

Any director so retiring may be re-elected at such meeting, and, if any question arise as to which of the directors who have been the same time in office shall retire, such question shall be decided by the directors by ballot.

27. *Clause 1.*—No person shall be qualified to serve as a director of a Bank who is not a proprietor or holder in his own right of unencumbered stock or shares of such Bank, to the nominal amount of ten thousand rupees at the least.

Clause 2.—No person shall be qualified to serve as a director—

If he holds the office of director, provisional director, promoter, agent or manager of any other joint-stock Bank established, or having a branch or agency, in British India, or advertised as about to be established, or to have a branch or agency, in British India; or

If he is a salaried officer of Government not specially authorised by the Governor General in Council to serve as a director,

And the office of director shall be vacated—

If the person holding it resigns his office or dies,

If he accepts or holds any other office of profit under the Bank,

If he becomes insolvent or bankrupt, or compounds with his creditors,

If he is declared lunatic, or becomes of unsound mind,

If he is absent from the Board for more than three consecutive months,

If he ceases to hold in his own right the amount or number of unencumbered stock or shares required to qualify him for the office.

Clause 3.—No two persons who are partners of the same mercantile firm, or one of whom is the general agent of, or holds a power of procuration from, the other, or from a mercantile firm of which the other is a partner, shall be eligible or qualified to serve as directors at the same time.

Clause 4.—The proprietors or shareholders may, by a special resolution passed by the votes of proprietors or shareholders holding in the aggregate not less than one-half of the capital, remove any director before the expiration of his period of office, and appoint, in his stead, a qualified person, who shall in all respects stand in his place.

28. At the first meeting of the directors in every year, they shall choose a president and vice-president from among themselves,

and whenever the office of president or vice-president becomes vacant, they shall, at their next meeting, choose a successor for the remainder of the current year.

The president, or in his absence the vice-president, shall be chairman at all meetings whether of directors or of proprietors or shareholders, or of proprietors and shareholders, and shall have an additional or casting vote in all cases of an equal division of votes: Provided that if both the president and vice-president be absent at any meeting, the directors present shall elect a chairman for such meeting from among themselves, and such chairman shall, in case of an equal division of votes, have an additional or casting vote.

29 The Board shall have power at any time, and from time to time, to supply any vacancies in their number arising from the death, resignation, or disqualification under section twenty-seven, of any director.

Any director so appointed shall, for the purposes of section twenty-six, be considered to have held office from the date on which the director in whose place he is appointed was elected, or (where such director was appointed under this section) from the date on which his mediate or immediate predecessor was elected.

30. All acts done by any person acting in good faith as a director shall be as valid as if he was a director, notwithstanding it be afterwards discovered that there was some defect in his appointment or qualification.

31. Every director shall be indemnified by the Bank against all losses and expenses incurred by him in or about the discharge of his duties, except such as happen from his own wilful act or default.

No director shall be responsible for any other director or for any officer, clerk or servant of the Bank, or for any loss or expense happening to the Bank by the insufficiency or deficiency of value of, or title to, any property or security acquired or taken on behalf of the Bank, or by the insolvency, bankruptcy or wrongful act of any customer or debtor of the Bank, or by anything done in the execution of the duties of his office or in relation thereto, or otherwise than for his own wilful act or default.

CHAPTER VII.

OFFICERS OF THE BANK.

32 The directors shall have power—

Appointment, salaries, suspension, and removal of officers.

to appoint such officers, clerks and servants as may be necessary to conduct the business of the Bank,

to grant salaries, pensions and other emoluments to such officers, clerks and servants, and to suspend or remove any officer, clerk or servant of the Bank.

33. The Secretary and such other officers of Accounts, receipts, and documents of Bank by whom to be signed. the Bank as the directors may by writing notified in the local official Gazette (and, in the case of the Bank of Bengal, also in the *Gazette of India*) are hereby severally empowered for and on behalf of the Bank to endorse and transfer promissory notes, stock-receipts, stock, debentures, shares, securities and documents of title to goods, standing in the name of, or held by, the Bank,

and to draw, accept and endorse bills of exchange, bank-post-bills, and letters of credit, in the current and authorized business of the Bank,

and to sign all other accounts, receipts and documents connected with such business.

34. No Secretary, Inspector, Manager, or Officers forbidden to engage in other commercial business, Accountant in the service of the Bank, and no Khazánchi, Cashier or Shroff in the service of the Bank at the principal office,

and, without the previous sanction of the Board, no agent Khazánchi, Cashier or Shroff at any branch or agency of the Bank,

shall engage in any other banking or commercial business, either on his own account or as agent for any other person or persons, or shall act as broker or agent for the sale or purchase of Government or other securities.

35 Every person appointed to hold, or act in, any one or more of the said offices, and every Security from officers. said offices, and every other officer from whom the directors may from time to time think fit to require it, shall give security to the directors, for the faithful discharge of his duty to the satisfaction of the directors, in such amount and in such manner as they think proper.

The security to be given as aforesaid by the person holding or acting in the office of Secretary shall not be in a less amount than fifty thousand rupees.

CHAPTER VIII.

BUSINESS

36. The Bank is authorized to carry on and Business which Banks may transact. transact the several kinds of business hereinafter specified (that is to say) .

(a) the advancing and lending money, and opening cash-credits, upon the security of—

(1) promissory notes, debentures, stock and other securities of the Government of India, or of the United Kingdom of Great Britain and Ireland;

(2) bonds, debentures and annuities charged by the Imperial Parliament on the revenues of India,

- (3) stock or debentures of, or shares in Railway or other Companies, the interest whereon shall have been guaranteed by the Secretary of State for India in Council;
- (4) debentures or other securities for money issued by, or on behalf of, any municipal body under the authority of any Act of a legislature established in British India,
- (5) bullion or other goods which, or the documents of title to which, are deposited with, or assigned to, the Bank as security for such advances, loans or credits; and
- (6) accepted bills of exchange and promissory notes endorsed by the payees

Provided that such advances and loans may be made, if the directors think fit, to the Secretary of State for India in Council, without any specific security;

(b) the selling and realization of the proceeds of sale of any such promissory notes, debentures, stock receipts, bonds, annuities, stock, shares, securities, bullion or goods which, or the documents of title to which, have been deposited with, or assigned to, the Bank as security for such advances, loans or credits, or which are held by the Bank, or over which the Bank is entitled to any lien or charge in respect of any such loan or advance or credit or any debt or claim of the Bank, and which have not been redeemed in due time in accordance with the terms and conditions (if any) of such deposit or assignment,

(c) the drawing, discounting, buying and selling of bills of exchange and other negotiable securities payable in India, or (in the case of the Bank of Madras) in Ceylon;

(d) the investing of the funds of the Bank upon any of the securities specified in paragraph (a) of this section, clauses (1), (2), (3), and (4), and converting the same into money when required,

and from time to time altering, converting and transposing such investments for or into others of the investments above specified;

(e) the making, issuing and circulating of bank-post-bills and letters of credit made payable in India, or (in the case of the Bank of Madras) in Ceylon, to order, or otherwise than to the bearer on demand;

(f) the buying and selling of gold and silver, whether coined or uncoined;

(g) the receiving of deposits and keeping cash-accounts on such terms as may be agreed on;

(h) the acceptance of the charge and management of plate, jewels, title-deeds or other valuable goods on such terms as may be agreed upon;

(i) the selling and realizing of all property, whether moveable or immovable, which may in any way come into the possession of the Bank in satisfaction or part satisfaction of any of its claims;

(j) the transacting of pecuniary agency business on commission;

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(k) the acting as agent on commission in the transaction of the following kinds of business (namely).—

- (1) the buying, selling, transferring and taking charge of any securities, or any shares in any public Company,
- (2) the receiving of the proceeds, whether principal, interest or dividends, of any securities or shares;
- (3) the remittance of such proceeds at the risk of the principal by public or private bills of exchange, payable either in India or elsewhere,

(l) the drawing of bills of exchange, and the granting of letters of credit, payable out of India, for the use of principals for the purpose of the remittances mentioned in the last preceding clause of this section,

(m) the buying, for the purpose of meeting such bills or letters of credit, of bills of exchange payable out of India, at any usance not exceeding six months;

(n) and, generally, the doing of all such matters and things as may be incidental or subsidiary to the transacting of the various kinds of business herebefore specified,

(o) It shall also be lawful for the Bank under any arrangement or agreement with the Secretary of State for India in Council—

- (1) to act as banker for, and to pay, receive, collect and remit money, bullion, and securities on behalf of the Government;
- (2) to undertake and transact any other business which the Government may from time to time entrust to the Bank;

And the directors shall have power from time to time to arrange and settle with the Governor General in Council the terms of remuneration on which such business shall be undertaken by the Bank, and also as to the examination and audit from time to time of the accounts and affairs of the Bank by or on behalf of the Governor General in Council.

37 The directors shall not transact any kind of banking business other than those above specified, and in particular they shall not make any loan or advance—

- (a) for a longer period than three months; or
- (b) upon the security of stock or shares of the Bank of which they are directors; or
- (c) upon mortgage, or in any other manner upon the security, of any immovable property, or the documents of title relating thereto

(d) Nor shall they lend or advance, by discount of bills or otherwise, to any individual or partnership firm (except upon the security mentioned in section thirty-six, paragraph (a), numbers (1) to (5) inclusive), any sums of money exceeding in the whole at any one time such sum as may be prescribed by the bye-laws for the time being in force.

(e) Nor shall they discount or buy, or advance and lend, or open cash-credits on the security of any negotiable instrument of any individual or partnership firm, payable in the town or at the place where it is presented for discount, which does not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership.

(f) Nor shall they discount or buy, or advance and lend, or open cash-credits on the security of any negotiable security having at the date of the proposed transaction a longer period to run than three months, or if drawn after sight, drawn for a longer period than three months: provided that, in the case of the Bank of Madras, the directors may discount negotiable securities payable in Ceylon having at the date of the transaction a period to run not exceeding four months

Nothing contained in this Act shall be deemed to prevent the directors from allowing any person who keeps an account with the Bank from over-drawing such account, without security, to the extent of sums not exceeding at any one time two thousand rupees in the whole.

38. Until the expiration of at least fourteen days after notice has been given by notification in Council published, in the case of the Bank of Bengal, in the *Gazette of India* and the *Calcutta Gazette*, and in the cases of the Bank of Madras and the Bank of Bombay, in the local official Gazette, that the Bank will no longer act as banker for, or pay, receive, collect or remit money, bullion and securities on behalf of the Government,

all sums payable by or to the Secretary of State for India in Council, or by or to the Governor General in Council, or the Government of Bengal or the Governor of Fort St George in Council or the Governor of Bombay in Council, on behalf of the Secretary of State for India in Council, at the General Treasury of Fort William in Bengal, at the General Treasury at Madras, or at the General Treasury at Bombay,

shall be payable—

in the case of the Secretary of State for India in Council, or the Governor General in Council—at the office of the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be,

in the case of the Government of Bengal—at the office of the Bank of Bengal;

in the case of the Governor of Fort St. George in Council—at the office of the Bank of Madras; and

in the case of the Governor of Bombay in Council—at the office of the Bank of Bombay.

39. Whenever presentment of any promissory note, bond or other security for payment or any other purpose at any of the said General Treasuries would heretofore have been necessary or sufficient presentment for such

purpose shall be necessary or sufficient (as the case may be) until the expiration of fourteen days after the giving of the notice mentioned in section thirty-eight—

in the case of the General Treasury of Fort William—at the office of the Bank of Bengal,

in the case of the General Treasury at Madras—at the office of the Bank of Madras; and

in the case of the General Treasury at Bombay—at the office of the Bank of Bombay.

40. The office of the Bank of Bengal shall be at Calcutta, that of the Bank of Madras shall be at Madras, and that of the Bank of Bombay shall be in the Island of Bombay;

and the business of the Bank shall be carried on at its office, and at such other place or places in India as the Board may deem advisable, under the provisions of section forty-two.

41. For the purpose of providing offices and places in and at which to carry on and manage the business of the Bank, and proper residences for its agents, the directors may—

(a) acquire any interest in immoveable property, and

(b) sell, buy in, re-sell, exchange, let, furnish, repair, insure against fire and otherwise deal with all or any part of the same as they may consider most conducive to the interests of the Bank

42. It shall be lawful for the directors to maintain as branches or agencies of the Bank, any branches or agencies of the present Banks, which may be in existence on the first day of May 1876,

and, from time to time, to establish branches or agencies at such places within the Presidency in which the Bank is situate as they deem advantageous to the interest of the Bank,

and, with the previous consent of the Governor General in Council, and subject to such restrictions as to the business to be transacted as he thinks fit in each case to impose (such consent and restrictions being notified in the *Gazette of India*), to establish branches or agencies at such places outside the Presidency in which the Bank is situate, as the directors deem advantageous for the interests of the Bank:

Provided that no agency of the Bank now or hereafter established in Bombay, Calcutta or Madras shall advance, or lend money, or open cash-credits on securities, or receive deposits and keep cash-accounts, or discount bills of exchange drawn and payable in the Presidency in which it is so established,

or shall act as agent on commission, or transact any business except as agent of its principal Bank, or any of its branches or other agencies.

The directors may discontinue any branch or agency maintained or established under this section.

CHAPTER IX.

ACCOUNTS AND DIVIDENDS.

43. The directors shall cause the books of the Bank to be balanced on every thirty-first day of December and every thirtieth day of June.

A statement of the balance at every such period, signed by a majority of the directors, shall be forthwith sent to a Secretary to the Government of India, and in the cases of the Bank of Madras and the Bank of Bombay, also to a Secretary to the Local Government.

The Governor General in Council in the case of each of the said Banks, and the Local Government in the case of the Bank of Madras and the Bank of Bombay, shall (so long as any such arrangement with the Government as aforesaid, which has already been, or shall hereafter be, entered into, remains in force) at all times be entitled to require of the directors any information touching the affairs of the Bank and the production of any document of the Bank,

and in the case of each of the said Banks the Governor General in Council may require the publication of such statements of its assets and liabilities at such intervals and in such form and manner as the Governor General in Council thinks fit

Every requisition under this section shall be signified in writing under the hand of a Secretary to the Government of India or to the Local Government (as the case may be), and the directors shall comply with every such requisition.

44. An account of the profits of the Bank during the previous half-year shall be taken on or immediately after every thirty-first day of December and every thirtieth day of June,

and a dividend shall be made as soon thereafter as conveniently may be,

and the amount of such dividend shall be determined by the directors, subject to the provisions of section forty-five,

No unpaid dividend shall bear interest as against the Bank.

45. The directors, before declaring any dividend, may set aside out of the profits of the Bank such a sum as they think proper as a reserve-fund, and invest the same upon any of the securities specified in section thirty-six, paragraph (a), clauses (1), (2), (3) and (4).

46. The directors may from time to time apply such portion as they think fit of the reserve-fund to meet contingencies, or for equalizing dividends, or for any other purposes of the Bank, which they from time to time deem expedient.

CHAPTER X.

AUDIT.

47. Two auditors shall be elected and their remuneration fixed at the annual general meeting.

The auditors may be proprietors or shareholders, but no director or other officer of the Company is eligible during his continuance in office.

Auditors re-eligible Any auditor shall be re-eligible on his quitting office.

The persons who shall be auditors on the first day of May 1876, and all auditors elected under this section, shall severally be and continue to act as auditors until the first general meeting after their respective elections.

Provided that if any casual vacancy occurs in the office of any auditor, the directors shall forthwith call a special meeting for the purpose of supplying the same.

48. Every auditor shall be supplied with a copy of the half-yearly balance-sheet, and it shall be his duty to examine the same, with the accounts and vouchers relating thereto.

Every auditor shall have a list delivered to him of all books kept by the Bank, and shall at all reasonable times have access to the books, accounts and other documents of the Bank, and may (at the expense of the Bank) employ accountants or other persons to assist him in investigating such accounts, and may, in relation to such accounts, examine the directors or any other officer of the Bank.

The auditors shall make a report to the proprietors and shareholders upon the annual balance-sheet and accounts, and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the particulars required by the by-laws made under this Act and properly drawn up so as to exhibit a true and correct view of the state of the Bank's affairs, and in case they have called for any explanation or information from the directors whether it has been given by the directors and whether it has been satisfactory.

Such report shall be read together with the report of the directors at the annual general meeting.

CHAPTER XI.

MEETINGS

49. On the first Monday of the month of August in every year, or as soon after such day as is convenient, a general meeting shall be held, at which the directors shall submit to the proprietors and shareholders a statement of the affairs of the Bank made up to the preceding thirtieth day of June.

A notice convening such meeting, signed by the Secretary, shall be published in the local official Gazette, and in the case of the Bank of Bengal also in the *Gazette of India*, at least fifteen days before the meeting is held.

50. Any ten or more proprietors or shareholders holding stock or shares, or both, to the aggregate amount of fifty thousand rupees, or any three directors, may convene a special meeting upon giving fifteen days' previous notice of such meeting, and of the purpose for which the same is convened, as well to the directors as also by public advertisement in the local official Gazette, and in two of the English daily newspapers and one of the Vernacular newspapers.

Provided that three months' previous notice shall be thus given of any special meeting held for the purpose of increasing or reducing the capital of the Bank, and shall also be served on every proprietor and shareholder.

51. No business shall be transacted at any meeting, whether general or special, unless a quorum of twenty proprietors or shareholders, or both, in person or by proxy, is present at the commencement of such business.

If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened by proprietors or shareholders not being directors, shall be dissolved in any other case it shall stand adjourned to the same day in the following week at the same time and place, and if at such adjourned meeting a quorum is not present it shall be adjourned *sine die*.

52. At meetings, whether general or special, every election and other matter submitted to the meeting shall be decided by a majority of votes, except as in section thirteen and in section twenty-seven, clause 4, is specially provided,

and no person shall be allowed to vote at any such meeting in respect of any stock or share acquired by transfer, unless such transfer shall have been completed and registered at least three months before the time of such meeting.

And no shareholder shall be entitled to vote at any meeting in respect of any shares held by him alone or jointly, whilst any call due from him alone or jointly remains unpaid.

53. A declaration by the chairman of any meeting, except a special meeting held under section thirteen, that a resolution has been carried thereat upon a show of hands, shall be conclusive, and an entry to that effect in the book of proceedings of the Bank shall be sufficient evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, such resolution, unless, immediately on such declaration, a poll be demanded in writing by five proprietors or shareholders present and entitled to vote at such meeting.

54. If a poll be demanded, it shall be taken at such time and place, and (except at the special meeting last aforesaid) either by open voting or by ballot, as the chair-

man directs, and the results of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

55. The proceedings at any meeting, and all resolutions and decisions of such meeting, shall be valid and binding on the Bank, so far as such proceedings, resolutions and decisions are consistent with the provisions of this or any other Act for the time being in force and regulating the Bank.

56. At all such meetings the proprietors or shareholders shall vote according to the following scale:—

The proprietor of capital stock amounting to Rs 2,000, or the holder of shares of which the total nominal amounts are equal to Rs 2,000, shall be entitled to 1 vote.	
The proprietor of capital stock amounting to Rs 10,000, or the holder of shares of which the total nominal amounts are equal to Rs 10,000, shall be entitled to 2 votes.	
The proprietor of capital stock amounting to Rs 20,000, or the holder of shares of which the total nominal amounts are equal to Rs 20,000, shall be entitled to 3 "	
The proprietor of capital stock amounting to Rs 30,000, or the holder of shares of which the total nominal amounts are equal to Rs 30,000, shall be entitled to 4 "	
The proprietor of capital stock amounting to Rs 40,000, or the holder of shares of which the total nominal amounts are equal to Rs 40,000, shall be entitled to 5 "	
The proprietor of capital stock amounting to Rs 50,000, or the holder of shares of which the total nominal amounts are equal to Rs 50,000 shall be entitled to 6 "	
The proprietor of capital stock amounting to Rs 75,000, or the holder of shares of which the total nominal amounts are equal to Rs 75,000, shall be entitled to 7 "	
The proprietor of capital stock amounting to Rs 1,00,000, or the holder of shares of which the total nominal amounts are equal to Rs 1,00,000, shall be entitled to 8 "	
The proprietor of capital stock amounting to Rs 1,25,000, or the holder of shares of which the total nominal amounts are equal to Rs 1,25,000, shall be entitled to 9 "	
The proprietor of capital stock amounting to Rs 1,50,000, or the holder of shares of which the total nominal amounts are equal to Rs 1,50,000, shall be entitled to 10 "	
The proprietor of capital stock amounting to Rs 1,75,000, or the holder of shares of which the total amounts are equal to Rs 1,75,000, shall be entitled to 11 "	
The proprietor of capital stock amounting to Rs 2,00,000 or the holder of shares of which the total amounts are equal to Rs 2,00,000, shall be entitled to 12 "	

Where a person is both a proprietor of stock and a holder of shares, his shares shall, for the purpose of this section, be deemed to be stock.

No proprietor or shareholder shall be entitled to more than twelve votes at any such meeting.

57. Any proprietor or shareholder entitled to vote at any meeting under this Act may give a proxy in writing, either general or special, under his hand or the hand of his at-

torney duly authorized, to any other proprietor or shareholder.

Such proxy shall be produced at the time of voting, and shall entitle the person to whom it is given to vote on such matters as shall be authorized by the tenor of such proxy.

But no person shall be permitted to vote in virtue of such proxy unless it has been left for registration at the office of the Bank at least three clear days before the time for holding the meeting at which it is intended to be used.

Provided that a general proxy which has been registered at such office need not be again left for registration previous to any subsequent meeting.

Proxies existing and in force with reference to any of the present Banks, on the first day of May 1876, shall continue in force and be available at meetings under this Act, anything herein contained notwithstanding.

A general power-of-attorney shall be deemed a proxy within the meaning of this section.

58. If any proprietor or shareholder is a lunatic or idiot, he may vote by his committee or other legal curator, and if any proprietor or shareholder is a minor, he may vote by his guardian, or any one of his guardians, if more than one.

CHAPTER XII.

NOTICES.

59. Every notice or other document requiring to be served by the Bank upon any proprietor or shareholder may be served either personally, or by leaving it for, or sending it through the post by registered letter addressed to, him at his registered place of abode;

and every notice sent through the post shall be deemed to have been served at the time at which, in the usual course of post, it would have been delivered.

60. Any proprietor or shareholder who changes his name or place of abode or being a female marries, and the husband of any such female, respectively, shall not be entitled to recover any dividend or to vote until notice of the change of name or abode or marriage be given to the Bank, in order that the same may be registered.

Every notice to be given on the part of any proprietor or shareholder shall be left at the office of the Bank, or sent through the post by registered letter addressed to the Secretary of the Bank at its principal office.

61. Every person who by operation of law, transfers or otherwise becomes entitled to any stock or shares, shall be bound by any and every notice or other document which, previously to his name and address being entered upon the register of the Bank in respect of such stock or shares, has been given to the person from whom he derives his title thereto.

iv.—47 d

62. When any notice or document is delivered, or sent in accordance with this Act, at or to the registered place of abode of a proprietor or shareholder, then, and notwithstanding he be then deceased, and whether or not the Bank have notice of his decease, such service of the notice or other document shall, for all purposes of this Act, be deemed service thereof on him, or, if dead, on his heirs, executors, administrators, and every of them.

CHAPTER XIII.

BYE-LAWS.

63. The directors shall, as soon as may be, make, and may from time to time alter, bye-laws regulating the following matters or any of them:—

(a) the maximum amount which may be advanced or lent by discount of bills, or otherwise, to any individual or partnership, without the security mentioned in section thirty-six, paragraph (a), Nos. (1) to (5) inclusive,

(b) the circumstances under which alone advances may be made to directors or officers of the Bank, or the relatives of such directors or officers, or to companies, firms or individuals with which or with whom such directors, officers, or relatives are connected as partners, directors, managers, servants, shareholders, or otherwise,

(c) the particulars to be contained in the half-yearly balance-sheet.

The directors may from time to time make bye-laws regulating the following matters or any of them:—

(d) the distribution of business amongst the directors,

(e) their remuneration,

(f) the delegation of any powers of the directors to committees consisting of members of their body,

(g) the procedure at the meetings of the board or of any committee of the directors,

(h) the books and accounts to be kept at the head and other offices respectively,

(i) the reports and statements to be prepared and made by the Chief Accountant, the heads of departments, and the other officers of the Bank,

(j) the management of the branches and agencies.

(k) the fees payable for certificates of shares or receipts for stock, or for registration of transfers of shares or stock

(l) the renewal of certificates of shares and receipts for stock, which have been worn out or lost,

(m) and, generally, for the conduct of the business of the Bank:

Provided that no bye-law, or alteration or rescission of any bye-law, shall be of any validity, except in so far as the same is consistent with the provisions of this Act, and has been previously

approved by the Governor General in Council, and such approval has been signified in writing under the hand of a Secretary to the Government of India.

CHAPTER XIV.

MISCELLANEOUS.

64. The directors may institute, conduct, defend, compromise, refer to arbitration and abandon legal and other proceedings and claims by or against the Bank or the directors or officers of the Bank, and otherwise concerning its affairs.

65. In any suit brought against any shareholder to recover any debt due for any call or other monies due from him in his character of shareholder, it shall be sufficient to allege that the defendant is a shareholder of the Bank, and is indebted to the Bank in respect of a call made or other monies due, whereby a right to sue has accrued to the Bank;

and, on the hearing of any suit brought by the Bank against any shareholder to recover any debt due for any call, it shall be sufficient to prove that the name of the defendant is on the register of shareholders of the Bank as the holder of the shares in respect of which such debt accrued, and that the call was made, and that notice of such call was duly given to the defendant in pursuance of this or any other Act for the time being in force regulating the Bank;

and it shall not be necessary to prove the appointment of the directors who made such call, nor that a quorum of directors was present at the Board at which such call was made, nor that the meeting at which it was made was duly convened or constituted.

66. Nothing in the Thirty-third of George the Third, session two, chapter fifty-two, shall be deemed to render it unlawful for any servant of Government, or for any Judge of a High Court, to become a member of any corporation established under this Act.

67. Notwithstanding anything contained in this Act or in section 231 of Act No. X of 1866, whenever the proprietors and shareholders have passed a special resolution that the Bank shall be wound up voluntarily under the Indian Companies Act, 1866 the Bank shall be wound up accordingly, as if it were a Company under that Act:

Provided that no such special resolution shall be deemed to have been passed unless at least one-third of the proprietors and shareholders holding at least one-half of the paid-up capital of the Bank for the time being, be present in person or by proxy, and a majority poll by open

voting in favour of the said resolution, and such resolution has been confirmed by a majority of such proprietors and shareholders at a subsequent special meeting held at an interval of not less than one month, nor more than two months, from the date of the meeting at which such resolution was first passed.

68. And whereas the Government of India has agreed to sell, and the directors of the present Bank of Bengal have agreed to purchase, at a premium of twenty-two and a half per centum, the said two thousand two hundred shares of one thousand rupees each held by the Government of India in the same Bank, and it is intended that the directors of the Bank of Bengal as constituted by this Act shall cancel two thousand of such shares, and sell for the benefit of the Bank four hundred shares in the same Bank corresponding with the remaining two hundred shares so agreed to be sold and purchased;

And whereas the Government of India has agreed to sell, and the directors of the present Bank of Madras have agreed to purchase, at a premium of ten per centum, the said five hundred and sixty-two and a half shares held by the Government of India in the same Bank and it is intended that the directors of the Bank of Madras, as constituted by this Act shall cancel the same shares;

And whereas the directors of the present Bank of Madras have purchased and cancelled other sixty-two and a half shares in such Bank;

And whereas the said respective directors of the present Bank of Bengal and Bank of Madras had no power to enter into the said agreements with the Government of India, and the directors of the Bank of Bengal as constituted by this Act have no power to sell the four hundred shares referred to in this section, and the said directors of the present Bank of Madras had no power to purchase and cancel the said other sixty-two and a half shares;

And whereas the directors of the Bank of Bengal as constituted by this Act have no power to cancel the said two thousand shares and the said directors of the Bank of Madras as constituted by this Act have no power to cancel the said five hundred and sixty-two and a half shares;

And whereas it is expedient to confirm the said agreements with the Government of India, and to indemnify the said respective directors of the present Bank of Bengal and Bank of Madras for entering into the same, and to confirm the said purchase of the said other sixty-two and a half shares by the directors of the present Bank of Madras, and to indemnify the same directors for making the same, and for cancelling the same shares, and to empower the directors of the Bank of Bengal as constituted by this Act to sell the said four hundred shares, and to empower the respective directors of the Bank of Bengal and Bank of Madras as constituted by this Act to

cancel the said shares so intended to be cancelled, It is hereby further enacted as follows:—

(a).—The said agreements with the Government of India are hereby confirmed, and the said respective directors of the present Bank of Bengal and Bank of Madras are hereby indemnified for entering into the same, and no suit or other proceeding shall be maintained against any such director in respect of any thing *bonâ fide* done in pursuance of either of such agreements.

(b).—The said purchase of the said other sixty-two and a half shares is hereby confirmed, and the said directors of the present Bank of Madras are hereby indemnified for making the same and for cancelling the same shares; and no suit or other proceeding shall be maintained against any such director in respect of any thing *bonâ fide* done in effecting such purchase and cancellation.

(c).—The directors of the Bank of Bengal as constituted by this Act shall have power to sell, and shall as soon as conveniently may be, sell, the said four hundred shares, either together or in parcels, and either by public auction or private contract, and shall apply the proceeds in or towards paying the price of the shares of the Government of India so agreed to be purchased by the directors of the present Bank as aforesaid, or otherwise for the benefit of the Bank of Bengal as constituted by this Act.

(d).—The directors of the Bank of Bengal as constituted by this Act shall have power to cancel, and shall, as soon as conveniently may be, cancel, the said two thousand shares, and the directors of the Bank of Madras as constituted by this Act shall have power to cancel, and shall as soon as conveniently may be, cancel, the said five hundred and sixty-two and a half shares.

SCHEDULE.

(SEE SECTION 2.)

Part I—Statute.

Number and year.	Abbreviated title.	Extent of repeal.
47 George III., sess. 2, cap. 68	An Act for the better government of the Settlements of Fort St. George and Bombay, &c.	Sections eight, nine and ten.

Part II.—Acts of the Governor General in Council.

Number and year.	Title.
IV of 1862	An Act for regulating the Bank of Bengal.
V of 1862	An Act to provide for the payment at the Banks of Bengal, Madras and Bombay, of monies payable at the General Treasuries of Calcutta, Madras and Bombay.
VI of 1862	An Act to annex a schedule to Act IV of 1862.
XXIX of 1863	An Act to declare the receipts of the Banks of Bengal, Madras and Bombay to be sufficient in lieu of the receipts of the Sub-Treasurers of Fort Wilham, Fort St. George and Bombay, respectively.
XIX of 1870	An Act to enable the Directors of the Bank of Bengal to act by a quorum.

Part III.—Acts of the Governor of Fort St. George in Council.

Number and year	Title.
VI of 1866	An Act for repealing Madras Act V of 1862, and for regulating the Bank of Madras.
I of 1871 ...	An Act to amend Madras Act VI of 1866, to give validity to certain acts done by the directors of the Bank of Madras, and to enable outgoing directors to be re-elected.

Part IV—Acts of the Governor of Bombay in Council.

Number and year.	Title
X of 1863 ...	An Act for the Re-incorporation and Re-constitution of the Bank of Bombay
XV of 1866	An Act to amend Act No. X of 1863 (Bombay).
I of 1867	An Act to reduce the amount of the capital of the Bank of Bombay and of the shares thereon, and to amend Act X of 1863 and Act XV of 1863 (Bombay.)

WHITLEY STOKES,
Secretary to the Govt. of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th April 1876, and was promulgated for general information in the *Gazette of India* on the 15th April 1876 :—

Act No. XII. of 1876.

An Act for the repeal of certain Obsolete Enactments.

WHEREAS it is expedient that the enactments mentioned in the schedule to this Act, which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repealed prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows—

1. The enactments described in the schedule annexed to this Act are hereby repealed to the extent mentioned in the third column of the same schedule :

Provided that the repeal by this Act of any enactment shall not affect any Statute, Act or

Regulation, in which such enactment has been applied, incorporated, or referred to :

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing :

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived, by, in, or from any enactment hereby repealed

Nor shall this Act provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage or practice not now existing or in force.

2. This Act may be cited as "The Repealing Act, 1876" it extends to the whole of British India and it shall come into force at once

Short title.
Local extent
Commencement.

Act, 1876" it extends to the whole of British India and it shall come into force at once

SCHEDULE.

A description or citation of a portion of an Act or Regulation is inclusive of the words, section or other part, first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

PART I.

Acts of the Governor General in Council.

Number and year	Subject	Extent of repeal.
IX of 1835 ... XIX of 1838 .	Salt, Bengal Coasting Vessels, Bombay..	The whole Section nine. In section twelve, the word "India." In section thirteen, the words "Justice of the Peace or person exercising the powers of a Magistrate"
XXIX of 1838 ... VI of 1840 ...	Salt, Bengal ... Bills of Exchange .	So much of section fifteen as has not been repealed. So much as has not been repealed. In section five, the words "after the passing of this Act."
XVIII of 1841 ... XIX of 1841	Arms and Ammunition . Wrongful possession in case of succession.	Section two In section nine, the word "that" where it occurs before the word "all," and in section eighteen, the word "that" where it occurs before the word "for"
XVI of 1844 ... I of 1846 ...	Salt, Bombay ... Pleaders ..	So much as has not been repealed. In section seven, the word "that" where it occurs before the word "it." Section nine down to the words "and that," and in the same section, the word "such" where it first occurs.
VIII of 1846 . XI of 1846 ...	Settlement, N. W. Pro- vinces. Deregulations in certain territories.	So much as has not been repealed. The words "and the Zillah Ahmednuggur" wherever they occur.

Acts of the Governor General in Council—continued.

Number and year	Subject.	Extent of repeal.
XX of 1847 ...	Copyright ..	In section seven, the words "after the passing of this Act" and "in such part of the said territories"; and from "if he shall have so offended" down to "charter" and from "to a special" to "no Zillah Court"
XV of 1848 ..	Supreme Court Officers ...	In section thirteen, the word "that" where it occurs after the words "Trover, and."
IX of 1850 ...	Presidency Small Cause Courts.	In section four the words "or the East India Company"
XXXVII of 1850 ..	Public Servants ...	Sections three, forty-seven and ninety.
XL of 1850 ...	Pawnbrokers, Straits Settlements.	In section one, the last thirty-seven words. In section eight, the words "not exceeding three." In section one hundred and one, the words "after the passing of this Act."
VIII of 1851 ...	Tolls on Roads and Bridges	Section seventeen.
XVII of 1852 ...	Special Cases, Supreme Court.	So much as has not been repealed.
XXI of 1852 ..	Deputy Collectors, Bombay	In section six, the words "of the zillah."
XXX of 1852 ...	Naturalization ...	Section twenty-six, from "which according" to "referred, but."
XVIII of 1854 ...	Railways ...	Section thirty. In section thirty-two, the words "and also the Court of Judicature of Prince of Wales' Island, Singapore and Malacca."
XXI of 1852 ..	Deputy Collectors, Bombay	Section thirty-three
XXX of 1852 ...	Naturalization ...	In section one, the words "zillah or."
XVIII of 1854 ...	Railways ...	The last sixteen words of the schedule.
XXI of 1852 ..	Deputy Collectors, Bombay	In section thirty-four, the words "or by any Assistant to a Magistrate or Deputy Magistrate."
XXIV of 1855 ..	Penal Servitude ..	In section thirty-five, the words "and district or Joint Police officers in the Presidency of Bombay."
VIII of 1856 ...	Gaols, Bombay ...	In section forty, the words "within the said territories."
II of 1857 ...	Calcutta University ..	In section thirteen, the words "in the possession and"
VI of 1855 ...	Execution, Supreme Courts.	Section fourteen, from "and the term" to the end.
XXIV of 1855 ..	Penal Servitude ..	In section one, the words "in the possession and"
VIII of 1856 ...	Gaols, Bombay ...	In section two, the first eight words.
II of 1857 ...	Calcutta University ..	In the preamble, the last four words. Section four, from "and the first" to the end
IV of 1857 ...	Tobacco, Bombay Town ...	In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859," and the words "the Vice-Chancellor hereinbefore nominated or"
XI of 1857	Offences against the State ..	In section five, the words "after the passing of this Act," and from "and the provisions" to "Town."
XXII of 1857 ...	Bombay University ...	In section three, <i>clause</i> 1, the words "within the said territories," "of the crimes mentioned in the preceding sections, or any other." In section four, the words "the attendance or futwa of a Law Officer or." Sections seven, eight, nine and ten. In section eleven, the words "lawfully exercising the powers of a Magistrate and any Assistant to a Magistrate or Deputy Magistrate." In the preamble, the last four words. In section four, the last twelve words. In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859," and the words "the Vice-Chancellor hereinbefore nominated or."

Acts of the Governor General in Council—continued.

Number and year	Subject	Extent of repeal.
XXVII of 1857 ...	Madras University ...	In the preamble, the last four words. In section four, the last fourteen words. In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinafter nominated shall go out of office on the first day of January 1859," and the words "the Vice-Chancellor hereinafter nominated or."
XXIX of 1857 ...	Land Customs, Bombay .	In section eleven, the words "by the said schedules" In section thirteen, the words "entered in either of the said schedules as."
I of 1859 ...	Merchant Seamen ...	In section sixty-three, the words "or in any station of the Settlement of Prince of Wales' Island, Singapore and Malacca, to the Court of Judicature there" In section sixty-seven, the words "and in the Straits Settlements in such manner as the Governor shall notify"
III of 1859 ...	Cantonment Joint Magistrates.	In the title, the words "and for constituting those Officers Registers of Deeds." In the preamble, the words "and that they should also be appointed Registers of Deeds within the same limits." Section three, so far as it relates to the Presidency of Madras. Section five.
XV of 1859 .	Patents .	Sections thirteen and thirty-six.
XXXI of 1861 ...	Saltpetre ..	So much as has not been repealed.
XIII of 1863 ..	Imprisonment of Convicts, Bombay.	The whole.
XIV of 1863 ...	Amending Act X of 1859	So much as has not been repealed.
III of 1864 ...	Foreigners ...	In section twenty-four, the words "and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca."
XVII of 1864 .	Official Trustee .	In section three, the words "the said."
XXII of 1864 ..	Cantonments	In section eight, the words "and for constituting those officers Registers of Deeds."
XI of 1865 ..	Mofussil Small Cause Courts	In section twelve, the words "or District" "and for constituting those officers registers of Deeds": so much as relates to the trial of small suits in military bázars, cantonments and stations in the Presidency of Madras, and the last twenty-one words.
XV of 1865 ...	Parsi Marriage and Divorce	So much of section fifty-three as has not been repealed.
XXIX of 1865 ...	Pleaders	Sections one, two and three.
XII of 1866 .	Private Water-courses .	The whole.
XIV of 1866 ..	Post Office	Section fifty-five, and in section fifty-six, the words "or by any Assistant to a Magistrate or Deputy Magistrate."
XXV of 1866	Transfer of securities to Government.	The preamble from "And whereas" to "purposes aforesaid"
VII of 1867 .	Purchases from Soldiers ...	In section one, the first eight words.
XIII of 1867 ..	Port dues Coast lights .	Section two.
XIV of 1869 ..	Bombay Civil Courts	The second paragraph of section five. The second paragraph of section fourteen. Sections thirty and thirty-one
X of 1870 ...	Land Acquisition ..	In section thirty-nine, the words "by the Code of Civil Procedure"
XXII of 1870 .	European British Subjects	Section one
XXIII of 1870 ...	Coage	Section eighteen, paragraph one.
XXVII of 1871 .	Criminal Tribes	Section twenty-three.
III of 1872 ...	Marriage ...	Section twenty and the fourth schedule.
X of 1872 ...	Criminal Procedure Code	Section three.
XVIII of 1872 ...	Amending Evidence Act ..	Section eight.

Acts of the Governor General in Council—concluded.

Number and year.	Subject	Extent of repeal.
XXI of 1872	Sepoy Lunatics	Section six.
X of 1873	Oaths	In section one, the third paragraph.
XVI of 1873	Village Police N W Provinces.	In section one, the third paragraph.
III of 1874.	Married Women	Section three
IV of 1874.	Foreign Recruiting	In section one, the third clause
V of 1874.	Kullu Appeals	Section four.
XV of 1874	Laws Local Extent	Section nine and the seventh schedule. So much of the second schedule as relates to Madras Regulations I of 1819, III of 1831 and VII of 1832, and to section four of Madras Regulation IV of 1821, and to Act No VIII of 1856. So much of the fourth schedule as relates to Bengal Regulations LVIII of 1795 and IV of 1829.
XVI of 1874...	Repealing Act, 1874	The whole
III of 1875.	Amending Repealing Act, 1874.	The whole.
IV of 1875	Merchant Shipping	Section two, and the third clause of section one.
VII of 1875	Burma Fisheries	In section one, clause three.
VIII of 1875.	Inland Customs	Section two and the schedule.
X of 1875...	High Courts' Criminal Procedure.	Section thirty-nine and one hundred and fifty-three.
XVI of 1875...	Tariff	Section two.
XVIII of 1875 .	Law reports	Section two.

PART II.

Regulations of the Bengal Code.

Number and year.	Subject.	Extent of repeal
II of 1793...	Collectors and Board of Revenue.	In section eight, clause thirteen, the words and figures "by any Regulation published in the manner directed in Regulation XLI, 1793."
VIII of 1793...	Decennial Settlement	Sections sixteen, seventeen, eighteen, twenty-eight, twenty-nine, forty-eight, fifty-six, fifty-seven, fifty-nine, sixty and sixty-seven (except the fifth clause).
XIX of 1793...	Non-bādshāhī Lākhīrāj	Sections forty-five and forty-six.
XLVIII of 1793 .	Quinquennial Register	Sections twenty-six, twenty-eight and twenty-nine.
III of 1794..	Revenue arrears, &c.	In section sixteen, the words "dewan or other" and the words "If the property shall be within the cities of Patna, Dacca or Moorshedabad, the collector is to apply to the judge of the zillah through the vakeel of Government, to make application to the judge of such city to attach and deliver it into the charge of the nearest collector." In sections seventeen and eighteen, the words "or in either of the cities of Patna, Dacca or Moorshedabad."
I of 1795 .	Permanent Settlement, Benares.	In section three, clauses <i>third</i> and <i>fourth</i> , the words and figures "and printed and published in the manner prescribed in Regulation XLI, 1793." In clause <i>fifth</i> , the words and figures "which may be printed and published in the manner prescribed in Regulation XLI, 1793." Section four.
XV of 1795 .	Extending Regulation XVI of 1793 to Benares.	In section three, clause <i>first</i> , "to the City Court or," and "or to the Provincial Court of Appeal."
LVIII of 1795..	Commission on jama: copies of decrees.	So much as has not been repealed.

Regulations of the Bengal Code—continued.

Number and year.	Subject.	Extent of repeal.
XV of 1797...	Fees on division and transfer of estates.	In section two, clause two, the words and figures "that may take place under Regulation XXV, 1793, or XXVI, 1895," and in section seven, the words and figures "in Regulation XXV, 1793, or XXVI, 1795, (according to the Province in which the lands may be situated)"
I of 1801... XXXIII of 1803..	Realization of revenue ... Embezzlement of public money C. P.	In section fourteen, the last sentence. In section one, the word "tehseldars." In section two, clause <i>First</i> , the word "tehseldars" and the whole of clause <i>Second</i> of that section.
XIII of 1805..	Police, Katák	In section thirteen, the words "and likewise such of the rules contained in Regulation IV, 1804, as are not either specifically or virtually rescinded by the present Regulation."
XIV of 1805... XI of 1806 XX of 1810...	Civil suits, Katák ... Passage of troops, ... Army retainers; Military bázárs.	So much as has not been repealed Sections ten, thirteen to nineteen inclusive. In section twenty, from the words "in the meantime" to the end of the section.
XI of 1811...	Jama on divided estates	In section four, clause <i>First</i> , the words "or Board of Commissioners according as the lands may be situated in the districts subject to the control of those Boards in all matters connected with the land revenue respectively"; and clause <i>Second</i> , the words "or Board of Commissioners."
V of 1812...	Collection of land-revenue	In section twenty-four, the words "and Board of Commissioners respectively." In section twenty-five, "and Board of Commissioners."
XI of 1816 ..	Succession, Katák	In section twelve, the words and figure "under section X."
V of 1817 ..	Hidden Treasure	In section six, the words "or city" where they occur before "judge"
XII of 1817...	Patwáris	In section eight, the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," and "or Commissioner." In sections thirteen, fifteen and sixteen, the words "the Board of Commissioners, or the Commissioner in Behar and Benares" In section seventeen, the words "Board of Commissioners, or Commissioner in Behar and Benares" Sections twenty-six and twenty-eight and sections thirty and thirty-three so far as they relate to section twenty-six.
XX of 1817...	Police	In section twenty-one, clause <i>tenth</i> , the last sentence. Section twenty-eight In section twenty-nine, the words "manufacturer, molungee, or any" "manufacturers, molungees, or to," "molungee, or any other manufacturer, or," and the words "salt, or" wherever they occur. Section thirty-two.
II of 1819	Resumption of revenue	In section eleven, the word ' <i>First</i> ' and clause <i>Second</i> . Section nineteen, clause third. Section thirty, clause fifth
VI of 1819..	Ferries: Police	In section three, clause three, the words "through the superintendents of police" In section ten, the words and figures "by section VII, Regulation XVIII, 1817."
IV of 1821...	Magistrates	Section one down to the words "Magistrate; and." Sections four, five and six. In section eight, the words "of the Honourable Company."

Regulations of the Bengal Code—concluded.

Number and year.	Subject.	Extent of repeal.
VII of 1822	Settlement, Ceded and Conquered Provinces.	Section twenty-seven. In section twenty-nine, clause one, the words "and shall be written on stamped paper of the value of two rupees," and in clause fifth, the words "and shall be rendered in a roobakarree written on stamped paper of the value of two rupees."
VI of 1823	Indigo suits	... In section one, and in section three, clause <i>Seventh</i> , the words and figures "under the provisions of Regulation XX, 1812"
VI of 1825...	Passage of troops	... In section five, the words "on the stamped paper prescribed for other appeals to the Revenue Boards."
XVIII of 1825	Chunsurah	... So much as has not been repealed *
III of 1827.	Extortion by Native officers	... In section five, the words "on the stamped paper prescribed for miscellaneous petitions"
III of 1828...	Special Commissions	... In section six, <i>Fourth</i> clause, the words "the Provincial Courts or" And in section seven, clause <i>Second</i> , the words "Provincial Courts and."
IV of 1828...	Power of Collectors in making or revising settlements.	... In section one, the words and figures "under the rules of Regulation XV, 1824."
IV of 1829.	Appeals under Regulation III of 1828	... The whole.
XI of 1829	Embankments	... The whole.
XI of 1831...	Police powers of Tahsildárs	... Section four.
V of 1832...	Delhi territory	... The whole.
XIII of 1833	Zilas of Rámghár, Jungle Maháls and Midnapur.	... The whole.

PART III.

Regulations of the Madras Code

Number and year	Subject.	Extent of repeal.
III of 1802.	Procedure of Civil Courts...	Section eleven In section sixteen, clause <i>Second</i> , the words "Hindoo," "the judge of the Court of Adawlut or," and "other," and the words and figures "under the general rule contained in Section V, Regulation II, 1802, and proceed thereupon according to the regulations." In clause <i>Third</i> , the words "when they are to proceed thereupon according to the general regulations."
XIII of 1802.	Records of Courts	... In section fifteen, the words and figures "in the same manner as is prescribed to the Provincial Courts of Appeal in section XII."
XXIX of 1802...	Karnams	... Section one down to the words "kurnum. But" Section four. In sections eighteen and nineteen, the words "before the Court of Circuit."
II of 1803...	Collectors	... Sections twenty-seven, twenty-eight and twenty-nine
IX of 1803...	Customs Officer, Madras	... So much as has not been repealed.
V of 1804.	Court of Wards	... In section six, clause <i>Third</i> , the words "Courts of Appeal or to the," "as it shall seem fit," and "respectively." In section twenty-four, clause <i>Second</i> , from "and it shall" to the end of that clause.

Regulations of the Madras Code—continued

Number and year.	Subject.	Extent of repeal
I of 1805.	Salt	In section eight, clause <i>First</i> , the words "after the date of the Regulation;" clause <i>Second</i> , the words "commercial residents." In section fourteen, clauses <i>First</i> , <i>Second</i> , and <i>Fourth</i> , the words "commercial residents," "by commercial residents" In section fifteen, the words "commercial residents." In section sixteen, the words "commercial residents." Section twenty-two
II of 1806	District Courts	... The whole Regulation except section VII, Clause <i>Second</i> .
VII of 1808...	Marthal Law	... In the preamble, the words and figures "from the 1st day of October, 1808." Section four, from "or before any special court" to the end of that section.
IV of 1816...	Village Munsifs	... Section four, clause <i>First</i> , and the words [<i>Second</i> and <i>Third</i> .] In sections five and twenty-seven, the word "Arcot." In section ten, clause <i>Second</i> , the words "in the form prescribed in section XXXVI of this Regulation."
V of 1816	Village Pancháyats	... Sections thirty-two and thirty-four. In sections three, four and sixteen, the word "Arcot" wherever it occurs In section ten, the words "and no stamp paper need be used in plaint, answer, or any process." In section eleven, clause <i>First</i> , the words "upon stamp paper of the prescribed rate according to the amount of the suit." In clause <i>Fourth</i> , the words "by the oaths of two credible witnesses at the least," and "Provincial." Section fifteen. In section seventeen, the words "on stamped paper of the prescribed rate, according to the amount decreed."
XI of 1816...	Heads of Villages, &c.	... In section forty-seven the words and figures "as directed in section X, Regulation III. 1810."
XII of 1816.	References to Village and District Pancháyats.	... In section three, the words and figures "by Clauses <i>Second</i> and <i>Third</i> , Section XIV, Regulation VI. 1816." In sections five and nine, the word "Arcot." Section six, clause <i>First</i> , so far as it relates to Regulation VII. 1816. In section six, clause <i>Second</i> , the words and figures "without requiring the agreement specified in clause <i>Second</i> , section IV, Regulation VII 1816" In section nine, clause <i>First</i> , the words "by the oaths of two credible witnesses at the least," and "Provincial." In section eleven, the words "exempt from all stamp-duties, and shall be," and the words and figures "or to such charges as are specified in Regulation VII. 1816, if decided by a district punchayet"
XIV of 1816...	Pleaders	... In the preamble, the words "and to transfer to the Provincial Courts the control now exercised by the Sudder Adawlut in the appointment and removal of vakeels or native pleaders in the Zillah Courts and in the Provincial Courts." In section three, clause <i>First</i> , the words "and the several Provincial Courts," "in their respective courts," "being natives of India of the Hindoo or Mahomedan persuasion, and" and clause <i>Second</i> "for the approbation of the Provincial Court of the division," "being a native of India and otherwise," from "and shall communicate" to the end of that section.

Regulations of the Madras Code—continued.

Number and year.	Subject.	Extent of repeal.
		<p>In section four, the words "the Provincial Courts" and "which is not required to be written on stamped paper."</p> <p>In section eight, the words "and the Provincial Court, on consideration of the judge's report"</p> <p>In section ten, clause <i>First</i>, the words "and the several Provincial Courts;" clause <i>Second</i>, the words "a register or" and "report the circumstances of the case, together with his own opinion upon it, to the Provincial Court, who will."</p> <p>In section eleven, the words "without the previous sanction of the Provincial Court," and from and including the words, "but in such" to the end of the section.</p> <p>In section thirteen, the words "on unstamped paper."</p> <p>In section fourteen, the word "Arcot" wherever it occurs.</p> <p>In section fifteen, clause <i>Second</i>, the words "or registers" and "either by a deduction from the fees which may be become due to the offender, or."</p> <p>In section eighteen, clause <i>First</i>, the word "register", clause <i>Third</i>, the words "Provincial Courts or to the" the second sentence, and the words "Provincial Courts and of the."</p> <p>In section twenty, the words "of the Provincial Courts," and "under the provisions contained in the following clauses of this section."</p> <p>In section twenty-five, clause <i>First</i>, the words "the Provincial Courts" and the word "Arcot" wherever it occurs; clause <i>Third</i>, the words and figures "written on the stamped paper prescribed in Section XI, Regulation XIII 1816."</p> <p>In section thirty-six, the words "on unstamped paper"</p> <p>In section thirty-nine, the words "or district" in each of the places where they occur, and the figures "VI." and "VII."</p> <p>In the Appendix No. 1, the words "or in the Provincial Court for the division of"</p> <p>In the Appendix No. 2, the words "or the Provincial Court for the division of"</p>
VIII of 1817 ...	Estates of Native Soldiers..	The Appendix, except No. 5.
II of 1819 ...	State Prisoners	In the preamble, the last nine words. Section eight
IV of 1821 ...	Petty thefts ...	In section nine, the words "to the Provincial Court of Appeal and Circuit."
IX of 1822 ...	Embezzlement by Public Servants.	<p>In section six, clause <i>First</i>, the word "Madras."</p> <p>In the preamble, the last ten words.</p> <p>In section three, clause <i>Third</i>, the words and figures "in the manner prescribed in section VII, Regulation III. of 1802."</p> <p>In section four, the second sentence.</p> <p>In section five, clause <i>Fourth</i>, the word "Arcot."</p> <p>In section eight, the words "before the criminal judge (who is hereby empowered to take cognizance of such cases)" and "by him."</p> <p>In section nine, the words "on oath."</p> <p>Section ten, from the words "and the rules" to the end of the section.</p>
III of 1823 ...	Subordinate and Assistant Collectors.	Sections seventeen and eighteen. In section one, the last ten words.

Regulations of the Madras Code—concluded.

Number and year.	Subject	Extent of repeal.
VII of 1828 .	Subordinate and Assistant Collectors.	In section one, the last ten words. Section seven.
V of 1829 .	Hindū Wills	In section one, the last ten words
I of 1830	Sati	In section one, the words "from the time of their promulgation" In section four, clauses <i>First</i> and <i>Third</i> , the words "before the Court of Circuit" In the same section, clause <i>Second</i> , the words "at the discretion of the Court of Circuit."
VI of 1831 .	Hereditary Village Offices	Section four, clause <i>Fourth</i> , from "and for this purpose" to the end of that clause The same section, clause <i>Fifth</i>
X of 1831	Prohibition of sale of Minors' Estates for arrears of revenue.	In section one, the last ten words. Section three, down to the words "enacted that."
XI of 1832 .	Hidden treasure	In section one, the words "as soon as promulgated." In sections two and seven, the word "Madras" wherever it occurs. In section three, the words "or to the assistant judge of the auxiliary court." In section four, the words "or assistant." In section six, the words "Madras" and "or assistant." In section eight, the words "or to the assistant judge of the auxiliary court" In section nine, the words "or of the assistant judges of the auxiliary courts," and the words "to the Provincial Courts." Section ten.
XIV of 1832 ...	Buying Soldiers' necessaries	In section one, the last ten words. In section two, clauses <i>First</i> and <i>Second</i> , the words "from and after the date of the promulgation of this regulation," and "before the criminal, joint criminal, or native criminal judge within the limits of whose local jurisdiction the offence may have been committed," and the word "Madras"

PART IV.

Regulations of the Bombay Code.

Number and year.	Subject	Extent of repeal
II of 1827 ...	Pleaders	Appendixes A, D, E, F, G, H.
V of 1827 . . .	Limitation	In the title, the words "defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and" and the word "interest."
XII of 1827 ...	Police	The preamble. In section nineteen, clause <i>Sixth</i> , the words "personal restraint." In the same section, clause <i>Seventh</i> , the words "which shall be tried before the judge, or one of his assistants, exclusively" Appendix C.
XIII of 1827 ...	Criminal Courts	In section thirty-four, clause <i>Third</i> , the words "or to the magistrate abovementioned."
XVI of 1827 ...	Revenue Administration	In the preamble, the words "to have effect throughout the zillah subordinate to Bombay." In section two, clause <i>Second</i> , the words and figures "decide certain civil suits and" and "as more particularly specified in Regulation XVII: A. D. 1827, Chapters VIII. and X."

Regulations of the Bombay Code—concluded.

Number and year	Subject.	Extent of repeal.
XVII of 1827 ...	Jurisdiction of Revenue Authorities.	In the title to Chapter III, the words "of hereditary district and village officers inclusive." Section twenty-five. The title from "vesting" to the end. In the preamble, the words "to have effect throughout the territories subordinate to Bombay." In section twelve, clause <i>Sixth</i> , the words "Sudder or any."
XIX of 1827 . . .	Revenue Administration . . .	In the title to Chapter IV., the words "and pen jurisdiction of the zillah magistrate and criminal judge in such cases." In section fifteen, clause <i>Second</i> , and clause <i>Third</i> , as far as it relates to clause <i>Second</i> . The title from "and for Collecting" down to "Horses," and the words "and also for levying Fees in the Court of Petty Sessions and Police Offices." In the preamble, the words "and whereas it has further been deemed expedient, under the authority of the British Legislature for such purpose gave to levy certain taxes and fees at the presidency of Bombay"
XXI of 1827 ...	Duty on Opium	In section thirteen, clause <i>First</i> , the words "in the mode prescribed in the preceding section." In section twenty-nine, the words "in the manner and before the authority specified in section XIV clause <i>First</i> , or by confession before the said authority," and from "and in case" down to "provided for."
XXII of 1827 ...	Military Courts	The title from "made with" down to "India." In the preamble, from "that the importation and sale at Bombay of tobacco" down to "be prohibited." In section two, clause <i>First</i> , the words "(either such as established by this or any other Regulation)." Sections forty-seven and forty-eight. In section fifty-seven, the last eight words In section sixty, clause <i>Second</i> , the last twenty words.
XXV of 1827 ...	State Prisoners	In the preamble, the words "which shall have effect within the territories subordinate to the presidency of Bombay."
XXIX of 1827 ...	Dekkhan and Khandesh . . .	Section six. In section seven, the words "and to the Sudder Adawlut" In the preamble, the words and figures "to have effect from the 1st September 1827" Section two, from "and the said territories" to the end of clause <i>Second</i> . Section three, clause <i>First</i> , from "it is hereby" down to the word "First." In section five, clause <i>Third</i> , the last twenty-one words.
XVI of 1828 ... V of 1830 ...	Subsidiary jails Revenue Administration ...	So much as has not been repealed. In section one, clause <i>Third</i> , the words "and zillahs." Clause <i>Fifth</i> and in clause <i>Sixth</i> , the words "zillahs throughout" and the words "and the department of police."
VII of 1830...	Dharwar	In the preamble, the words and figures "to have effect from the 1st of June, 1830."
XIII of 1830... III of 1834 ..	Jágirdárs Town duty, Bombay	In section two, the first six words. In section four, the last thirteen words. So much as has not been repealed.

Acts of the Governor of Bombay in Council.

Number and year.	Subject	Extent of repeal.
IV of 1862 .	Markets and fairs	Section five.
V of 1862...	Bhāgdārs and Narwadārs	In section two, the words "and it is hereby further enacted, that."
VI of 1862...	Ahmedabad Talukdārs	In section fourteen, from "upon oath" down to "perjury."
II of 1863...	Claims to exemption from Land-Revenue.	In section three, the words "either at law or in equity." In section six, clause <i>Second</i> , section ten and section eleven, clauses <i>eighth</i> and <i>tenth</i> , the words "or Court of Law or Equity."
V of 1863...	Gas Companies	In section twenty-eight, the words "Joint Magistrate, or"
VI of 1863 ..	Public Conveyances	In section seven, the words "standing in the name of the Commissioner of Customs."
VII of 1863...	Summary Settlement of Claims to exemption from Land-Revenue.	In section seven, the words "either at law or in equity." In sections nine and fourteen, the words "or Court of Law or Equity."
V of 1864..	Māmlatdārs' Courts	Section eighteen.
XIII of 1866...	Witnesses before Legislative Council.	Section five.
XIV of 1866...	Edulabad and Wurrungaom Cantonments	The preamble, and sections one and four. In section fifteen, the words "Bombay Act No. IV of 1865 (<i>an Act for the Regulation of Mofussil Gaols and the enforcement of discipline therein</i>) or by," and the word "other."
III of 1867...		Section twenty-eight.
VIII of 1867	Village Police	The words "and Regulations," "or Regulation," "or Regulations," wherever they occur. In section five, clause second, from "of Act V" down to "other Acts"
III of 1869...	Funds for local works	Section twenty-three. In section nine, the words "Act XXVI of 1850, or" and "other"
I of 1872...	Bombay City Police Superannuation Fund.	Sections one and nine. In section three, the words "as well as all moneys and securities which have accumulated under the Sections of Act XIII of 1856, repealed by this Act."
II of 1872...	Repayment of loan to Bombay Corporation.	In section three, the words under Bombay Act II of 1865.
III of 1872...	Bombay Municipal Act	Section nine, down to "enacted that." Sections one, forty-eight, sixty-three, seventy-two, one hundred and forty-one, three hundred and six. In section sixty-two, the words "on and from the date when this Act comes into operation" in each of the places where they occur. In section sixty-four, the words "from and after the day on which this Act comes into operation." In sections two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, the words "within three months after the passing of this Act and" and "thereafter." In section two hundred and twenty-nine, the first eleven words, and the words "after the date when this Act comes into operation." In sections two hundred and thirty-five and two hundred and forty-one, the words "after the passing of this Act."

Acts of the Governor of Bombay in Council—concluded.

Number and year	Subject	Extent of repeal
I of 1873...	Bombay Port Trust	In sections two hundred and eight, two hundred and forty-seven, two hundred and forty-eight, the words "after this Act comes into operation." In section three hundred and seven, the words "from the date referred to in the preceding section" Section fifty-seven, from "Untal such" to the end. Section fifty-eight.
II of 1873...	Amending Bombay Municipal Act	In section seventy-three, the proviso. Section three.
IV of 1873...	Amending Bombay Act of 1864.	Section two, clause I and the word and figure 'clause 2.'
V of 1873...	Steam boilers	Section one.
VI of 1873...	District Municipalities	Section one Section four, clause four. Section nineteen, clause two.
VII of 1873...	Salt	Sections two, seven and sixty-four.
II of 1874...	Jails, Bombay City	Section one. Section six, down to "Governor General, and." Section seven, the first thirteen words.
III of 1874...	Hereditary Offices	Section two and the schedule.

PART VI.

Act of the Lieutenant Governor of Bengal in Council.

Number and year	Subject	Extent of repeal
II of 1863...	Smoke nuisances, Calcutta	In section seven, the words and figures "Act XIII of 1856 (for regulating the Police of the towns of Calcutta, Madras and Bombay) and Act XLVIII of 1860 (to amend Act XIII of 1856)," and the word "other."

WHITLEY STOKES,

Secy. to the Govt. of India.

[Published with the "Bombay Government Gazette" on the 4th May 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th April 1876, and was promulgated for general information in the *Gazette of India* on the 22nd April 1876:—

Act No. XL of 1876.

THE PRESIDENCY BANKS ACT,

1876.

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SCHEDULE.

An Act for constituting and regulating the Bank of Bengal, Madras and Bombay.

WHEREAS the Bank of Bengal is now constituted and regulated by Act No. IV of 1862, as amended by Acts No. VI of 1862 and No. XIX of 1870, and its capital consists of twenty-two millions of rupees, in shares of one thousand rupees each;

And whereas the Bank of Madras is now constituted and regulated by Madras Act No. VI of 1866, as amended by Madras Act No. I of 1871, and its capital consists of five millions six hundred and twenty-five thousand rupees, in shares of one thousand rupees each ;

And whereas a Bank named the Bank of Bombay was constituted and regulated by Bombay Act No. X of 1863, as amended by Bombay Acts No. XV of 1866 and No. I of 1867, but such Bank has been wound up, and the said Bombay Acts are now obsolete and should be expressly repealed,

And whereas on the tenth day of December 1867, a joint-stock Banking Company was registered and incorporated at Bombay, by virtue of the India Companies' Act, 1866, under the name of "The New Bank of Bombay, Limited," with a Memorandum of Association and Articles of Association then also registered, and prescribing the constitution and regulations for the management of such Bank ;

And whereas the Government of India now holds two thousand two hundred shares in the said Bank of Bengal, and five hundred and sixty-two and a half shares in the said Bank of Madras ; and, under the provisions of the said Act No. IV of 1862 and Madras Act No. VI of 1866, is bound to appoint, and has power to remove, certain of the directors of the said Banks of Bengal and Madras respectively, and has also power to give a proxy to any person whom the Governor General in Council may appoint, to attend and vote at any meeting of the proprietors of each of the same Banks ;

And whereas the Government of India has determined to sell its said shares and to surrender its said powers, and it is expedient to relieve the said Government from the said duty of appointing directors, and to repeal the said enactments and to consolidate such of them as relate to the said Banks of Bengal and Madras respectively with the changes rendered necessary or desirable by such sale, surrender and relief ;

And whereas it is expedient to reduce the said capital of the Bank of Bengal by two millions of rupees and to reduce the said capital of the Bank of Madras by six hundred and twenty-five thousand rupees, and to divide the capital so reduced of each of the same Banks into shares of five hundred rupees each ;

And whereas it is expedient that the said New Bank of Bombay, Limited, should be reconstituted and regulated, in manner in this Act provided, under the name of the Bank of Bombay ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Presidency Banks Act, 1876,"
Short title. Banks Act, 1876,"
- And it shall come into force on the first day
Commencement. of May 1876.
2. On and from that day the statute specified
in the first part of the
Repeal of enactments. schedule hereto annexed shall be repealed to the extent mentioned in the

third column thereof, and the Acts specified in the second, third and fourth parts of the same schedule shall be wholly repealed. But all bye-laws and regulations made under any such Act, and then in force, shall, so far as they are consistent with this Act, be deemed to have been made hereunder.

The references made in the Indian Companies Act, 1866, to the Bank of Bengal, the Bank of Madras and the Bank of Bombay, shall be deemed to be made respectively to the Bank of Bengal, the Bank of Madras and the Bank of Bombay as constituted by this Act.

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

Interpretation clause. "The Bank" means the Bank of Bengal, the Bank of Madras, or the Bank of Bombay (as the case may be), as constituted and regulated by this Act :

"Capital" means the capital for the time being of the Bank :

"Shares" means the shares for the time being of the capital, and includes also half shares :

"Capital Stock" means that part of the capital into which wholly paid-up shares have been converted or consolidated, and in the case of the Bank of Bengal and the Bank of Madras includes the present consolidated stock of such Banks respectively :

"Registered" means registered in the books of the Bank :

"Shareholders" means the duly registered holders from time to time of the shares of the Bank :

"Proprietors" means the duly registered holders from time to time of the capital stock of the Bank :

"Directors" means the Directors assembled for the purpose of performing any of their functions under this Act :

"Board" means a meeting of the Directors duly called and constituted, or, as the case may be, the Directors assembled at a Board :

"Auditors" and "Secretary" mean those respective officers from time to time of the Bank, and "Secretary" includes a Secretary and Treasurer and a Deputy Secretary :

"General Meeting" means the meeting of proprietors or shareholders or both, held annually under section forty-nine, it includes any adjourned holding thereof :

"Special Meeting" means a meeting of proprietors or shareholders or both, held for the transaction of some particular business specified in the notice convening the meeting, it includes any adjourned holding thereof :

"Special Resolution" means a resolution passed at a special meeting :

"Office" means the office or principal office for the time being of the Bank :

"Goods" includes also bullion, wares and merchandize :

"Presidency of Fort St. George" means the territories now under the government of the Governor of Fort St. George in Council.

"Presidency of Bombay" means the territories now under the Government of the Governor of Bombay in Council; and

"Presidency of Fort William" means all the territories in British India other than the Presidency of Fort St. George and the Presidency of Bombay.

CHAPTER II. CONSTITUTION.

4. The several persons who, when this Act comes into force, are respectively the proprietors and shareholders of the said Bank of Bengal, Bank of Madras and New Bank of Bombay, Limited (hereinafter called the present Banks), or who shall, at any time thereafter, by virtue of this or any other Act regulating the Bank, become proprietors or shareholders, shall continue and constitute and be bodies corporate with perpetual succession, under the name,

in the case of the proprietors and shareholders of the said Bank of Bengal—of "The Bank of Bengal,"

in the case of the proprietors and shareholders of the said Bank of Madras—of "The Bank of Madras,"

and in the case of the shareholders and proprietors of the said New Bank of Bombay, Limited—of "The Bank of Bombay,"

and shall respectively possess and enjoy all the rights, powers, and immunities incident by law to a corporation aggregate; subject, nevertheless, to the provisions of this or any other Act for the time being in force regulating the Bank,

and, in particular, the proprietors of the Bank shall not be liable for its debts and engagements, with limited liability. and the shareholders of the Bank shall be so liable only to the extent of their shares not fully paid up.

The several persons who are then proprietors and shareholders of each of the present Banks of Bengal and Madras, or the executors or administrators of such proprietors and shareholders respectively, shall be entitled to be registered as proprietors and holders of a like quantity of stock and a proportionate number of shares, as is or are then registered in their names respectively, or in the names of the persons whom they represent respectively in the books of each of the said present Banks of Bengal and Madras, two shares in the Bank of Bengal as constituted by this Act being deemed equivalent to one share in the present Bank of Bengal, and two shares in the Bank of Madras as constituted by this Act being deemed equivalent to one share in the present Bank of Madras,

and the several persons who are then shareholders of the said New Bank of Bombay, Limited, or the executors or administrators of such shareholders respectively, shall be registered as holders of a like number of shares of the Bank of Bombay as constituted by this Act as are then

registered in their names respectively, or in the names of the persons whom they represent respectively, in the books of the said New Bank of Bombay, Limited; and all such shares upon which the sum of five hundred rupees has then been paid, shall be deemed to have been fully paid up.

5. All the property, moveable and immoveable, and all the securities, claims and demands, and the benefits of all agreements, of or to which the present Banks are or shall be respectively possessed or entitled, or which shall, or but for this Act might be, on the said first day of May 1876, or might at any time thereafter have been, due to, or claimed by, the said Banks respectively shall, by virtue of this Act, become vested in and devolve upon, and may be claimed, made and recovered by,

in the case of the said Bank of Bengal,—the Bank of Bengal as constituted by this Act,

in the case of the said Bank of Madras,—the Bank of Madras as constituted by this Act,

and in the case of the said New Bank of Bombay, Limited,—the Bank of Bombay as constituted by this Act;

and the Bank shall, from and after the said first day of May 1876, be liable and subject to all debts, claims and demands which shall then be due or claimable from, or which, but for this Act, might be then, or might at any time thereafter, have been due or claimable from or made against the said Bank of Bengal, Bank of Madras or New Bank of Bombay, Limited, as the case may be,

and no suit or legal proceeding then pending by or against the said Bank of Bengal, Bank of Madras or New Bank of Bombay, Limited, shall cease, or abate, or become defective, in consequence of this Act, but may be continued and prosecuted by or against the Bank.

6. The transfer of the assets and liabilities of the said New Bank of Bombay, Limited, wound-up, to the Bank of Bombay by virtue of this Act, shall operate as a winding-up and liquidation of the said New Bank of Bombay, Limited.

No shareholder or creditor of the said New Bank of Bombay, Limited, shall take any proceedings for winding-up the same under the Indian Companies Act, 1866, or any Act for the time being in force relating to the winding-up of Companies;

and no person shall make, assert or take any claims, demands or proceedings against the same Bank, or the directors or officers thereof, except so far as may be necessary for enforcing the provisions of this or any other Act for the time being in force regulating the Bank of Bombay.

7. The Bank shall sue and be sued by its said corporate name;

and shall use such corporate seal as the directors from time to time appoint;

and may as such body corporate acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any property whatsoever, moveable or immoveable, and transfer, assign and convey the same

8 The seal of the Bank shall not be affixed to any instrument except in the presence of at least two directors and of the Secretary and Treasurer, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness.

Unless so signed as aforesaid, such instrument shall be of no validity.

9. Contracts may be made on behalf of the Bank as follows:—

(a) any contract, which, if made between private persons, would be by law required to be in writing, and, if made according to English law, to be under seal, may be made on behalf of the Bank in writing under its corporate seal, and such contract may be in the same manner varied or discharged;

(b) any contract, which, if made between private persons, would be by law required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Bank by writing signed by any person acting under the express or implied authority of the Bank, and such contract may in the same manner be varied and discharged;

(c) any contract, which, if made between private persons, would by law be valid, although made by parol only and not reduced into writing, may be made by parol on behalf of the Bank by any person acting under the express or implied authority of the Bank, and such contract may in the same manner be varied and discharged;

and all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Bank and other parties thereto and their legal representatives.

CHAPTER III. CAPITAL.

10. The capital of the Bank of Bengal shall consist of twenty millions of rupees in shares of five hundred rupees each, divisible into half shares, with power to increase the same, in manner hereinafter provided, to thirty millions of rupees.

The capital of the Bank of Madras shall consist of five millions of rupees, in shares of five hundred rupees each, divisible into half shares, with power to increase the same, in manner hereinafter provided, to twelve millions of rupees.

The capital of the Bank of Bombay shall consist of ten millions of rupees in shares of five hundred rupees each, divisible into

half shares, with power to increase the same, in manner hereinafter provided to twenty millions of rupees.

11. The capital of the said New Bank of Bombay, Limited, already created, shall, on the first day of May 1876, constitute the capital of the Bank of Bombay, subject to be increased as aforesaid.

12. Any shareholder may from time to time surrender his wholly paid up shares, or any of them, to the directors, and demand and receive from the Bank, in lieu thereof, capital stock to the amount represented by the shares so surrendered;

and any proprietor may from time to time surrender his stock, or any portion thereof, to the directors, and demand and receive from the Bank in lieu thereof shares to the like amount, or as near thereto as practicable.

13. The proprietors and shareholders of the Bank may from time to time by special resolution and with the previous sanction of the Governor General in Council increase or reduce the capital of the Bank:

Provided that no such special resolution shall be deemed to have been passed, unless at least one-third in number of the proprietors or shareholders, holding at least one-half of the paid-up capital of the Bank for the time being, be present in person or by proxy, and a majority poll by open voting in favour of the said resolution.

14. When any such special resolution to increase the capital has been passed, the directors may, subject to the provisions of this or any other Act for the time being in force regulating such Bank, and to the special direction (if any) given in reference thereto by the meeting at which such resolution has been passed,

(a) make such orders as they think fit for the opening of subscriptions towards such increase of capital by the proprietors and shareholders;

(b) allow to the proprietors and shareholders such period to fill up the subscription as to the directors seems fit;

(c) prescribe the manner in which the proprietors and shareholders shall subscribe and pay into the Bank the proportions of new capital which they may respectively desire to subscribe; and

(d) make such orders as the directors think fit for the disposal and allotment of the amount of new capital that may not be subscribed for and paid up in manner aforesaid.

Provided that the capital shall not exceed, in the case of the Bank of Bengal, thirty millions of rupees, in the case of the Bank of Madras, twelve millions of rupees, and in the case of the Bank of Bombay, twenty millions of rupees.

15. When any such special resolution to reduce the capital has been passed, the directors may (subject as aforesaid) prescribe the manner in which the reduction shall be carried into effect.

16. Any new capital created under the provisions of section thirteen shall be subject to the provisions of this or any other Act regulating the Bank in force for the time being.

CHAPTER IV.

FORFEITURE OF STOCK AND SHARES.

17. If any proprietor or shareholder is indebted to the Bank, the Bank may withhold payment of the dividends on the stock or shares of such proprietor or shareholder not being registered as held in trust, or as executor or administrator, and apply them in payment of the debt,

and the Bank may refuse to register the transfer of any such stock or shares until payment of such debt;

and after demand and default of payment, and notice in that behalf given to such proprietor or shareholder, or his constituted agent, or by public advertisement in the local official Gazette, if the debt remain unpaid for the space of three months after such notice, the Bank may advertise in the local official Gazette such stock or shares for sale on a day not less than fifteen days from the publication of such advertisement;

and may, on such day, sell by public auction and subject to such conditions, if any, as the Bank thinks fit, such stock or shares, or so much or so many thereof as may be necessary, and apply the proceeds thereof in or towards payment of the said debt, with interest, from the day appointed for the payment of such debt to the time of actual payment, at such rate as may have been agreed upon, or, in the absence of such agreement, at the highest rate current for advances by way of local discounts by the Bank;

and shall pay over the surplus, if any, to such proprietor or shareholder or to his lawful representative.

CHAPTER V.

CERTIFICATES, TRANSFER AND TRANSMISSION OF SHARES AND STOCK.

18. Every shareholder shall be entitled to a certificate, under the corporate seal of the Bank, and signed by two Directors and the Secretary and Treasurer, specifying the shares held by him, and in the case of shares which are not wholly paid up, the amount paid thereon,

and any holder of more than one-half share may, at his option, demand a certificate for each such half share, or one or more certificates for all or any such half shares, and such certificate or

certificates shall be delivered to him accordingly; provided that the number of such certificates shall in no case exceed the number of half shares in respect of which they are so delivered.

Every proprietor of capital stock shall be entitled to a receipt signed by two Directors and the Secretary and Treasurer, and specifying the amount of stock held by him; and any such proprietor may, at his option, demand one receipt for the whole of the stock, or separate receipts for any portions of the stock, so held by him, and such receipt or receipts shall be delivered to him accordingly. Provided that no receipt shall be delivered for a portion of stock less than two hundred and fifty rupees.

For every certificate and receipt delivered under this section there shall be paid such fee as may for the time being be prescribed under section sixty-three, clause (k): Provided that no fee shall be payable for certificates or receipts delivered to the persons referred to in section four for shares in or stock of the Bank.

Every such certificate and receipt shall be *prima facie* evidence of the title of the shareholder or proprietor to the shares or stock therein specified.

19. The stock and shares of every proprietor and shareholder shall be moveable property, capable of being transferred in manner provided by the regulations contained herein, or in any other Act regulating the Bank for the time being in force, and shall not be of the nature of immoveable property; and each share shall be distinguished by its appropriate number.

20. Every transfer of stock or shares may be by endorsement on the certificate or in such other form as the Board from time to time may approve, and shall be presented to the Bank accompanied by such evidence as the Board may require to prove the title of the transferor.

Every such transfer shall be verified in such manner as the Board require, and the Board may refuse to register any such transfer until the same be so verified, and, in the case of shares not fully paid up, unless the transferee is approved by the Board.

The transferor shall be deemed to remain the proprietor or holder of the stock or shares transferred until the name of the transferee is registered in respect thereof.

21. The directors may from time to time close the register and transfer-books of the Bank for any period or periods not exceeding in the whole thirty days in any twelve consecutive months.

22. The proprietors and shareholders for the Corporation to consist of time being, and no other registered proprietors or persons, shall be members shareholders only. respectively of the bodies corporate hereby constituted,

and, except for the purpose of excluding the provisions of section Notice of trusts, seventeen, the Bank shall not be bound or affected by notice of any trust to which any stock or share may be subject in the hands of the proprietor or holder thereof;

and when any stock or share is vested in more than one proprietor or holder, such proprietors or shareholders shall, as between themselves and the Bank, be considered as joint owners with benefit of survivorship.

Provided that, as regards voting at meetings, service of notices, and receipt of dividend, the person whose name stands first in the register as one of the proprietors or holders of such stock or shares shall be deemed the sole proprietor or holder thereof.

23. When by the death of any proprietor or shareholder his stock or shares shall devolve on his legal representative, the Bank shall not be bound to recognize any legal representative of such proprietor or shareholder other than a person who has taken out from a Court having jurisdiction in this behalf probate of the will or letters of administration to the estate of the deceased,

Any person becoming entitled to stock or shares in consequence of the insolvency or bankruptcy of any proprietor or shareholder, or in consequence of the marriage of any female proprietor or shareholder, may be registered as a proprietor or shareholder upon such evidence being produced as the directors may from time to time require.

CHAPTER VI.

DIRECTORS.

24. The business of the Bank shall be managed by the Board, which shall in the first instance consist of six directors, and may subsequently consist of such number, not less than six, and not more than nine, as may be fixed by a special resolution.

Such directors shall be selected by vote of a general or special meeting

Three of the directors shall form a quorum for the transaction of business.

25. The persons who, on the first day of May 1876, are respectively directors of the Bank of Bengal, the Bank of Madras, and the New Bank of Bombay, Limited, shall be respectively directors of the Bank of

Bengal, the Bank of Madras, and the Bank of Bombay, as constituted by this Act, subject to removal as hereinafter provided and to the other provisions herein contained.

26. The two directors who have been longest in office shall go out of office at the general meeting. Two directors to go out by rotation annually.

Any director so retiring may be re-elected at such meeting; and if any question arise as to which of the directors who have been the same time in office shall retire, such question shall be decided by the directors by ballot

27. *Clause 1*—No person shall be qualified to serve as a director of a Bank who is not a proprietor or holder in his own right of unencumbered stock or shares of such Bank, to the nominal amount of ten thousand rupees at the least

Clause 2—No person shall be qualified to serve as a director—

If he holds the office of director, provisional director, promoter, agent or manager of any other joint-stock Bank established, or having a branch or agency, in British India, or advertised as about to be established, or to have a branch or agency, in British India; or

If he is a salaried officer of Government not specially authorised by the Governor General in Council to serve as a director;

And the office of director shall be vacated—

If the person holding it resigns his office or dies,

If he accepts or holds any other office of profit under the Bank;

If he becomes insolvent or bankrupt, or compounds with his creditors;

If he is declared lunatic, or becomes of unsound mind,

If he is absent from the Board for more than three consecutive months,

If he ceases to hold in his own right the amount or number of unencumbered stock or shares required to qualify him for the office.

Clause 3—No two persons who are partners of the same mercantile firm, or one of whom is the general agent of, or holds a power of procuration from, the other, or from a mercantile firm of which the other is a partner, shall be eligible or qualified to serve as directors at the same time

Clause 4—The proprietors or shareholders may, by a special resolution passed by the votes of proprietors or shareholders holding in the aggregate not less than one-half of the capital, remove any director before the expiration of his period of office, and appoint, in his stead, a qualified person, who shall in all respects stand in his place.

28. At the first meeting of the directors in every year, they shall choose a president and vice-president from among themselves,

and whenever the office of president or vice-president becomes vacant, they shall, at their next meeting, choose a successor for the remainder of the current year.

The president, or in his absence the vice-president, shall be chairman at all meetings whether of directors or of proprietors or shareholders, or of proprietors and shareholders, and shall have an additional or casting vote in all cases of an equal division of votes: Provided that if both the president and vice-president be absent at any meeting, the directors present shall elect a chairman for such meeting from among themselves, and such chairman shall, in case of an equal division of votes, have an additional or casting vote.

29. The Board shall have power at any time, and from time to time, to supply any vacancies in their number arising from the death, resignation, or disqualification under section twenty-seven, of any director.

Any director so appointed shall, for the purposes of section twenty-six, be considered to have held office from the date on which the director in whose place he is appointed was elected, or (where such director was appointed under this section) from the date on which his mediate or immediate predecessor was elected.

30. All acts done by any person acting in good faith as a director shall be as valid as if he was a director, notwithstanding it be afterwards discovered that there was some defect in his appointment or qualification.

31. Every director shall be indemnified by the Bank against all losses and expenses incurred by him in or about the discharge of his duties, except such as happen from his own wilful act or default.

No director shall be responsible for any other director or for any officer, clerk or servant of the Bank, or for any loss or expense happening to the Bank by the insufficiency or deficiency of value of, or title to, any property or security acquired or taken on behalf of the Bank, or by the insolvency, bankruptcy or wrongful act of any customer or debtor of the Bank, or by anything done in the execution of the duties of his office or in relation thereto, or otherwise than for his own wilful act or default.

CHAPTER VII.

OFFICERS OF THE BANK.

32. The directors shall have power—

Appointment, salaries, suspension, and removal of officers.

to appoint such officers, clerks and servants as may be necessary to conduct the business of the Bank,

to grant salaries, pensions and other emoluments to such officers, clerks and servants, and to suspend or remove any officer, clerk or servant of the Bank.

33. The Secretary and such other officers of the Bank as the directors may by writing notified in the local official Gazette (and, in the case of the Bank of Bengal, also in the *Gazette of India*) are hereby severally empowered for and on behalf of the Bank to endorse and transfer promissory notes, stock-receipts, stock, debentures, shares, securities and documents of title to goods, standing in the name of, or held by, the Bank,

and to draw, accept and endorse bills of exchange, bank-post-bills, and letters of credit, in the current and authorized business of the Bank, and to sign all other accounts, receipts and documents connected with such business.

34. No Secretary, Inspector, Manager, or Accountant in the service of the Bank, and no Khazánchi, Cashier or Shroff in the service of the Bank at the principal office,

and, without the previous sanction of the Board, no agent Khazánchi, Cashier or Shroff at any branch or agency of the Bank,

shall engage in any other banking or commercial business, either on his own account or as agent for any other person or persons, or shall act as broker or agent for the sale or purchase of Government or other securities.

35. Every person appointed to hold, or act in, any one or more of the said offices, and every other officer from whom the directors may from time to time think fit to require it, shall give security to the directors, for the faithful discharge of his duty to the satisfaction of the directors, in such amount and in such manner as they think proper.

The security to be given as aforesaid by the person holding or acting in the office of Secretary shall not be in a less amount than fifty thousand rupees.

CHAPTER VIII.

BUSINESS.

36. The Bank is authorized to carry on and transact the several kinds of business hereinafter specified (that is to say):

(a) the advancing and lending money, and opening cash-credits, upon the security of—

(1) promissory notes, debentures, stock and other securities of the Government of India, or of the United Kingdom of Great Britain and Ireland;

(2) bonds, debentures and annuities charged by the Imperial Parliament on the revenues of India;

- (3) stock or debentures of, or shares in Railway or other Companies, the interest whereon shall have been guaranteed by the Secretary of State for India in Council,
- (4) debentures or other securities for money issued by, or on behalf of, any municipal body under the authority of any Act of a legislature established in British India,
- (5) bullion or other goods which, or the documents of title to which, are deposited with, or assigned to, the Bank as security for such advances, loans or credits; and
- (6) accepted bills of exchange and promissory notes endorsed by the payees

Provided that such advances and loans may be made, if the directors think fit, to the Secretary of State for India in Council, without any specific security;

(b) the selling and realization of the proceeds of sale of any such promissory notes, debentures, stock receipts, bonds, annuities, stock, shares, securities, bullion or goods which, or the documents of title to which, have been deposited with, or assigned to, the Bank as security for such advances, loans or credits, or which are held by the Bank, or over which the Bank is entitled to any lien or charge in respect of any such loan or advance or credit or any debt or claim of the Bank, and which have not been redeemed in due time in accordance with the terms and conditions (if any) of such deposit or assignment;

(c) the drawing, discounting, buying and selling of bills of exchange and other negotiable securities payable in India, or (in the case of the Bank of Madras) in Ceylon;

(d) the investing of the funds of the Bank upon any of the securities specified in paragraph (a) of this section, clauses (1), (2), (3), and (4), and converting the same into money when required,

and from time to time altering, converting and transposing such investments for or into others of the investments above specified,

(e) the making, issuing and circulating of bank-post-bills and letters of credit made payable in India, or (in the case of the Bank of Madras) in Ceylon, to order, or otherwise than to the bearer on demand;

(f) the buying and selling of gold and silver, whether coined or uncoined,

(g) the receiving of deposits and keeping cash-accounts on such terms as may be agreed on;

(h) the acceptance of the charge and management of plate, jewels, title-deeds or other valuable goods on such terms as may be agreed upon;

(i) the selling and realizing of all property, whether moveable or immovable, which may in any way come into the possession of the Bank in satisfaction or part satisfaction of any of its claims,

(j) the transacting of pecuniary agency business on commission;

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(k) the acting as agent on commission in the transaction of the following kinds of business (namely) —

- (1) the buying, selling, transferring and taking charge of any securities, or any shares in any public Company,
- (2) the receiving of the proceeds, whether principal, interest or dividends, of any securities or shares;
- (3) the remittance of such proceeds at the risk of the principal by public or private bills of exchange, payable either in India or elsewhere,

(l) the drawing of bills of exchange, and the granting of letters of credit, payable out of India, for the use of principals for the purpose of the remittances mentioned in the last preceding clause of this section,

(m) the buying, for the purpose of meeting such bills or letters of credit, of bills of exchange payable out of India, at any usance not exceeding six months,

(n) and, generally, the doing of all such matters and things as may be incidental or subsidiary to the transacting of the various kinds of business hereinbefore specified;

(o) It shall also be lawful for the Bank under any arrangement or agreement with the Secretary of State for India in Council—

- (1) to act as banker for, and to pay, receive, collect and remit money, bullion, and securities on behalf of the Government,
- (2) to undertake and transact any other business which the Government may from time to time entrust to the Bank;

And the directors shall have power from time to time to arrange and settle with the Governor General in Council the terms of remuneration on which such business shall be undertaken by the Bank, and also as to the examination and audit from time to time of the accounts and affairs of the Bank by or on behalf of the Governor General in Council.

37. The directors shall not transact any kind of banking business other than those above specified, and in particular they shall not make any loan or advance—

- (a) for a longer period than three months; or
- (b) upon the security of stock or shares of the Bank of which they are directors, or
- (c) upon mortgage, or in any other manner upon the security, of any immovable property, or the documents of title relating thereto.

(d) Nor shall they lend or advance, by discount of bills or otherwise, to any individual or partnership firm (except upon the security mentioned in section thirty-six, paragraph (a), numbers (1) to (5) inclusive), any sums of money exceeding in the whole at any one time such sum as may be prescribed by the bye-laws for the time being in force.

(e) Nor shall they discount or buy, or advance and lend, or open cash-credits on the security of any negotiable instrument of any individual or partnership firm, payable in the town or at the place where it is presented for discount, which does not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership.

(f) Nor shall they discount or buy, or advance and lend, or open cash-credits on the security of any negotiable security having at the date of the proposed transaction a longer period to run than three months, or if drawn after sight, drawn for a longer period than three months: provided that, in the case of the Bank of Madras, the directors may discount negotiable securities payable in Ceylon having at the date of the transaction a period to run not exceeding four months

Nothing contained in this Act shall be deemed to prevent the directors from allowing any person who keeps an account with the Bank from overdrawing such account, without security, to the extent of sums not exceeding at any one time two thousand rupees in the whole.

38. Until the expiration of at least fourteen days after notice has been given by notification to the Government at Banks, of the Governor General in Council published, in the case of the Bank of Bengal, in the *Gazette of India* and the *Calcutta Gazette*, and in the cases of the Bank of Madras and the Bank of Bombay, in the local official Gazette, that the Bank will no longer act as banker for, or pay, receive, collect or remit money, bullion and securities on behalf of the Government,

all sums payable by or to the Secretary of State for India in Council, or by or to the Governor General in Council, or the Government of Bengal or the Governor of Fort St George in Council or the Governor of Bombay in Council, on behalf of the Secretary of State for India in Council, at the General Treasury of Fort William in Bengal, or at the General Treasury at Madras, or at the General Treasury at Bombay,

shall be payable—

in the case of the Secretary of State for India in Council, or the Governor General in Council—at the office of the Bank of Bengal, the Bank of Madras, or the Bank of Bombay, as the case may be,

in the case of the Government of Bengal—at the office of the Bank of Bengal;

in the case of the Governor of Fort St. George in Council—at the office of the Bank of Madras; and

in the case of the Governor of Bombay in Council—at the office of the Bank of Bombay.

39. Whenever presentment of any promissory note, bond or other security for payment or any other purpose at any of the said General Treasuries would heretofore have been necessary or sufficient presentment for such

purpose shall be necessary or sufficient (as the case may be) until the expiration of fourteen days after the giving of the notice mentioned in section thirty-eight—

in the case of the General Treasury of Fort William—at the office of the Bank of Bengal;

in the case of the General Treasury at Madras—at the office of the Bank of Madras; and

in the case of the General Treasury at Bombay—at the office of the Bank of Bombay.

40. The office of the Bank of Bengal shall be at Calcutta, that of the Bank of Madras shall be at Madras, and that of the Bank of Bombay shall be in the Island of Bombay;

and the business of the Bank shall be carried on at its office, and at such other place or places in India as the Board may deem advisable, under the provisions of section forty-two.

41. For the purpose of providing offices and places in and at which to carry on and manage the business of the Bank, and proper residences for its agents, the directors may—

(a) acquire any interest in immovable property, and

(b) sell, buy in, re-sell, exchange, let, furnish, repair, insure against fire and otherwise deal with all or any part of the same as they may consider most conducive to the interests of the Bank.

42. It shall be lawful for the directors to maintain as branches or agencies of the Bank, any branches or agencies of the present Banks, which may be in existence on the first day of May 1876,

and, from time to time, to establish branches or agencies at such places within the Presidency in which the Bank is situate as they deem advantageous to the interest of the Bank,

and, with the previous consent of the Governor General in Council, and subject to such restrictions as to the business to be transacted as he thinks fit in each case to impose (such consent and restrictions being notified in the *Gazette of India*), to establish branches or agencies at such places outside the Presidency in which the Bank is situate, as the directors deem advantageous for the interests of the Bank:

Provided that no agency of the Bank now or hereafter established in Bombay, Calcutta or Madras shall advance, or lend money, or open cash-credits on securities, or receive deposits and keep cash-accounts, or discount bills of exchange drawn and payable in the Presidency in which it is so established,

or shall act as agent on commission, or transact any business except as agent of its principal Bank, or any of its branches or other agencies.

The directors may discontinue any branch or agency maintained or established under this section.

CHAPTER IX.

ACCOUNTS AND DIVIDENDS.

43. The directors shall cause the books of the Bank to be balanced on every thirty-first day of December and every thirtieth day of June.

A statement of the balance at every such period, signed by a majority of the directors, shall be forthwith sent to the Secretary to the Government of India, and in the cases of the Bank of Madras and the Bank of Bombay, also to a Secretary to the Local Government.

The Governor General in Council in the case of each of the said Banks, and the Local Government in the case of the Bank of Madras and the Bank of Bombay, shall (so long as any such arrangement with the Government as aforesaid, which has already been, or shall hereafter be, entered into, remains in force) at all times be entitled to require of the directors any information touching the affairs of the Bank and the production of any document of the Bank,

and in the case of each of the said Banks the Governor General in Council may require the publication of such statements of its assets and liabilities at such intervals and in such form and manner as the Governor General in Council thinks fit.

Every requisition under this section shall be signified in writing under the hand of a Secretary to the Government of India or to the Local Government (as the case may be), and the directors shall comply with every such requisition.

44. An account of the profits of the Bank during the previous half-year shall be taken on or immediately after every thirty-first day of December and every thirtieth day of June,

and a dividend shall be made as soon thereafter as conveniently may be,

and the amount of such dividend shall be determined by the directors, subject to the provisions of section forty-five,

No unpaid dividend shall bear interest as against the Bank.

45. The directors, before declaring any dividend, may set aside out of the profits of the Bank such a sum as they think proper as a reserve-fund, and invest the same upon any of the securities specified in section thirty-six, paragraph (a), clauses (1), (2), (3) and (4).

46. The directors may from time to time apply such portion as they think fit of the reserve-fund to meet contingencies, or for equalizing dividends, or for any other purposes of the Bank, which they from time to time deem expedient.

CHAPTER X.

AUDIT.

47. Two auditors shall be elected and their remuneration fixed at the annual general meeting.

The auditors may be proprietors or shareholders, but no director or other officer of the Company is eligible during his continuance in office.

Who may be auditors. Any auditor shall be re-eligible on his quitting office.

The persons who shall be auditors on the first day of May 1876, and all auditors elected under this section, shall severally be and continue to act as auditors until the first general meeting after their respective elections.

Provided that if any casual vacancy occurs in the office of any auditor, the directors shall forthwith call a special meeting for the purpose of supplying the same.

48. Every auditor shall be supplied with a copy of the half-yearly balance-sheet, and it shall be his duty to examine the same, with the accounts and vouchers relating thereto.

Every auditor shall have a list delivered to him, of all books kept by the Bank, and shall at all reasonable times have access to the books, accounts and other documents of the Bank, and may (at the expense of the Bank) employ accountants or other persons to assist him in investigating such accounts, and may, in relation to such accounts, examine the directors or any other officer of the Bank.

The auditors shall make a report to the proprietors and shareholders upon the annual balance-sheet and accounts; and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet containing the particulars required by the by-laws made under this Act and properly drawn up so as to exhibit a true and correct view of the state of the Bank's affairs, and in case they have called for any explanation or information from the directors whether it has been given by the directors and whether it has been satisfactory.

Such report shall be read together with the report of the directors at the annual general meeting.

CHAPTER XI.

MEETINGS

49. On the first Monday of the month of August in every year, or as soon after such day as is convenient, a general meeting shall be held, at which the directors shall submit to the proprietors and shareholders a statement of the affairs of the Bank made up to the preceding thirtieth day of June.

A notice convening such meeting, signed by the Secretary, shall be published in the local official Gazette, and in the case of the Bank of Bengal also in the *Gazette of India*, at least fifteen days before the meeting is held.

50. Any ten or more proprietors or shareholders holding stock or shares, or both, to the aggregate amount of fifty thousand rupees, or any three directors, may convene a special meeting upon giving fifteen days' previous notice of such meeting, and of the purpose for which the same is convened, as well to the directors as also by public advertisement in the local official Gazette, and in two of the English daily newspapers and one of the Vernacular newspapers.

Provided that three months' previous notice shall be thus given of any special meeting held for the purpose of increasing or reducing the capital of the Bank, and shall also be served on every proprietor and shareholder.

51. No business shall be transacted at any meeting, whether general or special, unless a quorum of twenty proprietors or shareholders, or both, in person or by proxy, is present at the commencement of such business.

If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if convened by proprietors or shareholders not being directors, shall be dissolved: in any other case it shall stand adjourned to the same day in the following week at the same time and place, and if at such adjourned meeting a quorum is not present it shall be adjourned *sine die*.

52. At meetings, whether general or special, every election and other matter submitted to the meeting shall be decided by a majority of votes, except as in section thirteen and in section twenty-seven, clause 4, is specially provided,

and no person shall be allowed to vote at any such meeting in respect of any stock or share acquired by transfer, unless such transfer shall have been completed and registered at least three months before the time of such meeting.

And no shareholder shall be entitled to vote at any meeting in respect of any shares held by him alone or jointly, whilst any call due from him alone or jointly remains unpaid.

53. A declaration by the chairman of any meeting, except a special meeting held under section thirteen, that a resolution has been carried thereat upon a show of hands, shall be conclusive, and an entry to that effect in the book of proceedings of the Bank shall be sufficient evidence of that fact, without proof of the number or proportion of the votes recorded in favour of, or against, such resolution, unless, immediately on such declaration, a poll be demanded in writing by five proprietors or shareholders present and entitled to vote at such meeting.

54. If a poll be demanded, it shall be taken at such time and place, and (except at the special meeting last aforesaid) either by open voting or by ballot, as the chair-

man directs, and the results of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

55. The proceedings at any meeting, and all resolutions and decisions of such meeting, shall be valid and binding on the Bank, so far as such proceedings, resolutions and decisions are consistent with the provisions of this or any other Act for the time being in force and regulating the Bank.

56. At all such meetings the proprietors or shareholders shall vote according to the following scale —

The proprietor of capital stock amounting to Rs 2,000, or the holder of shares of which the total nominal amounts are equal to Rs. 2,000, shall be entitled to 1 vote.	
The proprietor of capital stock amounting to Rs. 10,000, or the holder of shares of which the total nominal amounts are equal to Rs 10,000, shall be entitled to 2 votes.	
The proprietor of capital stock amounting to Rs 20,000, or the holder of shares of which the total nominal amounts are equal to Rs. 20,000, shall be entitled to 3 "	
The proprietor of capital stock amounting to Rs 30,000, or the holder of shares of which the total nominal amounts are equal to Rs. 30,000, shall be entitled to 4 "	
The proprietor of capital stock amounting to Rs. 40,000, or the holder of shares of which the total nominal amounts are equal to Rs 40,000, shall be entitled to 5 "	
The proprietor of capital stock amounting to Rs 50,000, or the holder of shares of which the total nominal amounts are equal to Rs 50,000 shall be entitled to 6 "	
The proprietor of capital stock amounting to Rs. 75,000, or the holder of shares of which the total nominal amounts are equal to Rs 75,000, shall be entitled to 7 "	
The proprietor of capital stock amounting to Rs 1,00,000, or the holder of shares of which the total nominal amounts are equal to Rs 1,00,000, shall be entitled to 8 "	
The proprietor of capital stock amounting to Rs. 1,25,000, or the holder of shares of which the total nominal amounts are equal to Rs 1,25,000, shall be entitled to 9 "	
The proprietor of capital stock amounting to Rs. 1,50,000, or the holder of shares of which the total nominal amounts are equal to Rs 1,50,000, shall be entitled to 10 "	
The proprietor of capital stock amounting to Rs 1,75,000, or the holder of shares of which the total amounts are equal to Rs 1,75,000, shall be entitled to 11 "	
The proprietor of capital stock amounting to Rs. 2,00,000 or the holder of shares of which the total amounts are equal to Rs 2,00,000, shall be entitled to 12 "	

Where a person is both a proprietor of stock and a holder of shares, his shares shall, for the purpose of this section, be deemed to be stock.

No proprietor or shareholder shall be entitled to more than twelve votes at any such meeting.

57. Any proprietor or shareholder entitled to vote at any meeting under this Act may give a proxy in writing, either general or special, under his hand or the hand of his at-

torney duly authorized, to any other proprietor or shareholder.

Such proxy shall be produced at the time of voting, and shall entitle the person to whom it is given to vote on such matters as shall be authorized by the tenor of such proxy.

But no person shall be permitted to vote in virtue of such proxy unless it has been left for registration at the office of the Bank at least three clear days before the time for holding the meeting at which it is intended to be used.

Provided that a general proxy which has been registered at such office need not be again left for registration previous to any subsequent meeting.

Proxies existing and in force with reference to Existing proxies any of the present Banks, shall continue in force and be available at meetings under this Act, anything herein contained notwithstanding.

A general power-of-attorney shall be deemed a proxy within the meaning of this section.

58. If any proprietor or shareholder is a lunatic or idiot, he may vote by his committee or other legal curator, and if any proprietor or shareholder is a minor, he may vote by his guardian, or any one of his guardians, if more than one.

CHAPTER XII.

NOTICES.

59. Every notice or other document requiring to be served by the Bank upon any proprietor or shareholder may be served either personally, or by leaving it for, or sending it through the post by registered letter addressed to, him at his registered place of abode;

and every notice sent through the post shall be deemed to have been served at the time at which, in the usual course of post, it would have been delivered.

60. Any proprietor or shareholder who changes his name or place of abode, or being a female marries, and the husband of any such female, respectively, shall not be entitled to recover any dividend or to vote until notice of the change of name or abode or marriage be given to the Bank, in order that the same may be registered.

Every notice to be given on the part of any proprietor or shareholder shall be left at the office of the Bank, or sent through the post by registered letter addressed to the Secretary of the Bank at its principal office.

61. Every person who by operation of law, transfers or otherwise becomes entitled to any stock or shares, shall be bound by any and every notice or other document which, previously to his name and address being entered upon the register of the Bank in respect of such stock or shares, has been given to the person from whom he derives his title thereto.

17.—47 k

62. When any notice or document is delivered or sent in accordance with this Act, at or to the registered place of abode of a proprietor or shareholder, then, and notwithstanding he be then deceased, and whether or not the Bank have notice of his decease, such service of the notice or other document shall, for all purposes of this Act, be deemed service thereof on him, or, if dead, on his heirs, executors, administrators, and every of them.

CHAPTER XIII.

BYE-LAWS.

63. The directors shall, as soon as may be, make, and may from time to time alter, bye-laws regulating the following matters or any of them:—

(a) the maximum amount which may be advanced or lent by discount of bills, or otherwise, to any individual or partnership, without the security mentioned in section thirty-six, paragraph (a), Nos. (1) to (5) inclusive,

(b) the circumstances under which alone advances may be made to directors or officers of the Bank, or the relatives of such directors or officers, or to companies, firms or individuals with which or with whom such directors, officers, or relatives are connected as partners, directors, managers, servants, shareholders, or otherwise,

(c) the particulars to be contained in the half-yearly balance-sheet.

The directors may from time to time make bye-laws regulating the following matters or any of them:—

(d) the distribution of business amongst the directors,

(e) their remuneration,

(f) the delegation of any powers of the directors to committees consisting of members of their body,

(g) the procedure at the meetings of the board or of any committee of the directors,

(h) the books and accounts to be kept at the head and other offices respectively,

(i) the reports and statements to be prepared and made by the Chief Accountant, the heads of departments, and the other officers of the Bank,

(j) the management of the branches and agencies.

(k) the fees payable for certificates of shares or receipts for stock, or for registration of transfers of shares or stock.

(l) the renewal of certificates of shares and receipts for stock, which have been worn out or lost,

(m) and, generally, for the conduct of the business of the Bank:

Provided that no bye-law, or alteration or rescission of any bye-law, shall be of any validity, except in so far as the same is consistent with the provisions of this Act, and has been previously

approved by the Governor General in Council, and such approval has been signified in writing under the hand of a Secretary to the Government of India.

CHAPTER XIV.

MISCELLANEOUS.

64. The directors may institute, conduct, defend, compromise, refer to arbitration and abandon legal and other proceedings and claims by or against the Bank or the directors or officers of the Bank, and otherwise concerning its affairs.

65. In any suit brought against any shareholder to recover any debt due for any call or other monies due from him in his character of shareholder, it shall be sufficient to allege that the defendant is a shareholder of the Bank, and is indebted to the Bank in respect of a call made or other monies due, whereby a right to sue has accrued to the Bank ;

and, on the hearing of any suit brought by the Bank against any shareholder to recover any debt due for any call, it shall be sufficient to prove that the name of the defendant is on the register of shareholders of the Bank as the holder of the shares in respect of which such debt accrued, and that the call was made, and that notice of such call was duly given to the defendant in pursuance of this or any other Act for the time being in force regulating the Bank ,

and it shall not be necessary to prove the appointment of the directors who made such call, nor that a quorum of directors was present at the Board at which such call was made, nor that the meeting at which it was made was duly convened or constituted

66. Nothing in the Thirty-third of George the Third, session two, chapter fifty-two, shall be deemed to render it unlawful for any servant of Government, or for any Judge of a High Court, to become a member of any corporation established under this Act.

67. Notwithstanding anything contained in this Act or in section 231 of Act No. X of 1866, whenever the proprietors and shareholders have passed a special resolution that the Bank shall be wound up voluntarily under the Indian Companies Act, 1866, the Bank shall be wound up accordingly, as if it were a Company under that Act .

Provided that no such special resolution shall be deemed to have been passed unless at least one-third of the proprietors and shareholders holding at least one-half of the paid-up capital of the Bank for the time being, be present in person or by proxy, and a majority poll by open

voting in favour of the said resolution, and such resolution has been confirmed by a majority of such proprietors and shareholders at a subsequent special meeting held at an interval of not less than one month, nor more than two months, from the date of the meeting at which such resolution was first passed.

68. And whereas the Government of India has agreed to sell, and the directors of the present Bank of Bengal have agreed to purchase, at a premium of twenty-two and a half per centum, the said two thousand two hundred shares of one thousand rupees each held by the Government of India in the same Bank , and it is intended that the directors of the Bank of Bengal as constituted by this Act shall cancel two thousand of such shares, and sell for the benefit of the Bank four hundred shares in the same Bank corresponding with the remaining two hundred shares so agreed to be sold and purchased ;

And whereas the Government of India has agreed to sell, and the directors of the present Bank of Madras have agreed to purchase, at a premium of ten per centum, the said five hundred and sixty-two and a half shares held by the Government of India in the same Bank . and it is intended that the directors of the Bank of Madras as constituted by this Act shall cancel the same shares ;

And whereas the directors of the present Bank of Madras have purchased and cancelled other sixty-two and a half shares in such Bank ,

And whereas the said respective directors of the present Bank of Bengal and Bank of Madras had no power to enter into the said agreements with the Government of India, and the directors of the Bank of Bengal as constituted by this Act have no power to sell the four hundred shares referred to in this section, and the said directors of the present Bank of Madras had no power to purchase and cancel the said other sixty-two and a half shares ,

And whereas the directors of the Bank of Bengal as constituted by this Act have no power to cancel the said two thousand shares and the said directors of the Bank of Madras as constituted by this Act have no power to cancel the said five hundred and sixty-two and a half shares ,

And whereas it is expedient to confirm the said agreements with the Government of India, and to indemnify the said respective directors of the present Bank of Bengal and Bank of Madras for entering into the same, and to confirm the said purchase of the said other sixty-two and a half shares by the directors of the present Bank of Madras, and to indemnify the same directors for making the same, and for cancelling the same shares, and to empower the directors of the Bank of Bengal as constituted by this Act to sell the said four hundred shares, and to empower the respective directors of the Bank of Bengal and Bank of Madras as constituted by this Act to

cancel the said shares so intended to be cancelled; It is hereby further enacted as follows.—

(a)—The said agreements with the Government of India are hereby confirmed, and the said respective directors of the present Bank of Bengal and Bank of Madras are hereby indemnified for entering into the same, and no suit or other proceeding shall be maintained against any such director in respect of any thing *bonâ fide* done in pursuance of either of such agreements.

(b)—The said purchase of the said other sixty-two and a half shares is hereby confirmed, and the said directors of the present Bank of Madras are hereby indemnified for making the same and for cancelling the same shares, and no suit or other proceeding shall be maintained against any such director in respect of any thing *bonâ fide* done in effecting such purchase and cancellation.

(c)—The directors of the Bank of Bengal as constituted by this Act shall have power to sell, and shall, as soon as conveniently may be, sell, the said four hundred shares, either together or in parcels, and either by public auction or private contract, and shall apply the proceeds in or towards paying the price of the shares of the Government of India so agreed to be purchased by the directors of the present Bank as aforesaid, or otherwise for the benefit of the Bank of Bengal as constituted by this Act.

(d)—The directors of the Bank of Bengal as constituted by this Act shall have power to cancel, and shall, as soon as conveniently may be, cancel, the said two thousand shares, and the directors of the Bank of Madras as constituted by this Act shall have power to cancel, and shall as soon as conveniently may be, cancel, the said five hundred and sixty-two and a half shares.

SCHEDULE.

(SEE SECTION 2.)

Part I—Statute.

Number and year	Abbreviated title.	Extent of repeal
47 George III, sess. 2, cap 68	An Act for the better government of the Settlements of Fort St. George and Bombay, &c.	Sections eight, nine and ten

Part II.—Acts of the Governor General in Council.

Number and year	Title.
IV of 1862	An Act for regulating the Bank of Bengal.
V of 1862	An Act to provide for the payment at the Banks of Bengal, Madras and Bombay, of monies payable at the General Treasuries of Calcutta, Madras and Bombay.
VI of 1862	An Act to annex a schedule to Act IV of 1862
XXIX of 1863	An Act to declare the receipts of the Banks of Bengal, Madras and Bombay to be sufficient in lieu of the receipts of the Sub-Treasurers of Fort William, Fort St. George and Bombay, respectively
XIX of 1870	An Act to enable the Directors of the Bank of Bengal to act by a quorum.

Part III—Acts of the Governor of Fort St George in Council.

Number and year	Title
VI of 1866	An Act for repealing Madras Act V of 1862, and for regulating the Bank of Madras
I of 1871	An Act to amend Madras Act VI of 1866, to give validity to certain acts done by the directors of the Bank of Madras, and to enable outgoing directors to be re-elected.

Part IV—Acts of the Governor of Bombay in Council.

Number and year	Title
X of 1863	An Act for the Re-incorporation and Re-constitution of the Bank of Bombay
XV of 1866	An Act to amend Act No. X of 1863 (Bombay)
I of 1867	An Act to reduce the amount of the capital of the Bank of Bombay and of the shares thereon, and to amend Act X of 1863 and Act XV of 1863 (Bombay.)

WHITLEY STOKES,
Secretary to the Govt. of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th April 1876, and was promulgated for general information in the *Gazette of India* on the 15th April 1876.—

Act No. XII. of 1876

An Act for the repeal of certain Obsolete Enactments

WHEREAS it is expedient that the enactments mentioned in the schedule to this Act, which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repealed prior enactments, should be expressly and specifically repealed, It is hereby enacted as follows—

1. The enactments described in the schedule annexed to this Act are hereby repealed to the extent mentioned in the third column of the same schedule :

Provided that the repeal by this Act of any enactment shall not affect any Statute, Act or

Regulation, in which such enactment has been applied, incorporated, or referred to :

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived, by, in, or from any enactment hereby repealed.

Nor shall this Act provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage or practice not now existing or in force

2. This Act may be cited as "The Repealing Act, 1876" it extends to the whole of British India and it shall come into force at once.

Short title.
Local extent
Commencement.

SCHEDULE.

A description or citation of a portion of an Act or Regulation is inclusive of the words, section or other part, first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

PART I

Acts of the Governor General in Council

Number and year.	Subject	Extent of repeal
IX of 1835 XIX of 1838	Salt, Bengal Coasting Vessels, Bombay	The whole. Section nine. In section twelve, the word "India" In section thirteen, the words "Justice of the Peace or person exercising the powers of a Magistrate"
XXIX of 1838 ... VI of 1840 ...	Salt, Bengal .. Bills of Exchange ..	So much of section fifteen as has not been repealed So much as has not been repealed. In section five, the words "after the passing of this Act"
XVIII of 1841 ... XIX of 1841	Arms and Ammunition .. Wrongful possession in case of succession.	Section two In section nine, the word "that" where it occurs before the word "all," and in section eighteen, the word "that" where it occurs before the word "for"
XVI of 1841 . I of 1840 ...	Salt, Bombay . Pleaders ...	So much as has not been repealed. In section seven, the word "that" where it occurs before the word "it" Section nine down to the words "and that," and in the same section, the word "such" where it first occurs.
VIII of 1846 .. XI of 1846 ..	Settlement, N. W. Provinces .. Deregulationising certain territories.	So much as has not been repealed. The words "and the Zillah Ahmednuggur" wherever they occur.

Acts of the Governor General in Council—continued.

Number and year.	Subject.	Extent of repeal
XX of 1847	Copyright	... In section seven, the words "after the passing of this Act" and "in such part of the said territories"; and from "if he shall have so offended" down to "charter" and from "to a special" to "no Zillah Court."
XV of 1848	Supreme Court Officers	... In section thirteen, the word "that" where it occurs after the words "Trover, and." In section four, the words "or the East India Company."
IX of 1850	Presidency Small Cause Courts.	Sections three, forty-seven and ninety. In section one, the last thirty-seven words. In section eight, the words "not exceeding three." In section one hundred and one, the words "after the passing of this Act."
XXXVII of 1850	Public Servants	Section seventeen.
XL of 1850	Pawnbrokers, Straits Settlements.	So much as has not been repealed.
VIII of 1851	Tolls on Roads and Bridges	In section six, the words "of the zillah."
XVII of 1852	Special Cases, Supreme Court.	Section twenty-six, from "which according" to "referred, but" Section thirty. In section thirty-two, the words "and also the Court of Judicature of Prince of Wales' Island, Singapore and Malacca." Section thirty-three.
XXI of 1852	Deputy Collectors, Bombay	In section one, the words "zillah or."
XXX of 1852	Naturalization	The last sixteen words of the schedule.
XVIII of 1854	Railways	... In section thirty-four, the words "or by any Assistant to a Magistrate or Deputy Magistrate." In section thirty-five, the words "and district or Joint Police officers in the Presidency of Bombay." In section forty, the words "within the said territories."
XXXI of 1854	Real Actions, Conveyances	In section thirteen, the words "in the possession and"
VI of 1855	Execution, Supreme Courts.	Section fourteen, from "and the term" to the end.
XXIV of 1855	Penal Servitude	... In section one, the words "in the possession and."
VIII of 1856	Goals, Bombay	... In section two, the first eight words.
II of 1857	Calcutta University	In the preamble, the last four words. Section four, from "and the first" to the end. In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859," and the words "the Vice-Chancellor hereinbefore nominated or."
IV of 1857	Tobacco, Bombay Town	... In section five, the words "after the passing of this Act," and from "and the provisions" to "Town"
XI of 1857	Offences against the State	In section three, clause 1, the words "within the said territories," "of the crimes mentioned in the preceding sections, or any other." In section four, the words "the attendance or futwa of a Law Officer or." Sections seven, eight, nine and ten. In section eleven, the words "lawfully exercising the powers of a Magistrate and any Assistant to a Magistrate or Deputy Magistrate."
XXII of 1857	Bombay University	... In the preamble, the last four words. In section four, the last twelve words. In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859," and the words "the Vice-Chancellor hereinbefore nominated or."

Acts of the Governor General in Council—continued

Number and year	Subject	Extent of repeal.
XXVII of 1857 ...	Madras University .	In the preamble, the last four words. In section four, the last fourteen words. In section five, the first sentence, and the words and figures "and the Vice-Chancellor hereinafter nominated shall go out of office on the first day of January 1859," and the words "the Vice-Chancellor hereinafter nominated or."
XXIX of 1857 ..	Land Customs, Bombay .	In section eleven, the words "by the said schedules." In section thirteen, the words "entered in either of the said schedules as"
I of 1859 ...	Merchant Seamen .	In section sixty-three, the words "or in any station of the Settlement of Prince of Wales' Island, Singapore and Malacca, to the Court of Judicature there." In section sixty-seven, the words "and in the Straits Settlements in such manner as the Governor shall notify"
III of 1859 ...	Cantonment Joint Magistrates.	In the title, the words "and for constituting those Officers Registers of Deeds" In the preamble, the words "and that they should also be appointed Registers of Deeds within the same limits" Section three, so far as it relates to the Presidency of Madras. Section five. Sections thirteen and thirty-six. So much as has not been repealed.
XV of 1859	Patents	The whole
XXXI of 1861 ..	Saltpetre	The whole
XIII of 1863 ...	Imprisonment of Convicts, Bombay.	The whole
XIV of 1863 ...	Amending Act X of 1859	So much as has not been repealed.
III of 1864 ..	Foreigners	In section twenty-four, the words "and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca."
XVII of 1864	Official Trustee	In section three, the words "the said"
XXII of 1864	Cantonments	In section eight, the words "and for constituting those officers Registrars of Deeds"
XI of 1865	Mofussil Small Cause Courts	In section twelve, the words "or District" "and for constituting those officers registers of Deeds"; so much as relates to the trial of small suits in military bázars, cantonments and stations in the Presidency of Madras, and the last twenty-one words
XV of 1865	Parsi Marriage and Divorce	So much of section fifty-three as has not been repealed.
XXIX of 1865	Pleaders	Sections one, two and three.
XII of 1866	Private Water-courses	The whole.
XIV of 1866	Post Office	Section fifty-five, and in section fifty-six, the words "or by any Assistant to a Magistrate or Deputy Magistrate"
XXV of 1866	Transfer of securities to Government.	The preamble from "And whereas" to "purposes aforesaid"
VII of 1867	Purchases from Soldiers .	In section one, the first eight words.
XIII of 1867	Port dues: Coast lights	Section two
XIV of 1869	Bombay Civil Courts	The second paragraph of section five The second paragraph of section fourteen. Sections thirty and thirty-one
X of 1870 ..	Land Acquisition	In section thirty-nine, the words "by the Code of Civil Procedure"
XXII of 1870	European British Subjects	Section one
XXIII of 1870	Coynage	Section eighteen, paragraph one.
XXVII of 1871 .	Criminal Tribes	Section twenty-three
III of 1872 ..	Marriage	Section twenty and the fourth schedule
X of 1872 ...	Criminal Procedure Code	Section three
XVIII of 1872 ...	Amending Evidence Act ...	Section eight.

Acts of the Governor General in Council—concluded

Number and year.	Subject.	Extent of repeal
XXI of 1872.	Sepoy Lunatics ..	Section six.
X of 1873 ..	Oaths ..	In section one, the third paragraph.
XVI of 1873 ..	Village Police N. W. Pro- vinces.	In section one, the third paragraph.
III of 1874	Married Women .	Section three.
IV of 1874	Foreign Recruiting ...	In section one, the third clause
V of 1874 ..	Kullu Appeals ...	Section four.
XV of 1874	Laws Local Extent .	Section nine and the seventh schedule. So much of the second schedule as relates to Madras Regulations I of 1819, III of 1831 and VII of 1832, and to section four of Madras Regulation IV of 1821, and to Act No. VIII of 1856. So much of the fourth schedule as relates to Bengal Regulations LVIII of 1795 and IV of 1829.
XVI of 1874...	Repealing Act, 1874 .	The whole.
III of 1875..	Amending Repealing Act, 1874 .	The whole
IV of 1875	Merchant Shipping .	Section two, and the third clause of section one.
VII of 1875	Burma Fisheries ...	In section one, clause three.
VIII of 1875 .	Inland Customs .	Section two and the schedule.
X of 1875..	High Courts' Criminal Pro- cedure.	Sections thirty-nine and one hundred and fifty-three.
XVI of 1875...	Tariff ..	Section two.
XVIII of 1875	Law reports ...	Section two

PART II.

Regulations of the Bengal Code

Number and year.	Subject.	Extent of repeal.
II of 1793 .	Collectors and Board of Revenue	In section eight, clause thirteen, the words and figures "by any Regulation published in the man- ner directed in Regulation XLI, 1793."
VIII of 1793...	Decennial Settlement ...	Sections sixteen, seventeen, eighteen, twenty-eight, twenty-nine, forty-eight, fifty-six, fifty-seven, fifty- nine, sixty and sixty-seven (except the fifth clause).
XIX of 1793 .	Non-bádsbháhi Lákhiráj .	Sections forty-five and forty-six.
XLVIII of 1793 .	Quinquennial Register .	Sections twenty-six, twenty-eight and twenty-nine.
III of 1794...	Revenue arrears, &c	In section sixteen, the words "dewan or other" and the words "If the property shall be within the cities of Patna, Dacca or Moorshedabad, the col- lector is to apply to the judge of the zillah through the vakeel of Government, to make application to the judge of such city to attach and deliver it into the charge of the nearest collector." In sections seventeen and eighteen, the words "or in either of the cities of Patna, Dacca or Moorshed- abad"
I of 1795...	Permanent Settlement, Benares	In section three, clauses <i>third</i> and <i>fourth</i> , the words and figures "and printed and published in the manner prescribed in Regulation XLI, 1793" In clause <i>fifth</i> , the words and figures "which may be printed and published in the manner prescribed in Regulation XLI, 1793"
XV of 1795	Extending Regulation XVI of 1793 to Benares.	Section four.
LVIII of 1795...	Commission on jama: copies of decrees.	In section three, clause <i>first</i> , "to the City Court or," and "or to the Provincial Court of Appeal" So much as has not been repealed.

Regulations of the Bengal Code—continued.

Number and year.	Subject.	Extent of repeal
XV of 1797 ..	Fees on division and transfer of estates.	In section two, clause two, the words and figures "that may take place under Regulation XXV, 1793, or XXVI, 1795," and in section seven, the words and figures "in Regulation XXV, 1793, or XXVI, 1795, (according to the Province in which the lands may be situated)"
I of 1801... XXXIII of 1803...	Realization of revenue ... Embezzlement of public money C. P.	In section fourteen, the last sentence. In section one, the word "tehseldars." In section two, clause <i>First</i> , the word "tehseldars" and the whole of clause <i>Second</i> of that section.
XIII of 1805 .	Police, Katák	In section thirteen, the words "and likewise such of the rules contained in Regulation IV, 1804, as are not either specifically or virtually rescinded by the present Regulation."
XIV of 1805.	Civil suits, Katák	... So much as has not been repealed.
XI of 1806	Passage of troops	... Sections ten, thirteen to nineteen inclusive.
XX of 1810...	Army retainers; Military bázárs.	In section twenty, from the words "in the meantime" to the end of the section.
XI of 1811...	Jama on divided estates	... In section four, clause <i>First</i> , the words "or Board of Commissioners according as the lands may be situated in the districts subject to the control of those Boards in all matters connected with the land revenue respectively"; and clause <i>Second</i> , the words "or Board of Commissioners"
V of 1812...	Collection of land-revenue	In section twenty-four, the words "and Board of Commissioners respectively." In section twenty-five, "and Board of Commissioners"
XI of 1816..	Succession, Katák	... In section twelve, the words and figure "under Section X."
V of 1817.	Hidden Treasure	... In section six, the words "or city" where they occur before "judge"
XII of 1817...	Patwáris	... In section eight, the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," and "or Commissioner" In sections thirteen, fifteen and sixteen, the words "the Board of Commissioners, or the Commissioner in Behar and Benares" In section seventeen, the words "Board of Commissioners, or Commissioner in Behar and Benares" Sections twenty-six and twenty-eight and sections thirty and thirty-three so far as they relate to section twenty-six
XX of 1817...	Police	... In section twenty-one, clause <i>tenth</i> , the last sentence Section twenty-eight In section twenty-nine, the words "manufacturer, molungee, or any" "manufacturers, molungees, or to," "molungee, or any other manufacturer, or," and the words "salt, or" wherever they occur. Section thirty-two.
II of 1819...	Resumption of revenue	... In section eleven, the word ' <i>First</i> ' and clause <i>Second</i> . Section nineteen, clause third. Section thirty, clause fifth
VI of 1819...	Ferries: Police	... In section three, clause three, the words "through the superintendents of police."
IV of 1821...	Magistrates	... In section ten, the words and figures "by section VII, Regulation XVIII, 1817." Section one down to the words "Magistrate, and" Sections four, five and six In section eight, the words "of the Honourable Company."

Regulations of the Bengal Code—concluded.

Number and year.	Subject.	Extent of repeal.
VII of 1822...	Settlement, Ceded and Conquered Provinces.	Section twenty-seven. In section twenty-nine, clause one, the words "and shall be written on stamped paper of the value of two rupees," and in clause fifth, the words "and shall be rendered in a roobakarree written on stamped paper of the value of two rupees."
VI of 1823 ..	Indigo suits	In section one, and in section three, clause <i>Seventh</i> , the words and figures "under the provisions of Regulation XX, 1812."
VI of 1825...	Passage of troops	In section five, the words "on the stamped paper prescribed for other appeals to the Revenue Boards."
XVIII of 1825...	Chinsurah	So much as has not been repealed.
III of 1827...	Extortion by Native officers	In section five, the words "on the stamped paper prescribed for miscellaneous petitions."
III of 1828...	Special Commissions	In section six, <i>Fourth</i> clause, the words "the Provincial Courts or" And in section seven, clause <i>Second</i> , the words "Provincial Courts and."
IV of 1828...	Power of Collectors in making or revising settlements.	In section one, the words and figures "under the rules of Regulation XV, 1824."
IV of 1829 ..	Appeals under Regulation III of 1828	The whole.
XI of 1829	Embankments	The whole.
XI of 1831...	Police powers of Tahsildárs	Section four.
V of 1832...	Delhi territory	The whole.
XIII of 1833.	Zilas of Rámghar, Jungle Maháls and Midnápúr.	The whole.

PART III.

Regulations of the Madras Code.

Number and year.	Subject.	Extent of repeal.
III of 1802...	Procedure of Civil Courts...	Section eleven. In section sixteen, clause <i>Second</i> , the words "Hundoo," "the judge of the Court of Adawlut or," and "other," and the words and figures "under the general rule contained in Section V, Regulation II, 1802, and proceed thereupon according to the regulations." In clause <i>Third</i> , the words "when they are to proceed thereupon according to the general regulations."
XIII of 1802...	Records of Courts	In section fifteen, the words and figures "in the same manner as is prescribed to the Provincial Courts of Appeal in Section XII."
XXIX of 1802...	Karnams	Section one down to the words "kurnum. But" Section four. In sections eighteen and nineteen, the words "before the Court of Circuit."
II of 1803...	Collectors	Sections twenty-seven, twenty-eight and twenty-nine
IX of 1803.	Customs Officer, Madras ..	So much as has not been repealed.
V of 1804...	Court of Wards	In section six, clause <i>Third</i> , the words "Courts of Appeal or to the," "as it shall seem fit," and "respectively." In section twenty-four, clause <i>Second</i> , from "and it shall" to the end of that clause.

Regulations of the Madras Code—continued.

Number and year.	Subject.	Extent of repeal.
I of 1805...	Salt	In section eight, clause <i>First</i> , the words "after the date of the Regulation;" clause <i>Second</i> , the words "commercial residents." In section fourteen, clauses <i>First</i> , <i>Second</i> , and <i>Fourth</i> , the words "commercial residents," "by commercial residents" In section fifteen, the words "commercial residents." In section sixteen, the words "commercial residents." Section twenty-two.
II of 1806...	District Courts	... The whole Regulation except Section VII, Clause <i>Second</i> .
VII of 1808...	Marbial Law	... In the preamble, the words and figures "from the 1st day of October, 1808." Section four, from "or before any special court" to the end of that section.
IV of 1816...	Village Munsifs	... Section four, clause <i>First</i> , and the words ' <i>Second</i> ' and ' <i>Third</i> .' In sections five and twenty-seven, the word "Arcot." In section ten, clause <i>Second</i> , the words "in the form prescribed in Section XXXVI of this Regulation."
V of 1816 .	Village Pancháyats	... Sections thirty-two and thirty-four In sections three, four and sixteen, the word "Arcot" wherever it occurs. In section ten, the words "and no stamp paper need be used in plaint, answer, or any process." In section eleven, clause <i>First</i> , the words "upon stamp paper of the prescribed rate according to the amount of the suit." In clause <i>Fourth</i> , the words "by the oaths of two credible witnesses at the least," and "Provincial." Section fifteen. In section seventeen, the words "on stamped paper of the prescribed rate, according to the amount decreed."
XI of 1816...	Heads of Villages, &c.	... In section forty-seven the words and figures "as directed in Section X, Regulation III. 1810."
XII of 1816	References to Village and District Pancháyats	... In section three, the words and figures "by Clauses <i>Second</i> and <i>Third</i> , Section XIV, Regulation VI. 1816" In sections five and nine, the word "Arcot." Section six, clause <i>First</i> , so far as it relates to Regulation VII. 1816 In section six, clause <i>Second</i> , the words and figures "without requiring the agreement specified in clause <i>Second</i> , Section IV, Regulation VII. 1816" In section nine, clause <i>First</i> , the words "by the oaths of two credible witnesses at the least," and "Provincial" In section eleven, the words "exempt from all stamp-duties, and shall be," and the words and figures "or to such charges as are specified in Regulation VII. 1816, if decided by a district punchayet"
XIV of 1816...	Pleaders	... In the preamble, the words "and to transfer to the Provincial Courts the control now exercised by the Sudder Adawlut in the appointment and removal of vakeels or native pleaders in the Zillah Courts and in the Provincial Courts." In section three, clause <i>First</i> , the words "and the several Provincial Courts," "in their respective courts," "being natives of India of the Hindoo or Mahomedan persuasion, and" and clause <i>Second</i> "for the approbation of the Provincial Court of the division," "being a native of India and otherwise," from "and shall communicate" to the end of that section.

Regulations of the Madras Code—continued.

Number and year.	Subject	Extent of repeal.
		<p>In section four, the words "the Provincial Courts" and "which is not required to be written on stamped paper."</p> <p>In section eight, the words "and the Provincial Court, on consideration of the judge's report"</p> <p>In section ten, clause <i>First</i>, the words "and the several Provincial Courts," clause <i>Second</i>, the words "a register or" and "report the circumstances of the case, together with his own opinion upon it, to the Provincial Court, who will"</p> <p>In section eleven, the words "without the previous sanction of the Provincial Court," and from and including the words, "but in such" to the end of the section.</p> <p>In section thirteen, the words "on unstamped paper."</p> <p>In section fourteen, the word, "Arcot" wherever it occurs.</p> <p>In section fifteen, clause <i>Second</i>, the words "or registers" and "either by a deduction from the fees which may be become due to the offender, or."</p> <p>In section eighteen, clause <i>First</i>, the word "register", clause <i>Third</i>, the words "Provincial Courts or to the", the second sentence; and the words "Provincial Courts and of the."</p> <p>In section twenty, the words "of the Provincial Courts," and "under the provisions contained in the following clauses of this section."</p> <p>In section twenty-five, clause <i>First</i>, the words "the Provincial Courts" and the word "Arcot" wherever it occurs; clause <i>Third</i>, the words and figures "written on the stamped paper prescribed in Section XI, Regulation XIII 1816."</p> <p>In section thirty-six, the words "on unstamped paper"</p> <p>In section thirty-nine, the words "or district" in each of the places where they occur, and the figures "VI" and "VII."</p> <p>In the Appendix No. 1, the words "or in the Provincial Court for the division of."</p> <p>In the Appendix No. 2, the words "or the Provincial Court for the division of."</p>
VIII of 1817 ... II of 1819 ...	Estates of Native Soldiers. State Prisoners ...	<p>The Appendix, except No. 5.</p> <p>In the preamble, the last nine words.</p> <p>Section eight.</p>
IV of 1821 ... IX of 1822 ...	Petty thefts ... Embezzlement by Public Servants	<p>In section nine, the words "to the Provincial Court of Appeal and Circuit."</p> <p>In section six, clause <i>First</i>, the word "Madras."</p> <p>In the preamble, the last ten words</p> <p>In section three, clause <i>Third</i>, the words and figures "in the manner prescribed in Section VII, Regulation III. of 1802."</p> <p>In section four, the second sentence.</p> <p>In section five, clause <i>Fourth</i>, the word "Arcot."</p> <p>In section eight, the words "before the criminal judge (who is hereby empowered to take cognizance of such cases)" and "by him"</p> <p>In section nine, the words "on oath."</p> <p>Section ten, from the words "and the rules" to the end of the section.</p>
III of 1823 ...	Subordinate and Assistant Collectors.	<p>Sections seventeen and eighteen.</p> <p>In section one, the last ten words.</p>

Regulations of the Madras Code—concluded.

Number and year	Subject.	Extent of repeal.
VII of 1828 ..	Subordinate and Assistant Collectors.	In section one, the last ten words. Section seven.
V of 1829 ...	Hindú Wills	In section one, the last ten words.
I of 1830 ..	Sati	In section one, the words "from the time of their promulgation." In section four, clauses <i>First</i> and <i>Third</i> , the words "before the Court of Circuit." In the same section, clause <i>Second</i> , the words "at the discretion of the Court of Circuit."
VI of 1831 ..	Hereditary Village Offices	Section four, clause <i>Fourth</i> , from "and for this purpose" to the end of that clause. The same section, clause <i>Fifth</i> .
X of 1831	Prohibition of sale of Minors' Estates for arrears of revenue.	In section one, the last ten words. Section three, down to the words "enacted that."
XI of 1832 ..	Hidden treasure	In section one, the words "as soon as promulgated." In sections two and seven, the word "Madras" wherever it occurs. In section three, the words "or to the assistant judge of the auxiliary court" In section four, the words "or assistant." In section six, the words "Madras" and "or assistant" In section eight, the words "or to the assistant judge of the auxiliary court." In section nine, the words "or of the assistant judges of the auxiliary courts," and the words "to the Provincial Courts." Section ten.
XIV of 1832 ...	Buying Soldiers' necessaries	In section one, the last ten words. In section two, clauses <i>First</i> and <i>Second</i> , the words "from and after the date of the promulgation of this regulation," and "before the criminal, joint criminal, or native criminal judge within the limits of whose local jurisdiction the offence may have been committed," and the word "Madras."

PART IV.

Regulations of the Bombay Code.

Number and year.	Subject.	Extent of repeal.
II of 1827 ...	Pleaders	Appendixes A, D, E, F, G, H.
V of 1827 ...	Limitation	In the title, the words "defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and" and the word "interest."
XII of 1827 ...	Police	The preamble. In section nineteen, clause <i>Sixth</i> , the words "personal restraint." In the same section, clause <i>Seventh</i> , the words "which shall be tried before the judge, or one of his assistants, exclusively"
XIII of 1827 ...	Criminal Courts	Appendix C. In section thirty-four, clause <i>Third</i> , the words "or to the magistrate abovementioned."
XVI of 1827 ...	Revenue Administration	In the preamble, the words "to have effect throughout the zillah subordinate to Bombay." In section two, clause <i>Second</i> , the words and figures "decide certain civil suits and" and "as more particularly specified in Regulation XVII. A. D. 1827, Chapters VIII. and X."

Regulations of the Bombay Code—concluded.

Number and year.	Subject.	Extent of repeal.
XVII of 1827 .	Jurisdiction of Revenue Authorities.	In the title to Chapter III, the words "of hereditary district and village officers inclusive." Section twenty-five. The title from "vesting" to the end. In the preamble, the words "to have effect throughout the territories subordinate to Bombay" In section twelve, clause <i>Sixth</i> , the words "Sudder, or any."
XIX of 1827 ..	Revenue Administration	In the title to Chapter IV., the words "and penal jurisdiction of the zillah magistrate and criminal judge in such cases." In section fifteen, clause <i>Second</i> , and clause <i>Third</i> so far as it relates to clause <i>Second</i> . The title from "and for Collecting" down to "Horses," and the words "and also for levying Fees in the Court of Petty Sessions and Police Offices." In the preamble, the words "and whereas it has further been deemed expedient, under the authority of the British Legislature for such purpose given, to levy certain taxes and fees at the presidency of Bombay" In section thirteen, clause <i>First</i> , the words "in the mode prescribed in the preceding section." In section twenty-nine, the words "in the manner and before the authority specified in Section XIV., clause <i>First</i> , or by confession before the said authority," and from "and in case" down to "provided for."
XXI of 1827	Duty on Opium	... The title from "made with" down to "India." In the preamble, from "that the importation and sale at Bombay of tobacco" down to "be prohibited." In section two, clause <i>First</i> , the words "(either such as established by this or any other Regulation)." Sections forty-seven and forty-eight. In section fifty-seven, the last eight words. In section sixty, clause <i>Second</i> , the last twenty words.
XXII of 1827 ...	Military Courts	In the preamble, the words "which shall have effect within the territories subordinate to the presidency of Bombay"
XXV of 1827 .	State Prisoners	Section six. In section seven, the words "and to the Sudder Adawlut"
XXIX of 1827 .	Dekkhan and Khândesh .	In the preamble, the words and figures "to have effect from the 1st September 1827." Section two, from "and the said territories" to the end of clause <i>Second</i> . Section three, clause <i>First</i> , from "it is hereby" down to the word "First." In section five, clause <i>Third</i> , the last twenty-one words
XVI of 1828 V of 1830 ..	Subsidiary jails Revenue Administration	... So much as has not been repealed. In section one, clause <i>Third</i> , the words "and zillahs" Clause <i>Fifth</i> and in clause <i>Sixth</i> , the words "zillahs throughout" and the words "and the department of police"
VII of 1830...	Dharwar	... In the preamble, the words and figures "to have effect from the 1st of June, 1830"
XIII of 1830... III of 1834..	Jâgirdârs Town duty, Bombay	In section two, the first six words. In section four, the last thirteen words. So much as has not been repealed.

Acts of the Governor of Bombay in Council.

Number and year.	Subject	Extent of repeal
IV of 1862 V of 1862..	Markets and fairs Bhāgdārs and Narwadārs...	Section five. In section two, the words "and it is hereby further enacted, that"
VI of 1862...	Ahmedabad Talukdārs ...	In section fourteen, from "upon oath" down to "perjury."
II of 1863..	Claims to exemption from Land-Revenue.	In section three, the words "either at law or in equity" In section six, clause <i>Second</i> , section ten and section eleven, clauses <i>eighth</i> and <i>tenth</i> the words "or Court of Law or Equity"
V of 1863	Gas Companies	In section twenty-eight, the words "Joint Magistrate, or"
VI of 1863 ..	Public Conveyances ...	In section seven, the words "standing in the name of the Commissioner of Customs"
VII of 1863...	Summary Settlement of Claims to exemption from Land-Revenue	In section seven, the words "either at law or in equity." In sections nine and fourteen, the words "or Court of Law or Equity"
V of 1864 XIII of 1866	Māmlatdārs' Courts Witnesses before Legislative Council.	Section eighteen. Section five.
XIV of 1866. III of 1867	Edulabad and Wurrungaom Cantonments ...	The preamble, and sections one and four. In section fifteen, the words "Bombay Act No. IV of 1865 (<i>an Act for the Regulation of Mofussil Gaols and the enforcement of discipline therein</i>) or by," and the word "other."
VIII of 1867	Village Police	Section twenty-eight. The words "and Regulations," "or Regulation," "or Regulations," wherever they occur. In section five, clause second, from "of Act V" down to "other Acts."
III of 1869.	Funds for local works ..	Section twenty-three In section nine, the words "Act XXVI of 1850, or" and "other"
I of 1872...	Bombay City Police Superannuation Fund.	Sections one and nine In section three, the words "as well as all moneys and securities which have accumulated under the Sections of Act XIII of 1856, repealed by this Act"
II of 1872 .	Repayment of loan to Bombay Corporation.	In section three, the words under Bombay Act II of 1865."
III of 1872 .	Bombay Municipal Act	Section nine, down to "enacted that" Sections one, forty-eight, sixty-three, seventy-two, one hundred and forty-one, three hundred and six. In section sixty-two, the words "on and from the date when this Act comes into operation" in each of the places where they occur In section sixty-four, the words "from and after the day on which this Act comes into operation." In sections two hundred and twenty-five, two hundred and twenty-six, two hundred and twenty-seven, the words "within three months after the passing of this Act and" and "thereafter." In section two hundred and twenty-nine, the first eleven words, and the words "after the date when this Act comes into operation" In sections two hundred and thirty-five and two hundred and forty-one, the words "after the passing of this Act."

Acts of the Governor of Bombay in Council—concluded.

Number and year.	Subject.	Extent of repeal.
I of 1873 .	Bombay Port Trust	In sections two hundred and eight, two hundred and forty-seven, two hundred and forty-eight, the words "after this Act comes into operation." In section three hundred and seven, the words "from the date referred to in the preceding section." Section fifty-seven, from "Until such" to the end. Section fifty-eight. In section seventy-three, the proviso.
II of 1873...	Amending Bombay Municipal Act.	Section three.
IV of 1873...	Amending Bombay Act II of 1864	Section two, Clause I and the word and figure ' clause 2'
V of 1873...	Steam boilers	Section one.
VI of 1873 .	District Municipalities	Section one Section four, clause four. Section nineteen, clause two
VII of 1873 .	Salt	Sections two, seven and sixty-four.
II of 1874 .	Jails, Bombay City	Section one. Section six, down to "Governor General, and."
III of 1874...	Hereditary Offices	Section seven, the first thirteen words. Section two and the schedule.

PART VI.

Act of the Lieutenant-Governor of Bengal in Council.

Number and year.	Subject.	Extent of repeal.
II of 1863..	Smoke nuisances, Calcutta	In section seven, the words and figures "Act XIII of 1856 (for regulating the Police of the towns of Calcutta, Madras and Bombay) and Act XLVIII of 1860 (to amend Act XIII of 1856)," and the word "other."

WHITLEY STOKES,

Secy. to the Govt. of India.



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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th June 1876, and was promulgated for general information in the *Gazette of India* on the 1st July 1876.

Act No. XIII. of 1876.

An Act to amend the law relating to Merchant Seamen.

Whereas it is expedient to amend the law relating to Merchant Seamen in manner herein-after appearing, It is hereby enacted as follows—

Preliminary

- 1 This Act may be called "The Indian Merchant Seamen's Act 1876."

Short title.

Local extent. It extends to the whole of British India,

Commencement. And it shall come into force at once
2. In this Act—"seaman" includes every person (except Masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity to serve at sea for the purposes of any ship

Distressed Seamen

- 3 A certificate signed by a Secretary to the Local Government, or by such other officer as it appoints in this behalf,

iv.—18

to the effect that any seaman named therein is distressed, shall, in all proceedings under sections 211, 212 and 213 of the Merchant Shipping Act, 1854, be conclusive evidence that such seaman is distressed within the meaning of the same sections, and any Master of a British ship refusing to accept such seaman as a distressed seaman under the provisions of the said sections shall, for each seaman with respect to whom he so refuses, be liable to a fine which may extend to one thousand rupees.

Discharge of Seamen.

4. No seaman or apprentice not shipped in British India shall be discharged without the previous sanction in writing of such officer as the Local Government appoints in this behalf and such sanction shall be given or withheld at the discretion of the officer so appointed, but whenever it is withheld, the reasons for so withholding it shall be recorded by him in writing.

Any person discharging a seaman or apprentice in wilful disobedience to the prohibition contained in this section, shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both

Engagement of Seamen

- 5 The Local Government, or such officer as it appoints in this behalf, may, by order in writing signed by its Secretary or

by such officer, prohibit any person from engaging in the territories subject to the said Government, or in any specified portion of such territories, any Native of India to serve as a seaman on board any ship specified in such order; but in all such cases the reasons for the prohibition shall be stated in writing

Whoever wilfully disobeys the prohibition contained in this section shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both.

Deserters.

6 Whenever any seaman or apprentice not shipped in British India deserts or otherwise absents himself without leave from any ship in which he is engaged to serve, the Master of the ship shall, within forty-eight hours of discovering such desertion or absence, report the same to such officer as the Local Government appoints in this behalf, unless in the meantime the deserter or absentee returns.

Any Master wilfully neglecting to comply with the provisions of this section, may be punished with fine not exceeding one hundred rupees, or imprisonment for a term which may extend to one month, or with both.

Imprisoned Seamen.

7. If any seaman or apprentice not shipped in British India is imprisoned for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, any Magistrate may deal with him in the same way as he may deal with a seaman or apprentice imprisoned on any of the grounds mentioned in Section 88 of Act No. I of 1859 (for the amendment of the law relating to Merchant Seamen)

8. If any seaman or apprentice not shipped in British India is imprisoned on a complaint made by or on behalf of the Master or owner of the ship in which he is engaged to serve, on any of the grounds mentioned in the said Act No I of 1859, section 88, or for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, the following rules shall be observed —

(a) No person shall, while such imprisonment lasts, without the previous sanction in writing of the Local Government or of such officer as it appoints in this behalf, engage any Native of India to serve as a seaman on board such ship,

(b) the Local Government, or such officer as it appoints in this behalf, may tender such seaman or apprentice to the Master or owner of the ship in which he is engaged to serve, and if such Master or owner, without assigning reasons satisfactory to the Local Government or to such officer as aforesaid, refuse to receive him on board, may require such Master or owner to deposit

in the local Shipping Office (1) the wages due to such seaman or apprentice, and his money, clothes and other effects, and (2) such sum as may in the opinion of the Local Government or of such officer as aforesaid be sufficient to defray the cost of the passage of the said seaman or apprentice to the port at which he was shipped, according to the scale of cost usual in the case of distressed seamen.

Whoever wilfully disobeys the prohibition contained in clause (a) of this section shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both.

Any Master or owner refusing or neglecting to deposit such wages, money, clothes and other effects, or such sum as aforesaid, may be punished with fine not exceeding five hundred rupees, and in default of payment of such fine, to imprisonment for a term which may extend to three months.

Accommodation of Seamen.

9. And whereas it is expedient to increase the space required by the said Act No. I of 1859, section 70, to be allowed for European seamen and apprentices and for lascars or Native seamen, It is hereby further enacted as follows —

Such section shall be read as if for the expressions "nine superficial feet," "fifty-four cubic feet," and "four superficial feet," the expressions "ten superficial feet," "sixty cubic feet," and "six superficial feet" were respectively substituted, and as if in the third paragraph of the same section, after the word "superficial," the words "and thirty-six cubic" were inserted.

Meaning of 'established par value'

10. And whereas doubts have been raised as to the meaning of the expression "established par value" in the said Act No. I. of 1859, section 54, for the purpose of removing such doubts, it is hereby enacted as follows —

For section 54 of Act No I of 1859, the following shall be substituted (that is to say)

"54. When any monies are payable in India to any seaman or apprentice for wages or otherwise under any agreement wherein such monies are expressed to be payable in British currency the seaman or apprentice shall be entitled to demand and recover in the current coin of India the amount due to him estimated according to the rate of exchange for the time being fixed by the Secretary of State for India in Council, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, for the adjustment of financial transactions between the Imperial and the Indian Governments."

WHITLEY STOKES,
Secy to the Govt. of India

[Published with the "Bombay Government Gazette" on the 13th July 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th June 1876, and was promulgated for general information in the *Gazette of India* on the 1st July 1876 —

Act No. XIII. of 1876.

An Act to amend the law relating to Merchant Seamen.

Whereas it is expedient to amend the law relating to Merchant Seamen in manner herein-after appearing, It is hereby enacted as follows —

Preliminary

1 This Act may be called "The Indian Merchant Seamen's Act 1876"

Local extent It extends to the whole of British India,

Commencement. And it shall come into force at once

2 In this Act—"seaman" includes every person (except Masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity to serve at sea for the purposes of any ship

Distressed Seamen

3. A certificate signed by a Secretary to the Local Government, or by such other officer as it appoints in this behalf, to the effect that any seaman named therein is distressed, shall, in all proceedings under sections 211, 212 and 213 of the Merchant Shipping Act, 1854, be conclusive evidence that such seaman is distressed within the meaning of the same sections; and any Master of a British ship refusing to accept such seaman as a distressed seaman under the provisions of the said sections shall, for each seaman with respect to whom he so refuses, be liable to a fine which may extend to one thousand rupees.

Discharge of Seamen.

4. No seaman or apprentice not shipped in British India shall be discharged without the previous sanction in writing of such officer as the Local Government appoints in this behalf: and such sanction shall be given or withheld at the discretion of the officer so appointed, but whenever it is withheld, the reasons for so withholding it shall be recorded by him in writing.

Any person discharging a seaman or apprentice in wilful disobedience to the prohibition contained in this section, shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both.

Engagement of Seamen.

5 The Local Government, or such officer as it appoints in this behalf, may, by order in writing signed by its Secretary or by such officer, prohibit any person from engaging in the territories subject to the said Government, or in any specified portion of such territories, any Native of India to serve as a seaman on board any ship specified in such order, but in all such cases the reasons for the prohibition shall be stated in writing

Whoever wilfully disobeys the prohibition contained in this section shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both

Deserters.

6 Whenever any seaman or apprentice not shipped in British India deserts or otherwise absents himself without leave from any ship in which he is engaged to serve, the Master of the ship shall, within forty-eight hours of discovering such desertion or absence, report the same to such officer as the Local Government appoints in this behalf, unless in the meantime the deserter or absentee returns.

Any Master wilfully neglecting to comply with the provisions of this section, may be punished with fine not exceeding one hundred rupees, or imprisonment for a term which may extend to one month, or with both.

Imprisoned Seamen.

7. If any seaman or apprentice not shipped in British India is imprisoned for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, any Magistrate may deal with him in the same way as he may deal with a seaman or apprentice imprisoned on any of the grounds mentioned in Section 88 of Act No. I. of 1859 (for the amendment of the law relating to Merchant Seamen)

8. If any seaman or apprentice not shipped in British India is imprisoned on a complaint made by or on behalf of the Master or owner of the ship in which he is engaged to serve, on any of the grounds mentioned in the said Act No. I. of 1859, section 88, or for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, the following rules shall be observed —

(a) No person shall, while such imprisonment lasts, without the previous sanction in writing of the Local Government or of such officer as it ap-

points in this behalf, engage any Native of India to serve as a seaman on board such ship,

(b) the Local Government, or such officer as it appoints in this behalf, may tender such seaman or apprentice to the Master or owner of the ship in which he is engaged to serve, and if such Master or owner, without assigning reasons satisfactory to the Local Government or to such officer as aforesaid, refuse to receive him on board, may require such Master or owner to deposit in the local Shipping Office (1) the wages due to such seaman or apprentice, and his money, clothes and other effects, and (2) such sum as may in the opinion of the Local Government or of such officer as aforesaid be sufficient to defray the cost of the passage of the said seaman or apprentice to the port at which he was shipped, according to the scale of cost usual in the case of distressed seamen.

Whoever wilfully disobeys the prohibition contained in clause (a) of this section shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both.

Any Master or owner refusing or neglecting to deposit such wages, money, clothes and other effects, or such sum as aforesaid, may be punished with fine not exceeding five hundred rupees, and in default of payment of such fine, to imprisonment for a term which may extend to three months.

Accommodation of Seamen.

9. And whereas it is expedient to increase the space required by the said Act No. I of 1859, section 70, to be allowed

Amendment of Act I. of 1859, sec. 70.

for European seamen and apprentices and for lascars or Native seamen, It is hereby further enacted as follows —

Such section shall be read as if for the expressions "nine superficial feet," "fifty-four cubic feet," and "four superficial feet," the expressions "ten superficial feet," "sixty cubic feet," and "six superficial feet" were respectively substituted, and as if in the third paragraph of the same section, after the word "superficial," the words "and thirty-six cubic" were inserted.

Meaning of 'established par value.'

10 And whereas doubts have been raised as to the meaning of the expression "established par value" in the said Act No. I. of 1859, section 54, for the purpose of removing such doubts, it is hereby enacted as follows —

For section 54 of Act No. I of 1859, the following shall be substituted (that is to say):

"54. When any monies are payable in India to any seaman or apprentice for wages or otherwise under any agreement wherein such monies are expressed to be payable in British currency the seaman or apprentice shall be entitled to demand and recover in the current coin of India the amount due to him estimated according to the rate of exchange for the time being fixed by the Secretary of State for India in Council, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, for the adjustment of financial transactions between the Imperial and the Indian Governments."

WHITLEY STOKES,

Secy. to the Govt. of India.

[Published with the "Bombay Government Gazette" on the 20th July 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

Registered No. 42 of 1876.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th June 1876, and was promulgated for general information in the *Gazette of India* on the 1st July 1876.—

Act No. XIII. of 1876.

An Act to amend the law relating to Merchant Seamen.

Whereas it is expedient to amend the law relating to Merchant Seamen in manner hereinafter appearing; It is hereby enacted as follows:—

Preliminary.

1. This Act may be called "The Indian Merchant Seamen's Act 1876."

Local extent. It extends to the whole of British India;

Commencement. And it shall come into force at once.

2. In this Act—"seaman" includes every person (except Masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity to serve at sea for the purposes of any ship.

Distressed Seamen.

3. A certificate signed by a Secretary to the Local Government, or by such other officer as it appoints in this behalf, to the effect that any seaman named therein is distressed, shall, in all proceedings under sections 211, 212 and 213 of the Merchant Shipping Act, 1854, be conclusive evidence that such seaman is distressed within the meaning of the same sections; and any Master of a British ship refusing to accept such seaman as a distressed seaman under the provisions of the said sections shall, for each seaman with respect to whom he so refuses, be liable to a fine which may extend to one thousand rupees.

Discharge of Seamen.

4. No seaman or apprentice not shipped in British India shall be discharged without the previous sanction in writing of such officer as the Local Government appoints in this behalf: and such sanction shall be given or withheld at the discretion of the officer so appointed; but whenever it is withheld, the reasons for so withholding it shall be recorded by him in writing.

Any person discharging a seaman or apprentice in wilful disobedience to the prohibition contained in this section, shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both.

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Engagement of Seamen.

5. The Local Government, or such officer as it appoints in this behalf, may, by order in writing signed by its Secretary or by such officer, prohibit any person from engaging in the territories subject to the said Government, or in any specified portion of such territories, any Native of India to serve as a seaman on board any ship specified in such order; but in all such cases the reasons for the prohibition shall be stated in writing.

Whoever wilfully disobeys the prohibition contained in this section shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both.

Deserters.

6. Whenever any seaman or apprentice not shipped in British India deserts or otherwise absents himself without leave from any ship in which he is engaged to serve, the Master of the ship shall, within forty-eight hours of discovering such desertion or absence, report the same to such officer as the Local Government appoints in this behalf, unless in the meantime the deserter or absentee returns.

Any Master wilfully neglecting to comply with the provisions of this section, may be punished with fine not exceeding one hundred rupees, or imprisonment for a term which may extend to one month, or with both.

Imprisoned Seamen.

7. If any seaman or apprentice not shipped in British India is imprisoned for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, any Magistrate may deal with him in the same way as he may deal with a seaman or apprentice imprisoned on any of the grounds mentioned in Section 88 of Act No. I of 1859 (for the amendment of the law relating to Merchant Seamen).

8. If any seaman or apprentice not shipped in British India is imprisoned on a complaint made by or on behalf of the Master or owner of the ship in which he is engaged to serve, on any of the grounds mentioned in the said Act No. I of 1859, section 88, or for any offence for which he has been sentenced to imprisonment for a term not exceeding one month, the following rules shall be observed.—

(a) No person shall, while such imprisonment lasts, without the previous sanction in writing of the Local Government or of such officer as it ap-

points in this behalf, engage any Native of India to serve as a seaman on board such ship,

(b) the Local Government, or such officer as it appoints in this behalf, may tender such seaman or apprentice to the Master or owner of the ship in which he is engaged to serve, and if such Master or owner, without assigning reasons satisfactory to the Local Government or to such officer as aforesaid, refuse to receive him on board, may require such Master or owner to deposit in the local Shipping Office (1) the wages due to such seaman or apprentice, and his money, clothes and other effects, and (2) such sum as may in the opinion of the Local Government or of such officer as aforesaid be sufficient to defray the cost of the passage of the said seaman or apprentice to the port at which he was shipped, according to the scale of cost usual in the case of distressed seamen.

Whoever wilfully disobeys the prohibition contained in clause (a) of this section shall be liable to imprisonment for a term which may extend to three months, or to fine not exceeding one thousand rupees, or to both.

Any Master or owner refusing or neglecting to deposit such wages, money, clothes and other effects, or such sum as aforesaid, may be punished with fine not exceeding five hundred rupees, and in default of payment of such fine, to imprisonment for a term which may extend to three months.

Accommodation of Seamen.

9. And whereas it is expedient to increase the space required by the said Act No. I. of 1859, section 70, to be allowed

Amendment of Act I. of 1859, sec. 70.

space required by the said Act No. I. of 1859, section 70, to be allowed

for European seamen and apprentices and for lascars or Native seamen; It is hereby further enacted as follows—

Such section shall be read as if for the expressions "nine superficial feet," "fifty-four cubic feet," and "four superficial feet," the expressions "ten superficial feet," "sixty cubic feet," and "six superficial feet" were respectively substituted, and as if in the third paragraph of the same section, after the word "superficial," the words "and thirty-six cubic" were inserted.

Meaning of 'established par value.'

10. And whereas doubts have been raised as to the meaning of the expression "established par value" in the said Act No. I. of 1859, section 54, for the purpose of removing such doubts, it is hereby enacted as follows—

For section 54 of Act No I of 1859, the following shall be substituted (that is to say):

"54. When any monies are payable in India to any seaman or apprentice for wages or otherwise under any agreement wherein such monies are expressed to be payable in British currency the seaman or apprentice shall be entitled to demand and recover in the current coin of India the amount due to him estimated according to the rate of exchange for the time being fixed by the Secretary of State for India in Council, with the concurrence of the Lords Commissioners of Her Majesty's Treasury, for the adjustment of financial transactions between the Imperial and the Indian Governments"

WHITLEY STOKES,

Secy. to the Govt. of India.

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 21ST SEPTEMBER 1876.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA..

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th September 1876, and was promulgated for general information in the *Gazette of India* on the 16th September 1876 :—

Act No. XIV of 1876.

THE SINDH INCUMBERED ESTATES ACT, 1876.

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An Act to relieve from Incumbrances the Estates of Jágirdárs and Zamindárs in Sindh.

Whereas many Jágirdárs and Zamindárs in Sindh are in debt, and their immoveable property is subject to mortgages, charges and liens, and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows :—

I.—PRELIMINARY.

- | | |
|------------------------|---|
| Short title. | 1. This Act may be called "The Sindh Incumbered Estates Act, 1876" |
| Commencement thereof | And it shall come into force on the passing |
| Interpretation-clause. | 2. In this Act— |
| "Jágir-land" | includes also a share held hereditarily of the revenues of a Government village, but does not include <i>siri</i> or <i>mámul</i> or garden-grants. |

"Jágirdár" means a person who, or whose ancestor, was found in possession of jágir-land in Sindh on the seventeenth day of February 1843, and to whom the said land, or a portion of the same, or other land in lieu thereof, has been continued by the British Government, and to whom, or to whose ancestor, a sanad has been or, hereafter may be, granted confirming such continuance

"Zamindár" means a person holding lands in Sindh on the aggregate of which he has been assessed by the Government, on account of land-revenue for any one of the five revenue years next before the passing of this Act, a sum not less than three hundred rupees.

"Commissioner" means the Commissioner in Sindh.

II.—OF THE APPLICATION AND PRELIMINARY INQUIRY.

3. At any time within twelve months after Application for the the passing of this Act, benefit of this Act any jágirdár or zamindár,

or any person who would be sole heir or one of the heirs to such jágirdár or zamindár if he then died intestate,

may apply, in writing, to the Commissioner, stating that such jágirdár or zamindár is subject to debts or liabilities, other than debts due or liabilities incurred, to Government, or that his immoveable property is charged with debts or liabilities, other than as aforesaid, and requesting that the provisions of this Act be applied to his case.

When any jágirdár, zamindár or other person entitled to make an application under this section is a minor, or of unsound mind, or an idiot, such application may be made on his behalf by the guardian or other legal curator of his person or by the legally constituted administrator or manager of his estate.

4. When any such application is made by or on behalf of a jágirdár, or the person who would be his sole heir if he then died, the Commissioner shall direct an inquiry to be made by such officer as he thinks fit into the nature and amount of such debts and liabilities and the sufficiency of the debtor's property, whether moveable or immoveable, to discharge the same.

When such an application is made in any other case, it shall be in the discretion of the Commissioner, subject to any general rules which may from time to time be made by the Governor of Bombay in Council in this behalf, either to reject such application or to direct an inquiry to be made as aforesaid.

5. When an inquiry has been directed under section four, the applicant shall within a period to be fixed by the Commissioner submit to the officer appointed to make such inquiry a statement duly verified by the said applicant, or by some other competent person, in the manner required by law for the verification of plants, and containing, so far as may be practi-

cable, such details as to the debts and liabilities, and as to the sufficiency of the debtor's property, whether moveable or immovable, to meet the same, as the Commissioner, or the said officer subject to his control, may require

If any such statement contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, such person shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code

6 The officer so appointed, after making inquiry, shall submit a report of his proceedings to the Commissioner

On receipt of such report, the Commissioner may (a) direct a further inquiry, or (b) dismiss the application, or (c), by order published in the *Sindh Official Gazette*, appoint an officer (hereinafter called the Manager) to manage the immovable property of the debtor, and to arrange for the liquidation of his debts, in manner hereinafter provided.

III.—OF THE ORDER OF MANAGEMENT.

7 Such order (hereinafter called "the order of management") shall extend to all immovable property of or to which the debtor is on the date of its publication possessed or entitled in his own right, or which he is entitled to redeem or which may be acquired by or devolve on him during the continuance of the management, and to all debts and liabilities to which he is subject, or which are charged on the whole or any part of his immovable property on the said date

The management shall be deemed to commence from the date on which the order is published.

8 On the publication of the order of management the following consequences shall ensue

First, all proceedings then pending in any Civil Court in British India in respect to the debts and liabilities mentioned in section seven shall be stayed, and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended,

Secondly, so long as the management continues, no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any Civil Court in British India in respect of such debts and liabilities;

Thirdly, so long as the management continues the debtor shall be incompetent

(a) to enter into any contract involving him in pecuniary liability, or

(b) to mortgage, charge, lease, or alienate the property under management or any part thereof, or

(c) to grant valid receipts for the rents and profits arising or accruing therefrom

Provided that nothing contained in this clause shall be deemed to preclude the Manager from letting and the debtor from taking the whole or any part of such property on such terms consistent with this Act, as may be agreed upon between the parties,

Fourthly, so long as the management continues, no person other than the Manager shall be competent to mortgage, charge, lease, or alienate such property or any part thereof

9 The Manager shall, during the management of the property, have all powers which the owner thereof might, as such, have legally exercised, and shall receive and recover all rents and profits due in respect of the property under management,

and for the purpose of recovering such rents and profits shall have, in addition to any powers possessed by a *jágirdár* or *zamindár*, as the case may be, all the powers possessed by a Collector, under the law for the time being in force for the recovery of land-revenue due to Government.

Provided that he shall not before the liquidation scheme hereinafter mentioned has been sanctioned, demise the property under management, or any part thereof, for any term exceeding two years, to take effect in possession

10 From the sums received or recovered under section nine, the Manager shall pay

First, the cost of the management, including the costs of necessary repairs,

Secondly, the Government revenue and all debts and liabilities for the time being due or incurred to Government in respect of the property under management,

Thirdly, the rent (if any) due to the *jágirdár* or other superior holder, in respect of the said property,

Fourthly, such periodical allowance as the Commissioner may from time to time fix for the maintenance of the debtor and his family,

Fifthly, the cost of such improvements of the said property as he thinks necessary, and are approved by the Commissioner.

The residue shall be retained by the Manager for the liquidation, in manner hereinafter provided, of the debts and liabilities mentioned in section seven other than these so due or incurred to Government.

IV—PROOF OF DEBTS AND SCHEME FOR LIQUIDATION.

11. On the publication of the order of management, the Manager shall publish in the *Sindh Official Gazette* a notice in English and Sindhi, calling upon all persons having claims against the debtor, or the property under management, to notify the same in writing to such Manager within six months from the date of the publication.

He shall also cause copies of such notice to be exhibited at the Mukhtf-árkár's kachahris in the district in which the said property lies, and at such other places as he thinks fit.

12. Every such claimant shall, along with his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim.

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

13. Every such claim (other than claims of the Government) not notified to the Manager within the time and in the manner required by such notice shall, except as provided in section eighteen, clause (d), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged.

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of section eleven, the Manager may receive such claim within the further period of six months from the expiration of the original period of six months.

14. The Manager shall inquire into the history and merits of every claim received under sections eleven and thirteen, and shall in accordance with the rules to be made under this Act determine the amount of the debts and liabilities (if any) justly due to the several claimants.

15. If such amount cannot be paid at once, the Manager shall then proceed to rank such debts and liabilities according to the order

in which they shall be paid, and to fix the interest (if any) to be paid thereon respectively from the date of the final decision thereon to the date of the payment and discharge thereof.

16. When the total amount of the debts and liabilities (including those due and incurred to Government) has been finally determined, the Manager shall prepare and submit to the Commissioner a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation-scheme) showing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other.

Every such scheme shall further provide for the continuance of the payments to be made by the Manager under section ten, and may provide for the improvement of the property under management either from the said income or with the aid of the funds raised as aforesaid, or partly in one of such ways and partly in the other.

17. The Commissioner may—

(a) as often as he thinks fit send back such scheme to the Manager for revision, and direct him to make such further inquiry as may be requisite for the proper preparation of the scheme, or

(b) sanction any liquidation-scheme, or any revised liquidation-scheme, submitted to him either as it stands, or subject to such modifications as he may deem expedient.

18. At any time before he has sanctioned a liquidation-scheme under section seventeen, the Commissioner may, by an order published in the *Sindh Official Gazette*, direct that on a date fixed by such order the management shall be relinquished.

On the date so fixed—

(a) the management shall terminate,

(b) the owner of the property under management shall be restored to the possession thereof, subject to any leases made under section nine;

(c) any residue of the rents and profits of the said property retained under the last clause of section ten shall be paid to him; and

(d) the proceedings, processes, executions and attachments stayed and suspended under sections eight, and the debts and liabilities barred by section thirteen, shall revive.

In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which the management has continued shall be excluded.

V—OF THE PROCEEDINGS SUBSEQUENT TO SANCTION OF THE LIQUIDATION-SCHEME.

19. When the Commissioner sanctions the liquidation-scheme, he shall notify the fact of such sanction at such places and in such manner as the Local Govern-

ment may from time to time by rule direct, and thereupon—

1st, all proceedings, processes, executions and attachments stayed or suspended under section eight shall be for ever barred, and

2nd, every debt or liability due or owing to any person which was proveable before the Manager shall be extinguished, and such person shall be entitled to receive under the liquidation-scheme the amount (if any) finally awarded to him under Part IV. of this Act in respect of such debt or liability.

20. If the property under management or any part thereof be in the possession of a mortgagee or conditional vendee, the Manager, at any time after the liquidation-scheme has been sanctioned as aforesaid, may, by an order in writing, require such incumbrancer to deliver up possession of the same to him at the end of the then current revenue year.

If such incumbrancer refuse or neglect to obey such order, the Manager may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said incumbrancer and any other person obstructing or resisting on his behalf.

Nothing in this section shall be held to affect the right of any incumbrancer to receive under the liquidation-scheme the amount (if any) awarded to him under Part IV. of this Act.

21. If the property under management or any part thereof be in the possession of any person claiming to hold under a lease dated within the three years immediately preceding the commencement of the management, the Manager, with the sanction of the Commissioner, may inquire into the sufficiency of the consideration for which the lease was given; and if such consideration appear to him insufficient, may by order, at any time after the liquidation-scheme has been sanctioned as aforesaid, either set aside the lease or require the person so in possession to pay such consideration for the said lease as the Manager thinks fit, and in default of such payment the lease shall be cancelled.

22. Subject to the rules made under section thirty, the Manager, after the liquidation-scheme has been sanctioned as aforesaid, shall have power to demise all or any part of the property under management for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of the payment to him of any fine, or without fine, and reserving such rents, and under such conditions as may be agreed upon.

23. At any time after the liquidation-scheme has been sanctioned as aforesaid, the Manager, with the previous assent of the Commissioner, shall have power to raise any money which may be required for carrying out such scheme,

(a) by demising by way of mortgage the whole or any part of the property under management for

a term not exceeding twenty years from the publication of the order of management, or

(b) by selling, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the said property as may appear expedient

24. The Manager's receipt for any moneys, rents or profits raised or received by him under this Act, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

25. When the debts and liabilities mentioned in the liquidation-scheme have been paid and discharged, the Manager shall publish in the *Sindh Official Gazette* a notice fixing a date for the termination of the management.

On the date so fixed the management shall terminate, and the owner shall be restored to the possession and enjoyment of the property under management, or of such part thereof as has not been sold by the Manager under the power conferred by section twenty-three, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers conferred by sections nine, twenty-two, and twenty-three

26. If the debtor dies after the publication of the order of management and before the management has been terminated in either of the modes hereinbefore provided,

1st, the management shall continue and proceed in all respects as if such debtor were still living;

2ndly, any person succeeding to the whole or any portion of the property under management shall, while such management continues, be subject in respect of such property to the disabilities imposed by clauses (b) and (c) of section eight; and

3rdly, no Civil Court in British India shall during the continuance of the management, issue any attachment or other process against any portion of the property under management for or in respect of any debt or liability incurred by any such person whether before or after his said accession

27. When a *jágirdár* or *zamindár* has been restored under section twenty-five to the possession of any property, no mortgage, charge, lease or alienation of such property, or of any part thereof, made by such *jágirdár* or *zamindár*, shall be valid as to any time beyond his natural life.

VI.—OF APPEAL AND REVISION.

28. An appeal against any decision or order under sections thirteen, fourteen, fifteen, and twenty-one and imposing a fine or imprisonment in exercise of the powers conferred by section thirty-four, shall lie to the Commissioner, if pre-

ferred within six weeks from the date of such decision or order.

There shall be no appeal against the decision of the Commissioner on such appeal.

29. The Commissioner may of his own motion, or on the application of any person concerned, call for the proceedings in any case under this Act, and pass such order thereon, consistent with the provisions of this Act, as he thinks fit.

VII.—MISCELLANEOUS

30. The Commissioner, with the previous sanction of the Governor of Bombay in Council, may, from time to time, make rules consistent with this Act—

(a) to regulate the security to be required from subordinate officers under this Act;

(b) to regulate the procedure in all cases under this Act;

(c) for the guidance of officers enquiring into and determining on claims under Part IV of this Act, and in particular as to the allowance of interest (if any) on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregate amount of such debts and liabilities from the date of determination down to the date of payment, and as to the order of paying debts and liabilities,

(d) for investing any moneys received or raised by the Manager under this Act in any Government securities of British India, and for the sale of such securities, and

(e) generally to carry out the provisions of this Act.

Such rules shall be published in the *Sindh Official Gazette*, and when so published shall have the force of law.

31. Whenever the Commissioner thinks fit, he may suspend or remove any Manager and may appoint any officer in the stead of any Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager

Every such new Manager shall have the same powers as if he had been originally appointed.

32. Every Manager appointed under this Act, shall be deemed a public servant within the meaning of the Indian Penal Code.

33. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

34. For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents by the same means and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

35. No suit or other proceeding shall be maintained against any person in respect of any thing done by him *bonâ fide* pursuant to this Act.

36. Nothing in this Act precludes the Courts in Sindh having jurisdiction in suits relating to the succession to any immovable property brought under the operation of this Act, from entertaining and disposing of such suits, but to all such suits the Manager of such property shall be made a party.

WHITLEY STOKES,

Secy to the Govt. of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th September 1876, and was promulgated for general information in the *Gazette of India* on the 16th September 1876 —

Act No. XV. of 1876.

An Act to amend the law relating to the transfer of Bombay Municipal Debentures, and to provide for their consolidation.

Whereas under the Bombay Municipal Act of 1865, the Justices of the Peace for the City of Bombay were empowered to mortgage for the purposes therein mentioned the rates and taxes imposed and levied under that Act:

And whereas by section 255 of the same Act it was enacted that any person entitled to any such mortgage might transfer his right and interest therein to any other person, and that every such transfer should be by deed duly stamped, wherein the consideration should be truly stated, and that every such transfer might be according to the form in Schedule K to the said Act annexed or to the like effect:

And whereas in exercise of the said power divers mortgages of the said rates and taxes have been made, and the mortgagees have purported to transfer their mortgages to other persons, but such transfers have been by simple indorsement and not by deed duly stamped:

And whereas it is expedient to provide that such transfers may hereafter be made by indorsement, and to confirm the said transfers heretofore made, and to exempt the parties thereto from the penalties which they have incurred by reason of

their failure to comply with the provisions of the said section and of the law relating to stamp-duties for the time being in force.

And whereas it is also expedient to provide for consolidating such mortgages in manner hereinafter mentioned and for renewing and subdividing mortgages so consolidated,

It is hereby enacted as follows

1. This Act may be called "The Bombay Municipal Debentures Act, 1876."

Short title
- 2 Every mortgage of rates and taxes, authorized to be made under the said Bombay Municipal Act of 1865, or any subsequent Act, shall be transferable by indorsement on the instrument of mortgage, and no such indorsement shall be chargeable with any stamp-duty.

Transfers of Bombay Municipal debentures to be by indorsement and free from stamp-duty.
3. Every transfer of any such mortgage heretofore made by indorsement shall be, and be deemed to have been, as valid as if this Act had been in force at the date of such transfer, and no stamp-duty shall be, or be deemed to have been, chargeable in respect of any such transfer, and no penalty shall be deemed to have been incurred by reason of any failure to comply with the provision of the said section 255 or of the law relating to stamp-duties for the time being in force.

Validation of former transfers by indorsement.
4. Any holder of two or more such instruments of mortgage may surrender them to the Municipal Corporation of the City of Bombay, and such Corporation shall accept the same, and shall (on receipt for each such instrument of such fee as the said Corporation, may from time to time prescribe) grant to

Power to consolidate such debentures

such holder, under the seal of the said Corporation, an instrument of mortgage in which the consideration stated shall be the aggregate amount of the considerations respectively stated in the instruments so surrendered.

Every instrument so granted may be in the form in the schedule hereto annexed or to the like effect.

5. The said Corporation shall, on the application of the holder of any instrument granted under the said Bombay Municipal Act of 1865 or under this Act, and on receipt of such fees as the said Corporation may from time to time prescribe in this behalf, renew or subdivide the same.

Power to renew and subdivide.

THE SCHEDULE ABOVE REFERRED TO.

Whereas *A B* of _____ has surrendered to us the Municipal Corporation of the City of Bombay, mortgages issued under the Bombay Municipal Act of 1865, bearing respectively the following numbers and dates (namely) [*set them out*] and securing sums amounting in the whole to Rs _____. In consideration of the premises, we, the said Corporation, do hereby grant and assign unto the said *A B*, his representatives and assigns, such proportion of the rates and taxes comprised in the said mortgages as the said sum of Rs _____ bears to the whole sum for the time being borrowed upon the credit of the said rates and taxes. TO HOLD to the said *A B*, his representatives and assigns, from this day, until the said sum of Rs _____ with interest at the rate of _____ per cent per annum shall be fully paid and satisfied.

Given under our corporate seal this day of _____ 187_____

WHITLEY STOKES,
Secy to the Govt. of India.

[Published with the "Bombay Government Gazette" on the 28th September 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th September 1876, and was promulgated for general information in the *Gazette of India* on the 16th September 1876 :—

Act No. XIV of 1876. THE SINDH INCUMBERED ESTATES ACT, 1876.

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An Act to relieve from Incumbrances the Estates of Jágirdárs and Zamíndárs in Sindh.

Whereas many Jágirdárs and Zamíndárs in Sindh are in debt, and their immoveable property is subject to mortgages, charges and liens, and whereas it is expedient to provide for their relief in manner hereinafter appearing, It is hereby enacted as follows :—

I.—PRELIMINARY.

Short title.	1. This Act may be called "The Sindh Incumbered Estates Act, 1876"
Commencement thereof.	And it shall come into force on the passing thereof.
Interpretation-clause.	2. In this Act—
"Jágir-land"	"Jágir-land" includes also a share held hereditarily of the revenues of a Government village, but does not include <i>siri</i> or <i>mámul</i> or garden-grants :
"Jágirdár"	"Jágirdár" means a person who, or whose ancestor, was found in possession of jágir-land in Sindh on the seventeenth day of February 1843, and to whom the said land, or a portion of the same, or other land in lieu thereof, has been continued by the British Government, and to whom, or to whose ancestor, a sanad has been, or hereafter may be, granted confirming such continuance
"Zamíndár"	"Zamíndár" means a person holding lands in Sindh on the aggregate of which he has been assessed by the Government, on account of land-revenue for any one of the five revenue years next before the passing of this Act, a sum not less than three hundred rupees.
"Commissioner"	"Commissioner" means the Commissioner in Sindh.

II.—OF THE APPLICATION AND PRELIMINARY INQUIRY.

3 At any time within twelve months after the passing of this Act, any jágirdár or zamíndár, or any person who would be sole heir or one of the heirs to such jágirdár or zamíndár if he then died intestate,

may apply, in writing, to the Commissioner, stating that such jágirdár or zamíndár is subject to debts or liabilities, other than debts due or liabilities incurred, to Government, or that his immoveable property is charged with debts or liabilities, other than as aforesaid, and requesting that the provisions of this Act be applied to his case.

When any jágirdár, zamíndár or other person entitled to make an application under this section is a minor, or of unsound mind, or an idiot, such application may be made on his behalf by the guardian or other legal curator of his person or by the legally constituted administrator or manager of his estate.

4 When any such application is made by or on behalf of a jágirdár, or the person who would be his sole heir if he then died, the Commissioner shall direct an inquiry to be made by such officer as he thinks fit into the nature and amount of such debts and liabilities and the sufficiency of the debtor's property, whether moveable or immoveable, to discharge the same.

When such an application is made in any other case, it shall be in the discretion of the Commissioner, subject to any general rules which may from time to time be made by the Governor of

Bombay in Council in this behalf, either to reject such application or to direct an inquiry to be made as aforesaid.

5 When an inquiry has been directed under section four, the applicant shall within a period to be fixed by the Commissioner submit to the officer appointed to make such inquiry a statement duly verified by the said applicant, or by some other competent person, in the manner required by law for the verification of plants, and containing, so far as may be practicable, such details as to the debts and liabilities, and as to the sufficiency of the debtor's property, whether moveable or immoveable, to meet the same, as the Commissioner, or the said officer subject to his control, may require

If any such statement contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, such person shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code

6 The officer so appointed, after making inquiry, shall submit a report of his proceedings to the Commissioner.

On receipt of such report, the Commissioner may (a) direct a further inquiry, or (b) dismiss the application, or (c), by order published in the *Sindh Official Gazette*, appoint an officer (hereinafter called the Manager) to manage the immoveable property of the debtor, and to arrange for the liquidation of his debts, in manner hereinafter provided.

III.—OF THE ORDER OF MANAGEMENT.

7. Such order (hereinafter called "the order of management") shall extend to all immoveable property of or to which the debtor is on the date of its publication possessed or entitled in his own right, or which he is entitled to redeem or which may be acquired by or devolve on him during the continuance of the management, and to all debts and liabilities to which he is subject, or which are charged on the whole or any part of his immoveable property on the said date

The management shall be deemed to commence from the date on which the order is published.

8. On the publication of the order of management the following consequences shall ensue

First, all proceedings then pending in any Civil Court in British India in respect to the debts and liabilities mentioned in section seven shall be stayed; and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended;

Secondly, so long as the management continues, no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any

Civil Court in British India in respect of such debts and liabilities,

Thirdly, so long as the management continues the debtor incompetent the debtor shall be incompetent

to contract debts, (a) to enter into any contract involving him in pecuniary liability, or

to encumber or alienate property under management, (b) to mortgage, charge, lease, or alienate the property under management or any part thereof, or

(c) to grant valid receipts for the rents and to grant receipts for profits arising or accruing therefrom:

Provided that nothing contained in this clause shall be deemed to preclude the Manager from letting and the debtor from taking the whole or any part of such property on such terms consistent with this Act, as may be agreed upon between the parties;

Fourthly, so long as the management continues, no person other than the Manager shall be competent to mortgage, charge, lease, or alienate such property or any part thereof

9. The Manager shall, during the management of the property, have all powers which the owner thereof might, as such, have legally exercised, and shall receive and recover all rents and profits due in respect of the property under management,

and for the purpose of recovering such rents and profits shall have, in addition to any powers possessed by a *jágirdár* or *zamindár*, as the case may be, all the powers possessed by a Collector, under the law for the time being in force for the recovery of land-revenue due to Government.

Provided that he shall not before the liquidation scheme hereinafter mentioned has been sanctioned, demise the property under management, or any part thereof, for any term exceeding two years, to take effect in possession.

10. From the sums received or recovered from the Manager shall pay

First, the cost of the management, including the costs of necessary repairs,

Secondly, the Government revenue and all debts and liabilities for the time being due or incurred to Government in respect of the property under management,

Thirdly, the rent (if any) due to the *jágirdár* or other superior holder, in respect of the said property,

Fourthly, such periodical allowance as the Commissioner may from time to time fix for the maintenance of the debtor and his family,

Fifthly, the cost of such improvements of the said property as he thinks necessary, and are approved by the Commissioner.

The residue shall be retained by the Manager for the liquidation, in manner hereinafter provided, of the debts and liabilities mentioned in section seven other than those so due or incurred to Government.

IV.—PROOF OF DEBTS AND SCHEME FOR LIQUIDATION.

11 On the publication of the order of management, the Manager shall publish in the *Sindh Official Gazette* a notice in English and Sindhi, calling upon all persons having claims against the debtor, or the property under management, to notify the same in writing to such Manager within six months from the date of the publication

He shall also cause copies of such notice to be exhibited at the *Mukhtif-árkár's* *kachahrís* in the district in which the said property lies, and at such other places as he thinks fit.

12. Every such claimant shall, along with his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

If any document in the possession or control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

13 Every such claim (other than claims of the Government) not notified to the Manager within the time and in the manner required by such notice shall, except as provided in section eighteen, clause (d), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged:

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of section eleven, the Manager may receive such claim within the further period of six months from the expiration of the original period of six months.

14. The Manager shall inquire into the history and merits of every claim received under sections eleven and thirteen, and shall in accordance with the rules to be made under this Act determine the amount of the debts and liabilities (if any) justly due to the several claimants.

15. If such amount cannot be paid at once, the Manager shall then proceed to rank such debts and liabilities according to the order in which they shall be paid, and to fix the interest (if any) to be paid thereon respectively from the date of the final decision thereon to the date of the payment and discharge thereof.

16. When the total amount of the debts and liabilities (including those due and incurred to Government) has been finally determined, the Manager shall prepare and submit to the Commissioner a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation-scheme), showing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other.

Every such scheme shall further provide for the continuance of the payments to be made by the Manager under section ten, and may provide for the improvement of the property under management either from the said income or with the aid of the funds raised as aforesaid, or partly in one of such ways and partly in the other.

17. The Commissioner may, on submission of the scheme,

(a) as often as he thinks fit send back such scheme to the Manager for revision, and direct him to make such further inquiry as may be requisite for the proper preparation of the scheme, or

(b) sanction any liquidation-scheme, or any revised liquidation-scheme, submitted to him either as it stands, or subject to such modifications as he may deem expedient.

18. At any time before he has sanctioned a liquidation-scheme under section seventeen, the Commissioner may, by an order published in the *Sindh Official Gazette*, direct that on a date fixed by such order the management shall be relinquished,

On the date so fixed—

(a) the management shall terminate;

(b) the owner of the property under management shall be restored to the possession thereof, subject to any leases made under section nine;

(c) any residue of the rents and profits of the said property retained under the last clause of section ten shall be paid to him; and

(d) the proceedings, processes, executions and attachments stayed and suspended under section eight, and the debts and liabilities barred by section thirteen, shall revive.

In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which the management has continued shall be excluded.

V.—OF THE PROCEEDINGS SUBSEQUENT TO SANCTION OF THE LIQUIDATION-SCHEME.

19. When the Commissioner sanctions the liquidation-scheme, he shall notify the fact of such sanction at such places and in such manner as the Local Government may from time to time by rule direct; and thereupon—

1st, all proceedings, processes, executions and attachments stayed or suspended under section eight shall be for ever barred, and

2nd, every debt or liability due or owing to any person which was proveable before the Manager shall be extinguished, and such person shall be entitled to receive under the liquidation-scheme the amount (if any) finally awarded to him under Part IV. of this Act in respect of such debt or liability.

20. If the property under management or any part thereof be in the possession of a mortgagee or conditional vendee, the Manager, at any time after the liquidation-scheme has been sanctioned as aforesaid, may, by an order in writing, require such incumbrancer to deliver up possession of the same to him at the end of the then current revenue year.

If such incumbrancer refuse or neglect to obey such order, the Manager may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said incumbrancer and any other person obstructing or resisting on his behalf.

Nothing in this section shall be held to affect the right of any incumbrancer to receive under the liquidation-scheme the amount (if any) awarded to him under Part IV. of this Act.

21. If the property under management or any part thereof be in the possession of any person claiming to hold under a lease dated within the three years immediately preceding the commencement of the management, the Manager, with the sanction of the Commissioner, may inquire into the sufficiency of the consideration for which the lease was given; and if such consideration appear to him insufficient, may by order, at any time after the liquidation-scheme has been sanctioned as aforesaid, either set aside the lease or require the person so in possession to pay such consideration for the said lease as the Manager thinks fit, and in default of such payment the lease shall be cancelled.

22. Subject to the rules made under section thirty, the Manager, after the liquidation-scheme has been sanctioned as aforesaid, shall have power to demise all or any part of the property under management for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of the payment to him of any fine, or without fine, and reserving such rents, and under such conditions as may be agreed upon.

23. At any time after the liquidation-scheme has been sanctioned as aforesaid, the Manager, with the previous assent of the Commissioner, shall have power to raise any money which may be required for carrying out such scheme,

(a) by demising by way of mortgage the whole or any part of the property under management for a term not exceeding twenty years from the publication of the order of management, or

(b) by selling, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the said property as may appear expedient.

24. The Manager's receipt for any moneys, rents or profits raised or received by him under this Act, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

25. When the debts and liabilities mentioned in the liquidation-scheme have been paid and discharged, the Manager shall publish in the *Sindh Official Gazette* a notice fixing a date for the termination of the management.

On the date so fixed the management shall terminate, and the owner shall be restored to the possession and enjoyment of the property under management, or of such part thereof as has not been sold by the Manager under the power conferred by section twenty-three, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers conferred by sections nine, twenty-two, and twenty-three.

26. If the debtor dies after the publication of the order of management and before the management has been terminated in either of the modes hereinbefore provided,

1st, the management shall continue and proceed in all respects as if such debtor were still living;

2ndly, any person succeeding to the whole or any portion of the property under management shall, while such management continues, be subject in respect of such property to the disabilities imposed by clauses (b) and (c) of section eight; and

IV.—50 b

3rdly, no Civil Court in British India shall during the continuance of the management, issue any attachment or other process against any portion of the property under management for or in respect of any debt or liability incurred by any such person whether before or after his said succession.

27. When a jagirdar or zamindar has been restored under section twenty-five to the possession of any property, no mortgage, charge, lease or alienation of such property, or of any part thereof, made by such jagirdar or zamindar, shall be valid as to any time beyond his natural life.

VI.—OF APPEAL AND REVISION.

28. An appeal against any decision or order under sections thirteen, fourteen, fifteen, and twenty-one and imposing a fine or imprisonment in exercise of the powers conferred by section thirty-four, shall lie to the Commissioner, if preferred within six weeks from the date of such decision or order.

There shall be no appeal against the decision of the Commissioner on such appeal.

29. The Commissioner may of his own motion, or on the application of any person concerned, call for the proceedings in any case under this Act, and pass such order thereon, consistent with the provisions of this Act, as he thinks fit.

VII.—MISCELLANEOUS.

30. The Commissioner, with the previous sanction of the Governor of Bombay in Council, may, from time to time, make rules consistent with this Act—

(a) to regulate the security to be required from subordinate officers under this Act;

(b) to regulate the procedure in all cases under this Act,

(c) for the guidance of officers enquiring into and determining on claims under Part IV of this Act; and in particular as to the allowance of interest (if any) on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregate amount of such debts and liabilities from the date of the determination down to the date of payment, and as to the order of paying debts and liabilities;

(d) for investing any moneys received or raised by the Manager under this Act in any Government securities of British India, and for the sale of such securities, and

(e) generally to carry out the provisions of this Act.

Such rules shall be published in the *Sindh Official Gazette*, and when so published shall have the force of law.

31. Whenever the Commissioner thinks fit, he may suspend or remove any Manager and may appoint any officer in the stead of any Manager appointed under this Act, and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager.

Every such new Manager shall have the same powers as if he had been originally appointed.

32. Every Manager appointed under this Act, shall be deemed a public servant within the meaning of the Indian Penal Code.

33. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

34. For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents by the same means and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

35. No suit or other proceeding shall be maintained against any person in respect of any thing done by him *bonâ fide* pursuant to this Act.

36. Nothing in this Act precludes the Courts in Sindh having jurisdiction in suits relating to the succession to any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits; but to all such suits the Manager of such property shall be made a party.

WHITLEY STOKES,
Secy to the Govt. of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th September 1876, and was promulgated for general information in the *Gazette of India* on the 16th September 1876 —

Act No. XV. of 1876.

An Act to amend the law relating to the transfer of Bombay Municipal Debentures, and to provide for their consolidation

Whereas under the Bombay Municipal Act of 1865, the Justices of the Peace for the City of Bombay were empowered to mortgage for the purposes therein mentioned the rates and taxes imposed and levied under that Act.

And whereas by section 255 of the same Act it was enacted that, any person entitled to any such mortgage might transfer his right and interest therein to any other person, and that every such transfer should be by deed duly stamped, wherein the consideration should be truly stated, and that every such transfer might be according to the form in Schedule K to the said Act annexed or to the like effect.

And whereas in exercise of the said power divers mortgages of the said rates and taxes have been made, and the mortgagees have purported to transfer their mortgages to other persons, but such transfers have been by simple indorsement and not by deed duly stamped

And whereas it is expedient to provide that such transfers may hereafter be made by indorsement, and to confirm the said transfers heretofore made, and to exempt the parties thereto from the penalties which they have incurred by reason of their failure to comply with the provisions of the said section and of the law relating to stamp-duties for the time being in force :

And whereas it is also expedient to provide for consolidating such mortgages in manner herein-after mentioned and for renewing and subdividing mortgages so consolidated ;

It is hereby enacted as follows .

1. This Act may be called "The Bombay Municipal Debentures Act, 1876."

2 Every mortgage of rates and taxes, authorized to be made under the said Bombay Municipal Act of 1865, or any subsequent Act, shall be transferable by indorsement on the instrument of mortgage, and no such indorsement shall be chargeable with any stamp-duty

3. Every transfer of any such mortgage heretofore made by indorsement shall be, and be deemed to have been, as valid as if this Act had been in force at the date of such transfer and no stamp-duty shall be, or be deemed to have been, chargeable in respect of any such transfer, and no penalty shall be deemed to have been incurred by reason of any failure to comply with the provisions of the said section 255 or of the law relating to stamp-duties for the time being in force.

4. Any holder of two or more such instruments of mortgage may surrender them to the Municipal Corporation of the City of Bombay, and such Corporation shall accept the same, and shall (on receipt for each such instrument of such fee as the said Corporation, may from time to time prescribe) grant to such holder, under the seal of the said Corporation, an instrument of mortgage in which the consideration stated shall be the aggregate amount of the considerations respectively stated in the instruments so surrendered

Every instrument so granted may be in the form in the schedule hereto annexed or to the like effect.

5. The said Corporation shall, on the application of the holder of any instrument granted under the said Bombay Municipal Act of 1865 or under this Act, and on receipt of such fees as the said Corporation may from time to time prescribe in this behalf, renew or subdivide the same.

THE SCHEDULE ABOVE REFERRED TO.

Whereas *A B* of has surrendered to us the Municipal Corporation of the City of Bombay, mortgages issued under the Bombay Municipal Act of 1865, bearing respectively the following numbers and dates (namely) [*set them out*] and securing sums amounting in the whole to Rs. . In consideration of the premises, we, the said Corporation, do hereby grant and assign unto the said *A B*, his representatives and assigns, such proportion of the rates and taxes comprised in the said mortgages as the said sum of Rs bears to the whole sum for the time being borrowed upon the credit of the said rates and taxes. To HOLD to the said *A B*, his representatives and assigns, from this day, until the said sum of Rs with interest at the rate of per cent. per annum shall be fully paid and satisfied

Given under our corporate seal this day of 187

WHITLEY STOKES,
Secy. to the Govt. of India.

[Published with the "Bombay Government Gazette" on the 5th October 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th September 1876, and was promulgated for general information in the *Gazette of India* on the 16th September 1876 :—

Act No. XIV of 1876.

THE SINDH INCUMBERED ESTATES ACT, 1876,

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An Act to relieve from Incumbrances the Estates of Jágirdárs and Zamíndárs in Sindh.

Whereas many Jágirdárs and Zamíndárs in Sindh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing, It is hereby enacted as follows :—

I.—PRELIMINARY.

Short title.	1 This Act may be called "The Sindh Incumbered Estates Act, 1876."
Commencement thereof.	And it shall come into force on the passing thereof.
Interpretation-clause.	2. In this Act—
"Jágir-land."	"Jágir-land" includes also a share held hereditarily of the revenues of a Government village, but does not include <i>siri</i> or <i>mámul</i> or garden-grants
"Jágirdár."	"Jágirdár" means a person who, or whose ancestor, was found in possession of jágir-land in Sindh on the seventeenth day of February 1843, and to whom the said land, or a portion of the same, or other land in lieu thereof, has been continued by the British Government, and to whom, or to whose ancestor, a sanad has been, or hereafter may be, granted confirming such continuance:
"Zamindár."	"Zamindár" means a person holding lands in Sindh on the aggregate of which he has been assessed by the Government, on account of land-revenue for any one of the five revenue years next before the passing of this Act, a sum not less than three hundred rupees.
"Commissioner."	"Commissioner" means the Commissioner in Sindh.

II.—OF THE APPLICATION AND PRELIMINARY INQUIRY.

3 At any time within twelve months after the passing of this Act, any jágirdár or zamindár, or any person who would be sole heir or one of the heirs to such jágirdár or zamindár if he then died intestate, may apply, in writing, to the Commissioner, stating that such jágirdár or zamindár is subject to debts or liabilities, other than debts due or liabilities incurred, to Government, or that his immoveable property is charged with debts or liabilities, other than as aforesaid, and requesting that the provisions of this Act be applied to his case.

When any jágirdár, zamindár or other person entitled to make an application under this section is a minor, or of unsound mind, or an idiot, such application may be made on his behalf by the guardian or other legal curator of his person or by the legally constituted administrator or manager of his estate.

4. When any such application is made by or on behalf of a jágirdár, or the person who would be his sole heir if he then died, the Commissioner shall direct an inquiry to be made by such officer as he thinks fit into the nature and amount of such debts and liabilities and the sufficiency of the debtor's property, whether moveable or immoveable, to discharge the same.

When such an application is made in any other case, it shall be in the discretion of the Commissioner, subject to any general rules which may from time to time be made by the Governor of

Bombay in Council in this behalf, either to reject such application or to direct an inquiry to be made as aforesaid.

5. When an inquiry has been directed under section four, the applicant shall within a period to be fixed by the Commissioner submit to the officer appointed to make such inquiry a statement duly verified by the said applicant, or by some other competent person, in the manner required by law for the verification of plants, and containing, so far as may be practicable, such details as to the debts and liabilities, and as to the sufficiency of the debtor's property, whether moveable or immoveable, to meet the same, as the Commissioner, or the said officer subject to his control, may require.

If any such statement contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, such person shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code.

6. The officer so appointed, after making inquiry, shall submit a report of his proceedings to the Commissioner.

On receipt of such report, the Commissioner may (a) direct a further inquiry, or (b) dismiss the application, or (c), by order published in the *Sindh Official Gazette*, appoint an officer (hereinafter called the *Manager*) to manage the immoveable property of the debtor, and to arrange for the liquidation of his debts, in manner hereinafter provided.

III.—OF THE ORDER OF MANAGEMENT.

7 Such order (hereinafter called "the order of management") shall extend to all immoveable property of or to which the debtor is on the date of its publication possessed or entitled in his own right, or which he is entitled to redeem or which may be acquired by or devolve on him during the continuance of the management, and to all debts and liabilities to which he is subject, or which are charged on the whole or any part of his immoveable property on the said date.

The management shall be deemed to commence from the date on which the order is published.

8. On the publication of the order of management the following consequences shall ensue:

First, all proceedings then pending in any Civil Court in British India in respect to the debts and liabilities mentioned in section seven shall be stayed, and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended.

Secondly, so long as the management continues, no fresh proceedings, processes, executions or attachments shall be instituted or issued by any

Civil Court in British India in respect of such debts and liabilities,

Thirdly, so long as the management continues the debtor shall be incompetent

The debtor incompetent

(a) to enter into any contract involving him in pecuniary liability, or

(b) to mortgage, charge, lease, or alienate the property under management or any part thereof, or

(c) to grant valid receipts for the rents and to grant receipts for profits arising or accruing therefrom :

Provided that nothing contained in this clause shall be deemed to preclude the Manager from letting and the debtor from taking the whole or any part of such property on such terms consistent with this Act, as may be agreed upon between the parties ;

Fourthly, so long as the management continues, no person other than the Manager shall be competent to mortgage, charge, lease, or alienate such property or any part thereof.

9 The Manager shall, during the management of the property, have all powers which the owner thereof might, as such, have legally exercised, and shall receive and recover all rents and profits due in respect of the property under management,

and for the purpose of recovering such rents and profits shall have, in addition to any powers possessed by a *jâgirdâr* or *zamindâr*, as the case may be, all the powers possessed by a Collector, under the law for the time being in force for the recovery of land-revenue due to Government

Provided that he shall not before the liquidation scheme hereinafter mentioned has been sanctioned, demise the property under management, or any part thereof, for any term exceeding two years, to take effect in possession.

10. From the sums received or recovered under section nine, the Manager shall pay

First, the cost of the management, including the costs of necessary repairs,

Secondly, the Government revenue and all debts and liabilities for the time being due or incurred to Government in respect of the property under management,

Thirdly, the rent (if any) due to the *jâgirdâr* or other superior holder, in respect of the said property,

Fourthly, such periodical allowance as the Commissioner may from time to time fix for the maintenance of the debtor and his family,

Fifthly, the cost of such improvements of the said property as he thinks necessary, and are approved by the Commissioner.

The residue shall be retained by the Manager for the liquidation, in manner hereinafter provided, of the debts and liabilities mentioned in section seven other than those so due or incurred to Government.

IV.—PROOF OF DEBTS AND SCHEME FOR LIQUIDATION.

11. On the publication of the order of management, the Manager shall publish in the *Sindh Official Gazette* a notice in English and Sindhi, calling upon all persons having claims against the debtor, or the property under management, to notify the same in writing to such Manager within six months from the date of the publication.

He shall also cause copies of such notice to be exhibited at the *Mukhtî-ârâkûrs' kachahris* in the district in which the said property lies, and at such other places as he thinks fit.

12. Every such claimant shall, along with his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the Manager along with the claim

If the document be an entry in any book, the claimant shall produce the book to the Manager, together with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the Manager along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

13. Every such claim (other than claims of the Government) not notified to the Manager within the time and in the manner required by such notice shall, except as provided in section eighteen, clause (d), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged

Provided that, when proof is made to the Manager that the claimant was unable to comply with the provisions of section eleven, the Manager may receive such claim within the further period of six months from the expiration of the original period of six months.

14 The Manager shall inquire into the history and merits of every claim received under sections eleven and thirteen, and shall in accordance with the rules to be made under this Act determine the amount of the debts and liabilities (if any) justly due to the several claimants.

15 If such amount cannot be paid at once, the Manager shall then proceed to rank such debts and liabilities according to the order in which they shall be paid, and to fix the interest (if any) to be paid thereon respectively from the date of the final decision thereon to the date of the payment and discharge thereof.

16. When the total amount of the debts and liabilities (including those due and incurred to Government) has been finally determined, the Manager shall prepare and submit to the Commissioner a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation-scheme) showing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other.

Every such scheme shall further provide for the continuance of the payments to be made by the Manager under section ten, and may provide for the improvement of the property under management either from the said income or with the aid of the funds raised as aforesaid, or partly in one of such ways and partly in the other.

17. The Commissioner may, on submission of

(a) as often as he thinks fit send back such scheme to the Manager for revision, and direct him to make such further inquiry as may be requisite for the proper preparation of the scheme, or

(b) sanction any liquidation-scheme, or any revised liquidation-scheme, submitted to him either as it stands, or subject to such modifications as he may deem expedient.

18 At any time before he has sanctioned a liquidation-scheme under section seventeen, the Commissioner may, by an order published in the *Sindh Official Gazette*, direct that on a date fixed by such order the management shall be relinquished.

On the date so fixed—

(a) the management shall terminate;

(b) the owner of the property under management shall be restored to the possession thereof, subject to any leases made under section nine,

(c) any residue of the rents and profits of the said property retained under the last clause of section ten shall be paid to him; and

(d) the proceedings, processes, executions and attachments stayed and suspended under section eight, and the debts and liabilities barred by section thirteen, shall revive.

In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which the management has continued shall be excluded.

V.—OF THE PROCEEDINGS SUBSEQUENT TO SANCTION OF THE LIQUIDATION-SCHEME

19 When the Commissioner sanctions the liquidation-scheme, he shall notify the fact of such sanction at such places and in such manner as the Local Government may from time to time by rule direct; and thereupon—

1st, all proceedings, processes, executions and attachments stayed or suspended under section eight shall be for ever barred, and

2nd, every debt or liability due or owing to any person which was proveable before the Manager shall be extinguished, and such person shall be entitled to receive under the liquidation-scheme the amount (if any) finally awarded to him under Part IV of this Act in respect of such debt or liability.

20 If the property under management or any part thereof be in the possession of a mortgagee or conditional vendee, the Manager, at any time after the liquidation-scheme has been sanctioned as aforesaid, may, by an order in writing, require such incumbrancer to deliver up possession of the same to him at the end of the then current revenue year,

If such incumbrancer refuse or neglect to obey such order, the Manager may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said incumbrancer and any other person obstructing or resisting on his behalf.

Nothing in this section shall be held to affect the right of any incumbrancer to receive under the liquidation-scheme the amount (if any) awarded to him under Part IV. of this Act.

21. If the property under management or any part thereof be in the possession of any person claiming to hold under a lease dated within the three years immediately preceding the commencement of the management, the Manager, with the sanction of the Commissioner, may inquire into the sufficiency of the consideration for which the lease was given, and if such consideration appear to him insufficient, may by order, at any time after the liquidation-scheme has been sanctioned as aforesaid, either set aside the lease or require the person so in possession to pay such consideration for the said lease as the Manager thinks fit, and in default of such payment the lease shall be cancelled.

22. Subject to the rules made under section thirty, the Manager, after the liquidation-scheme has been sanctioned as aforesaid, shall have power to demise all or any part of the property under management for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of the payment to him of any fine, or without fine, and reserving such rents, and under such conditions as may be agreed upon.

23. At any time after the liquidation-scheme has been sanctioned as aforesaid, the Manager, with the previous assent of the Commissioner, shall have power to raise any money which may be required for carrying out such scheme,

(a) by demising by way of mortgage the whole or any part of the property under management for a term not exceeding twenty years from the publication of the order of management; or

(b) by selling, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the said property as may appear expedient.

24. The Manager's receipt for any moneys, rents or profits raised or received by him under this Act, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

25. When the debts and liabilities mentioned in the liquidation-scheme have been paid and discharged, the Manager shall publish in the *Sindh Official Gazette* a notice fixing a date for the termination of the management

On the date so fixed the management shall terminate, and the owner shall be restored to the possession and enjoyment of the property under management, or of such part thereof as has not been sold by the Manager under the power conferred by section twenty-three, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers conferred by sections nine, twenty-two, and twenty-three.

26. If the debtor dies after the publication of the order of management and before the management has been terminated in either of the modes hereinbefore provided,

1st, the management shall continue and proceed in all respects as if such debtor were still living;

2ndly, any person succeeding to the whole or any portion of the property under management shall, while such management continues, be subject in respect of such property to the disabilities imposed by clauses (b) and (c) of section eight, and

iv.—50 e

3rdly, no Civil Court in British India shall during the continuance of the management, issue any attachment or other process against any portion of the property under management for or in respect of any debt or liability incurred by any such person whether before or after his said succession

27. When a jágirdár or zamindár has been restored under section twenty-five to the possession of any property, no mortgage, charge, lease or alienation of such property, or of any part thereof, made by such jágirdár or zamindár, shall be valid as to any time beyond his natural life.

VI.—OF APPEAL AND REVISION.

28. An appeal against any decision or order under sections thirteen, fourteen, fifteen, and twenty-one and imposing a fine or imprisonment in exercise of the powers conferred by section thirty-four, shall lie to the Commissioner, if preferred within six weeks from the date of such decision or order.

There shall be no appeal against the decision of the Commissioner on such appeal.

29. The Commissioner may of his own motion, or on the application of any person concerned, call for the proceedings in any case under this Act, and pass such order thereon, consistent with the provisions of this Act, as he thinks fit.

VII.—MISCELLANEOUS

30. The Commissioner, with the previous sanction of the Governor of Bombay in Council, may, from time to time, make rules consistent with this Act—

(a) to regulate the security to be required from subordinate officers under this Act;

(b) to regulate the procedure in all cases under this Act,

(c) for the guidance of officers enquiring into and determining on claims under Part IV of this Act; and in particular as to the allowance of interest (if any) on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregate amount of such debts and liabilities from the date of the determination down to the date of payment, and as to the order of paying debts and liabilities;

(d) for investing any moneys received or raised by the Manager under this Act in any Government securities of British India, and for the sale of such securities, and

(e) generally to carry out the provisions of this Act.

Such rules shall be published in the *Sindh Official Gazette*, and when so published shall have the force of law.

31. Whenever the Commissioner thinks fit, he may suspend or remove any Manager and may appoint any officer in the stead of any Manager appointed under this Act, and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager

Every such new Manager shall have the same powers as if he had been originally appointed.

32 Every Manager appointed under this Act, shall be deemed a public servant within the meaning of the Indian Penal Code.

33 Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code,

34 For the purposes of this Act, the Manager may summon and enforce the attendance of witnesses and compel the production of documents and compel them to give evidence and compel the production of documents by the same means and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

35 No suit or other proceeding shall be maintained against any person in respect of any thing done by him *bonâ fide* pursuant to this Act.

36 Nothing in this Act precludes the Courts in Sindh having jurisdiction in suits relating to the succession to any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits; but to all such suits the Manager of such property shall be made a party.

WHITLEY STOKES,
Secy. to the Govt. of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th September 1876, and was promulgated for general information in the *Gazette of India* on the 16th September 1876.—

Act No. XV. of 1876.

An Act to amend the law relating to the transfer of Bombay Municipal Debentures, and to provide for their consolidation.

Whereas under the Bombay Municipal Act of 1865, the Justices of the Peace for the City of Bombay were empowered to mortgage for the purposes therein mentioned the rates and taxes imposed and levied under that Act—

And whereas by section 255 of the same Act it was enacted that any person entitled to any such mortgage might transfer his right and interest therein to any other person, and that every such transfer should be by deed duly stamped, wherein the consideration should be truly stated, and that every such transfer might be according to the form in Schedule K to the said Act annexed or to the like effect:

And whereas in exercise of the said power divers mortgages of the said rates and taxes have been made, and the mortgagees have purported to transfer their mortgages to other persons, but such transfers have been by simple indorsement and not by deed duly stamped:

And whereas it is expedient to provide that such transfers may hereafter be made by indorsement, and to confirm the said transfers heretofore made, and to exempt the parties thereto from the penalties which they have incurred by reason of their failure to comply with the provisions of the said section and of the law relating to stamp-duties for the time being in force:

And whereas it is also expedient to provide for consolidating such mortgages in manner hereinafter mentioned and for renewing and subdividing mortgages so consolidated;

It is hereby enacted as follows.

1. This Act may be called "The Bombay Municipal Debentures Act, 1876."

2. Every mortgage of rates and taxes, authorized to be made under the said Bombay Municipal Act of 1865, or any subsequent Act, shall be transferable by indorsement on the instrument of mortgage, and no such indorsement shall be chargeable with any stamp-duty

3. Every transfer of any such mortgage heretofore made by indorsement shall be, and be deemed to have been, as valid as if this Act had been in force at the date of such transfer and no stamp-duty shall be, or be deemed to have been, chargeable in respect of any such transfer, and no penalty shall be deemed to have been incurred by reason of any failure to comply with the provisions of the said section 255 or of the law relating to stamp-duties for the time being in force.

4. Any holder of two or more such instruments of mortgage may surrender them to the Municipal Corporation of the City of Bombay, and such Corporation shall accept the same, and shall (on receipt for each such instrument of such fee as the said Corporation, may from time to time prescribe) grant to such holder, under the seal of the said Corporation, an instrument of mortgage in which the consideration stated shall be the aggregate amount of the considerations respectively stated in the instruments so surrendered.

Every instrument so granted may be in the form in the schedule hereto annexed or to the like effect.

5. The said Corporation shall, on the application of the holder of any instrument granted under the said Bombay Municipal Act of 1865 or under this Act, and on receipt of such fees as the said Corporation may from time to time prescribe in this behalf, renew or subdivide the same.

THE SCHEDULE ABOVE REFERRED TO.

Whereas *A B* has surrendered to us the Municipal Corporation of the City of Bombay, mortgages issued under the Bombay Municipal Act of 1865, bearing respectively the following numbers and dates (namely) [*set them out*] and securing sums amounting in the whole to Rs. . . . In consideration of the premises, we, the said Corporation, do hereby grant and assign unto the said *A B*, his representatives and assigns, such proportion of the rates and taxes comprised in the said mortgages as the said sum of Rs. . . . bears to the whole sum for the time being borrowed upon the credit of the said rates and taxes. To HOLD to the said *A B*, his representatives and assigns, from this day, until the said sum of Rs. . . . with interest at the rate of . . . per cent. per annum shall be fully paid and satisfied

Given under our corporate seal this day of 187

WHITLEY STOKES,
Secy to the Govt of India.

[Published with the "Bombay Government Gazette" on the 26th October 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th October 1876, and was promulgated for general information in the *Gazette of India* on the 7th October 1876.—

Act No. XVI. of 1876.

An Act to amend the Stage Carriages Act.

Whereas Act No. XVI of 1861 (*for licensing and regulating Stage Carriages*) does not apply to carriages drawn by camels or oxen, and is expedient to render it applicable to such carriages; It is hereby enacted as follows:—

1. For the third sentence of section 21 of the Amendment of Act said Act, the following XVI. of 1861, s. 21. shall be substituted (that is to say)

"All expressions and provisions which in this Act are applied to horses shall also apply to all other animals employed in drawing any Carriage ordinarily used for the purpose of conveying passengers for hire to or from any place in British India."

2. The said Act, as amended by this Act, Local extent of Act applies to the whole of XVI. of 1861. British India, but not so as to supersede or contravene the provisions of any local law dealing with the same subject.

WHITLEY STOKES,
Secy. to the Govt. of India.

[Published with the "Bombay Government Gazette" on the 19th October 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

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An Act to amend the Stage Carriages Act.

Whereas Act No. XVI of 1861 (*for licensing and regulating Stage Carriages*) does not apply to carriages drawn by camels or oxen, and is expedient to render it applicable to such carriages; It is hereby enacted as follows —

1. For the third sentence of section 21 of the said Act, the following shall be substituted (that is to say).
 Amendment of Act XVI of 1861, s 21.

"All expressions and provisions which in this Act are applied to horses shall also apply to all other animals employed in drawing any Carriage ordinarily used for the purpose of conveying passengers for hire to or from any place in British India"

2. The said Act, as amended by this Act, applies to the whole of British India, but not so as to supersede or contravene the provisions of any local law dealing with the same subject.
 Local extent of Act XVI of 1861.

WHITLEY STOKES,
Secy. to the Govt. of India.



Bombay Government Gazette.

Published by Authority.

THURSDAY, 26TH OCTOBER 1876.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 15th September 1876 and the assent of His Excellency the Viceroy and Governor-General on the 14th October 1876, and is published for general information :—

BOMBAY Act No. II of 1876.

An Act to amend the Law relating to the Land Revenue Administration of the City of Bombay.

Whereas it is expedient to amend the law relating to the assessment and collection of the land revenue, to provide against encroachments upon public property, to ensure the preservation of survey boundary marks, and otherwise to improve the existing land revenue administration in the city of Bombay; It is enacted as follows :—

PART I.—Preliminary.

1. This Act may be cited as "The Bombay City Land Revenue Act, 1876."
- Short title.
- Extent. It extends only to the city of Bombay.

IV.—52

2. So much of Regulation XIX of 1827 as has not been Resolution XIX. of 1827 repealed. already repealed is hereby repealed.

All references made in any Act or Regulation to any part of the said Regulation XIX. of 1827 hereby repealed, shall be read as if made to the corresponding portion of this Act.

And all rules prescribed, appointments made, powers conferred, orders issued, and notifications published under the said Regulation, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed

made, conferred, issued, and published hereunder.

And all proceedings now pending, which have been commenced under any part of the said Regulation XIX. of 1827 hereby repealed, shall be deemed to have been commenced under this Act, and shall hereafter be conducted in accordance with the provisions of this Act.

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

(1) the word "Collector" means the Collector of Bombay;

(2) The words "Land Revenue" signify any sum of money legally claimable by Government from any person on account of any land, or interest in, or right exercisable over, land held by, or vested in him, under whatever designation such sum may be payable;

(3) The words "Survey Boundary mark" mean, primarily, any iron or other mark set up by the officers who conducted the Bombay City Survey hereinafter described, and include any such new mark that may hereafter be set up by the Collector or, under his orders, according to the provisions of this Act;

(4) The words "Superior holder" signify the person having the highest title under Government to the land in respect of which land revenue is payable

PART II.—The Collector of Bombay and his Subordinates.

4. The chief controlling authority in all matters connected with the land revenue is vested in the Collector of Bombay subject to the Governor in Council.

5. The Collector of Bombay shall be appointed by the Governor in Council, and shall exercise the powers and discharge the duties conferred and imposed on him by this Act, or by any other law for the time being in force, and, so far as is consistent therewith, all such other powers or duties as may from time to time be prescribed by the Governor in Council.

6. The Collector shall have as many Assistants and such other Establishment subordinate to him as the Governor in Council, under the general control of the Governor General in India in Council, may from time to time sanction, and their appointment shall be made in such manner as the Governor in Council may direct.

The duties of the said Assistants and other subordinates of the Collector shall be such as the Collector, subject to the orders of Government, may from time to time prescribe.

Subject to the previous sanction of Government the Collector may delegate any of his powers under this Act, or under any law which the Governor in Council is able to repeal or alter, to any of his Assistants or other subordinates and may at any time cancel such delegation

7. The Collector shall have power, subject to such rules as may from time to time be prescribed by Government, to fine, reduce, suspend or dismiss any of his Assistants or other subordinates.

PART III.—Assessment and Collection of Land Revenue.

8. It shall be the duty of the Collector, subject to the orders of Government, to fix and levy the assessment for land revenue.

When there is no right on the part of the superior holder in limitation of the right of Government to assess, the assessment shall be fixed at the discretion of the Collector subject to the control of Government. When there is a right on the part of the superior holder in limitation of the right of Government, in consequence of a specific limit to assessment having been established and preserved, the assessment shall not exceed such specific limit.

9. The settlement of assessment of each portion of land to the land revenue shall be made with the superior holder of the same.

If the said superior holder be absent and have left no known authorized agent in Bombay, or if there be a dispute as to who is entitled to be considered the supe-

rior holder of the land, the settlement may be made with the person actually in possession of the land, and any assessment so fixed shall be binding upon the rightful superior holder of the land. Any payment made by the person in possession in accordance with the provisions of this Act shall be deemed to have been made on behalf of the superior holder.

10. The superior holder of land, or, in his absence, the person actually in possession, shall be liable in person and property for the land revenue due upon the holding.

11. The claim of Government to any moneys recoverable under the provisions of this Act shall have precedence over any other debt, demand, or claim whatsoever, whether in respect of mortgage, judgment, decree, execution, attachment, or otherwise however, against any land, or the superior holder thereof.

12. Subject to such orders as may be passed by the Governor in Council, the Collector shall from time to time give orders and make known to be served on all superior holders of land paying revenue, or, in their absence, persons in possession, regulating the persons, places, and times to whom and within which the revenue payable in respect of any land shall be paid.

13. If any land revenue is not paid at, or within, the time when it becomes payable, and the superior holder or person in possession, as the case may be, shall, for the space of twenty days after service of written notice of demand of payment, fail to discharge the revenue due, it shall be lawful for the Collector to levy the same by attachment and sale of the land on which the revenue is due, or of any other property, moveable or immovable, of the defaulter.

Such sales shall be by public auction, and shall not take place until at least 15 days after notice thereof shall have been published in the *Bombay Government Gazette*.

If the sale of the defaulter's property shall not produce satisfaction of the demand, it shall be lawful for the Collector to cause him to be apprehended and confined in the Civil Jail under the rules in force at the Presidency for the confinement of debtors, for which purpose a certificate of demand under the Collector's signature sent with the defaulter shall be the Sheriff's sufficient warrant, equally with the usual legal process in ordinary cases of arrest in execution of judgment for debt. Provided, however, that such imprisonment shall cease at any time upon payment of the sum due, and that it shall in no case exceed one day for each rupee of the said sum.

14. The Collector's decision upon any question arising out of the provisions of Sections 8 to 13 of this Act shall, unless superseded by the Revenue Judge, be binding upon all persons whom it may concern, and shall be acted upon accordingly; but the Collector's decision shall be stayed on any such person giving security to the satisfaction of the Collector, that he will, within thirty days from the date when such decision was made known to him, institute a suit before the Revenue Judge for the purpose of contesting the legality of the Collector's decision, and will fulfil the decree that may be passed against him, and will pay all costs and interests which may be so decreed; or that, if he fail to file such suit as above specified, he will, when required, pay the amount demanded.

15. All compulsory process against a defaulter shall cease on his paying or tendering the amount demanded of him under protest to the officer executing such process; or on his instituting a suit before the Revenue Judge to contest the legality of the demand, and furnishing security satisfactory to the Collector, or Revenue Judge, that he will, pending the decision of the said suit, neither quit the jurisdiction, nor remove, nor transfer any of his property therein without providing to the satisfac-

tion of the Collector, or of the Revenue Judge, for the execution of the decree.

16. Fees shall be payable according to the table in the Schedule A, hereunto annexed, on all warrants issued under the provisions of Section 13 of this Act for the attachment and sale of the property of defaulters, by the person in respect of whose property such warrants are issued, and an additional fee of four annas per diem shall be paid in like manner in respect of each peon employed, whenever the property distrained is placed in charge of any peon or peons.

PART IV.—The Revenue Judge.

17. The Senior Magistrate of Police shall be Revenue Judge.

The Revenue Judge shall decide all suits brought before him against the Collector, or any person on his establishment, on account of land revenue, or of acts done in their official capacities by the Collector, or any of his Assistants or other subordinates.

18. All such suits shall be commenced and the trial thereof shall be conducted, according to the provisions of the general law of Civil Procedure for the time being in force in a District Court.

An appeal shall lie against a decree passed by the Revenue Judge in any such suit to the High Court on its Appellate Side, and shall follow the same rules as would be applicable under any law for the time being in force to appeals from the decrees of a District Court in original suits tried by it.

The decree in any such suit, whether it be that of the Revenue Judge, or of the appellate authority shall, if it be against the Collector, be fulfilled by the Collector. If it be against the plaintiff, it may be enforced by the Collector under Section 13 of this Act as an established revenue demand: Provided, however, that execution shall in either case be stayed if an appeal be made, and on the

plaintiff's furnishing security similar to that described in Section 15 of this Act, if the appeal be brought by him.

PART V.—The Bombay City Survey and Boundary Marks.

19. The survey made under the authority of Government during the years 1865 to 1872 shall be called "The Bombay City Survey"; and the demarcation of lands then made, and all the records of the said survey shall be taken as *prima facie* evidence for all proceedings under and for all the purposes of this Act. Provided that the Collector may, on the application of the parties interested in such lands, and shall in pursuance of a decree or order of a competent Court, cause any alteration or correction to be made of any such demarcation of lands, or of any entry in any such record.

20. Every superior holder of land shall be responsible for the maintenance and good repair of the survey boundary marks of his holding, and for any expenses not exceeding five rupees for each mark, reasonably incurred on account of the same by the Collector in cases of alteration or removal.

21. It shall be lawful for the Collector or for any of his Assistants, or other subordinates, to enter upon lands, in that behalf duty authorized by writing under the hand of the said Collector, to enter upon any lands for the purpose of inspecting the survey boundary marks erected thereon, or of altering, renewing, or repairing such marks.

22. In the event of any survey boundary mark being destroyed, defaced, injured, or removed, it shall be lawful for the Collector to cause to be served on the superior holder, or in his absence the person in possession of any land, of which such mark designates the boundary, a requisition in writing signed by the said Collector, calling on such superior holder or person in possession to renew, or repair, the said mark, at his own expense, within 15 days from the date of the service of such requisition.

23. If the said survey boundary mark be not renewed or repaired, within the said period, to the Collector's satisfaction, it shall be lawful for the Collector, or any of his Assistants, or other subordinates, or other person duly authorized as hereinbefore mentioned, to enter upon any land to which the said mark appertains, and to renew or repair it; and for each such mark so renewed or repaired, it shall be lawful for the Collector to charge each superior holder or person in possession, the boundary of whose land is designated by any such mark, such sum, not exceeding Rs. 10 in the whole, as he may deem fit.

PART VI.—Government Lands and Foreshore.

24. All unoccupied lands within the city of Bombay, and every unoccupied portion of the foreshore below high-water mark, shall be deemed, and are hereby declared to be, the property of Government, subject always to the rights of way, and all other rights of the public legally subsisting.

25. It shall be lawful for the Collector, with the sanction of Government, to dispose of any Government lands or foreshore, in such manner and subject to such conditions as he may deem fit.

PART VII.—Encroachments.

26. In the event of any encroachment being made after the passing of this Act on any Government lands or foreshore, it shall be lawful for the Collector or his Assistants, or other subordinates, duly authorized in this behalf by writing under his hand, to summarily abate or remove any such encroachment.

But it shall be competent to the Collector, with the previous sanction of Government, and if the person making the encroachment so desire, to charge the said person a sum not exceeding five times the value of the land so encroached upon and to fix an assessment not exceeding five

times the ordinary annual land revenue thereupon, and then to cause the said land to be entered in his records in the name of the said person.

27. For the purposes of the preceding section the value of land that has been encroached upon shall be fixed by the Collector according to the market value of similar land in the same neighbourhood at the time of such valuation. And the annual revenue of any such land shall be assessed at the same rate as the land revenue of similar land in the vicinity.

28. In the case of any encroachment, made within 20 years before the passing of this Act, the Collector may with the sanction of Government charge the person who made such encroachment, or who is in occupation of the land so encroached upon, a sum not exceeding double the value of the said land, and fix an assessment not exceeding double the ordinary annual land revenue thereon, and recover arrears of land revenue at the same rate from the date when the encroachment was made.

29. For the purposes of the last preceding section, the amount by which any holding shall have been shown by the Bombay City Survey to exceed the area of such holding as entered in the Collector's previous records, shall *prima facie* be held to be an encroachment; and the value and land revenue payable in respect thereof, how to be calculated according to the market value of similar land in the neighbourhood, and the land revenue chargeable in respect of the excess shall be calculated at the same rate at which the rest of the holding has been assessed. In case there has been no such holding, the assessment shall be made at such rate as the Collector, with the sanction of Government, may fix.

PART VIII.—Transfer of Lands, &c.

30. Whenever the title to any land, house, or other immovable property, subject to the payment of land revenue

to Government, shall be transferred or assigned, the person transferring or assigning the same, and the person to whom the same shall be transferred or assigned, shall respectively cause notice of such transfer or assignment to be given to the Collector; such notice shall be given within 20 days after execution of the instrument of transfer or assignment, or after its registration, if it be registered, or after the transfer or assignment is effected, if no instrument is executed.

In the event of the death of any person in whose name the title to any property is entered in the Collector's records, the person to whom such title shall be transferred as heir or otherwise shall cause notice thereof to be given to the Collector within one year from such death.

31. The notice shall be in the form either of Schedule B or Schedule C annexed to this Act, as the case may be, and shall state clearly all the particulars required by the said form. It shall be accompanied, whenever the Collector shall deem fit so to require, by the instrument of transfer, if any, and by a certificate that public notice has been given of the transfer or assignment by beat of bataki.

32. Every person neglecting to give the notice required by the two last preceding sections within the time therein specified, shall be liable at the discretion of the Collector to a fine not exceeding ten rupees in case of holdings paying less than one rupee as land revenue, and in no other case exceeding rupees one hundred.

33. Every person transferring the title to any land, house, or other immoveable property, subject to the payment of land revenue to Government, without giving the notices required by Sections 30 and 31 of this Act, shall continue liable to Government for the payment of all land revenue accruing due in respect thereof, until he shall have given such notice or until the requisite transfer shall have been effected in the Collector's records. But nothing contained in this Section shall be held to diminish the liability of the land, house, or

other immoveable property to attachment or sale under the provisions of Section 13 of this Act.

34. Whenever any dispute or question shall arise with respect to the making or completion of any entry or transfer in the records of the Collector, of or relating to any land, house, or other immoveable property, subject to the payment of land revenue to Government, the Collector shall summon all the parties interested in such entry or transfer, and shall call for such evidence, and examine such witnesses, as he shall consider necessary, and shall thereupon decide summarily what entry shall be made in his records in respect of such land, house, or other immoveable property. If at any time a certified copy shall be produced to the Collector of an order of a competent Court determining the title to any such land, house or other immoveable property, the Collector shall amend his records in conformity with such order.

35. The registration or transfer of any title in the Collector's records shall not be deemed to operate so as in any way to affect any right, title, or interest of Government in the land, house, or other immoveable property in respect of which any such transfer is made or registered.

PART IX.—Procedure.

36. The provisions of the Civil Procedure Code in force for the time being with respect to the issue of summonses and commissions, and the compelling the attendance of witnesses, and for their remuneration, in suits before a District Court, shall apply to all persons summoned to appear before the Collector under the provisions of this Act.

PART X.—Levy of House Rent, Fees, Penalties, &c.

37. All arrears of rent payable by any person in respect of the occupation of any house, the property of Government, and all fees, fines, and penalties chargeable under this Act, and all moneys leviable under the provisions of this Act on account of the value of any

land, or on account of the alteration, removal, renewal or repair of survey boundary marks, shall be realized in the same manner as other revenue demands, under the provisions of Section 13 of this Act.

38. It shall be lawful for the Collector of Bombay to levy, in the same way as any arrear of land revenue due under this Act, any sum certified by the Collector, or Assistant, or Deputy Collector of any District or Collectorate in the Presidency of Bombay to be due and recoverable as an arrear of land revenue, from any person residing, or owning property, in the City of Bombay, by whom the same is so certified to be due.

PART XI.—Miscellaneous.

39. It shall be the duty of the Collector to prepare and keep in such form as Government may from time to time sanction, a separate Register and Rent Roll of every description of land according to the nature and terms of the tenure on which such land is held.

40. Subject to such rules and the payment of such fees as the Governor in Council may from time to time prescribe in this behalf, all maps and land registers, and other records of the Bombay City Survey, and all records concerning the land or the land revenue shall be kept in the Collector's Office, and shall be open to the inspection of the public at reasonable hours; and certified extracts, from such maps, registers, and records, or certified copies thereof, shall be given to all persons applying for the same.

41. It shall be lawful for the Governor in Council from time to time to frame, and from time to time to vary, or repeal, rules not inconsistent with the provisions of this Act for the guidance of the Collector and his Assistants and other subordinates in the discharge of their duties, or for any other purpose connected with the subject-matter of this Act, not expressly provided for therein.

Any of such Rules as the Governor in Council may deem fit may be published, and when published shall, until cancelled or amended by the Governor in Council, have the force of law.

SCHEDULE A.

Table of Fees payable under the provisions of Section 16 of this Act —

Sum distrained for.	Fee	
	Rs.	a.
Not exceeding Rs. 5	0	8
Over Rs. 5 and not exceeding Rs. 10	1	0
„ 10 „ „ 15	1	8
„ 15 „ „ 20	2	0
„ 20 „ „ 25	2	8
„ 25 „ „ 30	3	0
„ 30 „ „ 35	3	8
„ 35 „ „ 40	4	0
„ 40 „ „ 45	4	8
„ 45 „ „ 50	5	0
„ 50 „ „ 60	6	0
„ 60 „ „ 80	7	8
„ 80 „ „ 100	9	0
Upwards of Rs. 100	10	0

SCHEDULE B.

(Form of Notice of Transfer to be given under Section 30 of this Act, when the transfer has taken place otherwise than by Instrument.)

To
THE COLLECTOR OF BOMBAY.

I, *A.B.*, hereby give notice, as required by Section 30 of the Bombay City Land Revenue Act, of the following transfer of property:—

Date of Notice.	Name in which the property is at present entered in the Collector's records.	To whose name it is to be transferred.	DESCRIPTION OF THE PROPERTY.						
			Of what it consists	Situation.	Collector's No.	Bombay City Survey No.	Dimensions of land.	Boundaries.	REMARKS.

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(Signed) *A. B.*

SCHEDULE C.

(Form of Notice of Transfer to be given under Section 30 of this Act, when the transfer has been effected by Instrument.)

To

THE COLLECTOR OF BOMBAY.

I, A.B., hereby give notice, as required by Section 30 of the Bombay City Land Revenue Act, of the following transfer of property :—

Date of Notice.	Date of Instrument	Name of Vendor or Assignor.	Name of Purchaser or Assignee	Amount of consideration	DESCRIPTION OF THE PROPERTY						If Instrument has been registered, the date of Registration	REMARKS.
					Of what it consists	Situation	Collector's No	Bombay City Survey No	Dimensions of Land	Boundaries.		

(Signed) A.B.

By order of His Excellency the Governor in Council,

G. C. WHITWORTH,

Acting Under Secretary to Government.

Poona, 23rd October 1876

BOMBAY PRINTED AT THE GOVERNMENT CENTRAL PRESS

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[Published with the "Bombay Government Gazette" on the 2nd November 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 15th September 1876 and the assent of His Excellency the Viceroy and Governor-General on the 14th October 1876, and is published for general information :—

BOMBAY Act No. II. of 1876.

An Act to amend the Law relating to the Land Revenue Administration of the City of Bombay.

Whereas it is expedient to amend the law relating to the assessment and collection of the land revenue, to provide against encroachments upon public property, to ensure the preservation of survey boundary marks, and otherwise to improve the existing land revenue administration in the city of Bombay; It is enacted as follows :—

PART I.—Preliminary.

1. This Act may be cited as "The Bombay City Land Revenue Act, 1876."

Short title. Bombay City Land Revenue Act, 1876."

Extent. It extends only to the city of Bombay.
2. So much of Regulation XIX. of 1827 as has not been already repealed is hereby repealed.

Resolution XIX of 1827 repealed. of 1827 as has not been already repealed is hereby repealed.

All references made in any Act or Regulation to any part of the said Regulation XIX. of 1827 hereby repealed, shall be read as if made to the corresponding portion of this Act.

And all rules prescribed, appointments made, powers conferred, orders issued, and notifications published under the said Regulation, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be

deemed to have been respectively prescribed, made, conferred, issued, and published hereunder.

And all proceedings now pending, which have been commenced under any part of the said Regulation XIX. of 1827 hereby repealed, shall be deemed to have been commenced under this Act, and shall hereafter be conducted in accordance with the provisions of this Act.

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

(1) the word "Collector" means the Collector of Bombay;

(2) The words "Land Revenue" signify any sum of money legally claimable by Government from any person on account of any land, or interest in, or right exercisable over, land held by, or vested in him, under whatever designation such sum may be payable;

(3) The words "Survey Boundary mark" mean, primarily, any iron or other mark set up by the officers who conducted the Bombay City Survey hereinafter described, and include any such new mark that may hereafter be set up by the Collector or, under his orders, according to the provisions of this Act,

(4) The words "Superior holder" signify the person having the highest title under Government to the land in respect of which land revenue is payable.

PART II.—The Collector of Bombay and his Subordinates.

4. The chief controlling authority in all matters connected with the land revenue is vested in the Collector of Bombay subject to the Governor in Council.

5. The Collector of Bombay shall be appointed by the Governor in Council, and shall exercise the powers and discharge the duties conferred and imposed on him by this Act, or by any other law for the time being in force, and, so far as is consistent therewith, all such other powers or duties as may from time to time be prescribed by the Governor in Council.

6. The Collector shall have as many Assistants and such other Establishment subordinate to him as the Governor in Council, under the general control of the Governor General in India in Council, may from time to time sanction, and their appointment shall be made in such manner as the Governor in Council may direct.

The duties of the said Assistants and other subordinates of the Collector shall be such as the Collector, subject to the orders of Government, may from time to time prescribe.

Subject to the previous sanction of Government the Collector may delegate any of his powers under this Act, or under any law which the Governor in Council is able to repeal or alter, to any of his Assistants or other subordinates and may at any time cancel such delegation.

7. The Collector shall have power, subject to such rules as may from time to time be prescribed by Government, to fine, reduce, suspend or dismiss any of his Assistants or other subordinates.

PART III.—Assessment and Collection of Land Revenue

8. It shall be the duty of the Collector, subject to the orders of Government, to fix and levy the assessment for land revenue.

When there is no right on the part of the superior holder in limitation of the right of Government to assess, the assessment shall be fixed at the discretion of the Collector subject to the control of Government. When there is a right on the part of the superior holder in limitation of the right of Government, in consequence of a specific limit to assessment having been established and preserved, the assessment shall not exceed such specific limit.

9. The settlement of assessment of each portion of land to the land revenue shall be made with the superior holder of the same.

If the said superior holder be absent and have left no known authorized agent in Bombay, or if there be a dispute as to who is entitled to be considered the superior holder of the land, the settlement may be made with the person actually in possession of the land, and any assessment so fixed shall be binding upon the rightful superior holder of the land. Any payment made by the person in possession in accordance with the provisions of this Act shall be deemed to have been made on behalf of the superior holder.

10. The superior holder of land, or, in his absence, the person actually in possession, shall be liable in person and property for the land revenue due upon the holding.

11. The claim of Government to any moneys recoverable under the provisions of this Act shall have precedence over any other debt, demand, or claim whatsoever, whether in respect of mortgage, judgment, decree, execution, attachment, or otherwise however, against any land, or the superior holder thereof.

12. Subject to such orders as may be passed by the Governor in Council, the Collector shall from time to time give orders and make known

the same by notice to be served on all superior holders of land paying revenue, or, in their absence, persons in possession, regulating the persons, places, and times to whom and within which the revenue payable in respect of any land shall be paid.

13. If any land revenue is not paid at, or within, the time when it becomes payable, and the superior holder or person in possession, as the case may be, shall, for the space of twenty days after service of written notice of demand of payment, fail to discharge the revenue due, it shall be lawful for the Collector to levy the same by attachment and sale of the land on which the revenue is due, or of any other property, moveable or immoveable, of the defaulter.

Such sales shall be by public auction, and shall not take place until at least 15 days after notice thereof shall have been published in the *Bombay Government Gazette*.

If the sale of the defaulter's property shall not produce satisfaction of the demand, it shall be lawful for the Collector to cause him to be apprehended and confined in the Civil Jail under the rules in force at the Presidency for the confinement of debtors, for which purpose a certificate of demand under the Collector's signature sent with the defaulter shall be the Sheriff's sufficient warrant, equally with the usual legal process in ordinary cases of arrest in execution of judgment for debt: Provided, however, that such imprisonment shall cease at any time upon payment of the sum due, and that it shall in no case exceed one day for each rupee of the said sum.

14. The Collector's decision upon any question arising out of the provisions of Sections 8 to 13 of this Act shall, unless superseded by the Revenue Judge, be binding upon all persons whom it may concern, and shall be acted upon accordingly, but the Collector's decision shall be stayed on any such person giving security to the satisfaction of the Collector, that he will, within thirty days from the date when such decision was made known to him,

stipulate a suit before the Revenue Judge for the purpose of contesting the legality of the Collector's decision, and will fulfil the decree that may be passed against him, and will pay all costs and interests which may be so decreed, or that, if he fail to file such suit as above specified, he will, when required, pay the amount demanded.

15. All compulsory process against a defaulter shall cease on his paying or tendering the amount demanded of him under protest to the officer executing such process; or

on his instituting a suit before the Revenue Judge to contest the legality of the demand, and furnishing security satisfactory to the Collector, or Revenue Judge, that he will, pending the decision of the said suit, neither quit the jurisdiction, nor remove, nor transfer any of his property therein without providing to the satisfaction of the Collector, or of the Revenue Judge, for the execution of the decree.

16. Fees shall be payable according to the table in the Schedule A hereunto annexed, on all warrants issued under the provisions of Section 13 of this Act for the attachment and sale of the property of defaulters, by the person in respect of whose property such warrants are issued, and an additional fee of four annas per diem shall be paid in like manner in respect of each peon employed, whenever the property distrained is placed in charge of any peon or peons.

PART IV — The Revenue Judge.

17. The Senior Magistrate or the Senior Magistrate to be Revenue Judge shall be Revenue Judge.

The Revenue Judge shall decide all suits brought before him against the Collector, or any person on his establishment, on account of land revenue, or of acts done in their official capacities by the Collector, or any of his Assistants or other subordinates.

18. All such suits shall be commenced and the trial thereof shall be conducted, according to the provisions of the general law of Civil Procedure for the time being in force in a District Court.

Suits before the Revenue Judge how to be conducted.

An appeal shall lie against a decree passed by the Revenue Judge in any such suit to the High Court on its Appellate Side, and shall follow the same rules as would be applicable under any law for the time being in force to appeals from the decrees of a District Court in original suits tried by it.

Decrees how to be executed.

The decree in any such suit, whether it be that of the Revenue Judge, or of the appellate authority, shall, if it be against the Collector, be fulfilled by the Collector. If it be against the plaintiff, it may be enforced by the Collector under Section 13 of this Act as an established revenue demand: Provided, however, that execution shall in either case be stayed if an appeal be made, and on the plaintiff's furnishing security similar to that described in Section 15 of this Act, if the appeal be brought by him.

PART V.—The Bombay City Survey and Boundary Marks.

19. The survey made under the authority of Government during the years 1865 to 1872 shall be called "The Bombay City Survey"; and the demarcation of lands then made, and all the records of the said survey shall be taken as *prima facie* evidence for all proceedings under and for all the purposes of this Act. Provided that the Collector may, on the application of the parties interested in such lands, and shall in pursuance of a decree or order of a competent Court, cause any alteration or correction to be made of any such demarcation of lands, or of any entry in any such record.

20. Every superior holder of land shall be responsible for the maintenance and repair of the survey boundary marks of his holding, and for any expenses not exceeding five rupees for each mark, reasonably incurred on account of the same by the Collector in cases of alteration or removal.

21. It shall be lawful for the Collector or for any of his Assistants, or other subordinates in that behalf duly authorized by writing under the hand of the said Collector, to enter upon any lands for the purpose of inspecting the survey boundary marks erected thereon, or of altering, renewing, or repairing such marks.

22. In the event of any survey boundary mark being destroyed, defaced, injured, or removed, it shall be lawful for the Collector to cause to be served on the superior holder, or in his absence the person in possession of any land, of which such mark designates the boundary, a requisition in writing signed by the said Collector, calling on such superior holder or person in possession to renew, or repair, the said mark, at his own expense, within 15 days from the date of the service of such requisition.

23. If the said survey boundary mark be not renewed or repaired, within the said period, to the Collector's satisfaction, it shall be lawful for the Collector, or any of his Assistants, or other subordinates, or other person duly authorized as hereinbefore mentioned, to enter upon any land to which the said mark appertains, and to renew or repair it, and for each such mark so renewed or repaired, it shall be lawful for the Collector to charge each superior holder or person in possession, the boundary of whose land is designated by any such mark, such sum, not exceeding Rs. 10 in the whole, as he may deem fit.

PART VI.—Government Lands and Foreshore.

24. All unoccupied lands within the city of Bombay, and every unoccupied portion of the foreshore below high-water mark, shall be deemed, and are hereby declared to be, the property of Government, subject always to the rights of way, and all other rights of the public legally subsisting.

25. It shall be lawful for the Collector, with the sanction of Government, to dispose of any Government lands or foreshore, in such manner and subject to such conditions as he may deem fit.

PART VII.—Encroachments.

26. In the event of any encroachment being made after the passing of this Act on any Government lands or foreshore, it shall be lawful for the Collector or his Assistants, or other subordinates, duly authorized in this behalf by writing under his hand, to summarily abate or remove any such encroachment.

But it shall be competent to the Collector, with the previous sanction of Government, and if the person making the encroachment so desire, to charge the said person a sum not exceeding five times the value of the land so encroached upon and to fix an assessment not exceeding five times the ordinary annual land revenue thereupon, and then to cause the said land to be entered in his records in the name of the said person.

27. For the purposes of the preceding section the value of land that has been encroached upon shall be fixed by the Collector according to the market value of similar land in the same neighbourhood at the time of such valuation. And the annual revenue of any such land shall be assessed at the same rate as the land revenue of similar land in the vicinity.

28. In the case of any encroachment, made within 20 years before the passing of this Act, the Collector may with the sanction of Government charge the person who made such encroachment, or who is in occupation of the land so encroached upon, a sum not exceeding double the value of the said land, and fix an assessment not exceeding double the ordinary annual land revenue thereon, and recover arrears of land revenue at the same rate from the date when the encroachment was made.

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29. For the purposes of the last preceding section, the amount by which any holding shall have been shown by the Bombay City Survey to exceed the area of such holding as entered in the Collector's previous records shall *prima facie* be held to be an encroachment; and the value and land revenue payable in respect thereof, how to be calculated and land revenue payable in respect of the same, shall be calculated according to the market value of similar land in the neighbourhood, and the land revenue chargeable in respect of the excess shall be calculated at the same rate at which the rest of the holding has been assessed. In case there has been no such holding, the assessment shall be made at such rate as the Collector, with the sanction of Government, may fix.

PART VIII.—Transfer of Lands, &c.

30. Whenever the title to any land, house, or other immoveable property, subject to the payment of land revenue to Government, shall be transferred or assigned, the person transferring or assigning the same, and the person to whom the same shall be transferred or assigned, shall respectively cause notice of such transfer or assignment to be given to the Collector; such notice shall be given within 20 days after execution of the instrument of transfer or assignment, or after its registration, if it be registered, or after the transfer or assignment is effected, if no instrument is executed.

In the event of the death of any person in whose name the title to any property is entered in the Collector's records, the person to whom such title shall be transferred as heir or otherwise shall cause notice thereof to be given to the Collector within one year from such death.

31. The notice shall be in the form either of Schedule B or Schedule C annexed to this Act, as the case may be, and shall state clearly all the particulars required by the said form. It shall be accompanied, whenever the Collector shall deem fit so to require, by the in-

strument of transfer, if any, and by a certificate that public notice has been given of the transfer or assignment by beat of bataki.

32. Every person neglecting to give the notice required by the two last preceding sections within the time therein specified, shall be liable at the discretion of the Collector to a fine not exceeding ten rupees in case of holdings paying less than one rupee as land revenue, and in no other case exceeding rupees one hundred.

33. Every person transferring the title to any land, house, or other immoveable property, subject to the payment of land revenue to Government, without giving the notice required by Sections 30 and 31 of this Act, shall continue liable to Government for the payment of all land revenue accruing due in respect thereof, until he shall have given such notice or until the requisite transfer shall have been effected in the Collector's records. But nothing contained in this Section shall be held to diminish the liability of the land, house, or other immoveable property to attachment or sale under the provisions of Section 13 of this Act.

34. Whenever any dispute or question shall arise with respect to the making or completion of any entry or transfer in the records of the Collector, of or relating to any land, house, or other immoveable property, subject to the payment of land revenue to Government, the Collector shall summon all the parties interested in such entry or transfer, and shall call for such evidence, and examine such witnesses, as he shall consider necessary, and shall thereupon decide summarily what entry shall be made in his records in respect of such land, house, or other immoveable property. If at any time a certified copy shall be produced to the Collector of an order of a competent Court determining the title to any such land, house or other immoveable property, the Collector shall amend his records in conformity with such order.

35. The registration or transfer of title in the Collector's records shall not be deemed to operate so as in any way to affect any right, title, or interest of Government.

or interest of Government in the land, house, or other immoveable property in respect of which any such transfer is made or registered.

PART IX.—Procedure.

36. The provisions of the Civil Procedure Code in force for the time being with respect to the issue of summonses and commissions, and the compelling the attendance of witnesses, and for their remuneration, in suits before a District Court, shall apply to all persons summoned to appear before the Collector under the provisions of this Act.

PART X.—Levy of House Rent, Fees, Penalties, &c.

37. All arrears of rent payable by any person in respect of the occupation of any house, the property of Government, and all fees, fines, and penalties chargeable under this Act, and all moneys leviable under the provisions of this Act on account of the value of any land, or on account of the alteration, removal, renewal, or repair of survey boundary marks, shall be realized in the same manner as other revenue demands, under the provisions of Section 13 of this Act.

38. It shall be lawful for the Collector of Bombay to levy, in the same way as any arrear of land revenue due under this Act, any sum certified by the Collector, or Assistant, or Deputy Collector of any District or Collectorate in the Presidency of Bombay to be due and recoverable as an arrear of land revenue, from any person residing, or owning property, in the City of Bombay, by whom the same is so certified to be due.

PART XI.—Miscellaneous.

39. It shall be the duty of the Collector to prepare and keep in such form as Government may from time to time sanction, a separate Register and Rent Roll of every description of land according to the nature and terms of the tenure on which such land is held.

40. Subject to such rules and the payment of such fees as the Governor in Council may from time to time prescribe in this behalf, all maps and land registers, and other records of the Bombay City Survey, and all records concerning the land or the land revenue shall be kept in the Collector's Office, and shall be open to the inspection of the public at reasonable hours, and certified extracts, from such maps, registers, and records, or certified copies thereof, shall be given to all persons applying for the same.

Land, Registers, and Records open to inspection.

41. It shall be lawful for the Governor in Council from time to time to frame, and from time to time to vary, or repeal, rules not inconsistent with the provisions of this Act for the guidance of the Collector and his Assistants and other subordinates in the discharge of their duties, or for any other purpose connected with the subject-matter of this Act, not expressly provided for therein.

Extracts and copies to be given.

The Governor in Council to frame rules for guidance of Collector, &c, in matters not provided for by this Act.

Any of such Rules as the Governor in Council may deem fit may be published, and when published shall, until cancelled or amended by the Governor in Council, have the force of law.

SCHEDULE A.

Table of Fees payable under the provisions of Section 16 of this Act.—

Sum distrained for	Fee	
	Rs.	a.
Not exceeding Rs. 5 ..	0	8
Over Rs. 5 and not exceeding Rs 10	1	0
" 10 " 15	1	8
" 15 " 20	2	0
" 20 " 25	2	8
" 25 " 30	3	0
" 30 " 35	3	8
" 35 " 40	4	0
" 40 " 45	4	8
" 45 " 50	5	0
" 50 " 60	6	0
" 60 " 80	7	8
" 80 " 100	9	0
Upwards of Rs 100	10	0

[Schedule.

SCHEDULE B.

(Form of Notice of Transfer to be given under Section 30 of this Act, when the transfer has taken place otherwise than by Instrument.)

To

THE COLLECTOR OF BOMBAY.

I, *A.B.*, hereby give notice, as required by Section 30 of the Bombay City Land Revenue Act, of the following transfer of property:—

Date of Notice.	Name in which the property is at present entered in the Collector's records.	To whose name it is to be transferred.	DESCRIPTION OF THE PROPERTY.						
			Of what it consists.	Situation	Collector's No.	Bombay City Survey No.	Dimensions of land	Boundaries	REMARKS.

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(Signed) *A. B.*

SCHEDULE C.

(Form of Notice of Transfer to be given under Section 30 of this Act, when the transfer has been effected by Instrument.)

To

THE COLLECTOR OF BOMBAY.

I, A.B., hereby give notice, as required by Section 30 of the Bombay City Land Revenue Act, of the following transfer of property:—

Date of Notice.	Date of Instrument	Name of Vendor or Assignor.	Name of Purchaser or Assignee.	Amount of consideration	DESCRIPTION OF THE PROPERTY.						If Instrument has been registered, the date of Registration	REMARKS.
					Of what it consists	Situation.	Collector's No	Bombay City Survey No.	Dimensions of Land	Boundaries.		

(Signed) A.B.

By order of His Excellency the Governor in Council,

G. C. WHITWORTH,

Acting Under Secretary to Government.

Poona, 23rd October 1876.

BOMBAY GOVERNMENT PRINTING OFFICE.

OFFICE—A1

[Published with the "Bombay Government Gazette" on the 9th November 1876.]

PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 15th September 1876 and the assent of His Excellency the Viceroy and Governor-General on the 14th October 1876, and is published for general information.—

BOMBAY Act No. II. of 1876.

An Act to amend the Law relating to the Land Revenue Administration of the City of Bombay.

Whereas it is expedient to amend the law relating to the assessment and collection of the land revenue, to provide against encroachments upon public property, to ensure the preservation of survey boundary marks, and otherwise to improve the existing land revenue administration in the city of Bombay, It is enacted as follows.—

Preamble.

PART I.—Preliminary.

1. This Act may be cited as "The Bombay City Land Revenue Act, 1876."

Short title.

Extent. It extends only to the city of Bombay.
2. So much of Regulation XIX. of 1827 as has not been already repealed is hereby repealed.

Resolution XIX. of 1827 repealed.

All references made in any Act or Regulation to any part of the said Regulation XIX. of 1827 hereby repealed, shall be read as if made to the corresponding portion of this Act.

And all rules prescribed, appointments made, powers conferred, orders issued, and notifications published under the said Regulation, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be

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deemed to have been respectively prescribed, made, conferred, issued, and published hereunder.

And all proceedings now pending, which have been commenced under any part of the said Regulation XIX. of 1827 hereby repealed, shall be deemed to have been commenced under this Act, and shall hereafter be conducted in accordance with the provisions of this Act.

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

(1) the word "Collector" means the Collector of Bombay;

(2) The words "Land Revenue" signify any sum of money legally claimable by

Government from any person on account of any land, or interest in, or right exercisable over, land held by, or vested in him, under whatever designation such sum may be payable;

(3) The words "Survey Boundary mark" mean, primarily, any iron

or other mark set up by the officers who conducted the Bombay City Survey hereinafter described, and include any such new mark that may hereafter be set up by the Collector or, under his orders, according to the provisions of this Act,

(4) The words "Superior holder" signify the person having the highest title under Government to the land in respect of which land revenue is payable.

PART II.—The Collector of Bombay and his Subordinates.

4 The chief controlling authority in all matters connected with the land revenue is vested in the Collector of Bombay subject to the Governor in Council.

5. The Collector of Bombay shall be appointed by the Governor in Council, and shall exercise the powers and discharge the duties conferred and imposed on him by this Act, or by any other law for the time being in force, and, so far as is consistent therewith, all such other powers or duties as may from time to time be prescribed by the Governor in Council.

6. The Collector shall have as many Assistants and such other Establishment subordinate to him as the Governor in Council, under the general control of the Governor General in India in Council, may from time to time sanction, and their appointment shall be made in such manner as the Governor in Council may direct.

The duties of the said Assistants and other subordinates of the Collector shall be such as the Collector, subject to the orders of Government, may from time to time prescribe.

Subject to the previous sanction of Government the Collector may delegate any of his powers under this Act, or under any law which the Governor in Council is able to repeal or alter, to any of his Assistants or other subordinates and may at any time cancel such delegation.

7. The Collector shall have power, subject to such rules as may from time to time be prescribed by Government, to fine, reduce, suspend or dismiss any of his Assistants or other subordinates.

PART III.—Assessment and Collection of Land Revenue.

8. It shall be the duty of the Collector, subject to the orders of Government, to fix and levy the assessment for land revenue. When there is no right on the part of the superior holder in limitation of the right of Government to assess, the assessment shall be fixed at the discretion of the Collector subject to the control of Government. When there is a right on the part of the superior holder in limitation of the right of Government, in consequence of a specific limit to assessment having been established and preserved, the assessment shall not exceed such specific limit.

9. The settlement of assessment of each portion of land to the land revenue shall be made with the superior holder of the same.

If the said superior holder be absent and have left no known authorized agent in Bombay, or if there be a dispute as to who is entitled to be considered the superior holder of the land, the settlement may be made with the person actually in possession of the land; and any assessment so fixed shall be binding upon the rightful superior holder of the land. Any payment made by the person in possession in accordance with the provisions of this Act shall be deemed to have been made on behalf of the superior holder.

10. The superior holder of land, or, in his absence, the person actually in possession, shall be liable in person and property for the land revenue due upon the holding.

11. The claim of Government to any moneys recoverable under the provisions of this Act shall have precedence over any other debt, demand, or claim whatsoever, whether in respect of mortgage, judgment, decree, execution, attachment, or otherwise however, against any land, or the superior holder thereof.

12. Subject to such orders as may be passed by the Governor in Council, the Collector shall from time to time give orders and make known

the same by notice to be served on all superior holders of land paying revenue, or, in their absence, persons in possession, regulating the persons, places, and times, to whom and within which the revenue payable in respect of any land shall be paid.

13. If any land revenue is not paid at, or within, the time when it becomes payable, and the superior holder or person in possession, as the case may be, shall, for the space of twenty days after service of written notice of demand of payment, fail to discharge the revenue due, it shall be lawful for the Collector to levy the same by attachment and sale of the land on which the revenue is due, or of any other property, moveable or immovable, of the defaulter.

Such sales shall be by public auction, and shall not take place until at least 15 days after notice thereof shall have been published in the *Bombay Government Gazette*.

If the sale of the defaulter's property shall not produce satisfaction of the demand, it shall be lawful for the Collector to cause him to be apprehended and confined in the Civil Jail under the rules in force at the Presidency for the confinement of debtors, for which purpose a certificate of demand under the Collector's signature sent with the defaulter shall be the Sheriff's sufficient warrant, equally with the usual legal process in ordinary cases of arrest in execution of judgment for debt: Provided, however, that such imprisonment shall cease at any time upon payment of the sum due, and that it shall in no case exceed one day for each rupee of the said sum.

14. The Collector's decision upon any question arising out of the provisions of Sections 8 to 13 of this Act shall, unless superseded by the Revenue Judge, be binding upon all persons whom it may concern, and shall be acted upon accordingly; but the Collector's decision shall be stayed on any such person giving security to the satisfaction of the Collector, that he will, within thirty days from the date when such decision was made known to him, in-

stitute a suit before the Revenue Judge for the purpose of contesting the legality of the Collector's decision, and will fulfil the decree that may be passed against him, and will pay all costs and interests which may be so decreed; or that, if he fail to file such suit as above specified, he will, when required, pay the amount demanded.

15. All compulsory process against a defaulter shall cease on his paying or tendering the amount demanded of him under protest to the officer executing such process; or on his instituting a suit before the Revenue Judge to contest the legality of the demand, and furnishing security satisfactory to the Collector, or Revenue Judge, that he will, pending the decision of the said suit, neither quit the jurisdiction, nor remove, nor transfer any of his property therein without providing to the satisfaction of the Collector, or of the Revenue Judge, for the execution of the decree

16. Fees shall be payable according to the table in the Schedule A hereunto annexed, on all warrants issued under the provisions of Section 13 of this Act for the attachment and sale of the property of defaulters, by the person in respect of whose property such warrants are issued, and an additional fee of four annas per diem shall be paid in like manner in respect of each peon employed, whenever the property distrained is placed in charge of any peon or peons.

PART IV.—The Revenue Judge.

17. The Senior Magistrate or Senior Magistrate to be Revenue Judge or Magistrate of Police shall be Revenue Judge.

The Revenue Judge shall decide all suits brought before him against the Collector, or any person on his establishment, on account of land revenue, or of acts done in their official capacities by the Collector, or any of his Assistants or other subordinates.

18. All such suits shall be commenced and the trial thereof shall be conducted, according to the provisions of the general law of Civil Procedure for the time being in force in a District Court.

An appeal shall be against a decree passed by the Revenue Judge in any such suit to the High Court on its Appellate Side, and shall follow the same rules as would be applicable under any law for the time being in force to appeals from the decrees of a District Court in original suits tried by it.

The decree in any such suit, whether it be that of the Revenue Judge, or of the appellate authority, shall, if it be against the Collector, be fulfilled by the Collector. If it be against the plaintiff, it may be enforced by the Collector under Section 13 of this Act as an established revenue demand: Provided, however, that execution shall in either case be stayed if an appeal be made, and on the plaintiff's furnishing security similar to that described in Section 15 of this Act, if the appeal be brought by him.

PART V.—The Bombay City Survey and Boundary Marks.

19. The survey made under the authority of Government during the years 1865 to 1872 shall be called "The Bombay City Survey"; and the demarcation of lands then made, and all the records of the said survey shall be taken as *prima facie* evidence for all proceedings under and for all the purposes of this Act: Provided that the Collector may, on the application of the parties interested in such lands, and shall in pursuance of a decree or order of a competent Court, cause any alteration or correction to be made of any such demarcation of lands, or of any entry in any such record.

20. Every superior holder of land shall be responsible for the maintenance and repair of boundary marks. The Collector may charge each superior holder or person in possession, the boundary of whose land is designated by any such mark, such sum, not exceeding Rs. 10 in the whole, as he may deem fit

21. It shall be lawful for the Collector or for any of his Assistants, or other subordinates in that behalf duly authorized by writing under the hand of the said Collector, to enter upon any lands for the purpose of inspecting the survey boundary marks erected thereon, or of altering, renewing, or repairing such marks.

22. In the event of any survey boundary mark being destroyed, defaced, injured, or removed, it shall be lawful for the Collector to cause to be served on the superior holder, or in his absence the person in possession of any land, of which such mark designates the boundary, a requisition in writing signed by the said Collector, calling on such superior holder or person in possession to renew, or repair, the said mark, at his own expense, within 15 days from the date of the service of such requisition.

23. If the said survey boundary mark be not renewed or repaired, within the said period, to the Collector's satisfaction, it shall be lawful for the Collector, or any of his Assistants, or other subordinates, or other person duly authorized as hereinbefore mentioned, to enter upon any land to which the said mark appertains, and to renew or repair it; and for each such mark so renewed or repaired, it shall be lawful for the Collector to charge each superior holder or person in possession, the boundary of whose land is designated by any such mark, such sum, not exceeding Rs. 10 in the whole, as he may deem fit

PART VI.—Government Lands and Foreshore.

24. All unoccupied lands within the city of Bombay, and every unoccupied portion of the foreshore below high-water mark, shall be deemed, and are hereby declared to be, the property of Government, subject always to the rights of way, and all other rights of the public legally subsisting,

25. It shall be lawful for the Collector, with the sanction of Government, to dispose of any Government lands or foreshore, in such manner and subject to such conditions as he may deem fit

Such lands and foreshore how to be disposed of

PART VII.—Encroachments.

26. In the event of any encroachment being made after the passing of this Act on any Government land or foreshore, it shall be lawful for the Collector or his Assistants, or other subordinates, duly authorized in this behalf by writing under his hand, to summarily abate or remove any such encroachment.

Encroachments on Government land or foreshore after passing of the Act may be abated or removed.

But it shall be competent to the Collector, with the previous sanction of Government, and if the person making the encroachment so desire, to charge the said person a sum not exceeding five times the value of the land so encroached upon and to fix an assessment not exceeding five times the ordinary annual land revenue thereupon, and then to cause the said land to be entered in his records in the name of the said person.

Or a sum not exceeding five times the value and assessment not exceeding five times the land revenue may be charged therefore.

27. For the purposes of the preceding section the value of land that has been encroached upon shall be fixed by the Collector according to the market value of similar land in the same neighbourhood at the time of such valuation. And the annual revenue of any such land shall be assessed at the same rate as the land revenue of similar land in the vicinity.

Value and land revenue how to be calculated.

28. In the case of any encroachment, made within 20 years before the passing of this Act, the Collector may with the sanction of Government charge the person who made such encroachment, or who is in occupation of the land so encroached upon, a sum not exceeding double the value of the said land, and fix an assessment not exceeding double the ordinary annual land revenue thereon, and recover arrears of land revenue at the same rate from the date when the encroachment was made.

Encroachments made before the passing of the Act how to be dealt with.

29. For the purposes of the last preceding section, the amount by which any holding shall have been shown by the Bombay City Survey to exceed the area of such holding as entered in the Collector's previous records shall *prima facie* be held to be an encroachment, and the value and land revenue payable in respect thereof, how to be calculated, and land revenue payable in respect of the same, shall be calculated according to the market value of similar land in the neighbourhood, and the land revenue chargeable in respect of the excess shall be calculated at the same rate at which the rest of the holding has been assessed. In case there has been no such holding, the assessment shall be made at such rate as the Collector, with the sanction of Government, may fix.

What are to be considered encroachments made before the passing of the Act.

Value and land revenue payable in respect thereof, how to be calculated.

PART VIII.—Transfer of Lands, &c.

30. Whenever the title to any land, house, or other immovable property, subject to the payment of land revenue to Government, shall be transferred or assigned, the person transferring or assigning the same, and the person to whom the same shall be transferred or assigned, shall respectively cause notice of such transfer or assignment to be given to the Collector; such notice shall be given within 20 days after execution of the instrument of transfer or assignment, or after its registration, if it be registered, or after the transfer or assignment is effected, if no instrument is executed.

Notice of transfer of title to lands, &c., to be given to the Collector.

In the event of the death of any person in whose name the title to any property is entered in the Collector's records, the person to whom such title shall be transferred as heir or otherwise shall cause notice thereof to be given to the Collector within one year from such death.

Transferee by death to give notice within one year.

31. The notice shall be in the form either of Schedule B or Schedule C annexed to this Act, as the case may be, and shall state clearly all the particulars required by the said form. It shall be accompanied, whenever the Collector shall deem fit so to require, by the in-

Notice to be in the form of Schedule B or C

strument of transfer, if any, and by a certificate that public notice has been given of the transfer or assignment by beat of bataki.

32. Every person neglecting to give the notice required by the two last preceding sections within the time therein specified, shall be liable at the discretion of the Collector to a fine not exceeding ten rupees in case of holdings paying less than one rupee as land revenue, and in no other case exceeding rupees one hundred.

33. Every person transferring the title to any land, house, or other immoveable property, subject to the payment of land revenue to Government, without giving the notice required by Sections 30 and 31 of this Act, shall continue liable to Government for the payment of all land revenue accruing due in respect thereof, until he shall have given such notice or until the requisite transfer shall have been effected in the Collector's records. But nothing contained in this Section shall be held to diminish the liability of the land, house, or other immoveable property to attachment or sale under the provisions of Section 13 of this Act.

34. Whenever any dispute or question shall arise with respect to the making or completion of any entry or transfer in the records of the Collector, of or relating to any land, house, or other immoveable property, subject to the payment of land revenue to Government, the Collector shall summon all the parties interested in such entry or transfer, and shall call for such evidence, and examine such witnesses, as he shall consider necessary, and shall thereupon decide summarily what entry shall be made in his records in respect of such land, house, or other immoveable property. If at any time a certified copy shall be produced to the Collector of an order of a competent Court determining the title to any such land, house or other immoveable property, the Collector shall amend his records in conformity with such order.

35. The registration or transfer of any title in the Collector's records shall not be deemed to operate so as in any way to affect any right, title, of Government.

or interest of Government in the land, house, or other immoveable property in respect of which any such transfer is made or registered.

PART IX.—Procedure.

36. The provisions of the Civil Procedure Code in force for the time being with respect to the issue of summonses and commissions, and the compelling the attendance of witnesses, and for their remuneration, in suits before a District Court, shall apply to all persons summoned to appear before the Collector under the provisions of this Act.

PART X.—Levy of House Rent, Fees, Penalties, &c.

37. All arrears of rent payable by any person in respect of the occupation of any house, the property of Government, and all fees, fines, and penalties chargeable under this Act, and all moneys leviable under the provisions of this Act on account of the value of any land, or on account of the alteration, removal, renewal, or repair of survey boundary marks, shall be realized in the same manner as other revenue demands, under the provisions of Section 13 of this Act.

38. It shall be lawful for the Collector of Bombay to levy, in the same way as any arrear of land revenue due under this Act, any sum certified by the Collector, or Assistant, or Deputy Collector of any District or Collectorate in the Presidency of Bombay to be due and recoverable as an arrear of land revenue, from any person residing, or owning property, in the City of Bombay, by whom the same is so certified to be due.

PART XI.—Miscellaneous.

39. It shall be the duty of the Collector to prepare and keep in such form as Government may from time to time sanction, a separate Register and Rent Roll of every description of land according to the nature and terms of the tenure on which such land is held.

40. Subject to such rules and the payment of such fees as the Governor in Council may from time to time prescribe in this behalf, all maps and land registers, and other records of the Bombay City Survey, and all records concerning the land or the land revenue shall be kept in the Collector's Office, and shall be open to the inspection of the public at reasonable hours, and certified extracts, from such maps, registers, and records, or certified copies thereof, shall be given to all persons applying for the same.

41. It shall be lawful for the Governor in Council from time to time to frame, and from time to time to vary, or repeal, rules not inconsistent with the provisions of this Act for the guidance of the Collector and his Assistants and other subordinates in the discharge of their duties, or for any other purpose connected with the subject-matter of this Act, not expressly provided for therein.

Any of such Rules as the Governor in Council may deem fit may be published, and when published shall, until cancelled or amended by the Governor in Council, have the force of law

SCHEDULE A.

Table of Fees payable under the provisions of Section 16 of this Act —

Sum distrained for	Fee	
	Rs.	a.
Not exceeding Rs. 5	0	8
Over Rs 5 and not exceeding Rs 10	1	0
„ 10 „ „ 15	1	8
„ 15 „ „ 20	2	0
„ 20 „ „ 25	2	8
„ 25 „ „ 30	3	0
„ 30 „ „ 35	3	8
„ 35 „ „ 40	4	0
„ 40 „ „ 45	4	8
„ 45 „ „ 50	5	0
„ 50 „ „ 60	6	0
„ 60 „ „ 80	7	8
„ 80 „ „ 100	9	0
Upwards of Rs 100 ..	10	0

SCHEDULE B.

(Form of Notice of Transfer to be given under Section 30 of this Act, when the transfer has taken place otherwise than by Instrument.)

To
THE COLLECTOR OF BOMBAY.

I, *A.B.*, hereby give notice, as required by Section 30 of the Bombay City Land Revenue Act, of the following transfer of property :—

Date of Notice.	Name in which the property is at present entered in the Collector's records.	To whose name it is to be transferred.	DESCRIPTION OF THE PROPERTY.						
			Of what it consists	Situation.	Collector's No	Bombay City Survey No	Dimensions of land.	Boundaries	REMARKS

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(Signed) *A. B.*

SCHEDULE C.

(Form of Notice of Transfer to be given under Section 30 of this Act, when the transfer has been effected by Instrument.)

To

THE COLLECTOR OF BOMBAY.

I, *A.B.*, hereby give notice, as required by Section 30 of the Bombay City Land Revenue Act, of the following transfer of property :—

Date of Notice.	Date of Instrument.	Name of Vendor or Assignor.	Name of Purchaser or Assignee.	Amount of consideration	DESCRIPTION OF THE PROPERTY.					If Instrument has been registered, the date of Registration	REMARKS.
					Of what it consists.	Situation.	Collector's No.	Bombay City Survey No.	Dimensions of Land.			Boundaries

(Signed) *A.B.*

By order of His Excellency the Governor in Council,

G. C. WHITWORTH,

Acting Under Secretary to Government.

Poona, 23rd October 1876.

११५-११६

FORM PREPARED BY THE GOVERNMENT CENTRAL PRINTING OFFICE



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THURSDAY, 28TH DECEMBER 1876.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th December 1876, and was promulgated for general information in the *Gazette of India* on the 23rd December 1876:—

Act No. XIX of 1876.

An Act for the better control of public dramatic performance.

WHEREAS it is expedient to empower the Governments to prohibit public dramatic performances which are scandalous, defamatory, seditious, or obscene, It is hereby enacted as follows:—

1. This Act may be called "The Dramatic Performances Act, 1876."

Local extent. It extends to the whole of British India.

Commencement. And it shall come into force at once.

"Magistrate" defined. 2. In this Act "Magistrate" means, in the Presidency Towns a Magistrate of Police, and elsewhere the Magistrate of the District.

3. Whenever the Local Government is of opinion that any play, pantomime, or other drama performed or about to be performed in a public place is—

(a) of a scandalous or defamatory nature, or

(b) likely to excite feelings of disaffection to the Government established by law in British India, or

(c) likely to deprave and corrupt persons present at the performance,

the Local Government, or outside the Presidency Towns and Rangoon, the Local Government or such Magistrate as it may empower in this behalf, may by order prohibit the performance.

Explanation—Any building or enclosure to which the public are admitted to witness a performance on payment of money, shall be deemed a "public place" within the meaning of this section.

4. A copy of any such order may be served on any person about to take part in the performance so prohibited, or on the owner or occupier of any house, room or place in which such performance is intended to take place, and any person on whom such copy is served, and who does, or willfully permits, any act in disobedience to such order, shall be punished on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

5. Any such order may be notified by proclamation, and a written or printed notice thereof may be stuck up at any place or places adapted

for giving information of the order to the persons intending to take part in or to witness the performance so prohibited.

Penalty for disobeying notification of any such order—

- 6 Whoever, after the notification of any such order—
- (a) takes part in the performance prohibited thereby, or in any performance substantially the same as the performance so prohibited, or
 - (b) in any manner assists in conducting any such performance, or
 - (c) is in wilful disobedience to such order present as a spectator, during the whole or any part of any such performance, or
 - (d) being the owner or occupier, or having the use of any house, room or place, opens, keeps or uses the same for any such performance, or permits the same to be opened, kept or used for any such performance,

shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both

7 For the purpose of ascertaining the character

Power to call for information. of any intended public dramatic performance, the Local Government or such officer as it may specially empower in this behalf, may apply to the author, proprietor or printer of the drama about to be performed, or to the owner or occupier of the place in which it is intended to be performed, for such information as the Local Government or such officer thinks necessary.

Every person so applied to shall be bound to furnish the same to the best of his ability, and whoever contravenes this section shall be deemed to have committed an offence under section 176 of the Indian Penal Code.

8. If any Magistrate has reason to believe that Power to grant warrant any house, room or place to Police to enter and arrest is used, or is about to be used, for any performance prohibited under this Act, he may, by his warrant, authorize any officer of police to enter with such assistance as may be requisite, by night or by day, and by force if necessary, any such house, room or place, and to take into custody all persons whom he finds therein, and to seize all scenery, dresses and other articles found therein and reasonably suspected to have been used, or to be intended to be used, for the purpose of such performance.

9. No conviction under this Act shall bar a prosecution under section 124 A, or section 294 of the Indian Penal Code. Saving of prosecutions under Penal Code, sections 124 A and 294.

10. Whenever it appears to the Local Government that the provisions of this section are required in any local area, except under license, may, with the sanction of the Governor General in Council, declare, by notification in the local official Gazette, that such provisions are applied to such area from a day to be fixed in the notification.

On and after that day, the Local Government may order that no dramatic performance shall take place in any place of public entertainment within such area, except under a license to be granted by such Local Government, or such officer as it may especially empower in this behalf.

The Local Government may also order that no dramatic performance shall take place in any place of public entertainment within such area, unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and so far as it is in pantomime, has been furnished, not less than three days before the performance, to the Local Government, or to such officer as it may appoint in this behalf.

A copy of any order under this section may be served on any keeper of a place of public entertainment, and if thereafter he does, or willingly permits any act in disobedience to such order, he shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both

11. The powers conferred by this Act on the Governor General may be exercised also by the Governor General in Council

12. Nothing in this Act applies to any *jātras* or performances of a like kind at religious festivals. Exclusion of performances at Religious festivals

WHITLEY STOKES,

Secretary to the Government of India

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th December 1876, and was promulgated for general information in the *Gazette of India* on the 23rd December 1876.—

Act No. XX of 1876.

An Act to give better effect to certain agreements with the Thákur of Bhaunagar

WHEREAS the villages mentioned in the Schedule hereto annexed (hereinafter called the Scheduled villages) are the property of the Thákur of Bhaunagar, and were by the Treaty of Bassein, dated the thirty-first day of December 1802, separated from the Native State or States known as the territory of Káthiáwár and ceded to the British Government:

And whereas, by Regulation VI of 1816 of the Governor of Bombay in Council, the Regulations in force throughout the Presidency of Bombay were extended to the said villages, and such villages thereby became subject to the jurisdiction of the Revenue, Civil and Criminal Courts established in that Presidency

And whereas the said Thákur of Bhaunagar is also the proprietor of divers villages, forming part of the said Territory, and hereinafter called the Káthiáwár villages.

And whereas the British Government have exercised certain powers of Government over the said territory, but such territory has never been treated as being British territory, nor as having been vested in the East India Company, nor in Her Majesty the Queen of Great Britain and Ireland and Empress of India, and the said Káthiáwár villages have consequently never been subject to the laws in force in the Presidency of Bombay.

And whereas in the year 1820 the British Government established a Political Agency for the said territory of Káthiáwár.

And whereas in the year 1857 the said Thákur was, by an order of the British Government, invested in respect of the same villages with certain powers of sovereignty limited by and subject to the rules laid down for the government and conduct of the said Káthiáwár Political Agency:

And whereas for divers reasons of State affecting the welfare of British India, the British Government became desirous of ceding to the Thákur of Bhaunagar the Scheduled villages, to be held by him on the same conditions as those on which he holds the Káthiáwár villages, and for that purpose certain agreements were made and certain notifications published, which were intended to operate as a cession of the Scheduled villages.

And whereas on the twenty-ninth day of January 1866, the Governor of Bombay in Council published a notification declaring that, in accordance with the agreement last hereinbefore recited, the Scheduled villages were, from and after the first day of February 1866, removed from the jurisdiction of the Revenue, Civil and Criminal Courts of the Bombay Presidency and transferred to the supervision of the said Political Agency in Káthiáwár on the same conditions as to jurisdiction as the said Káthiáwár villages.

And whereas the intention of the said agreements and notifications was that the villages comprised therein should be ceded to and vested in the Thákur of Bhaunagar, to be held by him on the terms on which he holds the Káthiáwár villages.

And whereas ever since the first day of February 1866, the Scheduled villages have been governed according to the intention of the said agreements, and acts of executive authority have been done, proceedings taken and decrees and sentences passed by the Thákur of Bhaunagar and his officers, and by the officers of the said Political Agency, and by the Courts of Justice appointed to exercise jurisdiction within the limits of the said Political Agency.

And whereas it now appears that such agreements and notifications were not worded so as to express their true intention, and that the Scheduled villages did not thereby cease to be British territory, or to be subject to the laws in force in the Presidency of Bombay.

And whereas by a notification, dated the fifth day of December 1876, after reciting to the effect above recited, and reciting that the Secretary of State for India, had on behalf of Her Majesty the Queen of Great Britain and Empress of India, given his sanction to the cession intended to be thereby effected, the Governor General in Council, with the sanction aforesaid, did thereby cede and grant to the said Thákur of Bhaunagar, his heirs and successors, the said Scheduled villages, to hold the same unto the said Thákur, his heirs and successors, on the terms and subject to the rules

on and subject to which he holds the said Káthiáwár villages: but it was thereby provided that, in case the said Thákur, his heirs or successors should commit, any acts of misgovernment which, in the opinion of the Governor General in Council, rendered it inexpedient that the said Thákur, his heirs and successors should continue to hold the said Scheduled villages, the Governor General in Council might resume the villages thereby ceded and reannex the same to Her Majesty's dominions.

And whereas it is expedient (so far as relates to any past or future proceedings in British India) to ratify the aforesaid acts, proceedings and sentences of the Thákur of Bhaunagar and the officers and Courts aforesaid, and to indemnify the said Thákur and officers against any liability in respect thereof, and to provide that no title to property shall be disturbed by any act, proceeding or sentence of any other authority, It is hereby enacted as follows —

1 This Act may be called "The Bhaunagar Act, 1876."

Short title. It extends only to British India;

Local extent. And it shall come into force at once.

Commencement. And it shall come into force at once.

2 The said Scheduled villages shall be deemed to have been, on and after the said first day of February 1866, excluded from the jurisdiction of the Revenue, Civil and Criminal Courts of the Bombay Presidency.

3 All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed subsequently to the first day of February 1866, and which would have been valid if the Scheduled villages had been ceded according to the intention of the said agreements and notification, shall be as valid and operative in British India as if such cession had actually been effected, and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that the Scheduled villages did not cease to be British territory on the first day of February 1866.

4 Nothing in this Act shall affect any jurisdiction which any Court of Justice in British India may for the time being be entitled to exercise over persons resident or being beyond the limits of British India.

Validation of acts done after 1st February 1866, which have been done, taken or passed subsequently to the first day of February 1866, and which would have been valid if the Scheduled villages had been ceded according to the intention of the said agreements and notification, shall be as valid and operative in British India as if such cession had actually been effected, and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that the Scheduled villages did not cease to be British territory on the first day of February 1866.

Nothing in this Act shall affect any jurisdiction which any Court of Justice in British India may for the time being be entitled to exercise over persons resident or being beyond the limits of British India.

SCHEDULE

Bhaunagar Taluqa.

Bhaunagar.	Málanaka.	Háthab
Wadwá.	Bhutesar	Khadsulu
Rubá.	Bhumlí.	Bhadbadiu.
Akwára.	Ratanpur Juná	Alápur
Adhiwára.	Ratanpur Nuwá	Thalsar
Tarsamía.	Koliak.	Lákhanka
Jaspará.	Kobri.	Sultánpur.
Phulsar.	Bhurí.	Wávrí
Karmadiu.	Bhundariu	Rámpura
Surká.	Churí	Bhenswan
Tarak Pálrí.	Sánkrásar.	Jhánjrá
Nárl.	Bhádole.	} waste
Budhel.	Nágdhaníba.	

Sihor Taluqa.

Sihor.	Ratanpur near Táná.	Rájpura.
Usrad.	Wadu.	Khakrii.
Agáli.	Waláwad.	Kardej.
Táná.	Megwadar.	Suká.
Bordi.	Ghángli.	Jámálu.
Kájáwadar.	Nesra.	Kuchotiu (<i>waste</i>)

*Chirora (waste).**New Villages.*

Gundi.	Trápaj.	Píthalpur.
Mándwá.	Bapará.	Khántari.
Sosiá.	Pánchpíplá.	Deogána.
Paniálí.	Rájpura.	Thordí.

*Khadarpur Mitaverdi.**Inam Villages.*

Wartej.	Sámpura.	Sodwadra.
Sidhsar.	Pharádku.	Sedhawadar.
	Kálví (<i>waste</i>).	

DHANDUKA PARGANA.

Pátua Taluqa.

Pátua.	Kánutalao.	Dantretia.
Bharbir.	Ratanwau.	Samandála.
Chakampur.	Kerá.	Káriání.
Sarwui.	Jamrála.	Láthidhar.
Jhunjhawadar.	Ujalwau.	Weláwadar.
Pátí.	Jotingra.	Wirdu or Rájghar.
Keria near Pátí.	Shirthali.	Sajeli.
Bhámbhan.	Dhikwáli.	Oterá.
Samandála, 2.	Wajeli.	Sándherá.
Tájpur.	Lundrá.	Nágálpur.

Málpur.

RANPUR PARGANA.

Botád Taluqa.

Botád.	Dánkniá.	Kániád
Hadar.	Khankóí.	Rájpura.
Sírwáni.	Turkhá.	Jurá.

WHITLEY STOKES,

Secretary to the Government of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 17th December 1876, and was promulgated for general information in the *Gazette of India* on the 23rd December 1876:—

Act No. XXI of 1876.

An Act to amend the Land Improvement Act, 1871.

WHEREAS doubts have arisen as to the effect of certain provisions of the Land Improvement Act, 1871, and it is expedient, with a view to removing such doubts, to amend the said Act; It is hereby enacted as follows:—

Local extent.

1. This Act extends to the whole of British India;

It shall be read with, and taken as part of, the said Land Improvement Act, 1871, and it shall be deemed

Construction.

Construction, 1871, and it shall be deemed

to have come into force on the twenty-first day of September 1871, being the day on which the said Act came into force.

2. The definition of "improvement" in section one of the said Act includes works for the storage, supply of distribution of water for the use of men and cattle employed in agriculture.

3. To section fourteen of the said Act the following clause shall be added (namely)—

"(e). If such security consists of a charge upon land, the position, extent and boundaries of such land."

4. Section fifteen of the said Act is repealed, and instead thereof the following section shall be substituted:—

"15. All sums advanced under this Act shall, when they become due, be recoverable in all or any of the following ways:—

(a) from the borrower, as if they were arrears of land-revenue due from him:

(b) from the surety (if any), as if they were arrears of land-revenue due from him:

(c) out of the land to be improved, as if they were arrears of land-revenue due on account of such land:

(d) out of the property comprised in the collateral security (if any), according to the terms of such security:

Provided—

(e) that if the borrower is the landlord, any proprietary or cultivating interest which a tenant may have in the land to be improved shall not, unless the tenant has given such interest as collateral security for the advance, be liable to sale for the recovery of such advance:

(f) that if the borrower is such a tenant as is mentioned in section seven, the landlord's interest in the land to be improved shall not be liable to sale for the recovery of the advance.

(g) and if the advance is recovered from the surety or out of his property, to the exoneration of the borrower or of the land to be improved, the surety shall have the same rights against the borrower and the land to be improved as the Government had when the advance was due, and may enforce such rights by ordinary process of law.

5. The Local Government may authorize the Collector (as defined in the said Act) to delegate to any officer subordinate to him such of his powers under the said Act as the Local Government may from time to time prescribe.

WHITLEY STOKES,

Secretary to the Government of India.