



SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE,

CONTAINING

ACTS FINALLY PASSED.

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Separate Paging is given to these Supplements, in continuation from one to the other, that the Acts may be collected into a separate Compilation. Republications of Acts have rider folios (thus 91a, 91b), so that the Copies may, if desired, be detached.

ACT PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th January 1867, and is hereby promulgated for general information :—

Act No. II. of 1867.

An Act to make further provision for the removal of Prisoners.

WHEREAS it is expedient to authorize the Local Government to remove any prisoner sentenced by a Court established by Royal Charter from the Jail in which such prisoner is confined to any other Jail, or, in the case of a prisoner of unsound mind, to a Lunatic Asylum, within the territories subject to the same Local Government: And whereas it is also expedient to authorize the Governor General of India in Council to remove any prisoner sentenced by any Court from the Jail in which such prisoner is confined to any other Jail within British India; It is hereby enacted as follows :—

1. When any person shall be, or shall have been, sentenced to imprisonment by a Court established by Royal Charter, it shall be lawful for the Local Government may order removal of prisoners sentenced by High Court from one Jail to another in the territories subject to the same Government.

ment to order the removal of such person, during the period prescribed for his or her imprisonment, from the Jail or place in which he or she is confined, to any other Jail or place of imprisonment within the territories subject to the same Local Government.

2. Whenever it shall appear to the Local Government that any person imprisoned by the sentence of a Court established by Royal Charter, is of unsound mind, such

Government, by a warrant which shall set forth the grounds of belief that such prisoner is of unsound mind, may order his or her removal to a Lunatic Asylum, or other fit place of safe custody, within the territories subject to the same Government, there to be kept and treated as the Local Government shall direct during the remainder of the term of imprisonment ordered by the sentence; or if it shall be certified by a Medical Officer that it is necessary for the safety of the prisoner or others that he or she should be detained under medical care or treatment, then until he or she shall be discharged according to law; and when it shall appear to the same Government that such prisoner has become of sound mind, the Local Government, by a warrant directed to the person having charge of the prisoner, shall remand

him or her to the prison from which he or she was removed, if then still liable to be kept in custody, or if not, shall order him or her to be discharged. The provisions of Section 9 of Act XXXVI. of 1858 (relating to Lunatic Asylums) shall apply to every person confined in a Lunatic Asylum under this Section, after the expiration of the term of imprisonment to which he or she shall have been sentenced; and the time during which he or she shall have been so confined shall be reckoned as part of such term.

3. When any person shall be, or shall have been, sentenced to imprisonment by any Court, it shall be lawful for the Governor General of India in Council to order the removal of such person, during the period prescribed for his or her imprisonment, from the Jail or place in which he or she is confined to any other Jail or place of imprisonment in the territories which are or may become vested in Her Majesty or Her successors by the Statute 21 & 22 Vic. cap. 106 (*An Act for the better Government of India*).

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th January 1867, and is hereby promulgated for general information:—

Act No. III. of 1867.

An Act to provide for the punishment of public Gambling and the keeping of common Gaming-houses in the North-Western Provinces of the Presidency of Fort William, and in the Punjab, Oudh, the Central Provinces, and British Burmah.

WHEREAS it is expedient to make provision for the punishment of public gambling and the keeping of common gaming-houses in the territories respectively subject to the Governments of the Lieutenant Governor of the North-Western Provinces of the Presidency of Fort William, of the Lieutenant Governor of the Punjab, and to the administrations of the Chief Commissioner of Oudh, of the Chief Commissioner of the Central Provinces, and of the Chief Commissioner of British Burmah; It is hereby enacted as follows:—

1. In this Act—"Lieutenant Governor" means the Lieutenant Governor of the said North-Western Provinces, or the Punjab, as the case may be:

"Chief Commissioner" means the Chief Commissioner of Oudh, the Central Provinces, or British Burmah, as the case may be:

"Common gaming-house" means any house, walled enclosure, room, or place in which cards, dice,

tables, or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such house, enclosure, room or place, whether by way of charge for the

use of the instruments of gaming, or of the house, enclosure, room or place, or otherwise howsoever:

Words in the singular include the plural and Number. *vice versa*, and

Words denoting the masculine gender include females. Gender.

2. Sections 13, 17, and 18 of this Act shall extend to the whole of the said territories; and it

shall be competent to the Lieutenant Governor or the Chief Commissioner, as the case may be, whenever he may think fit, to extend, by a notification to be published in three successive numbers of the official *Gazette*, all or any of the remaining Sections of this Act to any city, town, suburb, railway station-house, and place being not more than three miles distant from any part of such station-house, within the territories subject to his government or administration, and in such notification to define, for the purposes of this Act, the limits of such city, town, suburb, or station-house, and from time to time to alter the limits so defined. From the date of any such extension, so much of any rule having the force of law, which shall be in operation in the territories to which such extension shall have been made, as shall be inconsistent with or repugnant to any Section so extended shall cease to have effect in such territories.

3. Whoever, being the owner or occupier, or having the use, of any house, walled enclosure, room, or place situate within the limits to which this Act applies, opens, keeps, or uses the same as a common gaming-house; and whoever, being the owner or occupier of any such house, walled enclosure, room, or place as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used or kept by any other person as a common gaming-house; and whoever has the care or management of, or in any manner assists in conducting, the business of any house, walled enclosure, room, or place as aforesaid, opened, occupied, used or kept for the purpose aforesaid; and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, walled enclosure, room, or place, shall be liable to a fine not exceeding two hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding three months.

4. Whoever is found in any such house, walled enclosure, room, or place, playing or gaming with cards, dice, counters, money, or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise, shall be liable to a fine not exceeding one hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

5. If the Magistrate of a district, or other officer invested with the full powers of a Magistrate, or the District Superintendent of Police, upon credible information, and

after such inquiry as he may think necessary, has reason to believe that any house, walled enclosure, room, or place is used as a common gaming-house he may either himself enter, or by his warrant, authorize any Officer of Police, not below such rank as the Lieutenant Governor or Chief Commissioner shall appoint in this behalf, to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, walled enclosure, room, or place, and may either himself take into custody, or authorize such Officer to take into custody, all persons whom he or such officer finds therein, whether or not then actually gaming, and may seize or authorize such officer to seize all instruments of gaming, and all moneys and securities for money, and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein, and may search or authorize such officer to search all parts of the house, walled enclosure, room, or place which he or such officer shall have so entered, when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody; and may seize or authorize such officer to seize and take possession of all instruments of gaming found upon such search.

6. When any cards, dice, gaming-tables, cloths, boards, or other instruments of gaming are found in any house, walled enclosure, room, or place entered or searched under the provisions of the last preceding Section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, walled enclosure, room, or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or Police Officer, or any of his assistants.

7. If any person found in any common gaming-house entered by any Magistrate or Officer of Police under the provisions of this Act, upon being arrested by any such officer, or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may, upon conviction before the same or any other Magistrate, be adjudged to pay any penalty not exceeding five hundred rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance, if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

8. On conviction of any person for keeping or using any such common gaming-house, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money and other articles seized, not being instruments of

gaming, to be sold and converted into money, and the proceeds thereof, with all moneys seized therein, to be forfeited, or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

9. It shall not be necessary in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

10. It shall be lawful for the Magistrate before whom any persons shall be brought who have been found in any house, walled enclosure, room, or place entered under the provisions of this Act, to require any such persons to be examined on oath or solemn affirmation, and give evidence touching any unlawful gaming in such house, walled enclosure, room, or place, or touching any act done for the purpose of preventing, obstructing, or delaying the entry into such house, walled enclosure, room, or place, or any part thereof, of any Magistrate or officer authorized as aforesaid. No person so required to be examined as a witness shall be excused from being so examined when brought before such Magistrate as aforesaid, or from being so examined at any subsequent time by or before the same or any other Magistrate, or by or before any Court on any proceeding or trial in any ways relating to such lawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself. Any such person so required to be examined as a witness who refuses to make oath or take affirmation accordingly, or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person committing the offence described in Section 178 or Section 179 (as the case may be) of the Indian Penal Code.

11. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, shall in the opinion of the Magistrate make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect, and shall be free from all prosecutions under this Act for anything done before that time in respect of such gaming.

12. Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill, wherever played.

13. A Police Officer may apprehend without warrant any person found playing for money or other valuable thing with cards, dice, counters, or other instruments of gaming, used in playing any game not being a game of mere skill, in any public street, place, or thoroughfare situated within the

limits aforesaid, or any person setting any birds or animals to fight in any public street, place or thoroughfare situated within the limits aforesaid, or any person there present aiding and abetting such public fighting of birds and animals, such person when apprehended shall be brought without delay before a Magistrate, and shall be liable to a fine not exceeding fifty rupees, or to imprisonment, either simple or rigorous, for any term not exceeding one calendar month; and such Police Officer may seize all instruments of gaming found in such public place, or on the person of those whom

Destruction of instruments of gaming found in public streets.

be forthwith destroyed.

14. Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed. But such Magistrate shall be restrained within the limits of his jurisdiction, under the Code of Criminal Procedure, as to the amount of fine or imprisonment he may inflict.

15. Whoever, having been convicted of an offence punishable under Section 3 or Section 4 of this Act, shall again be guilty of any offence punishable under either of such Sections, shall be subject for every such

subsequent offence to double the amount of punishment to which he would have been liable for the first commission of any offence of the same description; Provided that he shall not be liable in any case to a fine exceeding six hundred rupees, or to imprisonment for a term exceeding one year.

16. The Magistrate trying the case may direct any portion of any fine which shall be levied under Sections 3 and 4 of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under this Act, to be paid to an informer.

17. All fines imposed under this Act may be recovered in the manner prescribed by Section 61 of the Code of Criminal Procedure, and such fines shall (subject to the provisions contained in the last preceding Section) be applied as the Lieutenant Governor or Chief Commissioner, as the case may be, shall from time to time direct.

18. Anything made punishable by this Act shall be deemed to be an 'offence' within the meaning of the Indian Penal Code.

WHITLEY STOKES,
Asst. Secy. to the Govt of India,
Home Dept. (Legislative.)

The following Act of the Governor General, of India in Council received the assent of His Excellency the Governor General on the 18th January 1867, and is hereby promulgated for general information :—

Act No. I. of 1867.

An Act to authorise the levy of tolls for the improvement of the navigation of the Ganges.

Whereas it is expedient to authorise the levy of tolls on certain steamers, flats and boats plying on the River Ganges, to be applied for the improvement of the navigation of the said river between Allahabad and Dinapore; It is hereby enacted as follows :—

1. In construing this Act—

Interpretation Clause.

“Lieutenant Governor” shall mean the Lieutenant Governor of the North-Western Provinces of the Presidency of Fort William;

“Master” shall include every person (except a pilot) having command or charge of any steamer, flat or boat; and

“Magistrate” shall include any person exercising any of the powers of a Magistrate.

2. A toll not exceeding twelve annas per hundred maunds shall be payable, at such place or at one of such places subject to the government of the Lieutenant Governor as he shall from time to time direct, in respect of every steamer, flat, and boat of the burden of two hundred maunds and upwards, which shall pass up or down the Ganges by such place or any one of such places. Provided that toll shall be levied in the case of steamers only on sixty-five per cent. of the burden, and in the case of flats only on ninety per cent. of the burden.

3. The burden of steamers and flats liable to pay tolls under this Act shall be determined according to the method which may from time to time be practised by the Master Attendant at Calcutta in order to ascertain the amount of port dues which such steamers and flats would be liable to pay on arriving within the limits of the port of Calcutta. The following method shall be used for determining in maunds, according to actual floatage or displacement, the burden of boats liable to pay tolls under this Act; (that is to say) half the length in feet at the water-level of the boat, shall be multiplied by the greatest width in feet at the water-level, and the product shall further be multiplied by the draft of water in feet, and the number so found shall be taken to be the burden in maunds. Thereupon the toll shall be calculated according to the even hundreds of maunds, fractions of a hundred being neglected.

4. The funds raised by the tolls payable under this Act, shall be applicable, at the discretion of the Lieutenant Governor, to defray the expenses of improving and facilitating

the navigation of the Ganges between Allahabad and Dinapore.

5. The Lieutenant Governor may appoint any person he may think fit to collect the tolls payable under this Act at any place or places under his government, and may, from time to time, remove any such person and appoint another person in his stead.

6. Sections 2 and 3 of this Act, and a list of the rates of toll and of the place or places of collecting the toll leviable under this Act, shall be at all times exhibited at such place or places in the English and Urdú languages, and shall also be published thrice in the local *Gazette*.

7. Every person so appointed shall collect the tolls leviable under this Act by himself, or by any officer in his establishment (if any) whom he shall appoint in this behalf. The officer to whom any such toll shall be paid, shall grant to the person paying the same a voucher in writing under his hand, describing the name of his office and the place at which such payment shall be made, the name (if any), burden, and other proper description of the steamer, flat, or boat, and the voyage in respect of which such toll shall be paid.

8. If any toll leviable under this Act in respect of any steamer, flat, or boat shall not be paid on demand to the person authorized to collect the same, it shall be lawful for such person to seize such steamer, flat, or boat, and any furniture thereof, and to detain the same; and such person shall, within twenty-four hours of such seizure and detention, report the same to the nearest Collector or Deputy Collector of the District in which the seizure has been made, or other public officer duly authorized by the Lieutenant Governor in this behalf. On receipt of such report, the Collector, Deputy Collector, or other officer as aforesaid shall publish a notice appointing a day for the sale of the said steamer, flat, or boat and any furniture thereof. The sale shall be held at some period not less than fifteen days from the date of the publication of notice of sale. If the toll and also any expenses occasioned by non-payment be not paid, or sufficient cause for non-payment be not shown, at or before the time of sale, to the Collector, Deputy Collector, or other officer as aforesaid, such officer shall sell the steamer, flat or boat and furniture seized, or so much thereof as may be necessary to pay the toll, and also any expenses occasioned by non-payment. So much of the property seized as may not have been sold, and so much of the sale-proceeds as may be in excess of the sum necessary for satisfying the toll and for defraying the expenses occasioned by non-payment, shall be returned to the master of the steamer, flat, or boat.

9. Notwithstanding anything in this Act contained, the person authorised to collect the tolls payable under this Act at any such place as last aforesaid, may, in his own name, sue for and recover, on behalf of the Government of India, the amount of any tolls payable to him under this Act, by suit in any of the Civil

Courts against the owner or master of any steamer, flat, or boat liable thereto.

10. Upon the refusal or neglect of any owner or master of any steamer, flat, or boat liable to pay toll under this Act to satisfy the person authorised to collect such toll

Ascertainment by toll-collector of burden of steamer, flat, or boat.

as to what is the true burden, as ascertained under Section 3 of this Act, of the steamer, flat, or boat, it shall be lawful for such person to cause such steamer, flat, or boat to be measured at the expense of the master thereof, and such expense shall be recoverable in the same manner as tolls payable under this Act, or it shall be lawful for such person to deliver to the master or owner of such steamer, flat, or boat, or to leave for him on board such steamer, flat, or boat, a notice in writing specifying what, in his judgment, is the burden of the steamer, flat, or boat, and the burden specified in such notice, shall be deemed to be the real burden of the steamer, flat, or boat, and be treated as such for all the purposes of this Act, until the owner or master of the steamer, flat, or boat shall give sufficient proof of the true burden thereof, as ascertained under Section 3 of this Act.

11. The master of any steamer, flat, or boat which shall depart from, or arrive at, any place as last aforesaid, upon, or in the course of, or at the termination of any voyage, shall, upon demand by any person authorised to collect or receive the tolls under this Act, specify whence he is come and whither he is bound. If any master of any such steamer, flat, or boat shall refuse or neglect so to do, or shall make a false statement, as to the place from which he is come or to which he is bound, or shall endeavour to evade the payment of any toll payable under this Act, he shall be punishable by a Magistrate by a fine not exceeding two hundred Rupees.

12. If any dispute shall arise respecting the liability of any steamer, flat, or boat to the payment of toll under this Act, or in respect of the burden of any steamer, flat, or boat, or the amount of toll payable, or the amount of any charges on account of any sale under this Act, such dispute shall be heard and determined by a Magistrate, and the decision of such Magistrate shall be final.

13. The Lieutenant Governor may, from time to time as he may think fit, reduce all or any of the tolls payable under this Act, in respect of all vessels or of any particular class or classes of vessels, and again raise such tolls to any amount not exceeding the amount hereinbefore specified. He may also prescribe a mode or modes of measurement for burden differing from those prescribed in Section 3 of this Act: provided that the tolls payable under such new mode or modes of measurement shall not exceed the amounts specified as aforesaid.

14. Whenever, in the opinion of such officer as the Lieutenant Governor shall appoint in this behalf, the construction of any bāndhél or other contrivance, for fishing or for any other purpose in any part of the Ganges be-

tween Allahabad and Dinapore, is likely to cause obstruction to the free and safe navigation of such part, he may by notice in writing, to be served on the owner or person in charge of such bāndhél or other contrivance, or, if such owner or other person cannot be found, to be affixed at some conspicuous place in the nearest village, prohibit the construction of such bāndhél or other contrivance.

15. Any person who shall wilfully disobey any prohibition under the last preceding Section, or shall wilfully cause or aid in causing any obstruction to the navigation of the Ganges between Allahabad and Dinapore, or who shall wilfully omit to remove such obstruction after being lawfully required so to do, shall be punished on conviction before a Magistrate with simple imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both, and shall also be liable to pay such fine as may be sufficient to meet all reasonable expenses incurred in abating or removing such obstruction or in repairing such damage.

16. It shall be lawful for the Lieutenant Governor from time to time to make rules not repugnant to any law in force, and to repeal, alter and amend such rules for the management of the navigation of any part of the Ganges between Allahabad and Dinapore, and for regulating the conduct of persons employed for any of the purposes of this Act; and the Lieutenant Governor may affix fines as penalties for the infringement of such rules, not exceeding fifty rupees for any one infringement, or five rupees a day for any continuing infringement.

Such rules may contain directions for any of the following amongst other matters:—

(a). For fixing the number and the width of steamers, flats, and boats to be allowed to pass into or out of or through any part of the Ganges between Allahabad and Dinapore at one time or abreast;

(b). For determining the length of time during which steamers, flat, or boats may remain stationary on such part; and the amount of demurrage to be paid by steamers, flats, or boats remaining stationary beyond such time;

(c). For regulating the mode in which and the place or places at which tolls are to be levied under this Act;

(d). For the removal of sunken vessels and obstructions;

(e). And for the storing and disposal of the cargo of steamers, flats, and boats seized under this Act.

17. All fines imposed under this Act may be recovered in the manner prescribed by the Code of Criminal Procedure, and may be disposed of as the Lieutenant Governor shall from time to time direct.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept., (Legislative.)