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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th July, 1895 :

No. 10 of 1895.

A Bill to amend the Foreign Jurisdiction and Extradition Act, 1879.

XXI of 1879. Whereas it is expedient to amend the Foreign Jurisdiction and Extradition Act, 1879 ; It is hereby enacted as follows :

1. To section 11 of the Foreign Jurisdiction and Extradition Act,

XXI of 1879. Addition to section 11, Act XXI of 1879. 1879, the following shall be added, namely :

“The act of desertion from any body of Imperial Service Troops shall be deemed to be an offence in respect of which the Political Agent for the State to which such troops belong may issue a warrant under this section.”

2. In section 12 of the said Act, after the words “and the accused person, when arrested, shall,” the words “unless released on bail in accordance with the provisions of the next following section” shall be inserted.

Insertion of new sections after section 12, Act XXI of 1879.

3. After section 12 of the said Act the following sections shall be inserted, namely :

“12A. A Political Agent issuing a warrant for the arrest of any person under section 11 may in his discretion direct by endorsement thereon that, if such person execute a bond with sufficient sureties for his attendance before the officer mentioned in the warrant at a specified time, the Magistrate to whom the warrant is directed shall take such security and release such person from custody.

Power to Political Agent to direct security to be taken and procedure thereon.

“The endorsement shall state (a) the number of sureties (if any), (b) the amount in which they and the person for whose arrest the warrant is issued are to be respectively bound, and (c) the time and place at which he is to attend before the officer mentioned in the warrant.

“Whenever security is taken under this section, the Magistrate shall certify the fact to the Political Agent by whom the warrant was issued, and shall retain the bond.

“12B. If the person bound by any bond executed under the last foregoing section to appear before the officer mentioned therein does not so appear, the Magistrate may, on being satisfied as to his default, issue a warrant directing that he be re-arrested and delivered over to such officer.

“12C. The provisions of sections 513 and 514 of the Code of Criminal Procedure, 1882, shall apply in the case of every bond required to be executed or which may have been executed in accordance with the foregoing provisions.”

Application of Sections 513 and 514 of Act X of 1882.

X of 1882.

STATEMENT OF OBJECTS AND REASONS.

There is not now any legal authority for the extradition from British India of a deserter from the Imperial Service Corps. These corps are raised, drilled and maintained under the supervision of British officers at the expense of certain Native States in order to form part of the military forces of Her Majesty, and it seems reasonable that the surrender of deserters therefrom to British India should be provided for. The object of this Bill is, by means of an amendment of section 11 of the Foreign Jurisdiction and Extradition Act, 1879, making such desertion an offence in respect of which warrants for arrest may be issued, to give Political Agents the necessary power to obtain extradition in these cases.


Many offences of a comparatively trivial kind are extraditable, but the Foreign Jurisdiction and Extradition Act, 1879, does not provide for the enlargement on bail of a person arrested under a warrant issued by a Political Agent under section 11 thereof. To remedy this defect it is proposed by this Bill to embody in that Act the provisions of the Code of Criminal Procedure which admit of the release of a person arrested under a warrant on his furnishing security, to the satisfaction of a Magistrate, for his due appearance.

The 9th July, 1895.

(Signed) ALEX. EDW. MILLER.

J. M. MACPHERSON,

Officiating Secretary to the Government of India.

 To be substituted for page 130 of the
Bombay Government Gazette, Part VI, dated
18th July 1895.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th July, 1895 :—

Bill No. 11 of 1895.

A Bill to amend the Indian Penal Code.

WHEREAS it is expedient to amend the Indian Penal Code; It is hereby enacted as follows :

1. (1) To Section 230 of the said Code the Addition to Section 230 following shall be added, of Code. namely :

“ Any piece of metal which has at any time been the Queen's coin as above defined shall be deemed to be the Queen's coin for the purposes of this Chapter notwithstanding that it may have ceased to be used as money.”

(2) To the illustrations appended to the said Section the following shall be added, namely :

- “(c) The ‘Farukhabad rupee,’ which was formerly used as money under the authority of the Government of India, is Queen's coin, although it is no longer so used.”

STATEMENT OF OBJECTS AND REASONS.

As Section 230 of the Indian Penal Code now stands, pieces of metal alleged to be “coin” and “Queen's coin” must be “used for the time being as money” in order to fall within the definitions there given. The Indian Coinage Act, 1870, enables the Governor General in Council, by notification in the Gazette of India, to call in coins of any date or denomination, and it would not unlikely be held that coin of any denomination so called in was not “used for the time being as money,” at any rate when after a space of time it became sufficiently scarce. With coin of this kind, however, fraud can be committed of exactly the same character as before the calling in, and the same reasons apply to prevention of the counterfeiting coin that is so called in as apply to the coin before being called in—until at least the coin ceases to have any but a numismatic value.

2. Farukhabad rupees, which were formerly in use and circulation as legal tender in Bengal, under the authority of the Government of India, were called in in 1877, and are therefore not covered by the definition as it stands. They are (or very recently were) not altogether out of use as money in some of the Native States. They were recently extensively manufactured in Bombay; and it is considered necessary to take legal power to stop this manufacture.

The 11th July 1895.

(Signed) J. WESTLAND.

J. M. MACPHERSON,

Officiating Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th July 1895:—

No. 12 of 1895.

THE PILGRIM SHIPS BILL.

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A Bill to make better provision for the regulation of Pilgrim Ships.

WHEREAS it is expedient to make better provision for the regulation of pilgrim ships; It is hereby enacted as follows:

Preliminary.

1. This Act may be called the Pilgrim Ships Act, 1895.
2. (1) It extends to the whole of British India, and applies—

The Pilgrim Ships Bill.

(Preliminary—Sections 3—5. Rules for Voyages of Pilgrim Ships—Sections 6—11.)

- (a) to all subjects of Her Majesty within the dominions of Princes and States in India under the suzerainty of Her Majesty ;
- (b) to all native Indian subjects of Her Majesty without and beyond British India ; and,
- (c) subject to the exceptions mentioned in subsection (2), to every pilgrim ship as hereinafter defined.

(2) But it does not apply—

- (i) to any ship-of-war, troopship, transport or other ship belonging to the Royal Navy of Her Majesty's Indian Marine Service, or
- (ii) to any other ship for the time being in the service of Her Majesty, or
- (iii) to any ship-of-war belonging to any Foreign Prince or State, or
- (iv) to any ship not being a pilgrim ship.

3. This Act shall come into force on the first day of October, 1895.

4. On and from that day nothing contained in the Native Passenger Ships Act, 1887, shall apply to any pilgrim ship.

5. In this Act, unless there is anything repugnant in the subject or context,—

(1) "pilgrim" means a Muhammadan passenger going to, or returning from, the Hedjaz :

(2) "pilgrim ship" means a ship conveying pilgrims from or to any port in British India or from any port in the Red Sea :

Provided that no ship carrying passengers other than pilgrims of the lowest class and having on board pilgrims of the lowest class in a less proportion than one pilgrim for every one hundred tons of the gross tonnage of the ship shall be deemed to be a pilgrim ship within the meaning of this Act.

Explanation.—"By pilgrims of the lowest class" are meant pilgrims who are steerage passengers :

(3) "voyage" means the whole distance between a pilgrim ship's port or place of departure and her final port or place of arrival :

(4) "Chief Customs-officer" means the chief executive officer of sea-customs in any port or place to which this Act applies : and

(5) "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class.

Rules for Voyages of Pilgrim Ships.

6. (1) No pilgrim ship shall depart or proceed from, or discharge passengers (whether pilgrims or not) at, any port or place within British

India other than a port or place appointed in this behalf by the Local Government.

(2) After a pilgrim ship has departed or proceeded on a voyage from a port or place so appointed, no person shall be received on board as a pilgrim except at some other port or place so appointed.

7. (1) The master, owner, or agent of a pilgrim ship so departing or proceeding shall give notice to an officer appointed in this behalf by the Local Government that she is to carry pilgrims, and of her destination, and of the proposed time of sailing.

(2) The notice shall be given not less than three days before that time.

8. After receiving the notice, the officer aforesaid or a person authorized by him shall be at liberty at all times to enter on the ship and inspect her and her fittings and the provisions and stores on board.

9. (1) No pilgrim ship shall commence a voyage from a port or place appointed under this Act, unless the master holds two certificates to the effect mentioned in the two next following sections.

(2) The officer whose duty it is to grant a port-clearance shall not grant it unless the master holds those certificates.

10. The first of the certificates (hereinafter called "certificate A") shall state that the ship is seaworthy and properly equipped, fitted and ventilated, and the number of pilgrims which she is capable of carrying.

11. The second of the certificates (hereinafter called "certificate B") shall state—

(a) the voyage which the ship is to make, and the intermediate ports (if any) at which she is to touch ;

(b) that she has the proper complement of officers and seamen ;

(c) that food, fuel and pure water over and above what is necessary for the crew, and the other things (if any) prescribed for pilgrim ships by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the pilgrims on board during the voyage which she is to make (including such detention in quarantine as may be probable) according to the scale for the time being prescribed by those rules ;

(d) that the master holds certificate A ;

(e) that she is propelled principally by steam ;

(f) that, if she is to carry more than one hundred pilgrims, she has on board the medical officer, or medical officers, required by section 23, licensed in accordance with the rules under this Act ; and

[S. 3, *ibid.*][S. 4, *ibid.*]

X of 1887.

Repeal of Act X, 1887, so far as regards pilgrim ships.

[S. 5, *ibid.*][S. 6, *ibid.*]

*The Pilgrim Ships Bill.**(Rules for Voyages of Pilgrim Ships—Sections 12—20.)*

(g) such other particulars (if any) as may be prescribed by the rules under this Act.

[S. 12, *ibid.*]

12. The person by whom certificate A and certificate B are to be granted shall be the officer appointed under section 7.

Grant of certificates.

[S. 13, *ibid.*]

13. Where the master of a pilgrim ship produces to that officer either of the following certificates, namely,—

Substitute for certificate A.

(a) a valid certificate granted by the Board of Trade or by a British Colonial Government, or

(b) a certificate granted under the authority of a British Indian Government on a date not more than one year before the proposed day of sailing and in force and applicable to the voyage on which the ship is to proceed or the service on which she is about to be employed,

the officer may, if the particulars required by section 10 are certified thereby, take the certificate as evidence of those particulars, and it shall then be deemed to be a certificate A for the purposes of this Act.

[S. 14, *ibid.*]

14. (1) After receiving the notice required by section 7, the officer appointed under that section may, if he thinks fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether she is, in their opinion, seaworthy and properly equipped, fitted and ventilated for the conveyance of pilgrims:

Provided that he shall not cause a pilgrim ship holding a certificate mentioned in section 13, clause (a) or clause (b), to be surveyed unless, by reason of her having met with damage or having undergone alterations, or on any other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for the conveyance of pilgrims.

(2) If the officer causes a survey to be made of a pilgrim ship holding any such certificate, and the surveyors report that she is seaworthy and properly equipped, fitted and ventilated for the conveyance of pilgrims, and that there was no reasonable ground why the officer should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for such traffic, the expense of the survey shall be paid by the Local Government.

[S. 15, *ibid.*]

15. (1) The officer authorized to grant a certificate under this Act in respect of a pilgrim ship shall not grant it unless he is satisfied that she has on board no cargo likely from its quality, quantity or mode of stowage to prejudice the health or safety of the pilgrims embarked.

(2) But save as aforesaid, and subject to the provisions of sub-section (3), it shall be in the

discretion of the officer to grant or withhold a certificate under this Act.

(3) In the exercise of that discretion such officer shall be subject to the control of the Local Government and of any intermediate authority which that Government appoints in this behalf.

16. The master or owner of every pilgrim ship shall post up in a conspicuous part of her, so as to be visible to persons on board, a copy of each of the certificates granted under this Act in respect thereof, and shall keep those copies so posted up throughout the voyage.

Copy of certificates to be exhibited.

17. If an officer appointed in this behalf by the Local Government is satisfied that a pilgrim has brought on board a pilgrim ship for his own use food of the quality and in the quantity for the time being prescribed by the rules under this Act, the requirements of this Act respecting the supply of food for pilgrims shall not apply so far as regards the supply of food for that pilgrim.

18. (1) The Governor General in Council may by order prescribe the number of superficial and cubic feet of space (not being less than the space required for passengers under any Act for the regulation of passenger ships) to be available in the between-decks for pilgrims on board pilgrim ships.

Space and hospital accommodation to be provided for pilgrims.

(2) Every pilgrim ship shall have reserved for the use of the pilgrims on board gratuitously by day and by night the upper deck (exclusive of the portion set apart for first and second class passengers, the airing space for the crew and any space which may be reserved as a hospital for the passengers).

(3) In addition to the space provided for by sub-sections (1) and (2), there shall be a hospital on board every pilgrim ship capable of accommodating five per cent. of the pilgrims embarked, thirty-two superficial feet being allowed per head.

19. The master of every pilgrim ship departing or proceeding from any port or place in British India shall sign two statements, specifying the number and the respective sexes of all the pilgrims embarked and the number of the crew, and shall deliver them to the officer appointed under section 7, who shall thereupon, after having first satisfied himself that the numbers are correct, countersign and return to the master one of the statements.

20. The master of every pilgrim ship shall note in writing on the statement returned to him and on any additional statement to be made under the next following section, the date and supposed cause of death of any pilgrim who may die on the voyage, and shall, when the pilgrim ship arrives

Statements concerning pilgrims. India shall sign two statements, specifying the number and the respective sexes of all the pilgrims embarked and the number of the crew, and shall deliver them to the officer appointed under section 7, who shall thereupon, after having first satisfied himself that the numbers are correct, countersign and return to the master one of the statements.

20. The master of every pilgrim ship shall note in writing on the statement returned to him and on any additional statement to be made under the next following section, the date and supposed cause of death of any pilgrim who may die on the voyage, and shall, when the pilgrim ship arrives

Deaths on voyage.

The Pilgrim Ships Bill.

(Rules for Voyages of Pilgrim Ships—Sections 21—23. Penalties—Section 29.)

at her port or place of destination or at any port or place at which it may be intended to land pilgrims, and, before any pilgrims disembark, produce the statement, with any additions thereto made, to a person lawfully exercising consular authority on behalf of Her Majesty at the port or place or to the Chief Customs-officer thereat or the officer (if any) appointed there under section 7.

[S. 24, *ibid.*]

Pilgrim ship taking additional pilgrims at intermediate place.

21. (1) In either of the following cases, namely,—

(a) if after a pilgrim ship has departed or proceeded on her voyage any additional pilgrims are taken on board at a port or place within British India appointed under this Act for the embarkation of pilgrims, or

(b) if a pilgrim ship upon her voyage touches or arrives at any such port or place, having previously received on board additional pilgrims at any place beyond British India,

the master shall obtain a fresh certificate to the effect of certificate B from the officer appointed at that port or place under section 7, and shall make additional statements specifying the number and the respective sexes of all the additional pilgrims.

(2) All the foregoing provisions of this Act with respect to certificate B and statements concerning pilgrims shall be applicable to any certificate granted or statement made under this section.

[S. 25, *ibid.*]

Pilgrim ships to be propelled principally by steam.

22. Every pilgrim ship shall be propelled principally by steam.

[S. 26, *ibid.*]

23. Every pilgrim ship carrying more than one hundred pilgrims shall have on board a medical officer licensed in accordance with the rules under this Act, and, if the number carried exceed one thousand, a second medical officer similarly licensed.

[S. 27, *ibid.*]

24. (1) Every pilgrim ship proceeding from any port in British India other than Aden to any port in the Red Sea shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

(2) A pilgrim ship proceeding from any port in the Red Sea to any port in British India other than Aden shall not be required to touch at Aden, or, if she touches at that port, to obtain a clean bill of health before leaving.

[S. 28, *ibid.*]

25. The authority at Aden empowered to grant the bill of health shall refuse to grant it if the ship has on board a greater number of pilgrims than the number allowed by or under this Act, and may refuse to grant it if the requirements of any rule under this Act are not complied with on board such pilgrim ship.

26. In the case of every pilgrim ship proceeding from any port in British India other than Aden to any port in the Red Sea, the officer whose duty it is to grant a port-clearance shall not grant the clearance unless or until the master, owner or agent and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond, for the sum of five thousand rupees, conditioned—

Bond where pilgrim ship proceeds on outward voyage.

(a) that the ship shall touch at Aden on the outward voyage and there obtain a clean bill of health, and

(b) that the master and medical officer or officers (if any) shall comply with the provisions of this Act and of such rules relating to pilgrim ships as the Governor General in Council may make thereunder.

27. No pilgrim shall be received on board any pilgrim ship unless and until he has been inspected, at such time and place, and in such manner, as the Local Government may fix in this behalf, by a medical officer to be appointed by that Government for the purpose.

Power of Local Government regarding medical inspection of pilgrims.

(2) If, in the opinion of the officer making an inspection under this section, any pilgrim is suffering from cholera or choleraic indisposition, or any form of suspicious diarrhoea, or any dangerously infectious or contagious disease, such pilgrim shall not be permitted to embark.

(3) If any such officer has reason to believe that any pilgrim, though not suffering from any dangerously infectious or contagious disease, is or has recently been in attendance upon, or otherwise in contact with, any person so suffering, he may prohibit the embarkation of the pilgrim for such period as he may think fit.

(4) All articles which have been contaminated by persons suffering from cholera or choleraic indisposition, or any dangerously infectious or contagious disease, or are suspected of having been so contaminated, shall, before being taken on board a pilgrim ship, be disinfected, under the supervision of a medical officer appointed by the Local Government for the purpose, in such manner as the Local Government shall direct.

28. The master of every pilgrim ship shall be bound to pay the whole amount of the sanitary taxes imposed by lawful authority at the ports visited.

Penalties.

29. (1) if a pilgrim ship departs or proceeds on a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of Section 6, Sub-section (1), or Section 9, the master

Penalty on master or owner for pilgrim ship unlawfully departing or receiving pilgrims on board.

*The Pilgrim Ships Bill.**(Penalties—Sections 30-39.)*

or owner shall, for every passenger carried in the ship, or so discharged (as the case may be), be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

(2) If any person is received as a pilgrim on board a pilgrim ship in contravention of the provisions of section 6, sub-section (2), the master or owner shall for every such pilgrim be liable to such punishment as is specified in sub-section (1).

(3) In either of the said cases the ship, if found within two years in any port or place within British India, may be seized and detained by a Chief Customs-officer until the penalties incurred under this Act by her master or owner have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions of this Act:

Provided that the aggregate term of imprisonment awarded under this section shall not exceed one year.

[S. 32, *ibid.*] 30. If any one impedes or refuses to allow

the entry or inspection authorized by or under this Act, he shall be punished with fine which may extend to five hundred rupees for each offence, or with imprisonment for a term which may extend to three months, or with both.

[S. 33, *ibid.*] 31. If the master or owner of a pilgrim ship without reasonable excuse, the burden of proving which shall lie upon him, fails to comply with the requirements of section 10 with respect to the posting of copies of certificates, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

[S. 34, *ibid.*] 32. If the master of a pilgrim ship fails to

comply with any of the requirements of section 19 or section 20 as to the statements concerning pilgrims, or wilfully makes any false entry or note in or on any such statement, or fails to obtain any such fresh certificate or to make any such statement of the number of additional pilgrims as is mentioned in section 21, he shall be punished with fine which may extend to five hundred rupees for every such offence, or with imprisonment for a term which may extend to three months, or with both.

[S. 35, *ibid.*] 33. If the master of a pilgrim ship, after hav-

ing obtained any of the certificates mentioned in section 9 or section 21, fraudulently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship, the pilgrims on board or other matters to which the certificate relates, he shall be punished with fine which may extend to two thousand

rupees, or with imprisonment for a term which may extend to six months, or with both.

34. If the master of a pilgrim ship without [S. 36, *ibid.*]

reasonable excuse, the burden of proving which shall lie upon him, omits to supply to any pilgrim the allowance of food, fuel and water prescribed by the rules under this Act, he shall be punished with fine which may extend to twenty rupees for every pilgrim who has sustained detriment by the omission.

35. If a pilgrim ship has on board a number [S. 38, *ibid.*]

of pilgrims greater either than the number allowed under this Act or than the number allowed by the license or certificate (if any), granted at her port or place of departure, the master and owner shall, for every pilgrim in excess of that number, be each punished with fine which may extend to twenty rupees.

36. If the master of a pilgrim ship lands any [S. 39, *ibid.*]

pilgrim at any port or place other than the port or place at which such pilgrim may have contracted to land, unless with his previous consent or unless the landing is made necessary by perils of the sea or other unavoidable accident, he shall for every such offence be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

37. If a pilgrim ship, otherwise than by reason [S. 40, *ibid.*]

of perils of the sea or other unavoidable accident, touches at any port or place in contravention of any express or implied contract or engagement with the pilgrims with respect to the voyage which the ship was to make and the time which that voyage was to occupy, whether the contract or engagement was made by public advertisement or otherwise, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

38. If a pilgrim ship is not propelled principally [S. 41, *ibid.*]

by steam as required by section 22, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both.

39. If a pilgrim ship carrying more than one [S. 42, *ibid.*]

hundred pilgrims has not on board a medical officer, or two medical officers if the number of pilgrims carried exceed one thousand, as required by section 23, the master shall be

The Pilgrim Ships Bill.

(Penalties—Sections 40-42. Procedure—Sections 43-47. Supplemental—Section 48.)

punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

[S. 43, *ibid.*] 40. If the master of a pilgrim ship proceeding

Penalty on master for not obtaining bill of health at Aden on outward voyage.

from any port in British India other than Aden to any port in the Red Sea without reasonable excuse, the burden of proving which shall lie upon him, fails to touch at Aden, or leaves that port without having obtained a bill of health as required by section 24, sub-section (1), he shall for every such offence be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

[S. 45, *ibid.*] 41. If the master of a pilgrim ship knowingly

Penalty on master receiving pilgrim or contaminated article in contravention of section 27.

receives on board any pilgrim or any contaminated article in contravention of the provisions of section 27, he shall be punished with fine which may extend to five hundred rupees for each pilgrim, or fifty rupees for each contaminated article, so received, or with imprisonment which may extend to three months, or with both.

[S. 44, *ibid.*] 42. If the master or the medical officer (if any)

Penalty on master or medical officer of pilgrim ship disobeying rules under this Act.

of a pilgrim ship without reasonable excuse, the burden of proving which shall lie upon him, breaks, or omits or neglects to obey, any rule under this Act, he shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Procedure.

[S. 46, *ibid.*] Adjudication of offences, and levy of fine by distress on pilgrim ship. 43. (1) Offences against this Act shall be punishable by a Magistrate.

(2) If the person on whom a fine is imposed under this Act is the master or owner of a pilgrim ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary means prescribed by law for enforcing payment, by warrant direct the amount remaining unpaid to be levied by distress and sale of such pilgrim ship, her tackle, furniture and apparel.

[S. 47, *ibid.*] 44. For the purpose of the adjudication of

Jurisdiction.

penalties under this Act, every offence against its provisions shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

[S. 48, *ibid.*] 45. The penalties to which masters and owners

Authority to institute proceedings for penalties.

of pilgrim ships are made liable by this Act shall be enforced only on information laid at the instance of officers appointed to grant certificates under this Act, or, at any port or place where there is no such officer, at the instance of the Chief Customs-officer.

46. A Magistrate imposing a fine under this [S. 49, *ibid.*]

Application of fines.

Act may, if he thinks fit, direct the whole or any part thereof to be applied in or towards compensating any person for any detriment which he may have sustained by the act or default in respect of which the fine is imposed, or in or towards payment of the expenses of the prosecution.

47. (1) Whenever in the course of any legal [S. 50, *ibid.*]

proceeding under this Act the testimony of a witness is required in relation

to the subject-matter of the proceeding, any deposition which he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where the proceeding is instituted), or before any British consular officer elsewhere, shall be admissible in evidence on proof that the witness cannot be found within the jurisdiction of the Court in which the proceeding is instituted:

Provided that the deposition shall not be admissible unless—

- (a) it is authenticated by the signature of the Justice, Magistrate or consular officer;
- (b) it was made in the presence of the person accused; and
- (c) the fact that it was so made is certified by the Justice, Magistrate or consular officer.

(2) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

Supplemental.

48. (1) The Chief Customs-officer or other [S. 51, *ibid.*]

Information to be sent to ports of embarkation and discharge.

officer (if any) appointed by the Local Government in this behalf at any port or place within British India at which a pilgrim ship touches or arrives shall, with advertence to the provisions of this Act, send any particulars which he may deem important respecting such pilgrim ship and the pilgrims carried therein to the officer at the port or place from which she commenced her voyage, and to the officer at any other port or place within British India where the pilgrims or any of them embarked or are to be discharged.

(2) The Chief Customs-officer or other officer (if any) appointed by the Local Government in this behalf at any port or place in British India at which a pilgrim ship touches or arrives may enter on the ship and inspect her in order to ascertain whether the provisions of this Act as to the number of pilgrims and other matters have been complied with.

The Pilgrim Ships Bill.

(Supplemental—Sections 49-51.)

[S. 52, *ibid.*]

49. In any proceeding for the adjudication of any penalty incurred under this Act any document purporting to be a report of such particulars as are referred to in sub-section (1) of the last foregoing section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if it appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

(h) the functions of the master, medical officer or officers (if any) and other officers during the voyage; and,

(i) generally, to carry out the purposes of this Act.

(2) The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act to regulate—

(a) the local limits within which, and the time and mode at and in which, pilgrims shall be embarked or discharged at any port or place appointed under this Act in that behalf; and

(b) the time within which a pilgrim ship shall depart or proceed on her voyage after commencing to take pilgrims on board.

(3) In making a rule under this section the authority making it may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and when the breach is a continuing breach with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

(4) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

(5) All rules heretofore made under the Native Passenger Ships Act, 1887, shall, so far as consistent with this Act, continue to be applicable to pilgrim ships unless and until they shall be superseded or altered by rules under this Act. X of 1887.

51. The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties which are conferred and imposed by this Act or may be conferred and imposed thereunder. [S. 54, *ibid.*]

[S. 53, *ibid.*]

50. (1) The Governor General in Council may make rules consistent with this Act to regulate all or any of the following matters:

(a) the scale on which food, fuel and water are to be supplied to pilgrims on board pilgrim ships, and the quality of such food, fuel and water;

(b) the medical stores and other appliances and fittings to be provided on board for maintaining health, cleanliness and decency;

(c) the licensing and appointment of medical officers in cases where they are required by this Act to be carried;

(d) the boats, anchors and cables to be provided on board;

(e) the instruments for purposes of navigation to be supplied;

(f) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires;

(g) the provision of appliances for saving life and of means for making signals of distress, and the supply of lights extinguishable in water and fitted for attachment to life-buoys;

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to give effect to recommendations made by the International Sanitary Conference held at Paris in 1894 and accepted by Her Majesty's Government for the regulation of the Muhammadan pilgrim traffic by sea between British India and Arabia. Vessels engaged in that traffic are at present governed by the Native Passenger Ships Act, 1887; but, as that Act contains, besides special provisions applying to pilgrim ships, provisions of general application to ships carrying natives of Asia or Africa as passengers, it appears to be the most convenient course, instead of attempting to amend it to meet the special circumstances of the case, to remove altogether from its operation pilgrim ships and to provide for them in a separate enactment such as that now proposed. This Bill, it will be found from the marginal references, reproduces, with such amendments as are necessary to carry out the object stated above, all the sections contained in Act X of 1887 except sections 18, 19, 20, 21, 37, 55 and 57, some of which are on the face of them inapplicable in the case of ships making the long voyage from British India to foreign ports in the Red Sea. The more important of the amendments made in the provisions of the existing enactment are noticed below.

2. Section 4 of the Bill repeals the Native Passenger Ships Act so far as regards "pilgrim ships," and section 5, besides defining a "pilgrim" and a "pilgrim ship," provides that no vessel shall come within the purview of the proposed Act unless, besides ordinary passengers, among whom may be included pilgrims not of the lowest class, it has on board pilgrims of the lowest class in a proportion of at least one to every hundred tons of the gross tonnage. In accordance with the terms of the Convention, every individual Muhammadan passenger of whatever age, making the voyage to or from the Hedjaz, is to be reckoned as a pilgrim.

3. In section 7 of the Bill it is provided that at least three days' (instead of twenty-four hours') notice beforehand shall be given of the sailing and destination of a pilgrim ship.

4. Section 21 of Act X of 1887 fixes the minimum space to be made available for passengers on long voyages, while section 56 enables the Governor General in Council, notwithstanding the earlier provision, to prescribe by order the number of superficial or of cubic feet to be allowed. Sub-section (1) of section 18 of the Bill omits the former, but includes the latter, provision, it having been decided that the increase of space, on which much stress was laid at the Conference, should be provided for by executive order in this way. The remaining sub-sections (2) and (3) give effect to the recommendations of the Conference as to the reservation of the upper deck for the use of pilgrims by day and by night and the hospital accommodation to be set apart for their benefit.

5. By section 23 of the Bill, which for the rest reproduces section 26 of the Native Passenger Ships Act, the presence of a second medical officer on board is, in accordance with the Convention, required if the number of pilgrims carried exceeds one thousand.

6. Section 24 of the Bill reproduces section 27 of the Native Passenger Ships Act, so modified as to dispense with the unnecessary and often inconvenient call at Aden on the return journey to India which is at present compulsory. This change is not required by the Convention, but is in no way opposed thereto.

7. By section 27 of the Bill, which corresponds to section 30 of the Native Passenger Ships Act, it is provided, as recommended by the Conference, that the medical examination of all pilgrims shall take place on land prior to embarkation, that persons suffering from cholera or choleraic diarrhoea or any dangerously infectious or contagious disease shall not be permitted to embark, that the embarkation of others who have been in attendance upon or otherwise in contact with persons so affected may, at the discretion of a duly appointed medical officer, be forbidden, and that contaminated articles shall not be taken on board without having been first disinfected under the supervision of a medical officer as aforesaid.

8. Section 28 of the Bill is an entirely new provision based on the Convention, and is to the effect that all the sanitary taxes levied at the ports visited shall be paid by the master, who is left to recover the amount, by arranging to have it included in the price of the tickets issued or otherwise, from the pilgrims concerned.

9. The remaining alterations are either consequential on those already explained or are of an unimportant character, and do not, therefore, call for further notice or explanation.

The 9th July 1895.

(Signed) A. MACKENZIE.

J. M. MACPHERSON,
Officiating Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th July, 1895 :—

Bill No. 13 of 1895.

A Bill to amend Sections 632 and 652 of the Code of Civil Procedure.

WHEREAS it is expedient to amend Sections 632 and 652 of the Code of Civil Procedure ; It is hereby enacted as follows :

1. In Section 632 of the said Code, after the word "chapter" the words and figures "and in Section 652" shall be added.

Amendment of Section 632, Act XIV, 1882.

2. To Section 652 of the said Code the following shall be added, namely :

"Notwithstanding anything in this Code contained, any High Court established under the said Act for establishing High Courts of Judicature in India may make such rules consistent with the Letters Patent establishing it to regulate its own procedure in the exercise of its original civil jurisdiction, as it shall think fit.

"All such rules shall be published in the local official Gazette, and shall thereupon have the force of law."

STATEMENT OF OBJECTS AND REASONS.

SECTION 652 of the Code of Civil Procedure, as it now stands, purports to require that any rules to regulate its own procedure made by a High Court, even although it be established by Royal Charter, shall be consistent with that Code. The Letters Patent of the High Courts at Fort William, Madras and Bombay, appear, however, to recognise the practical expediency of leaving such High Courts some latitude in the direction of adapting the provisions of the ordinary law to meet their requirements. It has been found by experience that those provisions are not in all respects convenient in the case of original proceedings in those Courts, and the object of this Bill is, by an amendment of Section 652 and an ancillary amendment of Section 632, to bring the Code into perfect harmony with the provisions of those Letters Patent and to enable the High Courts referred to to regulate the exercise of their original civil jurisdiction accordingly.

The 9th July, 1895.

(Signed) ALEX. EDW. MILLER.

J. M. MACPHERSON,

Officiating Secretary to the Government of India.