



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE,
CONTAINING
Acts and Bills of the Legislative Council of India.

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

Legislative Council of India.

3rd September 1859.

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

ACT NO. XX. OF 1859.

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

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

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the time of its promulgation in the District of Malabar, and to extend the application thereof in future*) are hereby repealed, except as to acts done and proceedings taken before the issue of a proclamation under the provisions of Section II.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

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

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

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

Also the property of persons killed in committing outrages.

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

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

Bodies of offending Moplas sentenced to death or

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

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

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

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

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

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

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

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

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

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

Duration of Act.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

3rd September 1859.

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

Act No. XXI. OF 1859.

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

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

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

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

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

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

3rd September 1859.

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

Act No. XXII. of 1859.

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

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

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

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

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

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

SCHEDULE.

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

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

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

3rd September 1859.

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

Act No. XXIII. of 1859.

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

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

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

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

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

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

27th August 1859.

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

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

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

Preamble.

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

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

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

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

III. When the detailed measurement of the land, marked out as aforesaid, shall be completed, the Collector or other Officer, at any time after the expiration of (ten days following) the period provided for in the above notices, may take immediate possession of the land so measured, or of any portion thereof, which shall thenceforward be vested absolutely in the Government, free from all other estates, rights, titles, and interests; provided always that, on the date fixed in the notices directed in Section I. of this Act to be served, the Collector or other Officer shall immediately proceed, in conformity with Section V. and the following Sections of Act VI. of 1857, to award the compensation due for the land marked out or taken.

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

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

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

27th August 1859.

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

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

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

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

W. MORGAN,
Clerk of the Council.

The following is a copy of the Act :—

ACT No. XXVIII. OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

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

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

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

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

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

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

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

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

V. In any District or place to which the provisions of this Section shall be extended by order of the Governor General of India in Council, or of the Executive Government of any Presidency or place, if any person goes armed with any such Arms as aforesaid, and shall not produce a certificate from a Magistrate or other Officer authorised by Government to grant licences to go armed, that he has obtained such a licence, or that he is exempted by Government from the foregoing provisions, or give reasonable proof of his being otherwise exempted from the said provisions, he shall be liable to be disarmed by any Magistrate, Deputy

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

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

Exemptions.

1. Officers, Soldiers, and Sailors in the Military or Naval Service of Her Majesty or of the East India Company, in respect of Arms and Ammunition kept by them

Volunteers.

3. Police and Revenue Officers and other persons, in respect of Arms and Ammunition furnished by Government for use in the public service, or provided by themselves with the sanction of Government for such use.

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

Other persons.

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

VII. If any person shall manufacture, repair, sell, or keep or expose for sale, any Arms of the description hereinbefore mentioned, or shall manufacture, or sell, or keep or expose for sale, percussion-caps, gunpowder, or other Ammunition, without a licence to manufacture or deal in Arms or Ammunition, as the case may be, or contrary to any of the conditions contained in any such licence, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees, in addition to double the value of any Arms or Ammunition sold; and all Arms and Ammunition belonging to the offender shall be forfeited, if the convicting Magistrate shall so adjudge.

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

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

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

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

Magistrate or other Officer may inspect dealer's premises.

XI. Any licence granted under the provisions of

Revocation of licence to manufacture or deal in Arms or Ammunition.

Section VIII. may be granted, subject to such conditions as shall be thought necessary, and may be revoked

or suspended by the person or persons authorised to grant such licences.

XII. No Arms or Ammunition, and no Sulphur or

Arms, Ammunition, and Sulphur, &c. not to be imported without licence.

Saltpetre, shall be imported either by sea or by land into any part of the territories in the possession and under the Government of the East India Company, without the licence of the Governor General in Council or of the Executive Government.

XIII. If any person shall import or attempt to

Penalty for importation without licence.

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

XIV. The provisions of the two last preceding

Importation of Arms and Ammunition for private use.

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

XV. The Governor General in Council may, by order,

Government may prohibit transport of Arms, Ammunition, Military Stores, &c.

prohibit the transport of Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, or any particular description

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

XVI. If any person shall transport or cause to be

Penalty for prohibited transport.

transported, or shall attempt to transport or cause to be transported, or shall aid

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

XVII. If any person shall be found carrying or

Persons conveying Arms, Ammunition, &c. under suspicious circumstances, may be apprehended without warrant.

conveying Arms, Ammunition, Military Stores, Sulphur, or Saltpetre in such a manner or under such circumstances as to afford just grounds of suspicion that the

same are being carried by such person with intent to use the same, or that the same may be used for any unlawful purpose dangerous to the public peace, it shall be lawful for any of the public officers mentioned in Section V. of this Act, or for any other person, to apprehend, without warrant, the person so carrying or conveying such Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, and to detain such person, in custody, in order that he may be dealt with according to law. If

Procedure if apprehended by other than Magistrates, &c.

any person be apprehended by a person not being a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, he shall be delivered over as soon as possible to a Police Officer; and all persons apprehended by or delivered to a Police Officer under the provisions of this Act shall be carried before a Magistrate or other Officer competent by law to punish him for the offence or to commit him for trial.

XVIII. Whenever the Governor General in Council

Government may prohibit sale of Sulphur.

or the Executive Government shall consider it necessary so to do, they may by order

prohibit the sale of Sulphur; and any person selling Sulphur contrary to such order shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees; and all Sulphur belonging to such person shall be confiscated, if the convicting Magistrate shall so adjudge.

XIX. The Governor General in Council or the

Seizure and detention of Sulphur by Government.

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

XX. Nothing in the two preceding Sections shall

Exception.

apply to Sulphur kept or sold in reasonable quantities for medicinal purposes.

XXI. The Government may exempt any person

Government may exempt persons from the provisions of Sections XVIII. and XIX.

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

XXII. The Government may require all persons

Penalty for wilful neglect to give notice of possession of Ammunition, &c. in certain cases.

having in their possession Ammunition or other Military Stores, or Sulphur, in

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

XXIII. If any Magistrate have reasonable cause for

Power to enter and search houses.

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

XXIV. The Governor General of India in Council, or the Executive Government of any Presidency or place, or the Chief Commissioner of the Punjab and Oude respectively, or the Commissioners of Nagpore and Scinde respectively, or any other persons authorised by Government, may order a general search for Arms, Ammunition, or Sulphur to be made, by any Officers or persons named in such order, in any District or place specified therein. The persons authorised by such order, and all persons acting under their authority, shall have the like powers of entry, search, and seizure as are conferred by the last preceding Section.

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

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

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

Exception.

XXVII. Whoever assaults or resists, or aids or assists any person in assaulting or resisting, any person in the execution of any power vested in him by this Act, shall be liable, on conviction before a Magistrate, to a fine not exceeding Two Hundred Rupees, or to imprisonment with or without hard labour, for any term not exceeding Six Calendar Months.

XXVIII. No suit, action, or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act without giving to such person a month's previous notice in writing of the intended action and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of three months from the accrual of the cause of action or other proceeding.

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

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

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

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

Presidency Town or in the Straits' Settlement, be given to the Commissioner of Police.

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

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

XXXIV. It shall be lawful for the Governor General in Council or the Executive Government of any Presidency or place from time to time to withdraw from the operation of all or any of the provisions of this Act any part or parts of any District or place which they may previously have declared to be subject thereto; and in like manner, as occasion shall require, to subject the same again to the operation of all or any of the provisions of this Act.

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

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

W. MORGAN,
Clerk of the Council.

XI. Any licence granted under the provisions of

Revocation of licence to manufacture or deal in Arms or Ammunition.

or suspended by the person or persons authorised to grant such licences.

XII. No Arms or Ammunition, and no Sulphur or

Arms, Ammunition, and Sulphur, &c. not to be imported without licence.

Section VIII. may be granted, subject to such conditions as shall be thought necessary, and may be revoked in the possession and under the Government of the East India Company, without the licence of the Governor General in Council or of the Executive Government.

XIII. If any person shall import or attempt to

Penalty for importation without licence.

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

XIV. The provisions of the two last preceding

Importation of Arms and Ammunition for private use.

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

XV. The Governor General in Council may, by order,

Government may prohibit transport of Arms, Ammunition, Military Stores, &c.

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

XVI. If any person shall transport or cause to be

Penalty for prohibited transport.

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

XVII. If any person shall be found carrying or

Persons conveying Arms, Ammunition, &c. under suspicious circumstances, may be apprehended without warrant.

conveying Arms, Ammunition, Military Stores, Sulphur, or Saltpetre in such a manner or under such circumstances as to afford just grounds of suspicion that the

same are being carried by such person with intent to use the same, or that the same may be used for any unlawful purpose dangerous to the public peace, it shall be lawful for any of the public officers mentioned in Section V. of this Act, or for any other person, to apprehend, without warrant, the person so carrying or conveying such Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, and to detain such person in custody, in order that he may be dealt with according to law. If

Procedure if apprehended by other than Magistrates, &c.

any person be apprehended by a person not being a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, he shall be delivered over as soon as possible to a Police Officer; and all persons apprehended by or delivered to a Police Officer under the provisions of this Act shall be carried before a Magistrate or other Officer competent by law to punish him for the offence or to commit him for trial.

XVIII. Whenever the Governor General in Council

Government may prohibit sale of Sulphur.

or the Executive Government shall consider it necessary so to do, they may by order

Penalty.

prohibit the sale of Sulphur; and any person selling Sulphur contrary to such order shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees; and all Sulphur belonging to such person shall be confiscated, if the convicting Magistrate shall so adjudge.

XIX. The Governor General in Council or the

Seizure and detention of Sulphur by Government.

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

XX. Nothing in the two preceding Sections shall

Exception.

apply to Sulphur kept or sold in reasonable quantities for medicinal purposes.

XXI. The Government may exempt any person

Government may exempt persons from the provisions of Sections XVIII. and XIX.

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

XXII. The Government may require all persons

Penalty for wilful neglect to give notice of possession of Ammunition, &c. in certain cases.

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

XXIII. If any Magistrate have reasonable cause for

Power to enter and search houses.

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

XXIV. The Governor General of India in Council,

General search for Arms, Ammunition, &c. may be ordered in any District.

or the Executive Government of any Presidency or place, or the Chief Commissioner of the Punjab and Oude respectively, or the Commissioners of Nagpore and Scinde respectively, or any other persons authorised by Government, may order a general search for Arms, Ammunition, or Sulphur to be made, by any Officers or persons named in such order, in any District or place specified therein. The persons authorised by such order, and all persons acting under their authority, shall have the like powers of entry, search, and seizure as are conferred by the last preceding Section.

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

Penalty for not producing or for concealing Arms, Ammunition, &c. when search made.

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

XXVI. After such time as shall be mentioned in the

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

order of Government extending the provisions of this Section to any District or place, or, if no time be mentioned, after one week from the publication of the order in the District or place, no person shall manufacture, use, or have in his possession any cannon, howitzer, or mortar, without a licence from the Governor General of India in Council, or from the Executive Government of any Presidency or place. If any person shall manufacture, use, or have in his possession any cannon, howitzer, or mortar, without such licence, he shall be liable, on conviction before a Magistrate, to a fine not exceeding Two Thousand Rupees, and to imprisonment for a term not exceeding Two Years; and such cannon, howitzer, or mortar may be seized and shall be forfeited to Government. Any person who has in his possession any cannon, howitzer, or mortar at the time when this

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

Section takes effect in any District or place, and who shall be unwilling to apply for a licence to retain possession thereof, may surrender the same to the Magistrate within such period as aforesaid. The provisions of this Section shall not extend to any cannon, howitzer, or mortar forming part of the ordinary armament of any ship or vessel.

XXVII. Whoever assaults or resists, or aids or as-

Penalty for assaulting or resisting any person in the execution of any power vested in him by this Act.

sists any person in assaulting or resisting, any person in the execution of any power vested in him by this Act, shall be liable, on conviction before a Magistrate, to a fine not exceeding Two Hundred Rupees, or to imprisonment with or without hard labour, for any term not exceeding Six Calendar Months.

XXVIII. No suit, action, or other proceeding shall

Notice and limitation of suits.

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

XXIX. If any fine or penalty imposed by a Magis-

Imprisonment if fine not paid.

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

XXX. Any fine or penalty levied from any person

Rewards to informers.

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

XXXI. The word "Magistrate" shall include any

Interpretation of the word "Magistrate."

person exercising the full powers of a Magistrate; and within the Presidency Towns and in the Straits' Settlement, all powers of conviction and confiscation upon conviction given by this Act to a Magistrate, shall be exercised by the Police Magis-

trates; and all other powers given by this Act to a Magistrate may be exercised by the Commissioner of Police; and all notices hereby required to be given to a Magistrate shall, in any such Presidency Town or in the Straits' Settlement, be given to the Commissioner of Police.

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

XXXII. Whenever, in any Presidency or place, the

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

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

XXXIII. This Act, or any part or parts thereof,

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

XXXIV. It shall be lawful for the Governor General

in Council or the Executive Government of any Presidency or place from time to time to withdraw from the operation of all or any of the provisions of this Act any part or parts of any District or place which they may previously have declared to be subject thereto; and in like manner, as occasion shall require, to subject the same again to the operation of all or any of the provisions of this Act.

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

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

XXXVI. Any Officer

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

Indemnity to Government Officers for seizure or detention of Arms, Ammunition, &c. before passing of this Act.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

30th August 1859.

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

A Bill for the Licensing of Trades and Professions.

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

Preamble.

I. Regulation IV. 1818 of the Madras Code (pre-scribing rules for the assessment and collection of the Veesabuddy or Tax upon the profits of trade in the Provinces known by the appellation of the Ceded Districts or the Zillahs of Bellary and Cuddapah), and Regulation V. 1832 of the same Code (declaratory of the liability of persons exercising certain arts, trades, and professions to the Mohurtfa Tax), are hereby repealed.

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

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

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

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

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

IV. A licence under this Act shall be granted by the Collector of Land Revenue of the District or place in which the person requiring

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

V. There shall be specified in every licence to be granted under this Act, the date of the grant thereof, the true name of the person to

whom the licence is granted, the sum paid for such licence, and the place or places where such person shall carry on or intend to carry on his trade, or shall exercise or intend to exercise his profession.

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

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

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

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

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

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

The annual sum made payable under this Section shall, if the licence be taken out on or before the

day of , be paid by two equal half-yearly instalments. In all other cases such sum shall be paid upon the taking out of the licence.

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

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

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

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

XII. In order to enable the Collector or other Officer authorized as aforesaid to determine under what classes

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

XIII. The Collector or other Officer authorized as

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

XIV. On or before the day of in every year, the Collector or other Officer authorized as aforesaid shall

List to be prepared and published. prepare a list of the persons requiring to be licensed under this Act, which list shall state the trade or profession of each of the persons therein named, the class under which he shall be assessed, and the tax payable in respect of his licence. When such list has been prepared, the Collector or other Officer shall give a Public Notification thereof, and of

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

Objections. Any person named in the list shall be at liberty, within

fifteen days from the date of such Notification, to state in writing any objection against the assessment to the Collector or Officer, who shall, after hearing the complaint, pass such order thereupon as to him shall seem fit.

XV. Any person in whose custody such list may be, shall permit all persons

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

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

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

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

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

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

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

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

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

XXIII. Persons holding any offices or employments

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

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

Proviso.

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

XXIV. Every Civil Officer, and every Military Officer

Civil Officers, and Military Officers in Civil employ.

in Civil employ, shall pay at the rate of three per cent. per annum upon the amount of his salary, and the same may be deducted by Government from such salary; provided that, if the salary of such Officer do not exceed one hundred Rupees, he shall not be taxed.

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

Staff Officers

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

XXVI. All offences under this Act made punishable

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

Adjudication of offences and recovery of penalties.

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

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

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

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

XXXI. It shall be lawful for the Governor General of India in Council, from time to time, to make rules for the guidance of Officers in matters connected with the enforcement of this Act, provided such rules are not inconsistent with any of the provisions herein contained.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

30th August 1859.

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

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

Whereas it is necessary to prevent the over-crowding

Preamble.

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

Act repealed.

I. Act I. of 1857 is hereby repealed.

II. No Vessel shall carry Native Passengers from

any Port or place under the the Presidency of Fort St. George, or from Chittagong, or from any Port in the Province of Orissa, to any Port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon; or from any Port or place on the Eastern Coast of the Bay of Bengal, or in the Straits of Malacca, to any Port or place under the Presidency of Fort St. George, or to Chittagong, or to any Port in the Province of Orissa, in a proportion greater than one passenger to every four tons of the burden of such Vessel, without a licence.

III. No Vessel shall be licensed to carry Passengers

on any such voyage as aforesaid, in a proportion greater than one passenger to every ton of burden, nor unless the Vessel has space on a deck or platform under hatches reserved for the accommodation of the Passengers in the proportion of six superficial feet for every Passenger, with not less than five feet clear between the upper deck and the lower deck or platform; except a Vessel proceeding in ballast from any part of the Coast of the Gulf of Manar or Palk's Strait to any Port or place in Ceylon, which may be licensed to carry a number of Passengers not exceeding the proportion of two and a half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast, be kept for the accommodation of the Passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the Passengers on the deck or decks of the Vessel be not less than four superficial feet for each Passenger.

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

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

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

VI. Passengers in a greater number than one Passenger to every four tons of the burden of any Vessel, shall not be shipped from

Government to appoint Ports for shipment of Passengers, when the number of

Passengers to be carried is greater than one to every four tons of burden.

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

VII. It shall be at the discretion of the Collectors of Sea Customs for the Ports

Grant of licences to Vessels.

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

VIII. The Master or Tindal of any Vessel licensed

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

to carry Passengers from any Port in the territories under the Government of Fort St. George, or from Chittagong, or from any Port in the Province of Orissa, to any Port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca; or from any Port on the Eastern Coast of the Bay of Bengal or the Straits of Malacca, to any Port or place in the territories under the Government of Fort St. George, or to Chittagong, or to any Port in the Province of Orissa, which shall proceed on such voyage, not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of the local Government published in the Government Gazette, and in the Straits Settlement in such manner as the Governor shall notify, shall be liable to a fine not exceeding twenty Rupees for each Passenger in excess of the number fully supplied with provisions and water according to such scale.

IX. The Master or Tindal of any Vessel licensed to

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

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

X. The Master or Tindal of any Vessel licensed to

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

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

XI. The Master or Tindal of any Vessel licensed to

List of Passengers to be signed by Master.

carry Passengers as hereinbefore provided, shall sign and deliver, in duplicate, to the principal Officer of Customs at the place of embarkation, or such other person as the local Government may, from time to time, appoint for the purpose, a list, according to the form annexed to this Act, of all Passengers to be conveyed in such Vessel; and such Officer, after satisfying himself of the correctness of the same, and that the number of Passengers authorised is not exceeded, shall countersign and return one such list to the Master or Tindal, to be produced to the proper Officer at the Port to which the Vessel is bound; and should any additional Passengers engage to proceed by

Additional Passengers.

such Vessel after such list has been so countersigned, the Master or Tindal may insert their names in the original list, obtaining the signature of the controlling Officer as before. The Officer in charge of the Customs may withhold the Port Clearance till this rule is complied with.

XII. If any Vessel, bringing Native Passengers into

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

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

XIII. The principal Officer in charge of the Customs

Penalty for impeding entry or inspection.

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

XIV. If any Native Passenger in any Ship shall be

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

landed at any Port or place other than the Port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall, for each offence, be liable to a penalty not exceeding two hundred Rupees.

XV. Nothing in this Act contained shall take away

Passenger's right of action preserved.

or abridge any right of action which may accrue to any Native Passenger, or to any other person, in respect of the breach or non-performance of any contract made with the Master or Owner of the Ship or his Agent.

XVI. All offences against this Act shall be punish-

Adjudication of offences and recovery of penalties.

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

XVII. For the purpose of the adjudication of pen-

Jurisdiction.

alties under this Act, any offence shall be deemed to have been committed within the limits of the jurisdic-

tion of the Magistrate of the place where the offender is found.

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

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

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

SCHEDULE.

Form.

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

(Signed) _____, Master.

(Countersigned) _____,
Principal Officer of Customs.

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

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

20th August 1859.

The following Bill was read a second time in the Legislative Council of India on the 20th August 1859, and was referred to a Select Committee, who are to report thereon after the 24th of November next:—

A Bill to Provide for better Supplying with Water the Town and Suburbs of Kurrachee.

Whereas it is expedient that the Municipal Commissioners for the Town of Kurrachee should be empowered to construct waterworks for better supplying with water the Town of Kurrachee and the Suburbs thereof, and that funds should be provided for the purpose; It is enacted as follows:—

I. The Commissioners appointed under Act XXVI. of 1850, for putting the said Act in force in the Town and Suburbs of Kurrachee, shall carry out, with as little delay as possible, such a complete system of water-

works, and shall construct such tanks, reservoirs, and wells as shall be necessary to provide for the use of the Inhabitants of the said Town and Suburbs a proper supply of good and wholesome water for drinking and domestic purposes, and as shall be directed or sanctioned by the Chief Commissioner in Sind, and subject to such alterations as may from time to time be ordered by him; and until such works have been completed, and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses on the security of the rates and taxes and interest thereon, have been repaid, shall set apart for the purposes above-mentioned an annual sum not less than out of the proceeds of the rates and taxes provided by this Act and the said Act XXVI. of 1850.

II. It shall be lawful for the said Commissioners appointed under Act XXVI. of 1850, with the sanction of the Chief Commissioner in Sind, to borrow and take up at interest, on the credit of the rates and taxes imposed and levied under the said Act and under this Act, or of a portion of them, any sums of money necessary for defraying any expenses incurred or to be incurred by them in the execution of any works under the authority of this Act for supplying water for the use of the said Town and Suburbs; and for the purpose of securing the repayment of any sums so borrowed, together with such interest as aforesaid, the Commissioners may mortgage and assign over to the person by or on behalf of whom such sums shall be advanced, the rates and taxes or the portion of them upon the credit of which such sums shall be borrowed.

III. To provide for the repayment of the said loan and interest, an annual rate not exceeding two per centum of the value shall be imposed upon all houses, buildings, and lands within the limits of the said Town and the Suburbs thereof, and shall be payable by the owners thereof by half-yearly instalments. Provided that it shall be lawful for the Chief Commissioner, on the representation of the Municipal Commissioners, to fix from time to time, in lieu of the said annual rate of two per cent., any less annual rate. Any rate so fixed shall be publicly notified before the commencement of the year in which such rate is to have effect. The said rate shall be leviable in addition to any rate or tax now leviable under the authority of Act XXVI. of 1850.

IV. When the said waterworks shall have been completed, and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses and interest thereon shall have been repaid, the annual rate imposed by the last preceding Section shall not exceed such rate as may be sufficient, in the judgment of the Chief Commissioner, to defray the annual cost of the maintenance of the said works, or such portion of the annual cost as shall not be defrayed by the income derived from the sale of water under Section X.

V. The Municipal Commissioners shall prepare a roll showing the estimated value of all houses, buildings, and lands, and the amount of rate thereon to be levied; and such statement shall be open to public inspection for at least sixty days before any payment of tax under this Act can be enforced.

VI. Should any person object to the valuation placed upon his house, building, or land, he may cause the matter to be referred to arbitration; in which case the Chairman of the Managing Committee of the Kurrachee Municipality shall name one arbitrator who is not a Municipal Commissioner, and the owner of the property to be assessed shall name one arbitrator on his part, and the two shall, if necessary, appoint a referee; and the finding of these arbitrators, or the majority of them, shall be final.

VII. The valuation roll shall not be liable to alteration except at a general revision to be made, if requisite, at intervals of not less than five years; subject to which limitation, it shall be in the power of a majority of the Municipal Commissioners to order such a revision whenever it may appear to them to be necessary; and any difference of opinion between the Commissioners and the owner of any assessed property on the subject of such valuation may be referred to arbitration, as above provided in Section VI.

VIII. The Commissioners shall have full power to make all necessary contracts for the construction of the said waterworks, but no Commissioner shall be personally liable for any contract so made.

IX. The management and control of the waterworks when constructed shall be in the hands of the Municipal Commissioners, who shall provide for the proper supply of water in public reservoirs conveniently situated for the ratepayers, and any water supplied in any other manner than to the public reservoirs, shall be charged at a rate to be fixed by the Municipal Commissioners, in addition to the rate to be levied under Section III. The income derived from the sale of this water shall go to pay for the annual working expenses, establishments, repairs, and improvements, any balance being applied in repayment of the original loan.

X. The provisions of Sections X., XI., and XII., of Act XXVI. of 1850 shall be applicable to the rate leviable under this Act.

Form of rate, &c.

XI. The Commissioners may demand from the occupier for the time being of any house, building, or land the sum due from the owner thereof on account of any rate leviable under this Act, and on non-payment of such sum may recover the same by distress and sale of any goods and chattels found on the premises; and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid by or recovered from him. Provided that no arrear of rate remaining due from the owner for more than one year, shall be so recovered from the occupier.

XII. In the construction of this Act, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number:

Construction.

Number.

Gender.

Words importing the masculine gender shall include females:

The words "the Town of Kurrachee and the Suburbs thereof" shall include the Town of Kurrachee and Town and Cantonment of Kurrachee, and the Suburbs of Ghizree, Clifton, and Keamaree.

W. MORGAN,
Clerk of the Council.

“A BILL FOR REGULATING PUBLIC CONVEYANCES IN THE TOWNS OF CALCUTTA, MADRAS, AND BOMBAY, AND THE SEVERAL STATIONS OF THE SETTLEMENT OF PRINCE OF WALES ISLAND, SINGAPOOR, AND MALACCA.”—Murathee.

खाली लिहिलेला आक्टचा मसुदा सन १८५९ चे जून महिन्याचे १८ वे तारिखेस इंडियाचे लेजिस्लेटिव कौन्सिलांत दुसरे वेळीं वाचून सिलेक्ट कमिटीकडे सोपला, ती कमिटी येत्या सप्टेंबर महिन्याचे २२ वे तारिखे नंतर त्या मसुद्याविषयी रिपोर्ट करणार आहे:—

कलकत्ता, व मद्रास, व मुंबई या शहरांत; आणि प्रिन्स आफ वेल्स ऐलंड, व सिंकापूर, व मलाका या सेटलमेंटांतील ठाण्यांत सार्वजनिक वाहनांचा बंदोबस्त करण्या बाबत नियम ठरविण्याविषयीचे आक्टचा मसुदा.

कलकत्ता, व मद्रास, व मुंबई या शहरांत; आणि प्रिन्स आफ वेल्स ऐलंड, व सिंकापूर व मलाका या सेटलमेंटांतील ठाण्यांत कितीएक सार्वजनिक वाहनांचा बंदोबस्त करण्याबाबत नियम ठरविणे योग्य आहे, यास्तव खाली लिहिल्या प्रमाणे ठरविलें आहे.

उद्देश.

१. मुंबईचे व कुलाव्याचे टाण्टील, आणि मुंबईचे बंदरांतील सार्वजनिक वाहनाविषयी नियम ठरविण्याबाबत सन १८४१ चा ४ था आक्ट आहे तो, आणि “कलकत्ता, व मद्रास, व मुंबई या शहरांचे; आणि प्रिन्स आफ वेल्स ऐलंड, व सिंकापूर, व मलाका या सेटलमेंटांतील ठाण्याचे पोलीसा विषयी नियम ठरविण्या बाबत” सन १८५६ चा १३ वा आक्ट आहे त्याचें ७८ वें, व ७९ वें, व ८० वें कलम रद्द केलें आहे; परंतु हा आक्ट अमलांत येण्या पूर्वी कोणतेही कृत्य, किंवा गुन्हा घडला असेल, किंवा केला असेल त्याविषयी सदहू आक्ट, किंवा कलमें रद्द आहेत असे समजू नये.

कायदे रद्द केले ते.

२. कोणतेही आकृतीचा, किंवा बांधणीचा गाड्या, मनुष्ये भाड्याने नेण्यासाठी सदहू शहरांतील, व ठाण्यांतील सार्वजनिक रस्त्यांत उभ्या राहात असतील, किंवा फिरत असतील त्या; आणि कोणतेही आकृतीचा, किंवा बांधणीचा गाड्या कोणतेही सार्वजनिक रस्त्यांत भाड्यासाठी सामान्यतः उभ्या राहात नसतील, किंवा फिरत नसतील परंतु, त्या सदहू कारणासाठी एके दिवसापेक्षा कमी वेळ पर्यंत, किंवा अमुक अंतरा पर्यंत, किंवा उक्ते ठरावाने भाड्याने करता येत असतील त्या सर्व पोलीस कमिशनराचे कचेरींत नोंदल्या पाहिजेत.

गाड्या नोंदवाव्या.

३. नोंदीत खाली लिहिलेला तपशील दाखल करावा:—

नोंदीचा फर्मा.

१ ली.—नोंदीत गाडीस नंबर दिला असेल तो; सदहू प्रकारचा नंबर वेळेवेळीं पोलीस कमिशनराने द्यावा.

२ री.—गाडीचे मालकाचें नांव, व राहाण्याचें ठिकाण.

३ री.—गाडीतून किती मनुष्ये नेण्याची परवानगी आहे त्यांची संख्या.

प्रत्येक वर्षी पोलीस कमिशनर दिवस नेमतील त्या दिवशीं नोंद करून नंबर द्यावे. नोंदली नाहीं अशी सदहू प्रकारची कोणताही गाडी वर्षाचे आंत कोणी मनुष्याचे कबजांत येईल त्याणे पोलीस कमिशनराचे कचेरींत अर्ज केला असतां ती गाडी नोंदतील. नोंदलेली गाडी वर्षाचे आंत दुसऱ्याकडे जाईल तर ती जा मनुष्याकडे जाईल त्याचे नांव नव्याने नोंदवावी. नोंदीबद्दल एक रुपया फी दिली पाहिजे.

न नोंदल्या बदल शिक्षा.

४. या आवटा अन्वये नोंदली पाहिजे अशी कोणतेही गाडी कोणी मनुष्य सदहू प्रमाण नोंदल्यावांचून वाळगील तो शंभर रुपये पर्यंत दंडास पात्र होईल. जा शहरांत किंवा ठाण्यांत गाडी असेल त्या शहराचे, किंवा ठाण्याचे पोलिसचे अंमलदारास ती गाडी, तिला जोडलेले घोड्यासुद्धा, किंवा इतर जनावरांसुद्धा धरण्याचा अधिकार आहे. परंतु धरते समर्थी तो उतारू नेण्याचे कामास लावलेली नसावी. सदहू प्रकारचे गाडी विषयी कोणी दावा न केला, किंवा दाहा दिवसांत दंड न दिला तर सदहू प्रकारची गाडी, व तिजबरोबर जनावर धरली असतील ती लिलाव करून विकारी, व तिचे उत्पन्न येईल त्यांतून दंड, व तिला अटकावून ठेवण्याबद्दल, व विकण्याबद्दल खर्च झाला असेल तो वसूल करावा. आणि फाजिल एवज राहिल्यास आणखी वीस दिवसांत त्या बदल मालकाने दावा न केला तर तो सरकार दाखल होईल.

नोंदीचा पत्रा.

५. या आवटा अन्वये नोंदलेले प्रत्येक गाडीचे मालकाने, गाडीचा बाहेरला भाग लोकांचे सहज दृष्टीस पडत असेल त्या भागावर एक पत्रा लावावा. त्या पत्र्यावर गाडीचा नोंदीतील नंबर, व किती उतारू नेण्याची परवानगी आहे त्याची संख्या स्पष्ट काढलेली असावी.

दंड.

६. या आवटा अन्वये नोंदविली पाहिजे अशे कोणतेही गाडीच्या मालक या आवटा अन्वये गाडी नोंदल्यावांचून आपले गाडीस पत्रा लाविल, किंवा पोलीस कमिशनराने दिलेले पत्र्यासारिखा पत्रा आपले गाडीस लाविल तो पनास रुपये दंडास पात्र होईल.

नोंदण्यास नाही म्हणण्याचा किंवा नोंद रद्द करण्याचा अधिकार आहे.

७. सदहू प्रकारची, गाडी किंवा तिचा घोडा, किंवा हरनिस निकामी आहे, किंवा धड नाही, किंवा लोकांस वसण्यासाठी, किंवा तिचा उपयोग करण्यासाठी ती इतर रीतिने अयोग्य आहे असे पोलीस कमिशनराने दिसून येईल तेव्हा, ती गाडी या आवटा अन्वये नोंदण्यास नाही म्हणण्याचा, किंवा नोंदली असल्यास तिची नोंद रद्द करण्याचा अधिकार त्यास आहे.

भाडे कसे ठरवावे.

८. सदहू शहरातील, व ठाण्यातील सार्वजनिक रस्त्यांत भाड्याने फिरणारे गाड्यांस वेळापत्राने, व अंतरा प्रमाणे भाडे द्यावयाचे त्याचे दर खालील लिहिलेले रीती प्रमाणे ठरवावे:—

कलकत्ता व मद्रास या शहरांत सदहू प्रकारचे भाड्यांचे दर वेळोवेळी तेथील सरकारची मंजुरी घेऊन पोलीस कमिशनराने ठरवावे.

मुंबई शहरांत सदहू प्रकारचे भाड्यांचे दर वेळोवेळी सरकारची मंजुरी घेऊन पेटिशनराने कोर्टाने ठरवावे.

सेटलमेंटांतील निरनिराळे ठाण्यांत सदहू प्रकारचे भाड्यांचे दर वेळोवेळी गवर्नराची मंजुरी घेऊन ठाण्यांतील कार्टर सेशनाने ठरवावे.

सदहू प्रमाणे ठरविलेले दर सरकारी गाड्यांत, व पोलीस कमिशनर फरमाविलेल्या वर्तमान-पत्रांत चार वेळा छापून प्रसिद्ध करावे.

पोलीस कमिशनराने अडे ठरवावे.

इतर ठिकाणी भाड्यासाठी जाऊन अडथळा केला तर शिक्षा होईल ती.

गाड्यासाठी ठरविलेले अड्यावर उभा असेल तो हाकणारा भाड्याने जाण्यास नाही म्हणेल तर शिक्षा होईल ती.

९. सार्वजनिक रस्त्यांत भाड्याने फिरणाऱ्या गाड्यांसाठी अडे पोलीस कमिशनराने वेळोवेळी ठरवावे. या आवटा अन्वये नोंदलेले गाडीचा हाकणारा पोलीस कमिशनराने ठरविलेले अड्याखेरीज, किंवा जागे खेरीज इतर जागी भाडे मिळण्यासाठी उभा राहील, किंवा भटकल; आणि तेणेकरून कोणतेही सार्वजनिक रस्त्यांत, किंवा जागेंत अडथळा करील तो दाहा रुपये पर्यंत दंडास पात्र होईल.

१०. या आवटा अन्वये नोंदलेले गाडीचा हाकणारा गाड्यांसाठी पोलीस कमिशनराने ठरविलेले अड्यावर उभा असेल, किंवा सार्वजनिक रस्त्यांत भाड्यासाठी फिरत असेल त्याची गाडी जा शहरांत, किंवा ठाण्यांत असेल त्या शहराचे, किंवा ठाण्याचे कोणतेही जागी हाकून ने असे ती गाडी भाड्याने करणारा, किंवा भाड्याने करू इच्छिणारा मनुष्य सांगेल तेव्हा, तो हाकणारा योग्य कारणावांचून हाकून नेण्यास नाही म्हणेल, किंवा हयगय करील तो वीस रुपये पर्यंत दंडास पात्र होईल.

११. या आकटा अन्वये नोंदलेले गाडीच्या हाकणारा मनास येईल तसे रितीने, किंवा फार जोराने गाडी हाकील; अथवा वेपरवाईने, किंवा बुध्या वार्डट वर्तणूक करून इजा, किंवा नुकसानी करील; किंवा हांकते वेळी प्यालेला असेल; अथवा अपमानाचे, किंवा शिष्यागाळीचे शब्द बोलेल, किंवा चिन्हे करील, किंवा इतर रितीने वार्डट वर्तणूक करील तो वीस रुपये पयत दंडास पात्र होईल. आणि इजा किंवा नुकसानी झाली असेल तेव्हा इजेचे, किंवा नुकसानीचे मोबदल्या बदल पनास रुपये पर्यंत सदहू प्रकारचे गाडीचे मालकाने द्यावे असा हुकूम करण्यास माजिस्ट्रेट मुखत्यार आहे.

१२. या आकटा अन्वये नोंदलेले गाडीच्या हाकणारा भाडें मिळण्यासाठी गांवातील कोणतेही रस्यांत गाडीस आडवी उभी करील; किंवा दुसरे कोणतेही गाडीचे बाजूस उभी करील; किंवा दुसरे कोणतेही गाडीस सोईने रस्ता देता येत असून रस्ता न देईल; किंवा दुसरे कोणतेही गाडीचे हाकणारास त्याचे गाडीत कोणी मनुष्यास घेण्यास, किंवा गाडीतून उतरण्यास प्रतिबंध, किंवा अडथळा करील; किंवा दुसरे कोणतेही गाडीचे हाकणारास भाडें मिळत असेल तें न मिळण्या विषयी गैर वाजवी रितीने, व जवरीने मनाई करील, किंवा उद्योग करील तो वीस रुपये पर्यंत दंडास पात्र होईल.

१३. या आकटा अन्वये नोंदलेले गाडीच्या हाकणारा याहरीतील कोणतेही रस्यांत, किंवा लोकांचे जाण्या येण्याचे किंवा गमतीचे जागेंत आपली गाडी सांभाळण्यास इतर योग्य मनुष्य असल्या वांचून तिला सोडून जाईल तर, ती गाडी भाड्याने केलेली असो किंवा नसो तथापि, गुन्हाची शाबिती झाली म्हणजे तो वीस रुपये पर्यंत दंडास पात्र होईल; आणि सदहू प्रकारची गाडी निर्भय ठिकाणी हाकून नेण्यास कोणताही पोलीस कान्स्टेबल मुखत्यार आहे.

१४. जा गाडीचें भाडें या आकटा अन्वये ठरविलें असेल त्या गाडीच्या मालक, किंवा हाकणारा कायद्या अन्वये जें भाडें घेण्याच्या त्यास अधिकार असेल त्याहून अधिक भाडें घेईल तो वीस रुपये पर्यंत दंडास पात्र होईल. आणि सदहू प्रमाणे जास्ती घेतलेला ऐवज नुकसानी झालेले मनुष्यास तात्काळ देण्याविषयी माजिस्ट्रेटाने हुकूम करावा. ऐवज न दिला तर तो दंडा प्रमाणे वसूल करावा.

१५. या आकटा अन्वये नोंदलेली गाडी भाड्याने केल्या नंतर तिचे हाकणारास कोणतेही जागीं गाडीसुद्धा एका कलाकाहून अधिक वेळ पर्यंत थांबण्यास सांगितलें तर त्या जागीं गाडी हांकून नेण्याबद्दल त्याचें जें भाडें झालें असेल त्या खेरीज आणखी योग्य रकम भाड्याने करणारे, व थांबण्यास सांगणारे मनुष्या जवळून अमानत दाखल मागण्याच्या अधिकार त्या हाकणारास आहे. भाड्याने केलेले गाडीच्या हाकणारा थांबण्यास नाहीं म्हणेल, किंवा अमानत ऐवज देण्यास काढला असेल, किंवा दिला असेल तो जा मुदती बदल पूर्वी मोबदला असेल तितकी मुदत संपल्यापूर्वी निघून जाईल, किंवा सदहू प्रमाणे दिलेले अमानतीचे ऐवजाबाबद जाव देण्यास नाहीं म्हणेल, तो पनास रुपये पर्यंत दंडास पात्र होईल.

१६. या आकटा अन्वये नोंदलेली गाडी भाड्याने करणारा मनुष्य कायद्या अन्वये जें भाडें देण्यास पात्र असेल तें, किंवा ती गाडी सार्वजनिक रस्यांत भाड्यासाठी फिरणारी गाडी नसेल तर जी रकम देण्याची ठरविली असेल ती त्याजवळ सदहू प्रकारचे गाडीचे मालकाने, किंवा हाकणाराने मागितली असता तो ती देण्यास नाहीं म्हणेल तर तें भाडें, किंवा रकम माजिस्ट्रेटा समक्ष खाली लिहिलेले मोबदल्यासुद्धा दंडाप्रमाणे वसूल करावी म्हणजे, माजिस्ट्रेटा समक्ष हजर होण्यांत मालकाच्या, किंवा हाकणाराच्या वेळ गेला असेल त्या वेळाचे नुकसानी बदल माजिस्ट्रेटास जो मोबदला योग्य वाटेल तो मोबदला.

१७. या आकटा अन्वये नोंदलेले गाडीच्या उपयोग करणारा बुध्या तीस नुकसानी करील तो वीस रुपये पर्यंत दंडास पात्र होईल; आणि त्याणे नुकसानी बदल गाडीचे मालकास मोबदला द्यावा. सदहू प्रकारचे मोबदल्याची रकम माजिस्ट्रेटाने ठरवावी, व ती दंडाप्रमाणे वसूल करावी.

फार जोराने हाकण्याबद्दल व वेपरवाईने केलेले नुकसानी बदल व बुध्या वार्डट वर्तणूक केल्याबद्दल व दारूने गुंग होण्याबद्दल व उद्धटपणा बदल शिक्षा.

हाकणारा गांवातील रस्यांत प्रतिबंध करील तो.

सांभाळण्यास इतर मनुष्य असल्यावांचून गाडी सोडून गेलें असता शिक्षा होईल ती.

कायदेशीर भाड्यापेक्षा जास्ती घेण्याबद्दल शिक्षा.

थांबण्याबद्दल पैका अमानत मागण्याच्या अधिकार आहे.

थांबण्यास नाहीं म्हटलें किंवा जा मुदती बदल पैका अमानत ठेवला असेल तो मुदत संपण्यापूर्वी निघून गेला किंवा अमानती बाबद जाव न दिला तर शिक्षा होईल ती.

कायदेशीर भाडें देण्यास नाहीं म्हटलें तर शिक्षा होईल ती.

गाडीस बुध्या नुकसानी केली तर शिक्षा होईल ती.

नॉंदलेले गाड्यांत माल सांप-
डल तो पोलिसचे स्वाधीन करावा.

१८. या आवटा अन्वये नॉंदलेले गाडींत राहिलेला माल मालकाने न मागितला तर ता चौबीस कलाकांत हांकणाराने जवळचे पोलीस ठाण्यांत अमानत ठेवावा. आणि तो माल माझा आहे असें जो मनुष्य पोलीस कमिशनरास शोबित करून देईल त्याणे वाजवी खर्च झाला असेल तो सर्व दिला असतां, व हांकणारास योग्य रकम देण्याची कमिशनराने ठरविली असेल ती रकम दिली असतां त्यास तो माल द्यावा.

तंट्याचा निकाल माजिस्ट्रे-
टाने करावा.

१९. या आवटा अन्वये नॉंदलेले गाडीचे हांकणाराचे, व भाड्याने करणाराचे दरमियान तंट्या पडला असतां जा शहरांत, किंवा ठाण्यांत तंट्या उरून झाला असेल तेथील पोलीस कोर्टांत गाडी हाकून ने असें, हांकणारास फरमाविण्याचा अधिकार भाड्याने करणारास आहे. नंतर समन दित्यावांचून त्या फिरयादीची चौकशी करण्याचा अधिकार माजिस्ट्रेटास आहे; किंवा माजिस्ट्रेट त्या वेळीं बसला नसेल तर, जवळचे पोलीस ठाण्यांत हाकून ने असें हांकणारास फरमाविण्याचा अधिकार भाड्याने करणारास आहे. नंतर तेथे फिरयाद, वहीत दाखल करून तिचा इनसाफ माजिस्ट्रेटाने पुढले बैठकीस करावा.

गाड्यांचे मालकांस स्वतः
हजर होण्याविषयी व हांकणा-
रांस हजर करण्याविषयी समने
द्यावीं.

२०. या आवटा अन्वये नॉंदलेले गाडीचे हांकणारावर या आवटांतील ठरावाविषय गुन्हा केल्याबद्दल फिरयाद माजिस्ट्रेटासमक्ष होईल तेव्हां, त्या माजिस्ट्रेटाने गाडीचे मालकांस स्वतः हजर होऊन फिरयादीचा जाव देण्यासाठीं सदहू प्रकारचे गाडीचे हांकणारास हजर करण्या- विषयी ताकाळ समन करावें. सदहू प्रकारचे मालकास योग्य रितीने समन केल्यानंतर माजिस्ट्रेट कबूल करील अशे कारणावांचून सदहू प्रकारचे समना प्रमाणे तो मालक स्वतः हजर होण्यास किंवा हांकणारास हजर करण्यास हयगय करील, किंवा नाहीं म्हणेल तो चाळीस रुपये पर्यंत दंडास पात्र होईल. आणि हांकणारास हजर करी तो पर्यंत मालकास जितके वेळ समन होईल तितके वेळ सदहू प्रमाणे तो दंड देण्यास पात्र होईल. परंतु असें ठरविलें आहे कीं सदहू प्रकारचे मालकास सदहू प्रमाणे करण्याविषयी दुसरे, किंवा तिसरे, किंवा चौथे समन झाल्यावर माजिस्ट्रेट कबूल करील अशे योग्य कारणावांचून स्वतः हजर होण्यास, व सदहू प्रकारचे हांकणारास हजर करण्यास हयगय करील, किंवा नाहीं म्हणेल तर मालकाचे, व हांकणाराचे गैर हजीरींत, किंवा त्या दोषांपैकी एकाचे गैर हजीरींत फिरयादीची चौकशी करून निकाल करण्याचा अधिकार माजिस्ट्रेटास आहे. आणि सदहू प्रकारचे गुन्हाबद्दल दंडाचा पेंच आला असेल तो दंड, सदहू प्रकारचे मालकावर ठरविण्याचा अधिकार माजिस्ट्रेटास आहे.

पालख्या.

२१. कोणतेही पालखी पोलीस कचेरींत योग्य रितीने नॉंदल्यावांचून तिणे सदहू पैकी कोणतेही शहरांत, किंवा ठाण्यांत भाड्यासाठीं फिरूं नये. पालखीस दिलेला नंबर, व मालकाचें नांव व राहण्याचें ठिकाण नॉंदीत त्याहावें. नॉंद एक वर्ष पर्यंत अमलांत राहिल, व त्या वेळांत मालक बदलला असतां तो मजकूर नॉंदीत दाखल करावा. नॉंदीबद्दल एक रुपया 'फी' दिली पाहिजे. सदहू प्रकारचे प्रत्येक पालखीचे मालकाने तिचा जो भाग लोकांचे सहज दृष्टीस पडत असेल त्या भागावर नॉंदीचा नंबर रंगाने काढवावा. जी पालखी योग्य रितीने नॉंदल्यावांचून, किंवा सांगितलेला नंबर तिजवर काढल्यावांचून भाड्याने फिरेल तिचा मालक वीस रुपये पर्यंत दंडास पात्र होईल.

पालखी नॉंदण्यास नाहीं
म्हणण्याचा अधिकार पोलीस
कमिशनरास आहे.

२२. पालखी निरुपयोगी आहे, किंवा लोकांचे बसण्यासाठीं, किंवा उपयोगासाठीं अयोग्य आहे असें पोलीस कमिशनराचे जेव्हां जेव्हां नजरेस येईल तेव्हां तेव्हां ती पालखी नॉंद- ण्यास नाहीं म्हणण्याचा, किंवा ती नॉंदली असेल तर तिची नॉंद रद्द करण्याचा अधिकार त्यास आहे.

पालख्यांचें भाडें.

२३. एकविसावे कलमा अन्वये नॉंदलेले पालख्यांचे भाड्याचे दर ठरविणे ते गाड्यांचे भाड्याचे दर जा रितीने, व जशी मंजुरी घेऊन ठरविले पाहिजेत त्या रितीने, व तशी मंजुरी घेऊन ठरवावे.

२४. कोणतीही बोट पोलीस कचेरीत योग्य रितीने नोंदली नसेल तिणे उतारू लोकां करितां कलकत्याचे, किंवा मुंबईचे बंदरांत, किंवा सदहू सेटलमेंटांतील कोणतेही बंदरांत फिरू नये. खाली लिहिलेला तपशील नोंदीत ल्यावा.

पहिला—बोटीचा नंबर.

दुसरा—मालकाचें, व मांजीचें नाव, व राहाण्याचें ठिकाण.

तिसरा—खलाशांची संख्या.

चवथा—बोटीतून किती मनुष्ये नेण्याची परवानगी आहे त्यांची संख्या.

सदहू प्रकारची नोंद एक वर्ष पर्यंत अमलांत राहिल; आणि सदहू मुदतींत मालक, किंवा मांजी बदलला असता तो मजकूर नोंदीत दाखल करावा. नोंदी बदल एक रुपया 'फी' दिली पाहिजे.

नोंदणे.

सदहू प्रमाणे नोंदलेले प्रत्येक बोटीचे मालकाने, किंवा मांजीने नोंदीचा नंबर, व खलाशांची संख्या, व किती उतारू नेण्याची परवानगी आहे तें, बोटीचे सहज दृष्टीस पडे अशे भागावर रंगाने काढावें.

मालकाचें किंवा मांजीचें नाव व संख्या वगैरे रंगाने काढावी.

जा बोट योग्य रितीने नोंदल्या बांधून उतारू नेण्या करितां फिरेल; अथवा नोंदीत लिहिले असतील त्यां पक्षा अधिक उतारू, किंवा कमी खलाशी जा बोटीवर असतील; अथवा सांगितलेला तपशील जा बोटीवर रंगाने काढला नसेल तिचा मालक, किंवा मांजी पनास रुपये पर्यंत दंडास पात्र होईल.

शिक्षा.

२५. या आक्टा अन्वये नोंदलेले बोटीस अपाय घडेल, आणि त्या अपायामुळे खलशां पैकीं, किंवा उतारू पैकीं कोणी मनुष्याचे जीवाची नुकसानी होईल तेव्हां मांजीने, किंवा मांजी सांपडत नसेल तर बोटीचे मालकाने सर्व हक्कित पोलीस कचेरीत जाहीर करावी. आणि मांजी, किंवा मालक कायदेशीर कारणावांचून हक्कित सदहू प्रमाणे जाहीर करण्यास हयगय, किंवा विलंब करील तर तो पनास रुपये पर्यंत दंडास पात्र होईल.

नोंदलेले बोटीस अपाय होऊन मनुष्ये मेली असतां ती हक्कित जाहीर करण्यास हयगय किंवा विलंब केला तर शिक्षा होईल ती.

२६. कोणतीही बोट धड नाहीं असें जेव्हां जेव्हां पोलीस कमिशनराचे नजरेस येईल तेव्हां तेव्हां ती बोट नोंदण्यास नाहीं म्हणण्याचा, किंवा ती नोंदली असेल तर तिची नोंद रद्द करण्याचा अधिकार त्यास आहे.

जा बोट धड नसतील त्या नोंदण्यास नाहीं म्हणण्याचा अधिकार कमिशनरास आहे.

२७. चौविसावे कलमा अन्वये नोंदलेले व सदहू पैकीं कोणतेही बंदरांत उतारू साठीं फिरणारे बोटींचे भाड्यांचे दर ठरविणे ते खाली लिहिल्या प्रमाणे ठरवावे, म्हणजे जा शहराचें किंवा ठाण्याचें तें बंदर असेल त्या शहरातील, किंवा ठाण्यातील गाड्यांचे भाड्यांचे दर जा रितीने, व जशी मंजुरी घेऊन ठरवितात त्या रितीने ठरवावे.

बोटीचीं भाडीं.

२८. या आक्टा अन्वये नोंदलेले कोणतेही बोटीबद्दल, किंवा पालखी बद्दल भाडे देण्याचें असेल त्याविषयीं तक्रार पडेल तेव्हां तिचा निकाल माजिस्ट्रेटाने करावा; आणि तिला २० वे कलमांतील ठराव लागू आहेत असें समजावें.

बोटीचे व पालख्यांचे भाड्या विषयींचे तक्रारींचा निकाल माजिस्ट्रेटाने करावा.

२९. या आक्टा विरुद्ध केलेले सर्व गुन्द्यांची चौकशी करून निकाल करणे तो पोलीस माजिस्ट्रेटाने करावा. दंड व गुन्हेगार्या ठरविण्याविषयी, व त्या जवरीने उगविण्याविषयी सन १८५६ चे १३ वे आक्टांतील ठराव, या आक्टा अन्वये ठरविलेले दंडास, व गुन्हेगार्यास, व पैक्याचा रक्कम या आक्टा अन्वये दंडा प्रमाणे वसूल कराव्या असें ठरविलें असेल त्यास लागू आहेत असें समजावें.

दंड ठरविणे.

३०. या आक्टातील खाली लिहिलेले शब्दांचा, व वाक्यांचा अर्थ खाली लिहिल्या प्रमाणे समजावा; परंतु तसे अर्थास विषया वरून, किंवा अन्वया वरून बाध येत असेल तर तसा अर्थ समजून नये (म्हणजे).

अर्थ.

“माजिस्ट्रेट्.”

माजिस्ट्रेट याणे चौकशी करणे अवश्य असें प्रकर्ण जा शहरांत, किंवा ठाण्यांत उखन होईल त्या शहरांत, किंवा ठाण्यांत काम चालविणारा सन १८५६ चे १३ वे आक्टा अन्वये नेमलेला कोणताही पोलीस माजिस्ट्रेट असा अर्थ “माजिस्ट्रेट” या शब्दाच्या समजावा.

“पोलीस कमिशनर”.

सदहू प्रमाणे नेमलेला व काम चालविणारा पोलीस कमिशनर असा अर्थ “पोलीस कमिशनर” या शब्दाच्या समजावा.

“वचन”.

एकवचनी शब्दांत अनेक वचनाच्या समावेश होतो, आणि अनेक वचनी शब्दांत एक वचनाच्या समावेश होतो असें समजावें.

“लिंग”.

पुलिंगी शब्दांत स्त्रियांच्या समावेश होतो असें समजावें.

“शहर”.

कलकत्ता, व मद्रास, व मुंबई येथील वादशाही सुप्रीम कोर्टांचे स्थलसीमेंतील सर्व जागांचा “शहर” या शब्दांत समावेश होतो असें समजावें.

“ठाणे”.

प्रिन्स आफ वेल्स ऍलंड, व सिंकापूर, व मलाका यांतील कोणतेही ठाणे असा अर्थ “ठाणे” या शब्दाच्या होतो असें समजावें.

(True translation)

VENAYEK WASSOODEW,
Oriental Translator to Government.

“A BILL FOR REGULATING PUBLIC CONVEYANCES IN THE TOWNS OF CALCUTTA, MADRAS AND BOMBAY, AND THE SEVERAL STATIONS OF THE SETTLEMENT OF PRINCE OF WALES' ISLAND, SINGAPORE, AND MALACCA.”—Guzerathee.

હેલ્થ લખેલી આફ્ટનો મસુદો સન ૧૮૫૬ ના જૂન મહિનાની ૧૮ મી તારીખે ઇંડિયાની લેજિસલેટીવ કૉસિલમાં ખીજવાર વાંચીને સિલેક્ટ કમિટીને સોંપ્યો, તે કમિટી આવતા સેપ્ટેમ્બર મહિનાની ૨૨ મી તારીખપછી તે મસુદાબાબત રિપોર્ટ કરનાર છે.

કલકત્તા, મદ્રાસ, અને મુંબઈ એ રોહિરામાં; અને પ્રિન્સ આફ વેલ્સ ઐલંડ, તથા સિંકાપૂર, તથા મલાકા એ સેટલમેંટ માંહેનાં થાણાંમાં સાર્વજનિક વાહનોનો બંદોબસ્ત કરવા બાબત નિયમ ઠરાવવા બાબતના આફ્ટનો મસુદો.

કલકત્તા, મદ્રાસ, અને મુંબઈ એ રોહિરામાં; તથા પ્રિન્સ આફ વેલ્સ ઐલંડ, તથા સિંકાપૂર, તથા મલાકા એ સેટલમેંટ માંહેનાં થાણાંમાં કેટલાંએક સાર્વજનિક વાહનોનો બંદોબસ્ત કરવા બાબત નિયમ ઠરાવવા યોગ્ય છે, વાસ્તે હેલ્થ લખ્યા પ્રમાણે ઠરાવ્યું છે:—

ઉદ્દેશ.

૧. મુંબઈ તથા કુલાબા ટાપુ માંહેનાં, અને મુંબઈનાં બંદર માંહેનાં સાર્વજનિક વાહનો બાબત નિયમ ઠરાવવા બાબત સન ૧૮૪૧ નો ૪ થો આફ્ટ છે, તે, અને કલકત્તા, મદ્રાસ, અને મુંબઈ એ રોહિરાની; અને પ્રિન્સ આફ વેલ્સ ઐલંડ, તથા સિંકાપૂર તથા મલાકા એ સેટલમેંટ માંહેનાં થાણાંની પોલીસ બાબત નિયમ ઠરાવવા વિશે” સન ૧૮૫૧ નો ૧૩ મો આફ્ટ છે તેની ૭૮ મી, ૭૯ મી અને ૮૦ મી કલમ રદ કરી છે; પણ આ આફ્ટ અંમલમાં આવ્યા પહેલાં હરકેઈકામ, અથવા ગુન્હો થયો હોય, અથવા કસ્યો હોય તે બાબત સદર્દ આફ્ટ, અથવા કલમો રદ છે અમુક સમજ્યું નહીં.

કાયદા રદ કર્યા તે.

૨. ગમે તેવાં ઝોનની, અથવા બાંધણીની ગાડીઓ માંણસોને ભાડે ખેસાડીને લઈ જવા સાર સદર્દ રોહિરા માંહેના, તથા થાણાં માંહેના સાર્વજનિક રસ્તામાં ઉભી રહેતી હોય, અથવા ફરતી હોય તે ગાડીઓ, અને ગમે તેવાં ઝોનની, અથવા બાંધણીની ગાડીઓ સાર્વજનિક રસ્તામાં ભાડાં સાર ધણું કરીને ઉભી રહેતી નહીં હોય, અથવા ફરતી નહીં હોય, પણ સદર્દ કારણ સાર એક દાહાડ કરતાં ઓછી વાર લગી, અથવા આટલે છેડે લગી, અથવા ઉધડ ઠરાવ થી ભાડે મળતી હોય તે સધળી ગાડીઓ પોલીસ કમિશનરની કચેરીમાં નોંધવી જોઈએ.

ગાડીઓ નોંધાવવા બાબત.

૩. નોંધમાં હેલ્થ લખેલી વિગત દાખલ કરવી.

૧ લી.—નોંધમાં ગાડીને નંબર આપ્યો હોય તે; તે નંબર વખતે વખતે પોલીસ કમિશનરે આપવો.

નોંધનો નમુનો.

૨ જી.—ગાડીના ધણીનું નામ, તથા રહેવાનું ઠેકાણું.

૩ જી.—ગાડીમાં જેટલાં માંણસો લઈ જવાની પરવાનગી હોય તેની સંખ્યા.

વરસો વરસ પોલીસ કમિશનર જે દાહાડે ઠરાવે તે દાહાડે (ગાડી) નોંધીને નંબર આપવો. નોંધ્યા વગરની કોઈ ગાડી વરસની અંદર કોઈ માંણસના કબજામાં આવે તો તેણે પોલીસ કમિશનરની કચેરીમાં અરજી કરવી એટલે તે ગાડી નોંધી લેશે. નોંધેલી ગાડી વરસની અંદર ખીજા પાસે જાય તો તે જે માંણસની પાસે જાય તેને નામે નવસરથી નોંધવી; અને નોંધવા બાબત એક ફી આપવી ફી લેવી.

નહીં નોંધાયા બાબત
શિક્ષા.

૪. આ આફ્ટ પ્રમાણે નોંધાવતી જોઈએ તેવી ગાડી કોઈ માંયુસ નોંધાયા વગર રાખરો તો, તે સો રૂપિયા સુધી દંડને પાત્ર થશે. જે રોહિરમાં, અથવા થાંણાંમાં ગાડી હોય તે રોહિરનો અથવા થાંણાંનો પોલીસ અમલદાર તે ગાડીને જોડેલા ધોડા અથવા ખીખા જનાવર સુધાં તે ગાડી પકડવાને સુખત્યાર છે. પણ પકડતી વખત ભાડુતને લેઈ જવાનાં કામમાં લાગેલી નહીં જોઈએ. તે ગાડી બાબત કોઈ દાવો નહીં કરશે, અથવા દસ દાડડામાં દંડ નહીં આપશે તો તે ગાડી, અથવા તેની સાથે જનાવરો પકડાયાં હોય તે લીલામ કરીને વેચ્યાં ; અને તેનું જે ઉપજો તેમાંથી દંડ, તથા તે ગાડી અટકાવી રાખવા બાબત તથા વેચવા બાબત ખર્ચ થયો હોય તે વસૂલ લેવો. અને કંઈ બાકી રહે તે બાબત ખીખા વીસ દાહાડામાં ધણી દાવો નહીં કરશે તો તે અવેજ સરકાર દાખલ થશે.

નોંધનું પત્ર.

૫. આ આફ્ટ પ્રમાણે નોંધેલી દરએક ગાડીના ધણીએ ગાડીનો બાહારનો ભાગ લોકોની નજરે રોહિર પડતો હોય તે ભાગ ઉપર એક પત્ર મરાવવું ; તે પત્રઉપર નોંધમહિનો નંબર, અને જેટલાં ભાડુતો (એસાડીને) લેઈ જવાની પરવાનગી હોય તેની સંખ્યા સાફ કહડાવવી.

દંડ.

૬. આ આફ્ટ પ્રમાણે નોંધાવતી જોઈએ તેવી કોઈ ગાડીનો ધણી આ આફ્ટ પ્રમાણે ગાડી નોંધાયાવગર પોતાની ગાડીને પત્ર મારશે, અથવા પોલીસ કમિશનર પત્ર આપે તેવું પત્ર પોતાની ગાડીને મારશે તો તે પચાસ રૂપિયા દંડને પાત્ર થશે.

નોંધવાની ના કેહેવાનો,
અથવા નોંધ રદ કરવાનો
અધિકાર છે.

૭. સદ્દર્જ પ્રકારની ગાડી, અથવા તેનો ઘોડો, અથવા હારનિસ નકાચું થઈ ગયું છે, અથવા મંજૂત નથી, અથવા લોકોને ખેસવાસાઈ, અથવા વાપરવાસાઈ તે ગાડી ખીજી રીતે લાએક નથી એવું પોલીસ કમિશનરની નજરમાં આવે ત્યારે તે ગાડી આ આફ્ટ પ્રમાણે નોંધવાની ના કેહેવાને, અથવા નોંધી હોય તો તે નોંધ રદ કરવાને તે સુખત્યાર છે.

ભાડું શી રીતે ઠરાવવું.

૮. સદ્દર્જ રોહિર તથા થાંણાં માંહેના સાર્વજનિક રસ્તામાં ભાડે ફરનારી ગાડીઓને વખત તથા છેદાં પ્રમાણે ભાડું આપવું તેના દર હેઠળ લખેલી રીતે ઠરાવવા :—

કલકત્તા, અને મદ્રાસ એ રોહિરમાં ઉપર કહેલાં ભાડાંના દર વખતે વખતે ત્યાંહાંની સરકારની મંજૂરી લેધને પોલીસ કમિશનરે ઠરાવવા.

મુંબઈ રોહિરમાં ઉપર કહેલાં ભાડાંના દર વખતે વખતે સરકારની મંજૂરી લેધને પેટી-સેરાનની કોર્ટે ઠરાવવા.

સેટલમેંટમહિનાં જુદાં જુદાં થાંણાંમાં ઉપર કહેલાં ભાડાંના દર વખતે વખતે ગવર નરની મંજૂરી લેધને થાંણાંની ક્વાર્ટર સેરાને ઠરાવવા.

એ પ્રમાણે ઠરાવેલા દર સરકારી આગેટમાં, અથવા પોલીસ કમિશનર ફરમાવે તે વર્તમાન પત્રમાં આરવાર છાપીને પ્રસિદ્ધ કરવા.

પોલીસ કમિશનરે ગાડી
ઉભીરેહવાની જગ્યાઓ ઠરાવવી.

ખીજે ડેકાંણે ભાડાંસાઈ જ-
ધને હરકત કરશે તો શિક્ષા
થશે.

ગાડી ઉભી રેહેવાસાઈ જગ્યા
ઠરાવી હોય તાંહાં ઉભો હોય તે
હાકનાર ભાડે જવાની ના કેહે-
શે તો શિક્ષા થશે.

૯. સાર્વજનિક રસ્તામાં ભાડે ફરનારી ગાડીઓ ઉભી રેહેવાની જગ્યા પોલીસ કમિશનરે વખતે વખતે ઠરાવવી. આ આફ્ટ પ્રમાણે નોંધેલી ગાડીનો હાકનાર, પોલીસ કમિશનરે ગાડીઓ ઉભી રેહેવાની જગ્યાઓ, અથવા ડેકાંણાં ઠરાવ્યાં હોય તે સિવાય ખીજી જગ્યાએ ભાડું મળવા સાઈ ઉભો રેહેશે, અથવા રઝળશે અને તેણે કરીને કોઈ સાર્વજનિક રસ્તામાં, અથવા જગ્યામાં હરકત થશે તો તે દસ રૂપિયા સુધી દંડને પાત્ર થશે.

૧૦. આ આફ્ટ પ્રમાણે નોંધેલી ગાડીનો હાકનાર ગાડીઓ ઉભી રેહેવાસાઈ પોલીસ કમિશનરે જગ્યા ઠરાવી હોય તાંહાં ઉભો હોય, અથવા સાર્વજનિક રસ્તામાં ભાડાં સાઈ ફરતો હોય તેની ગાડી જે રોહિરમાં, અથવા થાંણાંમાં હોય તે રોહિરમાં, અથવા થાંણાંમાં ક્યાંણે ડેકાંણે લે એવું ગાડી ભાડે ફરનાર, અથવા ભાડે કરવા ઇચ્છનાર માંયુસ કેહે ત્યારે તે હાકનાર યોગ્ય કારણ વગર ગાડી લઈ જવાની ના કેહેશે, અથવા આળસ કરશે તો તે વીસ રૂપિયા સુધી દંડને પાત્ર થશે.

૧૧. આ આફટ પ્રમાણે નોંધેલી ગાડીનો હાકનાર મનમાં આવે તે રીતે, અથવા ધણું જોરથી ગાડી હાકરો; અથવા બે પરવાઈથી અથવા જાણી જોઈને જોર રીતે ચાલીને ધળ અથવા નુકસાની કરો; અથવા હાકતી વખતે છાકરો થએલો હોરો; અથવા બે અદખીના અથવા ગાળા ગાળીના રાખ્દ બોલરો, અથવા તેવાં ચિન્હ કરો, અથવા ખીજે પ્રકારે ખરાબ રીતે ચાલરો તો તે, વીસ રૂપિયા સુધી દંડને પાત્ર થરો. અને ધળ અથવા નુકસાની થઈ હોય ત્યારે ધળના, અથવા નુકસાનીના વળતર ખાખત પચાસ રૂપિયા સુધી તે ગાડીના ધણી પાસે અપાવવાનું ફરમાવવાને માજીસ્ટ્રેટ મુખત્યાર છે.

૧૨. આ આફટ પ્રમાણે નોંધેલી ગાડીનો હાકનાર ભાડું મળવાસાહે રસ્તામાં ગાડીને આડી ઉભી રાખરો; અથવા ખીજી ગાડીની બાજુએ ઉભી કરરો; અથવા ખીજી ગાડીને રસ્તો આપવાનું ફાવતું હોય અને રસ્તો નહીં આપરો; અથવા ખીજી હરકોઈ ગાડીના હાકનારને તેની ગાડીમાં માંણસ લેવાનો, અથવા ગાડીમાંથી ઉતારવાનો હિક્કો હરકત કરરો; અથવા ખીજી કોઈ ગાડીના હાકનારને ભાડું મળતું હોય તે નહીં મળવા દેવા ખાખત જોર વાજખી રીતે જખરદસ્તીથી મના કરરો, અથવા મના કરવાનો યત્ન કરરો તો તે, વીસ રૂપિયા સુધી દંડને પાત્ર થરો.

૧૩. આ આફટ પ્રમાણે નોંધેલી ગાડીનો હાકનાર પોતાની ગાડી કોઈએ બાડે કરી હોય અથવા ન હોય તો પણ હરકોઈ રસ્તામાં, અથવા લોકોને આવવા જવાની, અથવા ગમતની જગાએ પોતાની ગાડી સંભાળવાને ખીજી કોઈ યોગ્ય માંણસ વગર ગાડી સુક્રીને જરો, અને તે વાત તેની ઉપર સાખિત થરો તો તે, વીસ રૂપિયા સુધી દંડને પાત્ર થરો; અને તે ગાડી નિર્ભય ઠેકાણે હાકી લઈ જવાને કાનૂનજલ મુખત્યાર છે.

૧૪. જે ગાડીનું ભાડું આ આફટ પ્રમાણે ઇરાજું હોય તે ગાડીના ધણીને અથવા હાકનારને કાયદા પ્રમાણે જેટલું ભાડું લેવાનો અધિકાર હોય તે કર્તો તે વતું ભાડું લેરો તો તે વીસ રૂપિયા સુધી દંડને પાત્ર થરો. અને આ પ્રમાણે વતો લીધેલો અવેજ જે માંણસનું નુકસાન થયું હોય તેને તાખડતોખ અપાવવાને માજીસ્ટ્રેટ હુકમ ફરમાવરો. અવેજ નહીં આપે તો દંડ પ્રમાણે વસૂલ કરવો.

૧૫. આ આફટ પ્રમાણે નોંધેલી ગાડી બાડે કર્યા પછી તેના હાકનારને કોઈ ઠેકાણે ગાડી સુધ્ધાં એક કલાક કર્તો વતીવાર ઉભાં રહેવાનું કેહે તો તે ઠેકાણે ગાડી હાકી લઈ જવા ખાખત તેનું જે ભાડું થયું હોય તે સિવાય વળી યોગ્ય રકમ ગાડી. બાડે કરીને ઉભાં રહેવાનું કેહેનારની પાસે અનામત દાખલ માગવાને તે હાકનાર મુખત્યાર છે. બાડે કરેલી ગાડીનો હાકનાર ખોટી થવાની ના કેહેરો, અથવા અનામત અવેજ આપવા માંજો હોય, અથવા આખો હોય, તે જેટલી સુદત ખાખત પૂરે પૂરો બદલો હોય તેટલી સુદત પૂરી થયાં પેહેલાં જતો રહેરો, અથવા અનામત આપેલા અવેજનો જવાખ દેવાની ના કેહેરો તો તે પચાસ રૂપિયા સુધી દંડને પાત્ર થરો.

૧૬. આ આફટ પ્રમાણે નોંધેલી ગાડી બાડે કરનાર માંણસ કાયદા પ્રમાણે જેટલું ભાડું થયું હોય તેટલું ભાડું; અથવા તે ગાડી બાડાં સાહે સાર્વજનિક રસ્તામાં ફરનારી ગાડી નહીં હોય તો જે રકમ અપવાને ઇરાજી હોય તે રકમ તેની પાસે તે ગાડીનો ધણી, અથવા હાકનાર માગે ત્યારે તે તે આપવાની ના કેહે તો તે ભાડું, અથવા રકમ, માજીસ્ટ્રેટની આગળ (ફરિયાદ કરીને) દંડ પ્રમાણે વસૂલ કરવી. અને માજીસ્ટ્રેટની આગળ હાજર થવામાં ધણીનો, અથવા હાકનારનો વખત ગમો હોય તેની નુકસાની ખાખત માજીસ્ટ્રેટની નજરમાં જેટલો બદલો વાજખી દેખાય તેટલો બદલો પણ દંડ પ્રમાણે માજીસ્ટ્રેટની આગળ ફરિયાદ કરીને સદહૂ રકમની સાથેજ વસૂલ કરવો.

૧૭. આ આફટ પ્રમાણે નોંધેલી ગાડીમાં બેસનાર તે ગાડીને જાણીજોઈને નુકસાની કરરો તો તે, વીસ રૂપિયા સુધી દંડને પાત્ર થરો; અને તેને તે નુકસાની ખાખત ગાડીના ધણીને વળતર આપવું પડરો; તે વળતરની રકમ માજીસ્ટ્રેટ ઇરાજીને દંડ પ્રમાણે વસૂલ કરવી.

ધણું જોરથી હાકવાખાખત, તથા બે પરવાઈથી કરેલાં નુકસાન ખાખત, તથા જાણી જોઈને જોર રીતે ચાલવાખાખત, તથા પીધને છાકરો થવાખાખત, તથા દાંડાઈ કરવાખાખત શિક્ષા.

હાકનાર રસ્તામાં હરકત કરે તે ખાખત.

ગાડી સંભાળવાસાહે ખીજી માંણસને સુક્રી ગયા વગર ગાડી સુક્રીને જરો તો શિક્ષા થરો.

કાયદા પ્રમાણે ભાડું થયું હોય તે કર્તો વતું લેવા ખાખત શિક્ષા.

ખોટી રહેવાસાહે પૈસા અનામત માગવાનો અધિકાર છે.

ખોટી રહેવાની ના કેહેરો, અથવા જેટલી સુદત ખાખત પૈસા અનામત મુક્યા હોય તેટલી સુદત પૂરી થયાં પેહેલાં જતો રહેરો, અથવા અનામત મુકેલા પૈસાનો જવાખ નહીં દેરો તો શિક્ષા થરો.

કાયદા પ્રમાણે થયું હોય તેટલું ભાડું આપવાની ના કેહેરો, તો શિક્ષા થરો.

ગાડીને જાણીજોઈને નુકસાની કરરો તો શિક્ષા થરો.

નોંધેલી ગાડીમાં માલ જોડે તે પોલીસને સ્વાધીન કરવો.

૧૮. આ આફર પ્રમાણે નોંધેલી ગાડીમાં રહી ગએલો માલ તેનો ધણી નહીં માગે તો હાકનારે ઓવીસ ક્લાકમાં તે માલ પાસેનાં પોલીસ થાંભામાં અનામત રાખવો. અને તે માલ હારો છે એવું જે માંભુસ પોલીસ કમિશનરને સાબિત કરી આપે તે માંભુસ જે વાજખી ખરચ થયો હોય તે સઘળો ખરચ, તથા હાકનારને યોગ્ય રકમ આપવાની કમિશનરે ફરમાવેલો હોય તે રકમ આપે એટલે તેને તે માલ આપવો.

માજુસ્ટ્રેટ કલ્યાણનો નિ-કાલ કરવો.

૧૯. આ આફર પ્રમાણે નોંધેલી ગાડીના હાકનારનો અને ભાડે કરનારનો તંદો પડે તો જે રોહરમાં, અથવા થાંભામાં તંદો થાય ત્યાંહાંની પોલીસ કોર્ટમાં ગાડી લે, એવું હાકનારને ફરમાવવાને ભાડે કરનાર સુખત્યાર છે. પછી સમન આપ્યા વગર તે ફરિયાદીની ઓકસી કરીને ફેસલો કરવાનો અધિકાર માજુસ્ટ્રેટને છે; અથવા માજુસ્ટ્રેટ તે વખતે ખેડેલો નહીં હોય તો પાસેનાં પોલીસ થાંભામાં ગાડી લે, એવું હાકનારને ફરમાવવાને ભાડે કરનાર સુખત્યાર છે. પછી ફરિયાદ તાંહાં નોંધમાં દાખલ કરીને તેનો ઇનસાફ માજુસ્ટ્રેટ આવતી બેઠકે કરવો.

ગાડીના ધણીને પોતાની જાતે હાજર થવાનો તથા હાકનારને હાજર કરવાનો સમન કરવો.

૨૦. આ આફર પ્રમાણે નોંધેલી ગાડીના હાકનાર ઉપર આ આફરના ફરિયાદીને ગુન્હો કલ્યાણખાત માજુસ્ટ્રેટની આગળ ફરિયાદ થાય ત્યારે, માજુસ્ટ્રેટ ગાડીના ધણીને પોતાની જાતે હાજર થઈને ફરિયાદનો જવાબ દેવાસાથે તે ગાડીના હાકનારને હાજર કરવા ખાત તાબડોતબ સમન કરવો; તે ધણીને યોગ્ય રીતે સમન કલ્યા પછી માજુસ્ટ્રેટ મંજૂર કરે તેવાં યોગ્ય કારણ વગર સમનમાં લખ્યા પ્રમાણે તે ધણી પોતાની જાતે હાજર થવાની, અથવા હાકનારને હાજર કરવાની ગફલત કરશે, અથવા ના ફેરેશે તો તે ચાળીસ રૂપિયા સુધી દંડને પાત્ર થશે. અને હાકનારને હાજર કરે તાંહાં સુધીમાં ધણીને જેટલી વાર સમન થાય તેટલી વાર તે એજ પ્રમાણે દંડને પાત્ર થશે. પણ એવું ફરિયાદી છે કે તે ધણીને ઉપર કલ્યા પ્રમાણે કરવા સાથે બીજો, અથવા બીજો, અથવા બીજો સમન થયા પછી માજુસ્ટ્રેટ મંજૂર કરે તેવાં યોગ્ય કારણ વગર પોતાની જાતે હાજર થવાની અને તે હાકનારને હાજર કરવાની ગફલત કરશે, અથવા ના ફેરેશે તો ધણીની, તથા હાકનારની ગેર હાજરીમાં, અથવા તે બેમાંથી એકની ગેર હાજરીમાં ફરિયાદની ઓકસી કરીને નિકાલ કરવાને, અને તે ગુન્હા ખાત દંડનો પેચ આપ્યો હોય તે દંડ તે ધણીની ઉપર ફરમાવવાને માજુસ્ટ્રેટ સુખત્યાર છે.

બીજા સમને ગફલત કરે તો માજુસ્ટ્રેટ કામ ચલાવવું.

પાલખીઓ

૨૧. પોલીસ કચેરીમાં યોગ્ય રીતે નોંધાવાવગર કોઈ પાલખીએ સદહૂરો રોહરો અથવા થાંભાં માંહેનાં કોઈ રોહરમાં, અથવા થાંભાંમાં ભાડેસાથે ફરવું નહીં. પાલખીને આપેલો નંબર, અને ધણીનું નામ, તથા રહેવાનું ઠેકાણું નોંધમાં લખવું. નોંધ એક વંચસ લગી ચાલશે; અને તેટલામાં ધણી બદલાય તો તે વાત નોંધમાં દાખલ કરવી. નોંધાવવા ખાત એક રૂપિયો “ફી” આપવી. સદહૂર પ્રકારની સઘળી પાલખીના ધણીએ તેનો જે ભાગ લોકોની નજરે સેફ્ટ પડતો હોય તે ભાગ ઉપર નોંધનો નંબર રંગવતે કલકતવો. જે પાલખી યોગ્ય રીતે નોંધાવાવગર, અથવા ફેરેશે નંબર તે ઉપર કાઢાડ્યા વગર ભાડે ફરશે તેનો ધણી ધીસ રૂપિયા સુધી દંડને પાત્ર થશે.

પાલખી નોંધવાની ના ફેરે-વાને પોલીસ કમિશનર સુખ-ત્યાર છે.

૨૨. પાલખી ન કામી થઈ ગઈ છે, અથવા લોકોને બેસવાને, અથવા વાપરવાને લાયક નથી એવું પોલીસ કમિશનરની નજરમાં આવશે ત્યારે તે પાલખી નોંધવાની ના ફેરેવાને, અથવા તે નોંધી હોય તો તેની નોંધણી રદ કરવાને તે સુખત્યાર છે.

પાલખીનું ભાડું.

૨૩. આ આફરની ૨૧ મી કલમ પ્રમાણે નોંધેલી પાલખીઓનાં ભાડાંના દર, ગાડીઓનાં ભાડાંના દર જે રીતે, અને જેવી મંજૂરી લઈને ફરમાવવા બેઠકે તે રીતે અને તેવીજ મંજૂરી લઈને ફરમાવવા.

કલકત્તા, મુંબઈ, અને રેલ્વે સેફ્ટમેંટનાં બંદોબસ્તમાં ઉતાર-આવેસાથે ફરતી હોય તે બીજો નોંધવી.

૨૪. પોલીસ કચેરીમાં યોગ્ય રીતે નોંધાવાવગર કોઈ બોટે ઉતાર લોકોને સાથે કલકત્તાનાં, અથવા મુંબઈનાં બંદરમાં, અથવા સદહૂર સેફ્ટમેંટ માંહેનાં કોઈ બંદરમાં ફરવું નહીં. નોંધમાં હેઠળ લખેલી વિગત દાખલ કરવી.

ધેલી. — બોટનો નંબર.

ખીજી. — ધણીનું તથા માંજીનું નામ, તથા રહેવાનું ઠેકાણું.

વિજી. — ખલાસીઓની સંખ્યા.

ઓથી. — બોટમાં જેટલાં માંજીસો લઈ જવાની પરવાનગી હોય તેની સંખ્યા.

સદ્દે પ્રકારની નોંધ એક વરસ સુધી અંમલમાં રહેશે; અને તેટલાંમાં ધણી, અથવા માંજી બદલાય તો તે વાત નોંધમાં દાખલ કરવી. નોંધણી બાબત એક રૂપિયો “ફી” આપવી.

નોંધવા બાબત.

સદ્દે પ્રમાણે નોંધેલી દર એક બોટના ધણીએ અથવા માંજીએ નોંધણીનો નંબર, તથા ખલાસીઓની સંખ્યા, તથા જેટલાં ઉતાઈ લઈ જવાની પરવાનગી હોય તેની સંખ્યા, બોટનો જે ભાગ લોકોની નજરે સેહેજ પડે તે ભાગ ઉપર રંગથી લખાવવી.

ધણીનું અથવા માંજીનું નામ, તથા સંખ્યા વગેરે બોટઉપર રંગવડે લખાવવા બાબત.

જે બોટ યોગ્ય રીતે નોંધાયા વગર ઉતાઈ લઈ જવા સાફ કરશે; અથવા નોંધણીમાં લખ્યાં હોય તે કર્તા વતી ઉતાઈ. અથવા ઓછા ખલાસીઓ જે બોટ ઉપર દરો, અથવા કહેલી વિગત જે બોટ ઉપર રંગવડે લખેલી નહીં દરો તેનો ધણી, અથવા માંજી પંચાસ રૂપિયા સુધી દંડને પાત્ર થશે.

સજા બાબત.

૨૫. આ આક્ટ પ્રમાણે નોંધેલી બોટને જોખમ લાગે, તેણે કરીને ખલાસીઓમાંથી, અથવા ઉતાઈઓમાંથી કોઈનો જીવ જાય ત્યારે માંજીએ, અથવા માંજી જડતો નહીં હોય તો બોટના ધણીએ સઘળી હકિગત પોલીસ કચેરીમાં જાહેર કરવી. અને માંજી, અથવા ધણી કાયદાસર કારણવગર હકિગત જાહેર કરવાની ગફલત કરશે, અથવા વાર લગાડશે તો તે પંચાસ રૂપિયાસુધી દંડને પાત્ર થશે.

નોંધેલી બોટને કંઈ જોખમ લાગ્યાથી માંજીસો મરે ત્યારે તે વાત જાહેર કરવાની ગફલત કરશે, અથવા વાર લગાડશે તો શિક્ષા થશે.

૨૬. બોટ મજબૂત નથી એવું પોલીસ કમિશનરની નજરમાં આવે ત્યારે તે બોટ નોંધવાની ના કહેવાને, અથવા તે નોંધી હોય તો તેની નોંધણી રદ કરવાને તે મુખત્યાર છે.

જે બોટ મજબૂત નહીં હોય તે નોંધવાની ના કહેવાને કમિશનર મુખત્યાર છે.

૨૭. આ આક્ટની ૨૮ મી કલમ પ્રમાણે નોંધેલી અને સદ્દે બંદરોમાંનાં હરકોઈ બંદરમાં ઉતાઈઓને સાફ કરનારી બોટોનાં ભાડાંના દર, જે રોહોનું અથવા થાંણુંનું તે બંદર હોય તે રોહોની, અથવા થાંણુંની ગાડીનાં ભાડાંના દર જે રીતે, અને જેવી મંજૂરી લઈને હાલે છે તે રીતે અને તેવી મંજૂરી લઈને હાલવા.

બોટનું ભાડું.

૨૮. આ આક્ટ પ્રમાણે નોંધેલી બોટનું, અથવા પાલખીનું ભાડું આપવું હોય તે બાબત તકરાર પડે ત્યારે તેનો નિકાલ માજીસ્ટ્રેટ કરવો; અને તે તકરારને ૨૦ મી કલમના હુકમ લાગૂ છે એવું સમજવું.

બોટનાં તથા પાલખીનાં ભાડાં બાબત તકરાર પડે તેનો નિકાલ માજીસ્ટ્રેટ કરવો.

૨૯ આ આક્ટ વિરુદ્ધ કરેલા સઘળા યુક્તિની ચોકસી કરીને પોલીસ માજીસ્ટ્રેટ તેઓનો નિકાલ કરવો; દંડ તથા યુક્તિગારી હાલવા બાબત, તથા તે જખમીથી વસૂલ કરવા બાબત સન ૧૮૫૬ ના ૧૩ મા આક્ટના હુકમ છે, તે, આ આક્ટ પ્રમાણે હાલેલા દંડને, તથા યુક્તિગારીને, અને નાણાંની રકમો આ આક્ટ પ્રમાણે દંડની મીસાલે વસૂલ કરવાનું હાથું હોય તેને લાગૂ છે એવું સમજવું.

દંડ હાલવા બાબત.

૩૦. આ આક્ટમાં જે શબ્દો તથા વાક્યો હેઠળ લખ્યાં છે તેઓનો અર્થ હેઠળ લખ્યા પ્રમાણે સમજવો; પણ તેવા અર્થને વિષય ઉપરથી, અથવા અન્ય ઉપરથી બાધ આવતો હોય તો તેનો અર્થ ગમતો નહીં.

અર્થ.

“માજીસ્ટ્રેટ.”

આ આજ્ઞામાં “માજીસ્ટ્રેટ” આ શબ્દ લખ્યો છે તેનો અર્થ, માજીસ્ટ્રેટ ચોકસી કરતી જોઈએ એવું કંઈ કામ જે રોહિરમાં, અથવા થાણાંમાં જાગે તે રોહિરમાં, અથવા થાણાંમાં કામ ચલાવવા સાથે સન ૧૮૫૧ ના ૧૩ માં આજ્ઞા પ્રમાણે પોલીસ માજીસ્ટ્રેટ નેમ્મો હોય અને કામ ચલાવતો હોય તે પોલીસ માજીસ્ટ્રેટ સમજવો.

“પોલીસ કમિશનર.”

“પોલીસ કમિશનર” આ શબ્દનો અર્થ સદહૂ પ્રમાણે નેમ્મો હોય અને કામ ચલાવતો હોય તે પોલીસ કમિશનર સમજવો.

“વચન.”

એક વચનની શબ્દોમાં અનેક વચનનો સમાસ થાય છે. અને અનેક વચનની શબ્દોમાં એક વચનનો સમાસ થાય છે એવું સમજવું.

“લિંગ.”

પુલ્લિંગી શબ્દોમાં સ્ત્રિઓનો સમાસ થાય છે એવું સમજવું.

“રોહિર.”

“રોહિર” આ શબ્દમાં કલકત્તા, મદ્રાસ, અને મુંબઈ અહિયાંની બાદશાહી મુખીમ કોર્ટની સ્થલસીમ માંહેની સધળી જગાનો સમાસ થાય છે એવું સમજવું.

“થાણું.”

“થાણું” આ શબ્દનો અર્થ પ્રિન્સ આફ વેલ્સ ઐલંડ, સિંકાપૂર, અને મલાકામાંહેનું હરકોઈ થાણું સમજવું.

(True translation)

VENAYEK WASSOODEW,

Oriental Translator to Government.

ACT No. XXII. of 1859.—Murathee.

सन १८५९ चा आक्ट २२ वा.

इंडियाचे लेजिस्लेटिव कौन्सिलाने ठरविला तो, गवरनर जनरल यांगी सन १८५९ चे सप्टेंबर महिन्याचे ३ रे तारिखेस मंजूर केला.

“मुंबई इलाक्यांत जकाती वावतचे कायदे एके ठिकाणीं करण्याकरितां, व सुधारण्या करितां” सन १८५९ चा १ ला आक्ट आहे तो सुधारण्या विषयीं आक्ट.

“मुंबई इलाक्यांत जकाती वावतचे कायदे एके ठिकाणीं करण्या करितां, व सुधारण्या करितां” सन १८५९ चा १ ला आक्ट आहे तो सुधारणे योग्य आहे, यास्तव खाली लिहिल्या प्रमाणे ठरविलें आहे:—

उद्देश.

१. सन १८५२ चे १ ले आक्टाचें २० वें कलम; आणि मुंबई प्रेसिडेन्सीचे कोणतेही बंदरांत जलमार्गाने मीठ येईल त्यावर जकात घेण्याचे दर सदरहू आक्टास जोडलेले १ ले यादीचे तितके भागांत ठरविले आहेत तितका भाग रद्द केला आहे.

सन १८५२ चे १ ले आक्टाचा भाग रद्द केला तो.

२. मुंबई प्रेसिडेन्सीचे कोणतेही बंदरांत जलमार्गाने मीठ येईल त्यावर जकात बसवून ध्यावयाची त्या जकातीशी संबंध, सदरहू आक्टाचे हल्लीं अमलांत असणारे जा ठरावाशी आहे त्या सर्व ठरावांच्या संबंध, या आक्टास जोडलेले परिशिष्टांत सांगितलेले जकातीशी आहे असें समजावें.

जलमार्गाने आणलेले मिठावर जकात.

३. हिंदुस्थानांतले इंग्रज सरकाराचे मुलुकांतल कोणतेही बंदरांतून अर्कांशित दारू रवाना होऊन मुंबई सरकाराचे ताब्यांतल कोणतेही बंदरांत येईल तर तिची जकात घेणे ती, सन १८५२ चे ३ रे आक्टा अन्वये, किंवा मुंबई प्रेसिडेन्सींत गाळलेले अर्कांशित दारू वावद पुढें कोणताही आक्ट होईल त्या आक्टा अन्वये मुंबईचे गवरनर इन् कौन्सिल वेळोवेळीं जो दर ठरवितील त्या दरा प्रमाणे घेण्यांत येईल; परंतु असें ठरविलें आहे कीं सदरहू दारू बरोबर योग्य अधिकाऱ्याचे सहीच्या खाली लिहिल्या प्रमाणे दस्तऐवज असेल म्हणजे, हिंदुस्थानांतल इंग्रजी मुलुकांत सदरहू दारूबद्दल जकात, किंवा इतर ‘ड्यूटी’ दिली आहे असा दाखला असेल तर जा बंदरांत दारू येईल त्या बंदरांत जकातीचा हिशेब करताना सदरहू प्रमाणे दिलेली रकम मजुरां यावी; आणि अल्ले दारूबद्दल जकातीचा ऐवज ध्यावयाच्या त्याचे इतकी, किंवा त्याहून अधिक सदरहू प्रमाणे दिलेली रकम असेल तर जा दारूबद्दल सदरहू प्रमाणे जकात दिली असेल ती दारू जकात माफीने जाऊ यावी.

हिंदुस्थानांतल कोणतेही बंदरांतून वाहेर रवाना केलेली अर्कांशित दारू मुंबईचे कोणतेही बंदरांत येईल तिजवर जकात घेणे ती.

४. हा आक्ट सन १८५२ चे सदरहू १ ले आक्टाचा भाग आहे असें समजून याचा अर्थ करावा; आणि सन १८५२ चे १ ले आक्टा नंतर कोणताही आक्ट झाला असेल, व तो सदरहू आक्टास लागू असेल, व तो आक्ट या आक्टावरून फिरविला असेल तर तो तसा फिरविलेला आक्ट, सदरहू आक्टास लागू आहे असें समजावें. आणि सन १८५२ चे १ ले आक्टाचे २० वे कलमास जो आक्ट लागू असेल तो आक्ट, हा आक्ट ठरल्या नंतर जीं प्रकरणे उरून होतील त्याविषयी खाली लिहिल्या प्रमाणे चालेल म्हणजे, तो आक्ट या आक्टाचे ३ रे कलमास लागू असता तर जसा चालता तसा चालेल असें समजावें.

आक्टाचा अर्थ.

परिशिष्ट.

इंडिया सरकाराचे ताब्यांत नसणारे कोणतेही बंदराहून किंवा जागेहून, किंवा आदनाहून, किंवा मलाकाचे सामुद्रधुनींतल कोणतेही बंदराहून, किंवा जागेहून मीठ जलमार्गाने मुंबई प्रेसिडेन्सींतल कोणतेही बंदरांत येईल त्यावर घेण्याचे जकातीचा दर.

मिठा बरोबर ‘पास’ नसेल त्यावर दर बंगाली मणास १ एक रुपया.

(True translation)

VENAYEK WASSOODEW,

Oriental Translator to Government.

ACT No. XXII. of 1859.—Guzerathee.

સન ૧૮૫૯ નો આક્ટ ૨૨ નો.

ઇન્ડિયાની લેજિસ્લેટિવ કૌન્સિલે ઠરાવ્યો તે, ગવર્નર જનરલે સન ૧૮૫૯ ના સેપ્ટેમ્બર મહિનાની ૩ જી તારિખે મંજૂર કર્યો.

“મુંબઈ ફલાકામાં જકાત વાવતના કાયદા એકઠા કરવા સારૂ તથા સુધારવા સારૂ” સન ૧૮૫૨ નો ૧ લો આક્ટ છે તે સુધારવા વાવતનો આક્ટ.

ઉદ્દેશ.

“મુંબઈ ફલાકામાં જકાત વાવતના કાયદા એકઠા કરવાસારૂ તથા સુધારવાસારૂ” સન ૧૮૫૨ નો ૧ લો આક્ટ છે તે સુધારવો યોગ્ય છે, વાસ્તે હેઠઠ લખ્યા પ્રમાણે ઠરાવ્યું છે :—

સન ૧૮૫૨ ના ૧ લા આક્ટનો ભાગ રદ કર્યો તે.

૧. સન ૧૮૫૨ ના ૧ લા આક્ટની ૨૦ મી કલમ; અને મુંબઈ પ્રેસિડેન્સીનાં હરકોઈ વંદરમાં જલ્લમાં મીઠું આવે તે ઉપર જકાત લેવાનો દર તે આક્ટને જોડેલી ૧ લી યાદીના જેટલા ભાગમાં ઠરાવ્યો છે તેટલો ભાગ રદ કર્યો છે.

જલ્લમાં મીઠું આવે તે ઉપર જકાત.

૨. સદરૂ આક્ટના જે ઠરાવ હાલ અંમલમાં છે તે સવજા ઠરાવોનો મુંબઈ પ્રેસિડેન્સીનાં કોઈ વંદરમાં જલ્લમાં મીઠું આવે તે ઉપર જકાત ઠરાવોને લે છે તે જકાત સાથે સંબંધ છે, તે સવજા ઠરાવોનો, આ આક્ટને જોડેલાં પરિશિષ્ટમાં કહેલી જકાત સાથે સંબંધ છે એવું સમજવું.

હિંદુસ્થાન માહેનાં કોઈ વંદરથી વાહાર રવાના કરેલો દારૂ મુંબઈના કોઈ વંદરમાં આવે તે ઉપર જકાત લેવા વાવત.

૩. હિંદુસ્થાન માહેના અંગ્રેજી મુલકનાં કોઈ વંદરથી અકાશિત દારૂ રવાને થઈને મુંબઈ સરકારના તાવામાહેનાં કોઈ વંદરમાં આવે તો તેની જકાત, સન ૧૮૫૨ ના ૩ જા આક્ટ પ્રમાણે, અથવા મુંબઈ પ્રેસિડેન્સીમાં ગાઢેલા અકાશિત દારૂવાવત હવેપછી કોઈ આક્ટ થાય તે આક્ટ પ્રમાણે મુંબઈના ગવર્નર ઇન્ કૌન્સિલ વચ્ચે વચ્ચે જે દર ઠરાવે તે દર પ્રમાણે લેવી. પણ એવું ઠરાવ્યું છે કે તે દારૂની સાથે યોગ્ય અધિકારીની સહીનો દસ્તાવેજ હોય કે હિંદુસ્થાન માહેના અંગ્રેજી મુલકમાં તે દારૂની જકાત, અથવા વીજી ‘હ્યુટી’ આપી છે તો જે વંદરમાં દારૂ આવે તે વંદરમાં જકાત ચૂકવી લેતી વચ્ચે સદરૂ પ્રમાણે ભરેલી રકમ મજરે આપવી. અને તે ભરેલી રકમ તે આવેલા દારૂની જકાત લેવી હોય તેટલી હોય, અથવા તે કરતી વતી હોય તો જે દારૂની જકાત ભરી હોય તે દારૂ માફીમાં જવા દેવો.

આક્ટનો અર્થ.

૪. આ આક્ટ સન ૧૮૫૨ ના ૧ લા આક્ટનો ભાગ છે એવું સમજીને એનો અર્થ કરવો; અને સન ૧૮૫૨ નો ૧ લો આક્ટ ઠગ્યાપછી વીજી કોઈ આક્ટ થયો હોય અને તે તે આક્ટને લાગૂ હોય, અને તે આક્ટ ઓ આક્ટ ઉપરથી ફેરવ્યો હોય તો તે ફેરવેલો આક્ટ સદરૂ આક્ટને લાગૂ છે એવું સમજવું. અને સન ૧૮૫૨ ના ૧ લા આક્ટની ૨૦ મી કલમને જે આક્ટ લાગૂ હોય તે આક્ટ, આ આક્ટની ૩ જી કલમને લાગૂ હોય તો જે પ્રમાણે ચાલતે તેજ પ્રમાણે આ આક્ટ ઠગ્યાપછી જે વાતો વને તે વાવત ચાલશે એવું સમજવું.

પરિશિષ્ટ.

ઈન્ડિયા સરકારના તાવા વાહારનાં કોઈ વંદરથી, અથવા જગાંથી, અથવા આદનથી, અથવા મલાંકાની સામુદ્રધુનીમાંહેનાં કોઈ વંદરથી, અથવા જગાંથી જલ્લમાં મુંબઈ પ્રેસિડેન્સીમાંહેનાં કોઈ વંદરમાં મીઠું આવે તે ઉપર જકાત લેવાનો દર.
મીઠાનીસાથે ‘પાસ’ નહીં હોય તે ઉપર દર વંગાલી મળે ૧ રૂપિયો.

(True translation)

VENAYEK WASSOODEW,
Oriental Translator to Government.

ACT No. XXIII. of 1859.—Murathee.

सन १८५९ चा आक्ट २३ वा.

इंडियाचे लेजिस्लेटिव कौन्सिलाने ठरविला तो, गवरनर जनरल याणी
सन १८५९ चे सप्टेंबर महिन्याचे ३ रे तारिखेस मंजूर केला.

कांहीं परराज्यांतले मुलकांतून खुष्कीने माल मद्रास, किंवा मुंबई प्रेसिडेन्सींत
जाईल येईल त्यावर घेण्याचे जकातीचे दरांत फेरफार करण्या विषयीं आक्ट.

मद्रास प्रेसिडेन्सींतून, किंवा मुंबई प्रेसिडेन्सींतून माल हिंदुस्थानाचे समुद्र किनाऱ्या वरील
परराज्यांचे संस्थानांत जाईल येईल त्यावरील खुष्कीचे जकातीचे दर खाली लिहिलेले दरा प्रमाणे
ठरविणे योग्य आहे म्हणजे, सन १८५९ चे ७ वे आक्टास जोडलेले अ. आणि व.
परिशिष्टांत जलमार्गांचे जकातीचे दर ठरविले आहेत त्यांच दरांप्रमाणे ठरविणे योग्य आहे यास्तव,
खाली लिहिल्याप्रमाणे ठरविले आहे.

उद्देश.

१. “मद्रास प्रेसिडेन्सींतून माल जाईल येईल त्यावरील जकातींत फेरफार करण्याविषयीं”
सन १८४४ चा ६ वा आक्ट आहे त्याचें ६ वें कलम; आणि “मुंबई प्रेसिडेन्सीचे कितीएक सर
हद्दींवर खुष्कीची जकात वसूल करण्याबाबत हल्लीं पेक्षा चांगला बंदोबस्त करण्याविषयीं”
सन १८५७ चा २९ वा आक्ट आहे. त्याचें २ रे कलम या आक्टावरून रद्द केलें आहे; परंतु
सदहू कलम मिठास, किंवा आफ्रिगीस जितकी लागू आहेत तितकी रद्द केली नाहींत. आणि हा
आक्ट ठरला नसता तर मिठावर, व आफ्रिगीवर जा दरांप्रमाणे जकात पडती तशी जकात पडेल,
व ‘पास’ नसतां जशी मनाई होती त्या प्रमाणे मनाई होईल.

कायदे रद्द केले ते.

अपवाद.

२. मद्रास प्रेसिडेन्सीचे हद्दींतील समुद्र किनाऱ्यावरील परराज्यांचे संस्थानांतून माल खुष्कीने
जाईल येईल त्यावर जकात घेणे ती “जलमार्गांने माल जाईल येईल त्यावरील जकातींत फेरफार
करण्याविषयीं” सन १८५९ चे ७ वे आक्टाचे अ. आणि व. परिशिष्टांत सांगितलेले दरांप्रमाणे
ध्यावी. आणि सन १८४४ चे ६ वे आक्टाचे ६ वे कलमांत लिहिलेले जकातीचे दरासंबंधी
त्याच आक्टाचे ठराव हल्लीं अमलांत आहेत ते सर्व ठराव सन १८५९ चे सदहू ७ वे आक्टाचे
अ. आणि व. परिशिष्टांत सांगितलेले जकातीचे दरांस खाली लिहिल्या प्रमाणे लागू आहेत
असें समजावें; म्हणजे सदहू परिशिष्टांत सांगितलेले दर त्या कलमांत मुद्दाम लिहिले असते
तर जसे लागू होते तसे लागू आहेत असें समजावें.

मद्रास प्रेसिडेन्सीचे
हद्दींतील परराज्यांचे
संस्थानांतून माल खुष्की-
ने जाईल येईल त्यावर
जकात घेतील.

३. मुंबई प्रेसिडेन्सीचे हद्दींतील समुद्र किनाऱ्यावरील परराज्यांचे संस्थानांतून माल खुष्कीने
जाईल येईल त्यावर जकात घेणे ती, सन १८५९ चे ७ वे आक्टाचे अ. आणि व. परिशिष्टांत
सांगितलेले दरांप्रमाणे ध्यावी. आणि सन १८५७ चे २९ वे आक्टाचे २ रे कलमांत लिहिलेले
जकातीचे दरासंबंधी त्याच आक्टाचे ठराव हल्लीं अमलांत आहेत ते सर्व ठराव सन १८५९ चे
सदहू ७ वे आक्टाचे अ. आणि व. परिशिष्टांत सांगितलेले जकातीचे दरांस खाली लिहिल्याप्रमाणे
लागू आहेत असें समजावें; म्हणजे सदहू परिशिष्टांत सांगितलेले दर त्या कलमांत मुद्दाम लिहिले
असते तर जसे लागू होते तसे लागू आहेत असें समजावें.

मुंबई प्रेसिडेन्सीचे
हद्दींतील परराज्यांचे
संस्थानांतून माल खुष्कीने
जाईल येईल त्यावर
जकात घेणे ती.

(True translation)

VENAYEK WASSOODEW,
Oriental Translator to Government.

ACT No. XXIII. of 1859.—Guzerathee.

સન ૧૮૫૯ નો આક્ટ ૨૩ મો.

ઇન્ડિયાની લેજિસ્લેટિવ કૌન્સિલે ઠરાવ્યો તે, ગવરનર જનરલે સન ૧૮૫૯ ના સેપ્ટેમ્બર મહિનાની ૩ જી તારિખે મંજૂર કર્યો.

કેટલાં એક પરરાજનાં મુલકમાંથી ખુશ્કીને રસ્તે મદ્રાસ, અથવા મુંબઈ પ્રેસિડેન્સીમાં મારા આવે જાય તેની જકાતના દરમાં ફેરફાર કરવા વાવતનો આક્ટ.

ઉદ્દેશ.

મદ્રાસ અથવા મુંબઈ પ્રેસિડેન્સીમાંથી હિંદુસ્થાનના સમુદ્ર કિનારાઉપરનાં પરરાજ્યનાં સંસ્થાનમાં મારા આવે જાય તેઉપર ખુશ્કીની જકાત, સન ૧૮૫૯ ના ૭ મા આક્ટને જોડેલાં અ. અને વ. નિશાળીનાં પરિશિષ્ટમાં તરીની જકાતના દર ઠરાવ્યા છે તેજ દર પ્રમાણે ઠરાવવી યોગ્ય છે, વાસ્તે હેઠલ લખ્યાપ્રમાણે ઠરાવ્યું છે.

કાયદા રદ કર્યા તે.

૨. “મદ્રાસ પ્રેસિડેન્સીમાંથી મારા આવશે જશે તેની જકાતમાં ફેરફાર કરવાવાવત” સન ૧૮૪૪ નો ૬ થો આક્ટ છે તેની ૬ થી કલમ ; અને “મુંબઈ પ્રેસિડેન્સીની કેટલીએક સરહદ ઉપર ખુશ્કીની જકાત વસૂલ કરવાસારૂ હાલના કર્તા સારો વંદોવસ્ત કરવાવાવત” સન ૧૮૫૭ નો ૨૯ મો આક્ટ છે તેની ૨ જી કલમ આ આક્ટ ઉપરથી રદ કરી છે ; પણ એ કલમો જેટલી મીઠાને, અથવા અફીણને લાગૂ હોય તેટલી રદ કરી નથી. અને આ આક્ટ ઠન્યો નહીં હોત તો મીઠાની, તથા અફીણની જે દર પ્રમાણે જકાત વેસતે તેજ દરપ્રમાણે જકાત વેસશે ; અને ‘પાસ’ વગર મના થાય છે તેજ પ્રમાણે મના થશે.

મદ્રાસ પ્રેસિડેન્સીની હદ માંહેનાં પરરાજ્યનાં સંસ્થાનમાંથી ખુશ્કીને રસ્તે મારા આવશે જશે તે ઉપર જકાત લેવાવાવત.

૨. મદ્રાસ પ્રેસિડેન્સીની હદ માંહેના સમુદ્ર કિનારા ઉપરનાં પરરાજ્યનાં સંસ્થાનમાંથી ખુશ્કીને રસ્તે મારા આવશે જશે તેની જકાત, “જલ્મમાં મારા જાય આવે તેની જકાતમાં ફેરફાર કરવા વાવત” સન ૧૮૫૯ નો ૭ મો આક્ટ છે તેને જોડેલાં અ. અને વ. નિશાળીનાં પરિશિષ્ટમાં કહેલા દર પ્રમાણે લેવી. અને સન ૧૮૪૪ ના ૬ થા આક્ટની ૬ થી કલમમાં લખેલી જકાતના દર વાવત તેજ આવટના જે ઠરાવ હાલ અંમલમાં છે તે સઘઘા ઠરાવ, સન ૧૮૫૯ ના ૭ મા આક્ટનાં અ. અને વ. નિશાળીનાં પરિશિષ્ટમાં કહેલી જકાતના દર તે કલમમાં યસૂસ કરીને લખ્યા હોત તો જે પ્રમાણે લાગૂ થતે તેજ પ્રમાણે સદહૂં પરિશિષ્ટોમાં કહેલા દરને લાગૂ છે એવું સમજવું.

મુંબઈ પ્રેસિડેન્સીની હદ માંહેનાં પરરાજ્યનાં સંસ્થાનમાંથી ખુશ્કીને રસ્તે મારા આવશે જશે તે ઉપર જકાત લેવા વાવત.

૩. મુંબઈ પ્રેસિડેન્સીની હદ માંહેના સમુદ્ર કિનારા ઉપરનાં પરરાજ્યનાં સંસ્થાનમાંથી ખુશ્કીને રસ્તે મારા આવશે જશે તેની જકાત, સન ૧૮૫૯ ના ૭ મા આક્ટનાં અ. અને વ. નિશાળીનાં પરિશિષ્ટમાં કહેલા દર પ્રમાણે લેવી ; અને સન ૧૮૫૭ ના ૨૯ મા આક્ટની ૨ જી કલમમાં લખેલી જકાતના દર વાવત તેજ આવટના જે ઠરાવ હાલ અંમલમાં છે તે સઘઘા ઠરાવ, સન ૧૮૫૯ ના ૭ મા આક્ટના અ. અને વ. નિશાળીનાં પરિશિષ્ટમાં કહેલી જકાતના દર તે કલમમાં યસૂસ કરીને લખ્યા હોત તો જે પ્રમાણે લાગૂ થતે તેજ પ્રમાણે સદહૂં પરિશિષ્ટોમાં કહેલા દરને લાગૂ છે એવું સમજવું.

(True translation)

VENAYEK WASSOODEV,
Oriental Translator to Government.