



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE,
CONTAINING
ACTS FINALLY PASSED.

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Separate Paying 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.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st March 1867, and is hereby promulgated for general information:—

Act No. XI. of 1867.

An Act to empower the Oriental Gas Company, Limited, to extend their operations to certain places in British India.

Whereas under or by virtue of Act No. V. of

Preamble.

1857 (to confer certain powers on the Oriental Gas Company, Limited),

certain powers exercisable only in Calcutta and its environs were conferred on the Oriental Gas Company, Limited; And whereas it is expedient to empower the said Company to extend, with the previous sanction of the Local Government, their operations to any other place in British India; It is hereby enacted as follows:—

1. In this Act—“British India” means 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*);

and in any part of British India in which this

Interpretation clause.
“British India.”

Act shall operate, “Local Government” means the person or persons authorized by law to administer executive government in such part.

“Local Government.”

ACTS—6

2. The Local Government may by notification Power to extend Act in the official Gazette extend the said Act No. V. of 1857.

of 1857 to any place within the territories subject to such Government, other than Calcutta and its environs; provided that in every place to which the said Act shall be so extended, Section III. of the same Act shall be read as if for the words ‘Town of Calcutta’ the name of the place to which the said Act shall be so extended were substituted: Section VII. of the same Act shall be read as if for the words and figures ‘Act XIV. of 1856’ the following words were substituted; (that is to say) ‘any law for the time being in force to provide for the conservancy and improvement of such place:’ Section XXII. of the said Act shall be read as if after the words ‘Joint Stock Companies’ Act, 1856,’ the following words were inserted; (that is to say) ‘the Indian Companies’ Act, 1866, or any other Statute or Act for the time being in force relating to Joint Stock Companies;’ and as if for the expressions ‘Supreme Court of Judicature at Fort William,’ the name of the highest Civil Court of appeal in such place were substituted; and as if for the expression ‘the territories of the East India Company,’ the expression ‘British India,’ as defined in this Act, were substituted.

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 1st March 1867, and is hereby promulgated for general information:—

Act No. XII. of 1867.

An Act to amend the Law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras, and Bombay.

Whereas it is expedient that, within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras, and Bombay, persons should, for the purpose of being received and detained in prison, be committed to the custody of an Officer appointed by the Local Government, instead of to the custody of the Sheriff of Calcutta, Madras, or Bombay, as the case may be; It is enacted as follows:—

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

“High Court” denotes Her Majesty's High Court of Judicature at Fort William in Bengal, Madras, or Bombay, as the case may be, and includes a Judge or Judges thereof and a Division Court:

“Sheriff” denotes the Sheriff of Calcutta, Madras, or Bombay, as the case may be.

“Magistrate” includes a Magistrate of Police appointed under any Act for the time being in force for regulating the Police of the towns of Calcutta, Madras, and Bombay.

2. The Acts and parts of Acts mentioned in the Schedule hereto annexed are repealed in each of the Presidencies of Fort William, Madras, and Bombay from the date on which this Act shall come into operation in such Presidency. Any act duly done or appointment made under Act No. XII. of 1865 (*to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal*) shall be considered as valid as if it were done or made under this Act, and as if this Act had been then in force.

3. No person shall be committed to the Sheriff to be received and detained in prison; and no writ shall be awarded to the Sheriff commanding him to arrest and seize the body of any offender.

No one to be committed to Sheriff.

And writs not to be issued to Sheriff.

But all writs or warrants for the arrest or apprehension of any person, issued or awarded by the High Court in the exercise of its ordinary, extraordinary, or other criminal jurisdiction, shall be directed to and executed by any officer or officers of Police within the limits or such jurisdiction.

Warrants and writs to be directed to Police officers.

4. It shall be lawful for the Local Government to appoint an Officer who shall be called in Calcutta the Superintendent of the Presidency Jail, and in Madras and Bombay the Superintendent of Jails for the Town of Madras, or Bombay, as the case may be, and who shall have authority to receive and keep prisoners committed to his custody under the provisions of this Act.

5. The said jails shall be the jails of Calcutta, Madras, and Bombay, respectively, and the Superintendents so to be appointed are hereby respectively authorized and required to keep and detain all persons duly committed to their custody pursuant to the provisions of this Act, or otherwise by any Court, Judge, Justice of the Peace, Magistrate of Police, Coroner, or other public officer lawfully exercising Civil or Criminal jurisdiction according to the exigency of any writ, warrant, or order by which such person shall have been committed, or until such person shall be discharged by due course of law.

6. The said Superintendent shall forthwith after the execution of every such writ, order or warrant, except warrants of commitment for trial, or, after the discharge of the person committed thereby, return such writ, order or warrant to the Court or other officer by which or by whom the same shall have been issued or made, together with a certificate endorsed thereon and signed by such Superintendent, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

7. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to imprisonment or to death, the Court shall cause such person to be delivered to the said Superintendent, together with the warrant of the said Court, and such warrant shall be executed by such Superintendent and returned by him to the High Court when executed.

8. Whenever any person shall be sentenced by the High Court in the exercise of its original Criminal jurisdiction to transportation or penal servitude, the Court shall cause such person to be delivered for intermediate custody to the said Superintendent, and the imprisonment of such person shall have effect from such delivery.

9. Whenever any Judge of a High Court shall, under any Act for the time being in force for punishing mutiny and desertion and for the better payment of the Army and their quarters, make order for the intermediate custody of an offender sentenced by a Court Martial holden in India, the Judge shall order such offender to be detained for intermediate custody by the said Superintendent.

10. Whenever any person shall be committed by the High Court, whether in execution of a decree or for contempt of Court, or other cause,

such person shall be taken by the officer to be appointed for that purpose by such Court, and shall be delivered to the said Superintendent, together with a warrant of commitment.

11. Whenever any person shall be sentenced by a Magistrate of Police for the Town of Calcutta, Madras, or Bombay, to imprisonment, either absolutely or for default of payment of any fine imposed by any such

Magistrate, or shall be committed to prison for failure to find security to keep the peace and to be of good behaviour, the Magistrate shall cause such person to be delivered to the said Superintendent, together with a warrant of the Court.

12. Every person committed by a Justice of the Peace or Magistrate or Coroner for trial by the High Court in the exercise of its original Criminal jurisdiction shall be delivered to the said

Superintendent, together with a warrant of commitment, directing him to have the body of such persons before the Court for trial, and such Superintendent shall as soon as practicable cause such person to be taken before the Court at a Criminal Session of the said Court, together with the warrant of commitment, in order that such person may be dealt with according to law. Every

person committed by a Coroner shall be delivered to the said Superintendent, together with a warrant of commitment.

13. Pending any such enquiry as is mentioned in Section 8 of Act No. XXIII. of 1861 (to amend Act VIII. of 1859) which the High Court may consider it necessary to make, the defendant may be delivered by the officer of the said Court to the said Superintendent, subject to the provisions as to deposit of fees and as to release on security contained in the same Section, and such Superintendent is hereby authorized and required to detain such defendant in safe custody until he shall be redelivered to the officer of the Court for the purpose of being taken before the said Court in pursuance of an order of the said Court or of a Judge thereof, or until he shall be released by due course of law.

14. Every person arrested in pursuance of a writ, warrant, or order of the High Court in the exercise of its original Civil jurisdiction, or in pursuance of a warrant of any Court established in Calcutta, Madras, or Bombay under Act No. IX. of 1850 (for the more easy recovery of small debts and demands in Calcutta, Madras, and Bombay), or in pursuance of a warrant issued under Section 3 of this Act shall be brought without delay before the Court by which or by a Judge of which the writ, warrant, or order was issued, awarded or made, or

before a Judge thereof, if the said Court or a Judge thereof shall be then sitting for the exercise of original jurisdiction; and if such Court or a Judge thereof shall not be then sitting for the exercise of original jurisdiction, shall, unless a Judge of the said Court shall otherwise order, be delivered to the said Superintendent for intermediate custody, and shall be brought before the said Court or a Judge thereof at the next sitting of the said Court or of a Judge thereof for the exercise of original jurisdiction, in order that such person may be dealt with according to law; and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose.

15. All persons confined in the Great Jail of Calcutta, or in any of the Jails of the Towns of Madras or Bombay under process of sentence of any of Her Majesty's late Supreme Courts of Judicature or of the High Courts, or of any Magistrate, shall be considered to be and shall remain in the custody of the said Superintendent according to the terms of the warrants under which they shall have been respectively committed to custody.

Persons confined in Great Jail of Calcutta, or Jails of Madras or Bombay, shall be deemed to be in custody of Superintendent.

16. Any warrant of commitment under Regulation III. of 1818 of the Bengal Code (for the confinement of State Prisoners), Regulation II. of 1819, Madras Code, and Regulation XXV. of 1827, Bombay Code, may be directed to Superintendent. (for the confinement of State Prisoners), and Regulation XXV. of 1827 of the Bombay Code (for the confinement of State Prisoners and for the attachment of the lands of chieftains and others, for reasons of State), may be directed to the said Superintendent in the same manner as the same might have been directed to the Sheriff under Act No. XXXIV. of 1850 (for the better custody of State Prisoners) and Act No. III. of 1858 (to amend the law relating to the arrest and detention of State Prisoners).

17. The provisions contained in the Statute II Vic., cap. 21 (to consolidate and amend the laws relating to Insolvent Debtors in India), relating to persons in prison or liable to be arrested or detained in or remanded or recommitted to, or entitled to be discharged from, prison within the limits of the Towns of Calcutta, Madras, and Bombay respectively, shall apply to all persons in the custody of the said Superintendent, or liable to be delivered to or entitled to be discharged from his custody.

18. Section 25 of Act No. XLVIII of 1860. (to amend Act No. XIII. of 1856, for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca) shall be construed in Madras and Bombay as if the words "Superintendent of Jails for the Town of Madras" or "Bombay," as the case may be, were substituted for the words "Keeper or Governor of the Jail or House of Correction."

Construction of Section 25 of Act No. XLVIII. of 1860.

19. This Act shall come into operation in Calcutta at once, and in Madras and Bombay respectively, from such date as the Local Government shall notify in the local Gazette.

Short title. 20. This Act may be called "The Presidency Jails' Act, 1867."

SCHEDULE.

Number and date of Acts.	Title.	Extent of repeal.
No. XXIV. of 1855.	To substitute penal servitude for the punishment of transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts.	Section 8.
No. XVIII. of 1862.	To repeal Act XVI. of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof with amendments, and further to improve the administration of Criminal Justice in Her Majesty's Supreme Courts of Judicature.	Sections 47, 48, 49, 50 and 52.
No. XXV. of 1863.	To empower Judges of the High Court and other authorities at Fort William in Bengal, to direct convicts to be imprisoned either in the House of Correction, or the Great Jail of Calcutta; and to authorize the transfer of prisoners, in certain cases, from the House of Correction to the Great Jail, and from the Great Jail to the House of Correction.	The whole.
No. XII. of 1865.	To amend the Law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal.	The whole.

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 1st March 1867, and is hereby promulgated for general information:—

Act No. XIII. of 1867.

An Act for the levy of enhanced Port-dues in the Ports of Moulmein and Bassein, and to provide for the establishment and maintenance of Coast Lights in the eastern part of the Bay of Bengal.

Whereas under Act No. XXXV. of 1857 (for the levy of Port-dues in the Ports of Moulmein, Rangoon, Kyauk Phyoo, Akyab and Chittagong), and

under Act No. XXV. of 1860 (for the levy of Port-dues in the Port of Bassein), the maximum rate of port-dues leviable in the ports of Moulmein and Bassein is four annas for every ton of burden in respect of every sea-going vessel of the burden of ten tons and upwards which shall enter the same ports respectively: And whereas, for the purpose of defraying the expense of maintaining the port lights of British Burmah, it is expedient to enhance the rate so leviable to the extent hereinafter mentioned: And whereas lights have been established on the Cocos and on the Alguada Reef, and a light to be called "the Oyster Reef Light," and other lights or beacons are intended to be hereafter established and maintained in the eastern part of the Bay of Bengal for the safety and guidance of ships navigating the same: And whereas it is just and reasonable that such ships should be liable to contribute to the expense of the lights and beacons last aforesaid; It is hereby enacted as follows:—

1. A port-due not exceeding the rate of five annas and six pie per every ton of burden, shall be chargeable in respect of every sea-going vessel of the burden of twenty-five tons and upwards, which shall enter either of the said ports of Moulmein and Bassein; and such port-due shall, to the extent of one anna six pie, be applicable in the first place to defray the expense of maintaining the existing port lights of British Burmah.

2. The last preceding Section shall be read with, and taken as part of, the said Acts Nos. XXXV. of 1857 and XXV. of 1860.

3. From and after the passing of this Act, a toll to be called Coast Light Dues shall be paid in respect of every vessel of the burden of fifty tons and upwards at the rate of one anna per ton of burden in the cases following (that is to say):—

(1). If the voyage of such vessel be from the Straits of Malacca or from any place eastward of the said Straits to Bassein:

(2)—If the voyage be from Akyab to Bassein, Rangoon, or Moulmein:

(3)—If the voyage be from the said Straits or from any place eastward of the said Straits to Akyab, or from Bassein, Rangoon, Moulmein, or the coast of Tenasserim to Akyab:

(4)—If the voyage be from Calcutta, Madras, or any other place on the eastern coast of India, or from Ceylon, or any port to the westward of Ceylon, to Akyab, from and after the establishment and during the maintenance of the said Oyster Reef Light:

(5)—If the voyage be from Calcutta, Madras, or any other place on the eastern coast of India, or from Ceylon, or any port to the westward, of Ceylon to Bassein, Rangoon, Moulmein, or any port on the Tenasserim coast:

(6)—If the voyage be to the port of Calcutta from Port Blair, the Straits Settlement, or any place eastward of Port Blair, except the ports of British Burmah:

(7)—If the voyage be from Calcutta to Port Blair, the Straits Settlement, or any place eastward thereof:

(8). If the voyage be from Rangoon or Moulmein to Bassein, or from Bassein to Rangoon or Moulmein, from and after the establishment and during the maintenance of a light either on the Baraguay Flat or on the Krishna Shoal.

4. Any vessel taking in any cargo off the coast of British Burmah and not entering any port for that purpose, shall pay the same Light Dues as she would have been liable to pay had she taken in her cargo at the port at which a port-clearance shall be granted to such vessel.

5. Nothing hereinbefore contained shall authorize the levy of Coast Light Dues on vessels making the voyage from the Straits of Malacca, or from any place to the eastward thereof, to Rangoon or Moulmein.

6. The return of a ship from any port or place shall be deemed a distinct voyage within the meaning of this Act, notwithstanding toll shall have been paid in respect of her voyage to such port or place, and notwithstanding the terms of any charter-party.

7. Notwithstanding anything hereinbefore contained, Ships of War belonging to Her Majesty or to any foreign Government or State, shall be exempt from the payment of the tolls leviable under this Act.

8. The management and control of the said coast lights and the other lights vested in the Chief Commissioner of British Burmah, are hereby vested in the Chief Commissioner of British Burmah, subject to the directions of the Governor General of India in Council.

9. The said Chief Commissioner may appoint any person he may think fit to be a Collector of the tolls leviable under this Act, at any port, harbour, or place under his administration.

10. The tolls to be levied under Section 3 of this Act shall become due and be payable in respect of any ship clearing out or departing from any port, harbour, or roadstead, in the possession of or under the Government of India, upon any such voyage as aforesaid, previously to the granting of any port-clearance for such ship, or, in the event of her not requiring a port-clearance, on her preparing to leave such port, harbour, or roadstead on such voyage; and in respect of any ship entering any such port, harbour, or roadstead as aforesaid, upon, or during, or at the termination of any such voyage from any port or place not under the Government of India, the toll shall be payable immediately upon her entering such port, harbour, or roadstead.

11. The Collector or other Chief Officer of Customs at any port, harbour, or place in the possession or under the Government of India, or any

other Officer whom the Government to which such port, harbour, or place is subordinate, may appoint to receive the tolls last hereinbefore referred to, shall collect the same by himself, or by any Officer in his establishment whom he shall appoint. The Officer to whom any such toll shall be paid shall grant to the person paying the same a proper voucher in writing, under his hand, describing the name of his office, and the port or place at which such payment shall be made, the name, tonnage, and other proper description of the ship, and the voyage in respect of which such toll shall be paid.

12. The Officer of Government, whose duty it shall be to grant a Port-Clearance for any ship clearing out of, or leaving any such port, harbour, or place under the Government of India, shall not grant such Port-Clearance to any ship until the Owner or Agent of such ship, or the Master or other person in command thereof, shall pay all tolls to which such ship shall be liable under Section 3 of this Act, or produce a proper voucher for, or give satisfactory proof of the payment of such tolls at the same or some other port or place. If any Master or Owner, or other person having the charge of any ship liable to the payment of any tolls under Section 3 of this Act, shall refuse or neglect to pay the amount thereof to the person authorised to collect or receive the same, such person may detain or cause to be detained any goods or merchandize, to whomsoever the same may belong, on board such ship, and any tackle, apparel, or furniture belonging to such ship, and may remove the same, or cause the same to be removed, to some convenient place, leaving on board such ship notice in writing of such distress, and of the cause thereof, and of the place of removal: if such tolls, together with the costs of such distress and removal, shall not be paid within three whole days after the seizure, exclusive of the day of such seizure, the person authorized to collect or receive such tolls may cause the goods, merchandize, tackle, apparel, and furniture so seized to be sold, and out of the proceeds of such sale shall pay the amount of the tolls to which such ship may be liable under this Act, together with the reasonable costs of such seizure, detention, and sale, rendering to the Master or Owner, or other person having the command of such vessel, the over-plus, if any, on demand.

13. Notwithstanding anything in this Act contained, the person authorised to collect the said tolls at any such port, harbour, or place 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, or other person, who, at the time of such toll becoming due, shall have the command of any ship liable thereto.

14. In order to ascertain the burden of any ship liable to pay toll under Section 3 of this Act, the person authorised to collect such toll may require the Owner, Master, or other person in command of such ship, or any person having possession of the same, to produce the register of such ship for the inspection of such person, if the ship shall be a British registered

ship or a ship registered in any part of the territories vested in Her Majesty or Her successors under the Statute 21 and 22 Vic., Cap. 106 (*An Act for the better Government of India*), and upon the refusal or neglect of any such Owner, Master, or other person to produce such register, or, if such ship shall not be a ship registered as aforesaid, upon the refusal or neglect of such Owner or Master to satisfy the person authorised to collect such tolls as to what is the true burden of the ship, it shall be lawful for such person to cause such ship to be measured at the expense of the Master thereof, and such expense shall be recoverable in the same manner as tolls payable under Section 3 of this Act, or it shall be lawful for such person to deliver to such Master, Owner, or other person in command of the ship or in the possession thereof, or to leave for him on board such ship a notice in writing specifying what in his judgment is the burden of the ship, and the burden specified in such notice shall be deemed to be the real burden of the ship and be treated as such for all the purposes of this Act, until the Owner, Master, or other person having the command of the ship shall give sufficient proof of the true burden thereof.

15. The Master of any ship which shall depart from or enter any such port, harbour, or roadstead as 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 tolls under Section 3 of this Act, specify upon what voyage he is bound; and if any Master of any such ship shall refuse or neglect so to do, or shall give a false statement, or shall endeavour to evade the payment of any tolls payable under Section 3 of this Act, or shall obstruct any Officer of Government in the discharge of his duty under this Act, shall be punishable by a Magistrate in a summary manner by a fine not exceeding Two Hundred Rupees.

16. If any dispute shall arise respecting the liability of any ship to the payment of toll under Section 3 of this Act, or in respect of the burden of any ship, or the amount of toll payable, or the amount of any charges on account of any distress, removal, or sale under this Act; such dispute shall be heard and determined by a Magistrate in a summary manner, and the decision of such Magistrate shall be final.

17. The Governor General of India in Council may, from time to time, as he may think fit, reduce the tolls payable under this Act, in respect of all vessels or of any particular class or classes of vessels, and again raise the same to any amount not exceeding the amounts above specified.

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 1st March 1867, and is hereby promulgated for general information:—

Act No. XIV. of 1867.

An Act to provide for the assessment of the Pándharí tax in certain parts of the Central Provinces.

Whereas there has for many years existed, and now exists in certain districts of the Central Provinces, a tax called the Pándharí tax, assessable on all persons not engaged in agriculture; And whereas it is expedient to make rules for regulating the assessment of such tax; It is enacted as follows:—

1. The Pándharí tax is hereby declared to be assessable on all persons dwelling or personally working for gain or carrying on business within the districts of Nagpore, Wurdah, Chandah, Bhundara, Chindwarra, Raepore, Belaspore and Sumbulpore, any part of whose income is derived from any source other than agriculture. Provided that no person whose estimated income is less than seventy-five rupees

a year shall be assessed to the said tax; that no person shall be assessed to the said tax at a rate exceeding two per centum on his estimated income, and that no person shall be assessable to the said tax at a sum exceeding five hundred rupees per annum.

2. The Chief Commissioner of the Central Provinces may from time to time with the previous sanction of the Governor General of India in Council, make and publish in such manner as may seem fit rules not inconsistent with the provisions of this Act or of any other law for the time being in force, to provide (amongst other things) for the matters hereinafter mentioned.

3. The rules made under the last preceding Section may provide:—

(1.) For regulating the manner, and rates, and classes of assessments:

(2.) For regulating the time and manner of collecting the amount assessed; and, for allowing to the persons employed in the collection fees not exceeding three per centum on the amount assessed upon the tax-payers:

(3.) For the imposition of penalties on persons convicted of the breach of any rule or regulation made under the last preceding Section: Provide that no penalty shall exceed a fine of fifty rupees, or imprisonment for a term not exceeding eight days:

(4.) For exempting from the operation of this Act special classes of persons in receipt of fixed salaries or pensions, in respect of such salaries or pensions:

(5.) For determining the person or persons by whom and the manner in which, in the case of any person to whom this Act shall apply, his or her estimated income, within the meaning of Section 1 of this Act, shall be ascertained.

4. Arrears of the said tax shall be recoverable by distress and sale of any moveable property belonging to the defaulter; or, when he or she shall not have any moveable property of which a distraint can be made, or when after his or her

moveable property shall have been distrained and sold, the arrear due together with all expenses of the distress and sale is not liquidated by the proceeds of such sale, then under such rules and procedure as may, for the time being, be in force in the Central Provinces for the realization out of immoveable property of land revenue.

5. Breaches of rules made under Section 2 of Breaches of rules, by whom triable. this Act shall be triable by any Magistrate.

6. The provisions of this Act may be extended Extension of this Act by order of the Governor to other parts of the Central Provinces. General of India in Council to any district or districts of the Central Provinces other than those named in Section 1 of this Act.

7. Every Deputy Commissioner and other Indemnity clause. officer in the Central Provinces, however such officer is designated, is hereby indemnified for anything done before the passing of this Act, which might lawfully have been done if this Act had been in force, and no suit or other proceeding shall be maintained against any such Deputy Commissioner or other officer in respect of anything so done.

WHITLEY STOCKS,

*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 1st March 1867, and is hereby promulgated for general information :—

Act No. XV. of 1867.

An Act to make better provision for the appointment of Municipal Committees in the Punjab and for other purposes.

Whereas it is expedient to make better provision Preamble. for the appointment of Municipal Committees in towns in the territories under the Government of the Lieutenant Governor of the Punjab, and for the Police, Conservancy, and local improvements and for education, and for the levying of rates and taxes in such towns; It is enacted as follows :—

I.—Preliminary.

1. In this Act—unless there be something Interpretation Clause. repugnant in the subject or context—

“Committee.” “Committee” means a Municipal Committee appointed under the provisions of this Act.

“Lieutenant Governor” means the Lieutenant-Governor of the Punjab : Words in the singular number include the plural, and words in the plural number include the singular.

Number.

2. The Lieutenant Governor may extend this Act to towns. Power to extend this Act to towns. or provisions, by notification in the local *Gazette*, to any town in the territories under his government.

3. From the date of the passing of this Act all Municipal Committees previously appointed with the sanction of any Lieutenant Governor or Chief Commissioner of the Punjab, other than Municipal Committees appointed under Act No. XXVI. of 1850 (to enable improvements to be made in towns), shall be deemed Committees under this Act. The Lieutenant-Governor may extend, by notification in the local *Gazette*, all or any of the provisions of this Act to Municipal Committees appointed under the said Act No. XXVI. of 1850. So much of any Act, Regulation or Rule having the force of law, as may be inconsistent with any provision so extended to a Committee, shall, from and after the date of such extension, cease to have effect in the case of such Committee.

4. For the purposes of this Act, the Lieutenant-Governor may from time to time, by notification in the local *Gazette*, define the limits of any town to which this Act shall have been extended, and may include within the limits of such town any railway station, village, building or land in the vicinity of such town. Power to define limits of towns to which Act extends.

II. Appointments, Duties and Powers of Committees.

5. In any town to which this Act shall have been extended, the Lieutenant-Governor may appoint, either *ex-officio* or otherwise, or direct the appointment by election of any number of persons, not less than five, to be Members of a Committee, or he may appoint some of the Members of such Committee and direct the appointment of others by election for carrying out the purposes of this Act. The Lieutenant-Governor may from time to time remove any of the Members of any Committee, add to their number, and fill up vacancies occurring among them. The Lieutenant-Governor may determine the time and manner of the election of those Members whom he may direct to be appointed by election, and the persons by whom they shall be elected, and generally may make any rules for regulating the election of such Members that he may think fit. The Lieutenant-Governor may also appoint the President and Vice-President or either of them of any Committee, or sanction the election by any Committee of one of their Members as President or Vice-President or either of them. All appointments under this Section shall be notified in the local official *Gazette*. Power to appoint Members of Committee.

6. Every Committee may, with the previous sanction of the Lieutenant-Governor, define the persons or property within the town to be taxed for the purposes of this Act, the amount or rate of the taxes to be imposed, and may impose such taxes accordingly. Power to levy rates or make assessments.

7. It shall be lawful for the Lieutenant Governor from time to time to make rules as to the persons by whom, and the manner in which, any assessment of taxes under this Act shall be confirmed, and for the collection of such taxes and for the safety and due application of them when col- Power to make rules for collection and application of rates.

lected, and for the rendering and publishing of such estimates and accounts, relating to the expenditure of the Municipal Funds, and in such form as he may think fit. The Lieutenant-Governor may from time to time repeal, alter or add to such rules. No tax shall be collected under this Act, until it shall have been confirmed by the persons and in manner hereinbefore mentioned.

8. All sums received by the Committee of any town to which this Act extends, and all fines levied under this Act, shall constitute a fund, which shall be called the Municipal Fund of such town, and shall, together with all property which may become vested in such Committee, be under their control, and shall be applied by them as trustees for the purposes of this Act.

9. Every Committee, so far as the Municipal Fund at their disposal will permit, shall, after providing out of such Fund for a Police establishment, in manner hereinafter mentioned, keep the public streets, roads, drains, tanks and water-courses of the town for which they are appointed, clean and repaired, and may cause such streets, and roads, or any of them, to be watered and lighted, and may construct new streets, drains, tanks, and water-courses, and may construct and provide for the management of poor-houses, dispensaries, market places, and other works of general utility, and generally may do all acts and things necessary for the purposes of conservancy and local improvement, and may also make provision, by the establishment of new schools or the aiding of already existing schools, or otherwise, for the promotion of education in the town for which such Committee is appointed.

10. Any Committee may make rules for regulating the time and place of their meeting, the conduct of their business, the division of duties among the members of the Committee, the salaries, appointment, suspension, and removal of the officers and servants of the Committee, and other similar matters.

11. It shall be lawful for any Committee to make by-laws for defining, prohibiting, and removing nuisances which are not public or common nuisances under the Indian Penal Code, or under Act No. V of 1861 for the regulation of Police, and for the securing of a proper registration of births and deaths, and for carrying out all or any of the purposes of this Act. And the Committee may from time to time repeal, alter or add to such by-laws.

12. The Lieutenant-Governor may by order suspend or limit all or any of the powers of any Committee, and may also cancel any of the proceedings or rules of any Committee.

13. Every Committee shall set apart out of the Municipal Fund, such sum as the Lieutenant-Governor shall require for the maintenance of the Police establishment in the town.

14. No by-law and no alteration or repeal of or addition to a by-law shall have effect until the same shall have been confirmed and published.

confirmed by the Lieutenant Governor. All by-laws made under this Act, and all rules made under Section 10 of this Act, and all alterations and repeals of and addition to such by-laws and rules, shall be published for such length of time and in such manner as the Lieutenant-Governor shall order.

III.—Suits by and against Committees.

15. Every Committee shall sue and be sued in the name of their President. Every contract made on behalf of any Committee in respect of any sum exceeding rupees twenty or in respect of any property exceeding rupees twenty in value, shall be in writing, and shall be signed by the President or Vice-President (if any) and at least two other members of the Committee, and unless so executed shall not be binding on the Committee.

No member of a Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee, but the funds from time to time in the hands of the Committee shall be liable for, and chargeable with, all contracts duly made as aforesaid. Every member of a Committee shall be liable for any misapplication of money entrusted to the Committee to which he shall have been a party, or which shall happen through, or be facilitated by his neglect of his duty, and he shall be liable to be sued for the same in such Court as the Lieutenant Governor shall direct as for money due to the Government.

16. No suit shall be brought against a Committee or any of their officers, or any person acting under their direction, for any thing done under this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Committee, or at the place of abode of such person, explicitly stating the cause of suit and the name and place of abode of the intended plaintiff; and unless such notice be proved, the Court shall find for the defendant; and every such suit shall be commenced within three months next after the accrual of the cause of suit, and not afterwards; and if any person to whom any such notice of suit is given shall, before suit brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

IV.—Penalties.

17. No member of a Municipal Committee or servant of the Committee shall be interested directly or indirectly in any contract made with the Committee, and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine of five hundred rupees. Provided always, that no person by being a shareholder in or member of any incorporated or registered Company, shall be disqualified from acting as a member or servant of a Committee by reason of any contract entered into

between such Company and the Committee. Nevertheless it shall not be lawful for such shareholder or member to act as a member of the Committee in any matter relating to any contract entered into between the the Committee and such Company.

18. Whoever infringes any rule made under Section 10 of this Act, or any by-law made and confirmed as directed in this Act, shall be liable to a fine not exceeding fifty rupees, and, in the case of a continuing infringement, to a fine not exceeding five rupees for every day after notice from the Committee of such infringement. In default of payment of any fine imposed under this Section, the defaulter shall be liable to be imprisoned for a term not exceeding eight days.

19. Prosecutions under this Act for infringements of rules or by-laws may be instituted before any Magistrate by the Committee or any person authorized by the Committee in this behalf, and all fines imposed under this Act may be recovered in the manner prescribed in Section 61 of the Code of Criminal Procedure. Rates and arrears of rates imposed under this Act may be recovered as if they were fines.

V.—Miscellaneous.

20. All assessments, by-laws, rules, and regulations of any kind relating to matters provided for in this Act, which may, previous to the passing of this Act have been made by or received the approval of any Lieutenant-Governor or Chief Commissioner of the Punjab, shall be deemed to have been made in accordance with the provisions of this Act. And all proceedings taken under any such assessments, by-laws, rules and regulations shall be deemed to be as valid as if they had been taken under this Act.

21. Section 20 of this Act shall apply to the Central Provinces and Oudh, as if for the words "Lieutenant-Governor or Chief Commissioner of the Punjab," the words "Chief Commissioner of the Central Provinces and Oudh" were substituted, and as if the extension next hereinafter mentioned had been made. And it shall be lawful for the

Governor General of India in Council to extend this Act or any of its provisions, by notification in the *Gazette of India* and the local official *Gazette*, to any town in the territories respectively under the administrations of the Chief Commissioners of the Central Provinces and Oudh, and on and after such extension, this Act shall be construed in such town as if the words "Lieutenant-Governor" were defined to include Chief Commissioners of the Central Provinces and Oudh; as if for the word "government," the word "administration" were substituted; and as if for the words and

figures "Act No. XXVI. of 1850 (to enable improvements to be made in towns)," the words and figures "Act No. XVIII. of 1864 (to provide for the appointment of a Municipal Committee for the City of Lucknow)" were substituted. Provided that, when such extension shall be effected, the previous sanction of the Governor General of India in Council shall be necessary to the validity of any order made by a Chief Commissioner under Section 12 of this Act.

22. This Act shall expire in five years in the territories subject to the Act to expire in 1872. Lieutenant-Governor of the Panjab, and if it shall be extended to the Central Provinces or Oudh under the last preceding Section, it shall expire in such Provinces in five years from the date of such extension.

WHITLEY STOKES,
Assist. 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 1st March 1867, and is hereby promulgated for general information:—

Act No. XXVI. of 1867.

An Act to authorize the making of acting appointments to certain Judicial Offices.

Whereas the Governor General of India in Council or the Local Government, as the case may be, is empowered by divers enactments to appoint the Judges of certain Courts in British India: And whereas it has been doubted whether he or it is empowered to appoint persons to act temporarily as such Judges, and it is expedient to remove such doubts; It is hereby enacted as follows:—

1. In every case in which the Governor General of India in Council, or the Local Government, as the case may be, has power under any Act or Regulation to appoint a Judge of any Court in British India, such power shall be taken to include the power to appoint any person capable of being appointed a permanent Judge of such Court, to act as Judge of the same Court for such time as the Governor General of India in Council or the Local Government, as the case may be, shall direct. Every person so appointed to act temporarily as a Judge of any such Court shall have the powers and perform the duties which he would have had and been liable to perform in case he had been duly appointed a permanent Judge of the same Court.

2. Every such Act and Regulation shall be construed as if it contained a special clause to the purport or effect of the first Section of this Act.

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 15th February 1867, and is hereby promulgated for general information:

Act No. X. of 1867.

An Act to empower Courts of Small Causes in the Mofussil to refer for decision questions arising previous to the hearing of suits, or in the execution of decrees or orders.

Whereas it is expedient to enable the Courts constituted under Act No. XI. of 1865 (to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature) to refer for the decision of the High Court within whose jurisdiction they may respectively be situate, questions of law or usage having the force of law arising previous to the hearing of suits under the said Act, or in the execution of decrees or orders in such suits; It is hereby enacted as follows:—

1. If at any point in the proceedings previous to the hearing of a suit under the said Act, or if in the execution of the decree or order in any such suit, any question of law or usage having the force of law

Power to refer to High Court questions arising previous to the hearing of suits or in the execution of decrees or orders.

shall arise, the Court, in suits for an amount not exceeding five hundred Rupees, may, either of its own motion or on the application of any of the parties to the suit, and in suits for an amount greater than five hundred Rupees, shall draw up a statement of the case, and refer it with the Court's own opinion thereon, to the decision of the High Court within whose jurisdiction such Court may be situate. If the question has arisen previous to the hearing, the Court may either stay such proceedings, or proceed in the case notwithstanding such reference, and pass a decree contingent upon the opinion of the High Court upon the point referred. If a decree has been made, the execution of the decree shall be stayed until the receipt of the order of the High Court upon such reference. All the provisions contained in this Section shall apply, *mutatis mutandis*, to the stating of a case by a Registrar.

2. This Act shall be read with and taken as part of Act No. XI. of 1865; This Act to be read with Act XI. of 1865. and the provisions contained in Sections 24, 25, 26, 27, and 28 of that Act shall, *mutatis mutandis*, apply to cases referred under this Act.

WHITLEY STOKES,

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