



Bombay Government Gazette

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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

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 1st July 1897 :—

No. 9 of 1897.

A Bill to facilitate the citation of certain Acts.

WHEREAS it is expedient to facilitate the citation of certain Acts; it is hereby enacted as follows:—

1. (1) This Act may be called the Indian Title and commencement. Short Titles Act, 1897; and

(2) It shall come into force at once.

2. Each of the Acts described in the first three columns of the schedule may, without prejudice to any other mode of citation, be cited for all purposes by the short title mentioned in that behalf in the fourth column thereof. [Cf. 59 & 60 Vict., c. 14, s. 4; 1; V of 1897 s. 4.]

THE SCHEDULE.

1	2	3	4	5
Year.	No.	Subject.	Short Title.	REMARKS.*
1834	II	Authorizing Secretaries to Government to exercise powers of Chief Secretaries.	The Secretaries to Government Act, 1834.	
1837	IV	Empowering all subjects of Her Majesty to hold land.	The Property in Land Act, 1837.	
1838	XXV	Wills	The Wills Act, 1838.	
1839	XXIX	Amending the Law relating to Dower.	The Dower Act, 1839.	
"	XXX	Amending the Law of Inheritance ...	The Inheritance Act, 1839.	
"	XXXII	Concerning the allowance of Interest in certain cases.	The Interest Act, 1839.	

* This column will be omitted before the Bill is passed into Law.

THE SCHEDULE—*continued.*

1	2	3	4	5
Year.	No.	Subject.	Short Title.	REMARKS.
1841	X	Prescribing the Rules to be observed in order that ships or vessels belonging to ports within the territories under the Government of the East India Company, or belonging to Native Princes or States, or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor-General of India in Council made in pursuance of the Statute, 3rd and 4th Victoria, ch. 56.	The Indian Registration of Ships Act, 1841.	
"	XIX	Providing for the protection of moveable and immoveable property against wrongful possession in cases of succession.	The Succession (Property Protection) Act, 1841.	
"	XXIV	Providing for the greater uniformity of the Law administered by Her Majesty's Supreme Courts with that administered in England in regard to the undisposed residue of the effects of Testators, Illusory Appointments, the transfer of Estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons and other like matters.	The Illusory Appointments and Infants' Property Act, 1841.	The whole Act, except in so far as it relates to illusory appointments and infants, and except section 5 (which saves certain cases and proceedings), was repealed by Act VIII of 1868.
"	XXVII	Providing for the appropriation of the unclaimed Dividends on Insolvent Estates.	The Insolvent Estates (Unclaimed Dividends) Act, 1841.	
1843	V	Declaring and amending the Law regarding the condition of Slavery within the territories of the East India Company.	The Indian Slavery Act, 1843.	
1846	I	Amending the Law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company.	The Legal Practitioners Act, 1846.	<i>Cf.</i> Act XVIII of 1879. This short title is suggested on the principle apparently adopted by the framers of the English Statute (the Short Titles Act, 1896), a reference to which will show that, where the subject-matter is of the same character, though title given is the same except in respect of the year mentioned. Thus the 10 Geo. 3, c. 47, is called "the East India Company Act, 1770"; the 13 Geo. 3, c. 63, "the East India Company Act, 1772"; the 21 Geo. 3, c. 70, "the East India Company Act, 1780"; the 24 Geo. 3, c. 25, "the East India Company Act, 1784"; the 33 Geo. 3, c. 52, "the East India Company Act, 1793"; and the 37 Geo. 3, c. 142, "the East India Company Act, 1797."

THE SCHEDULE—*continued.*

1	2	3	4	5
Year.	No.	Subject.	Short title.	REMARKS.
1847	XX	Providing for the encouragement of learning in the Territories subject to the Government of the East India Company by defining and providing for the enforcement of the right called Copyright therein.	The Indian Copyright Act, 1847.	
1848	XV	Forbidding trading by the Officers of the Supreme Courts.	The Supreme Courts' Officers Trading Act, 1848.	
1850	V	Providing for freedom of the Coasting Trade of India.	The Indian Coasting Trade Act, 1850.	
"	XI	Amending Act X, 1841	The Indian Registration of Ships Act (1841) Amendment Act, 1850.	
"	XII	Providing for avoiding loss by the default of Public Accountants.	The Public Accountants' Defaults Act, 1850.	
"	XVIII	Providing for the protection of Judicial Officers.	The Judicial Officers Protection Act, 1850.	
"	XIX	Concerning the binding of Apprentices.	The Apprentices Act, 1850.	
"	XXI	Extending the principle of Section 9, Regulation VIII, 1832, of the Bengal Code throughout the Territories subject to the Government of East India Company.	The Caste Disabilities Removal Act, 1850.	
"	XXXIV	Providing for the better Custody of State Prisoners.	The State Prisoners Act, 1850.	
1851	VIII	Enabling Government to levy Tolls on Public Roads and Bridges.	The Indian Tolls Act, 1851.	
1852	VIII	Providing for the remuneration of the Sheriffs of Calcutta, Madras and Bombay for the execution of Mufassal Process under the Code of Criminal Procedure, 1882, and the Code of Civil Procedure.	The Sheriffs' Fees Act, 1852.	
"	XXX	Providing for the Naturalisation of Aliens.	The Indian Naturalisation Act, 1852.	
1853	II	Removing doubts as to the liability of all subjects of Her Majesty to the same jurisdiction as Natives in respect of public and Police duties and public charges incident to the holders of land or their local Agents or Managers.	The Landholders' Public Charges and Duties Act, 1853.	
"	XX	Amending the Law relating to Pleaders in the Courts of the East India Company.	The Legal Practitioners Act, 1853.	Cf. Act I of 1846.
1854	XXXI	Simplifying the modes of conveying land in cases to which the English Law is applicable.	The Conveyance of Land Act, 1854.	
1855	XI	Relating to mesne profits and to improvements made by holders under defective titles in cases to which the English Law is applicable.	The Mesne Profits and Improvements Act, 1855.	
"	XII	Enabling Executors, Administrators or Representatives to sue and be sued for certain wrongs.	The Legal Representatives' Suits Act, 1855.	
"	XIII	Providing compensation to families for loss occasioned by the death of a person caused by actionable wrong.	The Indian Fatal Accidents Act, 1855.	
"	XXIII	Amending the law relating to the administration of the Estates of deceased persons charged with money by way of mortgage.	The Mortgaged Estates Administration Act, 1855.	
"	XXIV	Substituting penal servitude for the punishment of transportation in respect of European and American convicts.	The Penal Servitude Act, 1855.	

THE SCHEDULE--continued.

1	2	3	4	5
Year.	Number.	Subject.	Short Title.	REMARKS.
1855	XXVIII	Repealing the Usury Laws	The Usury Laws Repeal Act, 1855.	
1856	IX	Amending the Law relating to Bills of Lading.	The Indian Bills of Lading Act, 1856.	
"	XI	Providing for the better prevention of desertion by European Soldiers from the Land Forces of Her Majesty in India.	The European Deserters Act, 1856.	
"	XV	Removing all legal obstacles to the marriage of Hindu Widows.	The Hindu Widows' Re-marriage Act, 1856.	
1857	II	Providing for the establishment and incorporation of a University at Calcutta.	The Calcutta University Act, 1857.	Printed in the Bengal Code.
"	XI	Providing for the prevention, trial and punishment of offences against the State.	The State Offences Act, 1857.	
"	XXII	Providing for the establishment and incorporation of a University at Bombay.	The Bombay University Act, 1857.	Printed in the Bombay Code.
"	XXV	Providing for the adjudication and recovery of forfeitures of property in certain cases.	The Forfeiture Act, 1857.	
"	XXVII	Providing for the establishment and incorporation of a University at Madras.	The Madras University Act, 1857.	Printed in the Madras Code.
1858	III	Amending the Law relating to the arrest and detention of State Prisoners.	The State Prisoners Act, 1858.	Cf. Act XXXIV of 1850.
"	XXXIV	Regulating proceedings in Lunacy in the Courts of Judicature established by Royal Charter.	The Lunacy (Supreme Courts) Act, 1858.	
"	XXXV	Making better provision for the case of the Estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature.	The Lunacy (District Courts) Act, 1858.	
"	XXXVI	Relating to Lunatic Asylums	The Indian Lunatic Asylums Act, 1858.	
1859	I	Amending the Law relating to Merchant Seamen.	The Indian Merchant Shipping Act, 1859.	
"	IX	Providing for the adjudication of claims to property seized or forfeited.	The Forfeiture Act, 1859.	Cf. Act XXV of 1857
"	XIII	Providing for the punishment of breaches of contract by Artificers, Workmen and Labourers in certain cases.	The Workman's Breach of Contract Act, 1859.	
1860	IX	Making provision for the speedy determination of certain disputes between workmen engaged in railway and other public works and their employers.	The Employers and Workmen (Disputes) Act, 1860.	
"	XXI	Providing for the Registration of Literary, Scientific and Charitable Societies.	The Societies Registration Act, 1860.	
"	XXXIV	Indemnifying Officers of Government and other persons in respect of fines and contributions levied, and acts done, by them during the late disturbances.	The Government Officers' Indemnity Act, 1860.	
"	XLVII	Giving to the Universities of Calcutta, Madras and Bombay the power of conferring degrees in addition to those mentioned in Acts II, XXII and XXVII of 1857.	The Indian Universities (Degrees) Act, 1860.	
1861	V	Providing for the Regulation of Police.	The Police Act, 1861.	

THE SCHEDULE—*continued.*

1	2	3	4	5
Year.	Number.	Subject.	Short Title.	REMARKS.
1861	XVI	Providing for the licensing and regulation of Stage-Carriages.	The Stage-Carriages Act, 1861.	
1862	III	Amending the law relating to the use of a Government Seal.	The Government Seal Act, 1862.	
1863	XVI	Making special provision for the levy of the excise duty payable on Spirits used exclusively in Arts and Manufactures or in Chemistry.	The Excise (Spirits) Act, 1863.	
"	XX	Enabling the Government to divest itself of the management of Religious Endowments.	The Religious Endowments Act, 1863.	
"	XXIII	Providing for the adjudication of claims to waste lands.	The Waste Lands (Claims) Act, 1863.	
"	XXXI	Giving effect to the publication of certain orders and other matters in the <i>Gazette of India</i> .	The Official Gazettes Act, 1863.	
1864	III	Giving the Government certain powers with respect to Foreigners.	The Foreigners Act, 1864.	
"	VI	Authorizing the punishment of whipping in certain cases.	The Whipping Act, 1864.	
"	XV	Amending Act VIII of 1851 (<i>for enabling Government to levy Tolls on Public Roads and Bridges</i>).	The Indian Tolls Act, 1864.	
"	XVII	Providing for the constitution of an Office of Official Trustees.	The Official Trustees Act, 1864.	
1865	XXI	Defining and amending the Law relating to Intestate Succession among the Pársis.	The Pársi Intestate Succession Act, 1865.	
1866	V	Amending in certain respects the Commercial Law of British India.	The Policies of Insurance (Marine and Fire) Assignment Act, 1866.	All that is left of the Act provides for the assignment of policies of marine and fire insurance.
"	XXV	Providing for the transfer to the Government of India of certain securities and moneys deposited in the High Courts of Judicature at Fort William, Madras and Bombay.	The Unclaimed Deposits Act, 1866.	
1867	XVI	Authorizing the making of certain acting appointments to certain Judicial Officers.	The Acting Judges Act, 1867.	
"	XXV	Providing for the regulation of Printing-presses and Newspapers for the preservation of copies of books printed in British India, and for the registration of such books.	The Press and Registration of Books Act, 1867.	
1870	I	Providing Rules relating to Quarantine.	The Indian Quarantine Act, 1870.	
"	V	Enabling the High Courts at the Presidency-towns to deal with costs of petitions for certain moneys transferred to Government.	The Unclaimed Deposits Act, 1870.	<i>Cf.</i> Act XXV of 1866.
"	VIII	Providing for the prevention of the murder of Female Infants.	The Female Infanticide Prevention Act, 1870.	
"	XX	Correcting two clerical errors in the Court-fees Act, 1870.	The Court-fees Act (1870) Amendment Act, 1870.	
"	XXVII	Amending the Indian Penal Code ...	The Indian Penal Code Amendment Act, 1870.	
1872	III	Providing a form of Marriage for persons who do not profess the Christian, Jewish, Hindu, Muhammadan, Pársi, Buddhist, Sikh or Jaina religion.	The Special Marriage Act, 1872.	
"	XIX	Amending the definition of 'Coin' in the Indian Penal Code.	The Indian Penal Code Amendment Act, 1872.	
1875	V	Removing doubts as to the rights and liabilities of certain native soldiers.	The Unattested Sepoys Act, 1875.	

THE SCHEDULE—continued.

1	2	3	4	5
Year.	No.	Subject.	Short Title.	REMARKS.
1875	X	Regulating the Procedure of the High Courts in the exercise of their original criminal jurisdiction.	The Advocate General's (Powers) Act, 1895.	The whole Act has been repealed except two sections (144 and 146), which give the Advocate General power to exhibit an information and enter a <i>nolle prosequi</i> .
"	XIII	Amending the Law relating to Probates and Letters of Administration.	The Indian Succession Law Amendment Act, 1875.	The Act amends Act X of 1865 and also Act VII of 1870.
1876	XVI	Amending the Stage-Carriages Act ...	The Stage-Carriages Act (1861) Amendment Act, 1876.	<i>Cf.</i> Act XVI of 1861.
1877	II	Amending Act XIII of 1875 ...	The Indian Succession Law Amendment Act, 1877.	The Act defines the expression "High Court" in Act X of 1865 as amended by Act XIII of 1875.
"	IV	Regulating the procedure and increasing the jurisdiction of the Courts of Magistrates in the Presidency-towns.	The Presidency Magistrates (Court-fees) Act, 1877.	The whole Act has been repealed except one section (57), which fixes the fee for a summons or warrant issued by a Presidency Magistrate and empowers a Presidency Magistrate to remit payment.
1879	XII	Amending the Registration Act, 1877, and the Limitation Act, 1877.	The Registration and Limitation Acts Amendment Act, 1879.	
1882	VIII	Amending the Indian Penal Code ...	The Indian Penal Code Amendment Act, 1882.	
1883	II	Amending the Elephants Preservation Act, 1879.	The Elephants Preservation Act (1879) Amendment Act, 1883.	<i>See</i> Act VI of 1879.
1884	I	Amending the Law relating to the granting of honorary degrees by the Universities at Calcutta, Madras and Bombay.	The Indian Universities (Honorary Degrees) Act, 1884.	<i>Cf.</i> Act XLVII of 1860.
1885	III	Amending the Transfer of Property Act, 1882.	The Transfer of Property Act (1882) Amendment Act, 1885.	
"	IX	Amending the Excise Act, 1881, the Bengal Excise Act, 1878, and the Sea Customs Act, 1878.	The Excise and Sea Customs Law Amendment Act, 1885.	
"	XV	Amending the Local Authorities Loan Act, 1879.	The Local Authorities Loan Act (1879) Amendment Act, 1885.	
1886	II	Imposing a tax on income derived from sources other than agriculture.	The Indian Income-tax Act, 1886.	
"	IV	Amending section 265 of the Indian Contract Act, 1872.	The Indian Contract Act (1872) Amendment Act, 1886.	
"	X	Amending the Code of Criminal Procedure, 1882, and certain other Acts.	The Indian Criminal Law Amendment Act, 1886.	This Act amends Act X of 1882, Bombay Act VII of 1867, Act XLV of 1860 and Act V of 1871.
"	XVIII	Amending Act XXXVI of 1858 ...	The Indian Lunatic Asylums Act (1858) Amendment Act, 1886.	<i>Cf.</i> Act XXXVI of 1858.

THE SCHEDULE—continued.

1	2	3	4	5
Year.	No.	Subject.	Short Title.	REMARKS.
1887	II	Amending the Sea Customs Act, 1878, the Excise Act, 1881, and the Indian Tariff Act, 1882.	The Sea Customs Act (1878) Amendment Act, 1887.	Acts XXII of 1881 and XI of 1882 have both been repealed.
"	III	Amending the Indian Evidence Act, 1872.	The Indian Evidence Act (1872) Amendment Act, 1887.	
"	V	Amending the Code of Criminal Procedure, 1882.	The Criminal Procedure Code (1882) Amendment Act, 1887.	
"	VI	Amending the Indian Companies Act, 1882.	The Indian Companies Act (1882) Amendment Act, 1887.	
1888	I	Amending the Indian Stamp Act, 1879.	The Indian Stamp Act (1879) Amendment Act, 1888.	
"	II	Providing for the levy of a Customs-duty on Petroleum.	The Petroleum (Customs-duty) Act, 1888.	
"	VIII	Removing doubts as to the legality of the levy of certain Tolls.	The Indian Tolls Act, 1888.	
"	X	Amending the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882.	The Presidency Small Cause Courts Law Amendment Act, 1888.	
"	XI	Making an addition to the Indian Telegraph Act, 1885.	The Indian Telegraph (Presidency-towns) Act, 1888.	The section added (34) provides for the application of Act XV of 1885 to the Presidency-towns and Rangoon.
"	XVII	Amending the Indian Marine Act, 1887	The Indian Marine Act (1887) Amendment Act, 1888.	
1889	VI	Amending the Indian Succession Act, 1865, the Probate and Administration Act, 1881, the Court-fees Act, 1870, and the Indian Stamp Act, 1879, and making provision with respect to certain matters.	The Indian Succession Law Amendment Act, 1889.	
"	VIII	Amending the Sea Customs Act, 1878, and the Indian Tariff Act, 1882.	The Sea Customs Act (1878) Amendment Act, 1889.	Act XI of 1882 has been repealed.
"	XX	Amending Act XXXVI of 1858	The Indian Lunatic Asylums Act (1858) Amendment Act, 1889.	Of. Act XVIII of 1886.
1890	II	Amending Acts XVII of 1864, X of 1865, II of 1874 and V of 1881.	The Indian Succession Law Amendment Act, 1890.	
"	III	Amending Acts VI and VII of 1884.	The Indian Steamships Law Amendment Act, 1890.	
"	X	Amending Act XXV of 1867...	The Press and Registration of Books Act (1867) Amendment Act, 1890.	
"	XIV	Amending the Schedule to the Petroleum Act, 1886.	The Petroleum Act (1886) Amendment Act, 1890.	
"	XVI	Amending the Births, Deaths and Marriages Registration Act, 1886.	The Births, Deaths and Marriages Registration Act (1886) Amendment Act, 1890.	
"	XVIII	Amending the Indian Emigration Act, 1883.	The Indian Emigration Act (1883) Amendment Act, 1890.	
"	XIX	Amending the Indian Salt Act, 1882.	The Indian Salt Act (1882) Amendment Act, 1890.	
1891	I	Amending the Cattle-trespass Act, 1871, and incorporating therein Act XVIII of 1883.	The Cattle-trespass Act (1871) Amendment Act, 1891.	Act XVIII of 1883 amended Act I of 1871.
"	II	Amending the Indian Christian Marriage Act, 1872.	The Indian Christian Marriage Act (1872) Amendment Act, 1891.	

THE SCHEDULE—*continued.*

1	2	3	4	5
Year.	No.	Subject.	Short Title.	REMARKS.
1891	III	Amending the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882.	The Indian Evidence Act (1872) Amendment Act, 1891.	Only one small addition was made to the Code by this Act and the section making it will soon be repealed on the revision of the Code.
"	IV	Amending the Code of Criminal Procedure, 1882.	The Criminal Procedure Code (1882) Amendment Act, 1891.	
"	IV	Amending and supplementing the Indian Ports Act, 1839.	The Indian Ports Act, 1891.	
"	VI	Amending certain Acts respecting Indian Merchant Shipping.	The Indian Merchant Shipping Law Amendment Act, 1891.	This Act amended Acts I of 1859, VII of 1880 and V of 1883.
"	VII	Amending Act X of 1841	The Indian Registration of Ships Act (1841) Amendment Act, 1891.	<i>Cf.</i> Act XI of 1850.
"	IX	Amending the Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878.	The Indian Merchandise Marks and Sea Customs Acts Amendment Act, 1891.	
"	X	Amending the Indian Penal Code and the Code of Criminal Procedure, 1882.	The Indian Criminal Law Amendment Act, 1891.	
"	XIII	Amending the Inland Steam-vessels Act, 1884.	The Inland Steam-vessels Act (1884) Amendment Act, 1891.	
1892	II	Validating certain marriages solemnized under Part VI of the Indian Christian Marriage Act, 1872.	The Marriages' Validation Act, 1892.	
"	VI	Amending the Indian Limitation Act, 1877, and the Code of Civil Procedure.	The Indian Limitation Act and Civil Procedure Code Amendment Act, 1891.	
1893	V	Legalising in certain cases the execution within British India of capital sentences which have been passed by British Courts exercising in or with respect to territory beyond the limits of British India Jurisdiction which the Governor General has in such territory.	The Foreign Jurisdiction (Capital Sentences) Act, 1893.	
1894	II	Amending the Indian Ports Act, 1839.	The Indian Ports Act (1839) Amendment Act, 1894.	
"	III	Amending the Code of Criminal Procedure, 1882, and the Indian Penal Code.	The Indian Criminal Law Amendment Act, 1894.	
"	VI	Amending the Indian Stamp Act, 1879, with respect to Policies of Sea and Fire Insurance and Sale-certificates.	The Indian Stamp Act Amendment Act, 1894.	
"	VII	Amending the Prisoners Act, 1871 ...	The Prisoners Act (1871) Amendment Act, 1894.	
"	X	Amending the Code of Criminal Procedure, 1882.	The Criminal Procedure Code (1882) Amendment Act, 1894.	
1895	III	Amending the Indian Penal Code Act, VI of 1864 and the Indian Post-office Act, 1866.	The Indian Criminal Law Amendment Act, 1895.	Act XIV of 1866 is about to be repealed and re-enacted, and section 7 of this Act, which amends it, will, therefore, soon be repealed and had better be ignored.
"	IV	Amending sections 366 and 371 of the Code of Criminal Procedure, 1882.	The Criminal Procedure Code (1882) Amendment Act, 1895.	

THE SCHEDULE—continued.

1	2	3	4	5
Year.	Number.	Subject.	Short Title.	Remarks.
1895	VII	Amending certain sections of the Code of Civil Procedure and the Punjab Laws Act, 1872.	The Punjab Laws Act Amendment Act, 1895.	One of the three amendments made in the Code is with reference to the Punjab Chief Court. As the Code is under revision, it may be ignored in the short title.
"	VIII	Amending Act V of 1861 (<i>an Act for the Regulation of Police</i>).	The Police Act (1861) Amendment Act, 1895.	<i>Qf.</i> Act V of 1861.
"	XIII	Amending sections 632 and 652 of the Code of Civil Procedure.	The Civil Procedure Code Amendment Act, 1895.	
1896	I	Amending the Indian Emigration Act, 1883.	The Indian Emigration Act (1883) Amendment Act, 1896.	
"	III	Amending the Indian Tariff Act, 1894.	The Indian Tariff Act (1894) Amendment Act, 1896.	
"	IV	Amending the Indian Ports Act, 1889.	The Indian Ports Act (1889) Amendment Act, 1896.	
"	V	Amending the Foreign Jurisdiction and Extradition Act, 1879.	The Foreign Jurisdiction and Extradition Act (1879) Amendment Act, 1896.	
"	VI	Amending the Indian Penal Code ...	The Indian Penal Code Amendment Act, 1896.	
"	VII	Amending the Presidency Small Cause Courts Act, 1882.	The Presidency Small Cause Courts Act (1882) Amendment Act, 1896.	
"	IX	Amending the Indian Railways Act, 1890.	The Indian Railways Act (1890) Amendment Act, 1896.	
"	XI	Amending the Legal Practitioners Act, 1879.	The Legal Practitioners Act, 1896.	This Act made important substantive changes in Act XVIII of 1879.
"	XIII	Amending the Code of Criminal Procedure, 1842.	The Criminal Procedure Code (1842) Amendment Act, 1896.	
"	XV	Amending the Glanders and Farcy Act, 1879.	The Glanders and Farcy Act (1879) Amendment Act, 1896.	
"	XVI	Amending the Indian Post-office Act, 1866.	The Indian Post-office Act (1866) Amendment Act, 1896.	
1897	I	Amending Act XXXVII of 1850 (<i>for regulating Inquiries into the behaviour of Public Servants</i>)	The Public Servants (Inquiries) Act (1850) Amendment Act, 1897.	
"	XIII	Amending the Indian Stamp Act, 1879.	The Indian Stamp Act (1879) Amendment Act, 1897.	

STATEMENT OF OBJECT AND REASONS.

It is convenient and in accordance with the present practice in England that every Act should be capable of being cited by means of a short title. This Bill has accordingly been drawn on the lines of the Short Titles Act, 1896 (59 & 60 Vict., c. 14), with the object of furnishing with such titles those general Acts of the Governor General in Council which are now deficient in this respect. A new edition of the general Acts is now in preparation, and with these Acts alone the present measure is concerned, all others being left to be dealt with hereafter when new editions of the local Codes are taken in hand.

The 26th June 1897.

(Signed) M. D. CHALMERS.

J. M. MACPHERSON,
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 1st July 1897:—

No. 10 of 1897.

A Bill to further amend the Court-fees Act, 1870.

WHEREAS it is expedient to further amend the Court-fees Act, 1870: It is hereby enacted as follows:

I. (1) This Act may be called the Court-fees Act (1870), Amendment Act, 1897; and

(2) It shall come into force at once.

2. After section 19-G of the Court-fees Act, 1870, the following sections shall be added, namely:

“19-H. (1) The Chief Revenue-officer of the district may at any time inspect, or cause to be inspected, the record of any case in which application for probate or letters of administration has been made to a Court within his district, and if, on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the estate

Power for Chief Revenue-officer of district to inspect records and prove under-valuation of estate.

of the deceased, he may require the Court before which such application is pending, to hold an inquiry into the true value of the estate.

(2) Every Court, when so required as aforesaid, shall hold an inquiry accordingly, and shall record a finding as to the true value, as near as may be, at which the estate of the deceased should have been estimated.

(3) For the purposes of any such inquiry the Court may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced before it, either by such Revenue-officer or by such petitioner, to prove the true value of the estate.”

“19-J. (1) Every application for probate or letter of administration must be accompanied by a deposit of a sum equal to the fee chargeable under this Act in respect of probate or letters of administration.

(2) If the application is allowed, the sum deposited under sub-section *(1)* shall be expended, under the direction of the Court, in the purchase of the stamp to be used for denoting the fee chargeable as aforesaid.

(3) Any sum deposited under sub-section *(1)* and not expended under sub-section *(2)* shall be refunded to the depositor.”

STATEMENT OF OBJECTS AND REASONS.

Under Act VII of 1870, a certain percentage is leviable by way of court-fee on the value, as estimated by the petitioner, of an estate in respect of which a grant of probate or letters of administration is made. Chapter III-A of the same Act, as amended by Acts XIII of 1875 and VIII of 1890, makes provision for a refund where the petitioner pays what turns out to be too high a fee, and also, in the converse case of his paying at the time of his application for probate or letters of administration a fee calculated on too low an estimate of the assets likely to come to his hands, for the subsequent levy of the difference between what he has actually paid and what he ought to have paid.

2. There is, however, no means provided by which the Revenue Officers of Government can check the sufficiency of a petitioner's valuation, and it is proposed by this Bill to remove what experience has shown to be a defect in the law of some practical importance, by adding to the Court-fees Act, 1870 (VII of 1870), a section enabling the Chief Revenue Officer of the district to inspect the records of any case in which application for probate or letters of administration has been made, and to prove in court any under-valuation of the estate concerned.

3. It is further proposed to insert in the same Act a provision similar to that contained in section 14 of the Succession Certificate Act, 1889 (VII of 1889), so as to secure, at the time of application for probate or letters of administration, the payment of the fee chargeable in respect of the subsequent grant thereof. As the law now stands, the duty is payable, not on the application for, but on the grant of probate or letters of administration. A person to whom sections 187 and 190 of the Indian Succession Act, 1865 (X of 1865), do not apply and who is not bound to produce probate or letters of administration to establish his rights in succession may attain all that he desires by merely obtaining on his application an order for the grant of probate or letters of administration, without actually taking out, and paying the fees prescribed for, the probate or letters of administration applied for. This result cannot, obviously, have been contemplated, and the latter part of clause 2 of the Bill is intended to guard against it.

The 26th June 1897.

(Signed) J. WOODBURN.

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