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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to make better provision for the regulation of Pilgrim Ships was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th September 1895:

- We, the undersigned, Members of the Select Committee to which the Bill to make better provision for the regulation of Pilgrim Ships was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.
- From High Court, Calcutta, No. 1612, dated 8th August 1895 [Paper No. 1].
From the Hon'ble Haji Muhammad Ismail Khan, Aligarh, Member, Legislative Council, North-Western Provinces and Oudh, dated 7th August 1895 [Paper No. 2].
From President, Public Meeting, Calcutta, and enclosure [Papers No. 3].
From Secretary, Behar Muhammadan Association, Bankipur, dated 11th August 1895 [Paper No. 4].
From Chief Commissioner, Burma, No. 235-4Z.-6, dated 9th August 1895, and enclosures [Papers No. 5].
From Government, Bengal, Marine Department, No. 1611, dated 14th August 1895, and enclosures [Papers No. 6].
Memorial of Haji Ismail Ishak, Broker of Pilgrim Ships, Bombay, dated 10th August 1895 [Paper No. 7].
From Government, Bombay, Nos. 3421 and 1422, dated 17th August 1895, and enclosures [Papers No. 8].
From Ditto, No. 3490, dated 22nd August 1895, and enclosures [Papers No. 9].
From ditto, No. 13-P., dated 20th August 1895, and enclosure [Papers No. 10].
Telegram from His Honour the Lieutenant-Governor of Bengal, dated 24th August 1895 [Paper No. 11].
From Government, Bengal, No. 1694 Marine, dated 23rd August 1895, and enclosure [Papers No. 12].
Telegram from Government, Madras, No. 517, dated 26th August 1895 [Paper No. 13].
From Government, Bombay, No. 3521, dated 24th August 1895, and enclosure [Papers No. 14].
From Government, Bengal, No. 142-T., dated 24th August, 1895 [Paper No. 15].
Note by the Honourable Prince Sir Jahan Kadr Mirza Muhammad Wahed Ali Bahadur, C.I.E., Member, Supreme Legislative Council [Paper No. 16].
From Central Muhammadan Association, dated 29th August 1895 [Papers No. 17].
From Government, Bombay, No. 15-P., dated 22nd August 1895, and enclosure, enclosing a Memorial from the Anjuman-e-Taid Mussalman, Bombay, dated 5th idem (identical with Memorial of the Anjuman-i-Islam, Surat, printed in Papers No. 8).

We have amended the definition of "pilgrim ship" so as, on the one hand, to include ships "about to convey" pilgrims and, on the other, to exclude certain European liners which we understand are in the habit of conveying small batches of emigrants as far as Suez, where they tranship and thence proceed to Jeddah.

In order to prevent the proviso to the same definition being so worked as to enable ships of the nature of those intended to be governed by the proposed Act to escape from its provisions, we have limited the explanation of the term "pilgrims of the lowest class" to pilgrims who have no reserved accommodation in any cabin state-room or saloon. The effect of the explanation will also be to prevent the proviso from

being so worked as to bring vessels carrying only first and second class passengers, in the ordinary acceptance of the term, within the application of the Act, which we understand was not intended; otherwise pilgrims travelling as ordinary second class passengers might be treated as pilgrims of the lowest class on a ship which carried no third class or deck passengers.

4. *Section 6.*—This section is new. It declares that all passengers on pilgrim ships shall be deemed to be pilgrims. We agree with the Government of Bombay that practical difficulties are likely to arise unless all passengers on board such ships are treated in the same way.

5. *Section 8 (formerly section 7).*—We have expanded sub-section (2) so as to limit the period of notice to twenty-four hours when the ship has only stopped at a port of call, unless when she originally commenced her voyage from a port out of British India, in which case the longer period of three days is still required the first time she calls at a British Indian port.

6. *Section 11 (formerly section 10).*—Words have been inserted requiring certificate A to specify the number of passengers of "each class" that the ship is capable of carrying.

7. *Section 12 (formerly section 11).*—A new clause (f) has been added providing for a statement in certificate B that the ship is of such tonnage and steam-power (if any) as may be prescribed by rule. This addition has been made in accordance with a suggestion of the Health Officer, Bombay, with a view to preventing the departure of small or insufficiently engined ships during the south-west monsoon when the sufferings of the pilgrims are proportioned to the length of the voyage. In clause (g) [formerly clause (f)] of the same section we have added a reference to the prescribed attendants, as we agree with the Government of Bombay that every ship should be required to carry one or more attendants for sick pilgrims in addition to the doctor or doctors.

8. *Section 19 (formerly section 18).*—In sub-section (1) we have introduced words which will empower the Government to prescribe the amount of space to be available in the between decks for pilgrims "of each class respectively," and thus prevent more than the lawful number of pilgrims of each class being carried. Sub-section (2) has been recast and divided into two sub-sections, the object of which is to provide not only that the upper deck space free to the pilgrims shall not be less than six superficial feet for each pilgrim on board, but also that the space available to the pilgrims of any class shall not be restricted below this amount owing to the allotment of a greater amount to the pilgrims of some other class. We have, however, thought it sufficient to limit the requirement of this minimum upper-deck space to the case of pilgrims of the age of twelve years or upwards.

9. *Section 20* is new and provides for the disposal of the baggage of pilgrims—a very desirable provision in the interests of the pilgrims.

10. *Section 21 [formerly section 18, sub-section (3)]*—This provision has been modified so as to confer power on the Governor General in Council to prescribe the actual amount of hospital accommodation, not exceeding that required by the Convention, to be kept immediately available for use on board each ship.

11. *Section 22 (formerly section 19).*—We have amplified this section so as to require the specification of various particulars which are deemed necessary in the statement for which the section provides.

12. *Section 25.*—This section is new. It follows a suggestion of the Bombay Government that the masters of incoming ships should be required to furnish a statement concerning the pilgrims on board similar to that required in the case of departing ships by section 22.

13. *Section 26 (formerly section 22).*—We have made an addition to this section corresponding to the new clause (f) added to section 12, as explained above.

14. *Section 27 (formerly section 23).*—The addition as to attendants made to this section corresponds to the addition to clause (g) of section 12, also explained above.

15. *Section 28*, which requires the medical officer to keep a diary and to make such returns as may be prescribed, is new. It is in accordance with a suggestion of the Health Officer, Bombay.

16. *Section 29 (formerly section 24).*—Having regard to the practical difficulties which have been brought to our notice in connection with the working of the existing law, which requires every pilgrim ship to get "a clean bill of health" before leaving Aden, we have thought it best to do away with this requirement and to permit ships to leave the port as soon as they obtain a certificate stating whether any case of cholera has or has not occurred on board since leaving the last port of departure. We believe that such a certificate will furnish the Turkish authorities at the Hedjaz with all the information they desire as to the health of the pilgrims, while it is one which can in every case be furnished without difficulty or delay.

17. *Section 30 (formerly section 25).*—The alterations in this section are mainly consequential on that made in section 29, as explained above, but we have not thought it necessary to maintain the existing provision which required the detention of a ship at Aden if she had more than the proper number of pilgrims on board.

18. *Section 32 (formerly section 27).*—We have generalized the language of sub-section (1) so as to permit of special arrangements being made for the medical inspection of female pilgrims, a matter to which our attention has been drawn by many of the papers to the Bill. We have also added some words to the sub-section to carry out a suggestion of the Health Officer, Bombay, which is endorsed by the Bombay Government, that the new law should contain an express prohibition of the embarkation of pilgrims without the permission of the officer upon whom the notice of sailing has to be served as provided in section 8. We have further extended the scope of sub-section (2) so as to include the case of persons suspected of suffering from certain diseases and have omitted sub-section (3), which provided for the detention of persons

attending upon or otherwise in contact with persons so suffering, a provision which is not required by the Convention and appears to us to be undesirable. Lastly, in sub-section (3) [formerly sub-section (4)] we have provided that the disinfection of contaminated articles before being taken on board shall be carried out in such manner as may be prescribed by rule.

19. *Section 33* is new and provides for a second medical inspection when a ship does not commence her voyage within forty-eight hours of the embarkation of all her pilgrims, and there is reason to suspect that any person on board is suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, and for the removal from the ship of any person found to be so suffering, together with all articles belonging to him.

20. *Section 34* is also new and provides that the medical inspection of female pilgrims shall as far as practicable be carried out by women.

21. *Section 35* is also new. It requires the issue of tickets in a prescribed form to intending pilgrims, and imposes the duty on pilgrims of producing such tickets whenever required by the prescribed officers. It further provides for the refund of their passage-money to pilgrims in certain cases when they are prevented from proceeding on the voyage.

22. *Section 36* (formerly section 28).—We have limited the obligation of masters to pay the sanitary taxes at the ports visited to taxes included in the cost of the tickets issued to pilgrims. In the uncertainty which exists as to what these taxes may be we do not feel justified in imposing a wider obligation than the above on masters of ships.

23. *Section 43* (formerly section 35).—We have inserted words in this section to make it clear that, when the number of pilgrims allowed under the Act and under the certificate obtained by the ship at her place of departure is different, it shall be penal to carry more than the smaller of these numbers. We have also added provisions to the section, taken from the corresponding provision in section 37 of the Native Passenger Ships Act, 1887, (1) subjecting a master who carries excess pilgrims to imprisonment as well as fine to the extent of one week for each excess pilgrim, the aggregate not to exceed six months; and (2) providing for the removal from the ship and the forwarding to the port at which they had contracted to land, at the cost of the owner and master of any ship, of any excess pilgrims found on board.

24. *Section 54* (formerly section 46).—In accordance with a suggestion from the Bombay Government, we have added words to this section permitting the application of a fine in whole or part by way of reward to the person or persons who have been instrumental in the detection or prosecution of the offender.

25. *Section 58* (formerly section 50).—We have greatly expanded this section, having added power to make rules with regard to many new matters, including (1) the fittings and appliances to be provided in the between-decks for the comfort and convenience of pilgrims, (2) the quality, quantity and storage of the cargo to be carried, (3) the allotment of the upper deck space between the different classes of pilgrims, (4) the amount and distribution of the baggage of pilgrims, (5) the nature and extent of the hospital accommodation to be provided, (6) the form of the statements to be furnished by masters under sections 22 and 25, (7) the tonnage and steam-power to be required in the case of pilgrim ships making certain voyages, (8) the disinfection of contaminated articles before they are brought on board, (9) the medical inspection of women, (10) the supply of tickets and their form, and (11) the refund of passage-money to intending pilgrims who may be prevented from proceeding on the voyage.

26. The other alterations made by us are either formal or are not of sufficient importance to require notice.

27. The publication ordered by the Council has been made as follows:—

<i>Gazette.</i>		<i>In English.</i>		<i>Date.</i>
Gazette of India	13th July 1895.
Fort Saint George Gazette	23rd July 1895.
Bombay Government Gazette	18th July 1895.
Calcutta Gazette	24th July 1895.
Burmah Gazette	3rd August 1895.
Sind Official Gazette	26th July 1895.
<i>Province.</i>		<i>In the Vernaculars.</i>		<i>Date.</i>
Madras	Hindustani	27th August 1895.
		...	Malayalam	27th August 1895.
Bombay	Maráthi	8th August 1895.
		...	Gujaráthi	8th August 1895.
		...	Kánarese	8th August 1895.
		...	Hindi	14th August 1895.
Bengal	Sindhi	1st August 1895.

28. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

(Signed) A. MACKENZIE.
 " ALEX. EDW. MILLER.
 " J. WESTLAND.
 " A. C. TREVOR.
 " A. S. LETHBRIDGE.

The 9th September 1895.

*The Pilgrim Ships Bill.**(Preliminaries—Sections 1—2.)*

No. II.

THE PILGRIM SHIPS BILL.

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No. II.

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 [S. 1, Act X of 1887.]
Title. Act, 1895.
2. (1) It extends to the whole of British [S. 2, *ibid.*] India, and applies—
Extent and application. India, and applies—
(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,

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(Preliminary—Sections 3—6. Rules for Voyages of Pilgrim Ships—Sections 7—12.)

(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 or Royal 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.

[S. 3, *ibid.*]

3. This Act shall come into force on *such day as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.*

[S. 4, *ibid.*]

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

X of 1887.

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

[S. 5, *ibid.*]

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

Definitions.

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

Explanation.—A Muhammadan passenger who has embarked with the intention of going to the Hedjaz, but his returning without having actually landed there, shall be deemed to be a pilgrim for the purposes of this Act:

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

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.—A "pilgrim of the lowest class" is a pilgrim for whom no separate accommodation in any cabin, state-room or saloon is reserved:

(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 for any port or place to which this Act applies:

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

(6) "prescribed" means prescribed by the rules made by the Governor General in Council under this Act.

6. Every passenger, whether a pilgrim or not, on board a pilgrim ship shall be deemed to be a pilgrim for the purposes of this Act.

All passengers on pilgrim ships to be deemed pilgrims.

Rules for Voyages of Pilgrim Ships.

7. (1) No pilgrim ship shall depart or proceed from, or discharge pilgrims at, any port or place within British India other than a port or place appointed in this behalf by the Local Government. [S. 6, *ibid.*]

Pilgrim ships to sail only from places appointed by the 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.

8. (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. [S. 7, *ibid.*]

Notice to be given of time of sailing.

(2) The notice shall be given at the original port of departure if in British India, and in other cases at the first port at which she touches in British India, not less than three days, and at all other ports of call not less than twenty-four hours, before that time.

9. 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. [S. 8, *ibid.*]

Power to enter on and inspect pilgrim ship.

10. (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. [S. 9, *ibid.*]

Pilgrim ship not to sail without two certificates.

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

11. 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 of each class which she is capable of carrying. [S. 10, *ibid.*]

Contents of certificate A.

12. The second of the certificates (hereinafter called "certificate B") shall state— [S. 11, *ibid.*]

Contents of certificate B.

- (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 have been placed on board, of the quality prescribed, properly packed, and

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(Rules for Voyages of Pilgrim Ships—Sections 13—19.)

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;

- (d) that the master holds certificate A;
- (e) that she is propelled principally by steam;
- (f) that she is of the tonnage and steam-power (if any) prescribed;
- (g) that, if she is to carry more than one hundred pilgrims, she has on board the medical officer, or medical officers, required by section 27 and the prescribed attendants;
- (h) such other particulars (if any) as may be prescribed.

[S. 12, *ibid.*]

13. The person by whom certificate A and certificate B are to be granted shall be the officer appointed under section 8.

[S. 13, *ibid.*]

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

- (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 11 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.*]

15. (1) After receiving the notice required by section 8, 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 14, 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.

16. (1) The officer authorized to grant a certificate under this Act in respect of a pilgrim ship shall not grant it unless

Discretion as to grant of certificate. 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 may appoint in this behalf

17. 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.

18. 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 prescribed quality and in the prescribed quantity, 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.

19. (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 for the time being required for passengers under any Act for the regulation of passenger ships) to be available in the between-decks of pilgrim ships of each class respectively on board pilgrim ships.

(2) Every pilgrim ship shall have reserved for the use of the pilgrims on board gratuitously by day and by night so much of the upper deck as is not required for the airing space of the crew or for permanent structures:

Provided that the upper-deck space available for pilgrims shall in no case be less than six superficial feet for each pilgrim of the age of twelve years or upwards on board.

(3) Subject as aforesaid and to any rules which may be made under this Act, such space may be allotted among the different classes of pilgrims in such proportion as may be thought fit:

Provided that not more space shall be allotted to any one class than will leave six superficial feet of space available for each pilgrim of the age of twelve years or upwards of each of the other classes on board.

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(Rules for Voyages of Pilgrim Ships—Sections 20—31.)

20. The baggage of all pilgrims shall be disposed of on board in such manner as may be prescribed.

Disposal of pilgrims' baggage.

21. There shall be a regularly appointed hospital on board every pilgrim ship offering such conditions of security and health, and capable of accommodating such number, not exceeding five per cent., of the pilgrims embarked, thirty-two superficial feet being allowed per head, as may be prescribed.

Hospital accommodation.

[S. 23, *ibid.*]

22. The master of every pilgrim ship departing or proceeding from any port or place in British India shall sign a statement in duplicate in the prescribed form specifying the total number and the number of each sex of all the pilgrims embarked and the number of the crew, and shall deliver both copies to the officer appointed under section 8, who shall thereupon, after having first satisfied himself that the entries are correct, countersign and return to the master one of the copies.

Statement concerning pilgrims to be delivered before ship departs.

[S. 2, *ibid.*]

23. The master of every pilgrim ship shall note in writing on the copy of the statement returned to him under the last foregoing section, 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 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 8.

Deaths on voyage.

[S. 24, *ibid.*]

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

Pilgrim ship taking additional pilgrims at intermediate place.

(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 8, and shall furnish an additional statement in duplicate in the prescribed form respecting such additional pilgrims.

(2) All the foregoing provisions of this Act with respect to certificate B and the statement concerning pilgrims to be signed and delivered by the masters of pilgrim ships shall be applicable to any certificate granted or statement made furnished under this section.

25. The master of every pilgrim ship arriving at any port or place in British India at which it may be intended to discharge pilgrims shall, before any pilgrims disembark, deliver a statement signed by him, specifying the total number and the number of each sex of all the pilgrims on board and the number of the crew, and such other particulars as may be prescribed, to the officer appointed thereat under section 8.

Statement concerning pilgrims to be delivered before pilgrims disembark in British India.

26. Every pilgrim ship shall be propelled principally by steam, and shall be of the tonnage and steam-power (if any) prescribed.

Pilgrim ships to be propelled principally by steam and to be of certain tonnage and steam-power.

27. Every pilgrim ship carrying more than one hundred pilgrims shall have on board a medical officer licensed as prescribed and, if the number carried exceed one thousand, a second medical officer similarly licensed, and also in all cases such attendants as may be prescribed.

Certain pilgrim ships to carry medical officers and attendants.

28. The medical officer or officers of every pilgrim ship shall keep such diaries and shall submit such reports or other returns as may be prescribed.

Medical Officers' diaries and reports.

29. (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 certificate stating whether any case of cholera has or has not occurred on board since the ship left the port of last departure.

Pilgrim ships to touch at Aden on the outward voyage.

30. The authority at Aden empowered to grant the certificate required under section 29 may refuse to permit the ship to leave that port if the provisions of this Act or any rule thereunder are not complied with on board such ship.

When authority at Aden may refuse to let ship leave.

31. In the case of every pilgrim ship proceeding from any port in British India 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 (if the voyage do not commence at Aden) shall touch at Aden on the outward voyage and there obtain the certificate required by section 29, and

*The Pilgrim Ships Bill.**(Rules for Voyages of Pilgrim Ships—Sections 32—39.)*

(b) that the master and medical officer or officers (if any) shall comply with the provisions of this Act and the rules thereunder.

[S. 30, *ibid.*] 32. No pilgrim shall be received on board any

Medical inspection and permission required before embarkation of pilgrims.

pilgrim ship at any port or place in British India unless and until he has been medically inspected, at such time and place, and in such manner, as the Local Government may fix in this behalf, nor until the officer to whom notice has been given under section 8 has given permission for embarkation of pilgrims to commence.

(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 dangerously infectious or contagious disease, or shows any signs of the same or any other suspicious symptoms, such pilgrim shall not be permitted to embark.

(3) 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 may be prescribed.

33. (1) If in any case a pilgrim ship does not proceed on her voyage within forty-eight hours after all the pilgrims have been received on board,

and there is reason to suspect that any person on board is suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, a medical inspection of all persons on board may be held in such manner as the Local Government may direct.

(2) If on such inspection any person is found to be suffering from cholera or choleraic indisposition or any dangerously infectious or contagious disease, or shows any signs of the same or any other suspicious symptoms, he shall, together with all articles belonging to him, be at once removed from the ship.

34. So far as may be practicable, and subject to any rules which may be made under this Act, the medical inspection of female pilgrims shall be carried out by women.

35. (1) Every pilgrim shall be entitled on payment of his passage-money and fulfilment of the other prescribed conditions (if any) to receive a ticket in the prescribed form, and shall be bound to produce the same to such officers and on such occasions as may be prescribed, and otherwise to deal with the same in the prescribed manner.

Issue and production of tickets and refund of passage-money.

(2) Every pilgrim prevented from embarking under section 32 or removed from the ship under section 33 or otherwise prevented from proceeding shall be entitled to the refund of any passage-money he may have paid, subject to any conditions or deductions which may be prescribed.

36. 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 so far as such taxes are included in the cost of the tickets issued to the pilgrims.

[New.]

Penalties.

37. (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 7, sub-section (1), or section 10, the master 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 7, 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.

38. If any one impedes or refuses to allow any 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.

39. 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 17 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.

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

[S. 31, *ibid.*]

[S. 33, *ibid.*]

Penalty on master or owner for not exhibiting copy of certificates.

*The Pilgrim Ships Bill.**(Penalties.—Sections 40—49.)*

- [S. 34, *ibid.*] 40. If the master of a pilgrim ship fails to comply with any of the requirements of section 22 section 23 or section 25 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 24, 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.
- Penalty on master for not complying with requirements as to statements concerning pilgrims and certain other matters.
- [S. 35, *ibid.*] 41. If the master of a pilgrim ship, after having obtained any of the certificates mentioned in section 10 or section 24, 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.
- Penalty on master for fraudulent alteration in pilgrim ship after certificate obtained.
- [S. 36, *ibid.*] 42. If the master of a pilgrim ship without reasonable excuse, the burden of proving which shall lie upon him, omits to supply to any pilgrim the prescribed allowance of food, fuel and water, he shall be punished with fine which may extend to twenty rupees for every pilgrim who has sustained detriment by the omission.
- Penalty on master for failing to supply pilgrims with prescribed provisions.
- [S. 38, *ibid.*] 43. (1) If a pilgrim ship has on board a number 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, whichever shall be the smaller, the master and owner shall, for every pilgrim in excess of that number, be each punished with fine which may extend to twenty rupees, and the master shall further be liable to imprisonment for a term which may extend to one week in respect of each such pilgrim: Provided that the aggregate term of imprisonment awarded under this section shall not exceed six months.
- Penalty on master and owner for carrying pilgrims in excess of authorized number.
- [S. 37, *ibid.*] (2) Any officer authorized in this behalf by the Local Government may cause all pilgrims over and above the number allowed under this Act or by such license or certificate as aforesaid to disembark, and may forward them to any port at which they may have contracted to land, and recover the cost of so forwarding them from the master or owner of the ship as if the cost were a fine imposed under this Act, and a certificate under the hand of that officer shall be conclusive proof of the amount of the cost aforesaid.
44. If the master of a pilgrim ship lands any 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.
- Penalty on master for landing pilgrim at a place other than that at which he has contracted to land.
- [S. 39, *ibid.*] 45. If a pilgrim ship, otherwise than by reason 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.
- Penalty on master and owner for making voyage in contravention of contract with pilgrims.
- [S. 40, *ibid.*] 46. If a pilgrim ship is not propelled principally by steam or is not of the prescribed tonnage or steam-power as required by section 26, 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.
- Penalty on master and owner of pilgrim ship not propelled principally by steam or of prescribed tonnage or steam-power.
- [S. 41, *ibid.*] 47. If a pilgrim ship carrying more than one hundred pilgrims has not on board a medical officer, or two medical officers if the number of pilgrims carried exceed one thousand, and also the prescribed attendants as required by section 27, the master 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.
- Penalty on master of pilgrim ship sailing without medical officer or officers or attendants in contravention of section 27.
- [S. 42, *ibid.*] 48. If the master of a pilgrim ship proceeding 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 the certificate required by section 29, 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.
- Penalty on master for not obtaining certificate at Aden on outward voyage.
- [S. 43, *ibid.*] 49. If the master of a pilgrim ship knowingly receives on board any pilgrim or any contaminated article in contravention of the provisions of section 32, or keeps on board any
- Penalty on master receiving or keeping on board pilgrim or article in contravention of section 32 or 33.
- [S. 45, *ibid.*]

The Pilgrim Ships Bill.

(Penalties—Section 50. Procedure—Sections 51-55. Supplemental—Sections 56-57.)

pilgrim or article ordered to be removed under section 33, he shall be punished with fine which may extend to five hundred rupees for each pilgrim or fifty rupees for each article so received or kept on board, or with imprisonment which may extend to three months, or with both.

- [S. 44, *ibid.*] 50. If the master or the medical officer (if any) 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.

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

Procedure.

- [S. 46, *ibid.*] Adjudication of offences, and levy of fine by distress of pilgrim ship. 51. (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.*] 52. For the purpose of the adjudication of penalties under this Act, every offence against its provisions shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Jurisdiction.

- [S. 48, *ibid.*] 53. The penalties to which masters and owners 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.

Authority to institute proceedings for penalties.

- [S. 49, *ibid.*] 54. A Magistrate imposing a fine under this 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, or in rewarding any person upon whose information the conviction took place or who has been otherwise instrumental in the detection or prosecution of the offender.

Application of fines.

- [S. 50, *ibid.*] 55. (1) Whenever in the course of any legal 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

Depositions of absent witnesses.

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.

56. (1) The Chief Customs-officer or other officer (if any) appointed by the Local Government in this behalf at any port or place within British

[S. 51, *ibid.*]

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.

57. In any proceeding for the adjudication [S. 52, *ibid.*]

Report of Consul.

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.

The Pilgrim Ships Bill.

(Supplemental.—Sections 58-60.)

[S. 53, *ibid.*]

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

- Power for Governor General in Council and Local Government to make rules.
- (a) the boats, anchors and cables to be provided on board pilgrim ships;
 - (b) the instruments for purposes of navigation to be supplied;
 - (c) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent and deal with such fires;
 - (d) 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;
 - (e) the fittings and other appliances to be provided in the between-decks for the comfort and convenience of pilgrims;
 - (f) the scale on which and manner in which food, fuel and water are to be supplied to pilgrims, and the quality of such food, fuel and water;
 - (g) the quality, quantity and storage of the cargo to be carried;
 - (h) the allotment of the upper-deck space between the various classes of pilgrims;
 - (i) the amount and distribution of the baggage of pilgrims;
 - (j) the nature and the extent of the hospital accommodation and the medical stores, disinfectants and other appliances and fittings to be provided on board for maintaining health, cleanliness and decency;
 - (k) the form of the statements to be furnished by the master under sections 22 and 25 and the particulars to be entered therein;
 - (l) the tonnage and steam-power to be required in the case of pilgrim ships, and the voyages to which and seasons at which such rules shall respectively apply;
 - (m) the licensing and appointment of medical officers and other attendants in cases where they are required by this Act to be carried, and the diaries, reports and other returns to be kept or submitted by such medical officers;
 - (n) the manner in which contaminated articles shall be disinfected before being taken on board a pilgrim ship;
 - (o) the manner in which and the persons by whom the medical inspection of women shall be carried out;

(p) the supply of tickets to intending pilgrims, the form of such tickets and the conditions and other matters to be specified thereon, and the amount of the sanitary taxes to be included in the cost thereof;

(q) the refund of passage-money to intending pilgrims who may not be permitted to embark or who having embarked may be removed from the ship under the powers conferred by sections 32 and 33 or who may otherwise for any unavoidable cause be prevented from proceeding in any pilgrim ship;

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

(s) 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.

59. All rules heretofore made under the Native Passenger Ships Act, X of 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.

Temporary continuance of existing rules.

[S. 54, *ibid.*]

60. The Local Government shall appoint such persons as it may think fit to exercise and perform the powers and duties which are conferred and imposed by this Act or may be conferred and imposed thereunder.

J. M. MACPHERSON,
Offg. 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 19th September 1895:—

Bill No. 18 of 1895.

A Bill to repeal certain obsolete Enactments and to amend certain other Enactments.

WHEREAS it is expedient that certain enactments specified in the first schedule to this Act, which are spent, or have ceased to be in force otherwise than by express, specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

It is hereby enacted as follows:

Title, extent and commencement. 1. (1) This Act may be called the Repealing and Amending Act, 1895.

(2) It extends to the whole of the territories administered by the Governor of Bombay in Council; and

(3) It shall come into force at once.

2. (1) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Enactments in first and second schedules repealed and amended respectively.

(2) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

3. The repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed by, recognized in or derived from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

[Cf. Act IV 1894.]

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act or Regulation includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in such description or citation.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	REMARKS.

Part I—Acts of the Governor General in Council.

1860	XLVIII	Police, Bombay Town.	In section 7, the words from and, if the offender to the end of the section. Section 27	Unnecessary. Provided for by the Code of Criminal Procedure, 1822. Section 174, Indian Penal Code, is sufficient.
1876	X	Bombay Revenue Jurisdiction Act, 1876.	Section 1, clause (c)	Pending suits. Expired.
"	XX	Bhaanagar Act, 1876.	Section 3	Validation clause. Covered by s. 3 of this Bill.

THE FIRST SCHEDULE—continued.

1	2	3	4	5
Year.	Number.	Subject or title.	Extent of repeal.	REMARKS.
<i>Part I.—Acts of the Governor General in Council—continued.</i>				
1879	... XVII	Dekkhan Agriculturists' Relief Act, 1879.	In section 3, clause (a), <i>the words and figures</i> on or after the first day of November 1879. In clause (b) of the same section, <i>the words and</i> instituted on or after the same date. In section 5, <i>the words and figures from and any such jurisdiction to the end of the section.</i>	Now unnecessary. Ditto. Ditto.
1881	... XXIII	Dekkhan Agriculturists' Relief Act, 1881.	Sections 6 and 8	Superseded by Act VI of 1895, sections 3 and 12, respectively.
1882	... XXII	Dekkhan Agriculturists' Relief Act, 1882.	Sections 3, 7, 11 and 12	} Superseded by Act VI of 1895, sections 5, 3, 12 and 14, respectively.
			In section 14, <i>the word and figures</i> and 52.	
1886	... XXIII	Dekkhan Agriculturists' Relief Act, 1886.	Section 4	Superseded by Act VI of 1895, section 5.
1889	... XIV	Indemnity to certain witnesses.	The whole	Indemnifying enactment. Covered by s. 3 of this Bill.
<i>Part II.—Acts of the Governor of Bombay in Council.</i>				
1863	... II	Exemptions from land-revenue.	In section 11, clause First, <i>the words</i> of the same. Section 12	The words "of this Act" having been repealed by Bombay Act III of 1886, the words "of the same" are meaningless. Validation clause. Covered by s. 3 of this Bill.
"	... III	Sátara, &c.	In the title, <i>the words from</i> certain lands to taluka Kundapur. In the preamble, <i>the words and figures from</i> and whereas lands to it is expedient that the district so transferred should be brought under the Regulations and Acts of the Presidency of Bombay. Second 4, clause <i>Second</i>	} Obsolete since the repeal of sections 5 and 6 by Act XV of 1874. The lady mentioned died in March 1894.
1865	... III	Wagers	Section 4	Act XXI of 1848 has been repealed.
1866	... I	Extending Bombay Act I of 1865 to Sind.	The whole	It was provided by the Bombay Land Revenue Code (Bombay Act V of 1879) that Bombay Act I of 1866 should be repealed from a date to be notified under section 1 of the former Act. No such notification has been issued, but Bombay Acts I of 1865 and I of 1866 have ceased to operate in the greater part of Sind by virtue of notifications under the Scheduled Districts Act, 1874, extending the Bombay Land Revenue Code thereto, and the Act of 1866 is reported to be no longer required.
"	... VIII	Sale of Poisons	In sections 3, 4 and 13, <i>the word the where it occurs before the word</i> Schedule.	Clerical error.
"	... XII	Sind Courts	Sections 13 and 14	Unnecessary in view of section 194 of the Code of Civil Procedure; also section 647 of the Code, under which the Sadar Court can make rules.

THE FIRST SCHEDULE—continued.

1	2	3	4	5
Year.	Number.	Subject or title.	Extent of repeal.	REMARKS.
<i>Part II—Acts of the Governor of Bombay in Council—continued.</i>				
1866	...	XIV Edulábád and Warangaon.	In section 3, <i>the words and figures from</i> as amended to Bombay.	Act XIII of 1842 has been repealed.
1871	..	II Duties on non-agriculturists.	So much as has not been repealed.	Superseded by Act II of 1886.
1872	...	II Repayment of loan to Bombay Corporation.	So much as has not been repealed.	This Act was repealed by Bombay Act II of 1880, section 2. But it does not appear that the latter Act was ever brought into force by notification in the <i>Bombay Government Gazette</i> under section 1. The repeal was therefore inoperative, and should be formally effected now.
1873	...	VI Bombay District Municipal Act.	In the heading to Part VIII, <i>the word Appeals.</i> Section 21, clause (4) ...	The section (96) relating to appeals was repealed by Bombay Act II of 1884, section 3. Expired.
1874	...	III Bombay Hereditary Offices Act.	In section 77, <i>the word Revenue.</i> Section 14, clause (2) ... Section 15, clause (2) ..	This word should apparently have been repealed when the word "Revenue" in section 74 was repealed by Bombay Act III of 1886. Covered by s. 3 of this Bill. Ditto ditto
1875	...	III Tolls on Roads and Bridges.	Section 2 ...	Validation clause. Covered by s. 3 of this Bill.
1876	...	III Mámálatdárs' Courts Act, 1876.	In section 3, <i>the words from</i> until such rates to this Act. In section 3, clause (1), <i>the words and figures from</i> or who to the end.	Now unnecessary. Spent.
1877	...	I Bombay Vaccination Act, 1877.	In section 7, <i>the word</i> and at the end of the second paragraph, and the whole of the third paragraph.	Spent.
1878	...	V Bombay Abkári Act, 1878.	Section 2 and the schedule ...	Repealing clause. Spent.
1879	...	IV Karáchi Vaccination Act, 1879.	In section 3, clause (9), <i>the word</i> Indian. Sections 64, 65 and 66 ...	The title of Act 1 of 1878 is "The Opium Act, 1878." Spent. Spent.
"	...	V Bombay Land Revenue Code, 1879.	In section 1, the last two sentences. The fourth paragraph of section 4, and the third paragraph of section 7. In sections 8 and 11, <i>the words</i> of the district, and in section 10 <i>the words</i> of a district. In section 12, the last sentence. In section 14, the last sentence. In section 17, <i>the words from</i> and, pending to required to keep. In section 22, the last sentence. In section 132, the last sentence. Schedule A, so far as it relates to Bombay Act I of 1866.	Spent. Temporary clauses. Expired. Unnecessary—see Bombay Act III of 1886, sections 3 (12) and 13. Unnecessary. Expired. It is proposed to repeal Bombay Act I of 1866—see <i>supra</i> , page 3.
"	...	VII Bombay Irrigation Act, 1879.	Section 33 ...	Spent.

THE FIRST SCHEDULE—continued.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Remarks.

Part II—Acts of the Governor of Bombay in Council—continued.

1880	...	III	Repealing certain sections of Bombay Act VII of 1879.	The whole Spent.
1882	...	I	Repealing Bombay Act VII of 1878.	The whole Spent.
"	...	VII	Bombay Landing and Wharfage Fees Act, 1882.	In section 4, the words the Commissioner in Sind, the Political Resident at Aden and. Section 11 The Act has been repealed as regards Karachi and Aden.
1883	...	V	Bombay Public Authorities' Seals Act, 1883.	In the preamble, the words and figures from to extend to so as, and the words other and besides Magistrates. In section 3, the words Courts and other, Validation and indemnity clause. Covered by section 3 of this Bill. Unnecessary.
1884	...	I	Bombay Local Boards Act, 1884.	In section 44, clause (d), the words and figures or by order of the Governor in Council under section 42, Unnecessary. No Courts are mentioned. Section 42, paragraph 1, which conferred the power, has been repealed by Bombay Act IV of 1885.
"	...	II	Bombay District Municipal Act Amendment Act, 1884.	The second proviso to section 3. Dates have been notified under section 11 for each permanent municipal district which was in existence when the Act came into force.
1885	...	I	Legalizing the payment by the Trustees of the Port of Bombay of certain arrears of interest due to the Government.	The whole Validation enactment. Covered by section 3 of this Bill.
"	...	IV	Amendment of Bombay Acts I (Local Boards) and II (District Municipalities) of 1884.	Sections 2 and 4 Repealing clauses. Spent.
1886	...	III	Bombay General Clauses Act, 1886.	Section 2, first paragraph ... Repealing clause. Spent. In section 3, clause (5), the words other than the Settlement of Prince of Wales' Island, Singapore and Malacca. Unnecessary, as the Straits are now part of British India. Cf. section 2 (8) of Act I of 1868 (General Clauses Act) as amended by Act XII of 1891. So much of Schedule A as has not been repealed. Schedule of repealed enactments. So much of Schedule B as relates to Bombay Acts I of 1862, V of 1862, VI of 1862, I of 1863, III of 1863, V of 1863, VI of 1863, VII of 1866, VIII of 1866, XII of 1866, XIII of 1866, VI of 1867, II of 1868, III of 1869, II of 1871, I of 1872, VI of 1873, I of 1874, II of 1874, III of 1874, III of 1875, II of 1876, III of 1876, I of 1877, IV of 1879, V of 1879, VI of 1879, VII of 1879, I of 1880, I of 1883, II of 1883, I of 1884 and II of 1884. Repealing clauses. Spent.

THE FIRST SCHEDULE—continued.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	Remarks.
<i>Part II.—Acts of the Governor of Bombay in Council—continued.</i>				
1886	...	V Hereditary Offices (amending Bombay Act III of 1874).	Section 4	Repealing clause. Spent.
1887	...	IV Bombay Prevention of Gambling Act, 1887.	Section 2 and the schedule ...	Repealing clause and schedule of repealed enactments. Spent.
1888	...	I Amendment of Bombay Acts I (Local Boards) and II (District Municipalities) of 1884.	Section 2	Validation clause. Covered by s. 3 of this Bill.
"	...	III City of Bombay Municipal Act, 1888.	In section 5, <i>the words and figures</i> on and after the first day of April, 1889. Section 6, sub-section (1) ... In section 19, sub-section (1), <i>the words and figures</i> on or before the first day of October, 1888, and; <i>also the word</i> thereafter. Section 22, sub-section (2) ... In section 34, in sub-section (1), <i>the words</i> not being one of the first general elections held in accordance with this Act, and, in sub-section (2), <i>the words</i> of a first general election held in accordance with this Act, or. In section 35, the whole of sub-section (1) and the first word of sub-section (2). In section 39, in sub-section (2), the first sentence, and <i>the words</i> then or thereafter; and in sub-section (3), the first sentence and <i>the word</i> thereafter. In section 79, sub-section (1), <i>the words</i> as soon as may be after this Act comes into force, and afterwards.	Now unnecessary. Ditto. Ditto. Ditto. Ditto. Ditto. Ditto.
"	...	IV City of Bombay Municipal Act Amendment Act, 1888.	Section 528 and Schedule R. ... Section 7	Transitory provisions. Expired. Repealing clause. Spent.
"	...	V Aden Fort Trust Act, 1888.	Section 9 In section 19, <i>the words from</i> Until a schedule to directed under this Act. In section 25, sub-section (1), <i>the words and figure</i> upon and after the date notified by the Governor in Council under section 9. In sections 37 and 39, <i>the words</i> after the date on which this Act comes into force. In section 40, sub-section (3), <i>the figures</i> 1881.	Spent. This part of the title of the Army Act was repealed by 53 Vict., c. 4, section 4.

THE FIRST SCHEDULE—concluded.

1	2	3	4	5
Year.	No.	Subject or title.	Extent of repeal.	REMARKS.

Part II—Acts of the Governor of Bombay in Council—concluded.

1888	VI	Gujarát Táluk-dárs' Act, 1888.	Section 40, sub-section (4) Section 81	Repealing clause. Spent. Validation clause. Covered by s. 3 of this Bill.
1890	II	Bombay Salt Act, 1890.	Section 3	Repealing clause. Spent.
1890	IV	Bombay District Police Act, 1890.	In section 1, sub-section (2), the words from but to in this behalf. Section 9 In section 2, first paragraph, the last fifteen words. Section 82	The Act has been extended to Sind by notification. Section 9 seems unnecessary now. Unnecessary—see Bombay Act III of 1886, section 8. Superfluous, as the Bombay Legislature had no power, before the passing of the Indian Councils Act, 1892 (55 & 56 Vict., c. 14), to affect Acts passed by the Governor General in Council.
1891	I	Amendment of the Bombay General Clauses Act, 1886.	Section 1	Repealing clause. Spent.
1891	II	Bombay Boiler Inspection Act, 1891.	In section 28, clause (c), the words to the inspector.	Outside the City of Bombay reports are to be made, not to the Inspector, but to the Collector or some person authorized by him to receive them.
1892	I	Bombay District Vaccination Act, 1892.	Section 33, sub-section (2)	Validation clause. Covered by s. 3 of this Bill.

Part III—Regulations of the Bombay Code.

1827	II	Pleaders...	In section 50, clause Third, the words and figures from under the rules to Regulation. In section 51, clause Second, the words rules contained in the and the words and figures according to section 56 of this Regulation. In section 56, the words and figures from under the rules to Regulation.	The clause refers to the "rules contained in section 56," which again refers to the "rules contained in the third clause of section 38," and section 38 was repealed by Act XIV of 1869. No rules are contained in the last clause of section 50, which was amended by Act XII of 1873; and section 56, which is referred to in the latter part of section 51, refers to rules contained in section 38, which, as noted above, has been repealed. Section 38 was repealed by Act XIV of 1869.
1834	I	Abolition of office of Deputy Agent for Sardars in Dekkhan.	So much as has not been repealed.	The office of Deputy Agent has been abolished, and there appears to be no law in force which gives such an officer jurisdiction.

Part IV—Regulations made under 33 Vict., c. 3.

1887	XI	Aden Pilgrims and Paupers Regulation, 1887.	Section 2, clause (1)	Superseded by Regulation II of 1891, section 2.
1892	III	Sind Frontier Regulation, 1892.	Section 2, sub-section (1)	Repealing clause. Spent.

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	REMARKS.
<i>Part I—Acts of the Governor of Bombay in Council.</i>				
1863	...	II Exemptions from land-revenue.	In section 5, clause <i>First</i> , first proviso, <i>for or after nazrāna read on.</i> In section II, clause <i>Third</i> , <i>for collectorate read district.</i>	Clerical error. This amendment follows that made in clauses 4 and 6 of section II by Bombay Act III of 1886.
"	...	V Bombay Gas Company.	In section 7, <i>for the words and figures</i> under Act XIV of 1856 <i>read in Municipalities under the law for the time being in force.</i>	Act XIV of 1856 has been repealed by Act XIV of 1874. In spite of saving clauses contained in the latter Act, this would probably be the best amendment.
"	...	VI Public Conveyances (Bombay Town, Suburbs and Harbour).	In section 18, <i>for laws read law.</i>	Clerical error. Cf. section 19, where the word used is "law."
"	...	VII Exemptions from land-revenue.	In section 18, clause <i>Second</i> , and section 19, clause <i>Fifth</i> , <i>for the Stamp Act read the Court-fees Act, 1870.</i>	This reference is apparently to Act X of 1862. That Act was repealed by Act VII of 1870, but the Act of 1870 does not contain the usual clause as to references to repealed Acts.
1867	...	VI Sanitary Regulation, Bombay City	In section 4, <i>for the appended schedule read Schedule A.</i> In section 8, <i>between the words may and require insert by an order in writing in the form given in Schedule B.</i>	There are two schedules to the Act, A and B; and Schedule A is the one referred to in section 4. Schedule B is not mentioned at all, but should be referred to in section 8.
1869	...	III Bombay Local Funds Act, 1869.	In section 7, <i>after defined in insert the.</i> In section 7, clause I, <i>after laid down in insert the.</i> In section 8, <i>after occupants of land under insert the.</i>	The word "the" ought to have been inserted before "Bombay Land-revenue Code" in Bombay Act I of 1884, section 75 (a).
1873	...	VI Bombay District Municipal Act.	In section 53, clause 1, <i>for quarry read quay.</i>	Clerical error.
1874	...	III Bombay Hereditary Offices Act.	In the definition of "officiator" in section 4, <i>after provisions insert of this Act.</i> In section 10, <i>after the date insert of this Act.</i> In section 73, clause 2, <i>after provisions insert of this Act.</i>	The words "of this Act" in these three places were repealed by Bombay Act III of 1886, apparently through inadvertence.
1876	...	II Bombay City Land-revenue Act, 1876.	In section 6, <i>for in India read of India.</i>	Clerical error.
1877	...	I Bombay Vaccination Act, 1877.	In section 3, <i>after purpose insert of this Act.</i> In section 28, <i>for in the manner prescribed by Act XIII of 1856 (or regulating the Police of the towns of Calcutta, Madras and Bombay) and Act XLVIII of 1860 (to amend Act XIII of 1856) or any other Act for the time being in force regulating the Police of the City of Bombay, read in the</i>	The words "of this Act" were repealed by Bombay Act III of 1886 apparently through inadvertence. Act XIII of 1856, section 105, was repealed by Act XLVIII of 1860, and Act XLVIII of 1860, section 26, was repealed by Act IV of 1877. The latter Act (except section 57) has been repealed by Act X of 1882, sections 366 to 369 of which now regulate the recovery of fines imposed by Criminal Courts. The amendment suggested in column

THE SECOND SCHEDULE—continued.

1	2	3	4	5
Year.	No.	Subject or title.	Amendment.	REMARKS.

Part I—Acts of the Governor of Bombay in Council—continued.

1879	...	IV	Karachi Vaccination Act, 1879.	manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts. In Schedule D, for ten rupees read fifty rupees.	4 opposite is the same as that made in 1891 in several similar cases—cf. Act XII of 1891, second schedule (opposite Act III of 1864, etc.). Clerical error. The fine imposable under section 23 (a) of the Act for breach of section 7 is fifty rupees. Clerical error.
1879	...	V	Bombay Land-revenue Code, 1879.	In section 20, for to where the word occurs before fine read with. In Schedule D, for ten rupees read fifty rupees.	Clerical error. The fine imposable under section 23 (a) of the Act for breach of section 7 is fifty rupees.
1879	...	V	Bombay Land-revenue Code, 1879.	In Section 61, for an incomplete portion read a portion. In section 90, clause (b), for their, the first time that word occurs, read the. In the second paragraph of section 104, before revised insert original or.	The word "incomplete" is redundant. Clerical error.
1882	...	IV	Bombay Town Police (amending Act, XLVIII of 1860).	In section 211, for the word and where it precedes the words Assistant Superintendent of Survey read an.	The omission of these words was accidental—see paragraph 22 of Bombay Government letter No. 5440, dated 1st August 1895. Clerical error.
1882	...	IV	Bombay Town Police (amending Act, XLVIII of 1860).	In section 1, for the words and figures sections are substituted for sections 17 and 18 of Act XLVIII of 1860, which are, read section is substituted for section 18 of Act XLVIII of 1860, which is.	The amended section 17 was repealed by Bombay Act III of 1888.
"	...	VII	Landing and Wharfage Fees.	In section 2, for the words It shall extend—(a) to the Ports of Karachi and Aden; (b) to any other ports read It shall extend to any ports.	The Act has been repealed as regards Karachi and Aden by Bombay Acts VI of 1886 and V of 1888, respectively.
1883	...	I	Bombay Highway Act, 1883.	In section 5, for municipalities read municipality.	Clerical error.
1894	...	II	Bombay District Municipal Act Amendment Act, 1884.	In section 4, clause (3), before coming and before and the like insert of this Act.	The words "of this Act" were repealed by Bombay Act III of 1886 "each time the words occur" in section 4. It was however, evidently not intended that the words should be repealed where they occur in clause (3) of the section.
1886	...	III	Bombay General Clauses Act, 1886.	In column 4 of Schedule B, opposite Act VII of 1867, section 44, after of Police insert (where the words first occur.)	The words of "Police" occur three times in section 44 of Bombay Act VII of 1867, but it was probably intended to repeal them only where they occur after "Commissioner."
1888	...	III	City of Bombay Municipal Act, 1888.	In section 35, sub-section (2), for appointment read appointments. In section 471, for 418 read 428.	Clerical error. Clerical error. The error was corrected by a Notification, No. 212 dated Poona, the 9th October 1888, but that notification has no legal value.

THE SECOND SCHEDULE—concl'd.

1	2	3	4	5	
Year.	No.	Subject or title.	Amendment.	REMARKS.	
<i>Part I—Acts of the Governor of Bombay in Council—concluded.</i>					
1888	...	V Aden Port Trust Act, 1888.	In section 19, in clause (c) of the proviso, <i>for the words</i> day aforesaid <i>read</i> 31st March 1889, <i>and for the words and figure</i> date notified by the Governor in Council under section 9 <i>read</i> 1st April 1889. In section 20, in clause (b) of the proviso, <i>for the words and figure</i> date notified by the Governor in Council under section 9 <i>read</i> 1st April 1889.	The dates mentioned have been fixed by notification.	
<i>Part II—Regulations of the Bombay Code.</i>					
1827	...	II Pleaders	...	In section 51, <i>for</i> dismissal <i>read</i> dismissal.	Clerical error.
1830	...	VII Southern Marátha Country.	In the preamble, <i>for the words and figures</i> Regulations XXIX and XXX <i>read</i> Regulation XXIX. In section 2, <i>for the words and figures</i> Regulations XXIX of 1827 and XXX of 1827 <i>read</i> Regulation XXIX of 1827, <i>and for the words</i> the following sections <i>read</i> section 5.	Regulation XXX of 1827 was repealed by Act XVII of 1862, and the only unrepealed section of Regulation VII of 1830 following section 2 is section 5, sections 3 and 4 having been repealed by Act XII of 1873.	

STATEMENT OF OBJECTS AND REASONS.

THE objects of this Bill are to remove obsolete matter from, and to make some formal amendments in, certain local enactments applying to the Presidency of Bombay, in view to the impending publication of the second and third volumes of the new edition of the Bombay Code.

2. The Bill has been prepared in communication with the Government of Bombay.

The 18th September 1895.

(Signed) ALEX. EDW. MILLER.

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