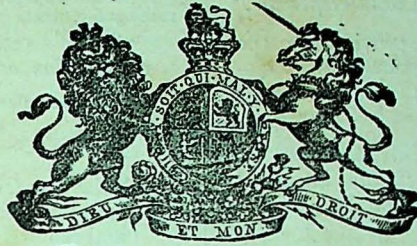


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THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 30TH JANUARY 1879.

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.

WE, the undersigned Members of the Select Committee to which the Bill to prevent the indiscriminate destruction

Circular letter to Local Governments No. 1037-41, dated 18th July 1878.

From Officiating Secretary to Government, Panjáb, No. 414C, dated 31st July 1878.

„ Secretary to Government, North-Western Provinces and Oudh, No. 285A, dated 27th July 1878.

„ Officiating Chief Commissioner, Ajmer and Malwára, No. 495, dated 31st July 1878.

„ Secretary to Chief Commissioner, Coorg, No. 326-1L, dated 3rd August 1878.

„ Officiating Junior Secretary to Chief Commissioner, British Burma, No. 1212-361, dated 8th August 1878.

„ Officiating Secretary to Chief Commissioner, Central Provinces, No. 3282-142, dated 13th August 1878.

Office memorandum from Department of Revenue, Agriculture and Commerce, No. 981F, dated 27th September 1878.

of wild elephants in British Burma was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

2. We have extended the permission to kill and capture elephants in the cases mentioned in section 2, clause (b) of the Bill as introduced, to the case of elephants found in the immediate vicinity of canals.

3. We have enlarged the local extent of the Act so as to include not only the territories of British Burma, but also those of the North-Western Provinces and Oudh, the Central Provinces and Coorg, and any other local area to which it may be extended by the Local Government.

4. We have made its provisions applicable to the capture as well as to the killing of wild elephants.

5. We have, adopting the suggestion referred to by the Member in charge of the Bill when introducing it, provided, in section 4 of the Bill as now amended, that any elephant captured and the tusks of any elephant killed under section 3, clauses (a) and (b), without license, shall be the property of the Government.

6. We have made it clear that fees to be taken for licenses to kill and capture elephants may be taken in kind, that is to say, in tusks or in elephants as well as in money.

7. We have recast the principal penalty-section (now section 7), and have enhanced the maximum penalty (which, bearing in mind the value of an elephant, seemed to us inadequate) to five hundred rupees for each elephant concerned, and, in the case of a second conviction, from three months to six months' imprisonment,—the term fixed in the Indian Forest Act for the offence of killing an elephant in a reserved or protected forest. We have made the amount or value of any fee payable for a license recoverable as if it were an arrear of land-revenue.

8. In view of the extended scope and local operation of the Act herein proposed, we have made a suitable alteration in the title of the Bill.

9. For the same reason, we recommend that the Bill, as amended, be republished.

10. The Bill has been published in English in the *Gazette of India* and in the *British Burma Gazette*. The report from British Burma as to its publication in that Province does not state that it has been published in the vernacular.

T. H. THORNTON.  
WHITLEY STOKES.  
A. R. THOMPSON.  
B. W. COLVIN.

CALCUTTA,  
The 18th December 1878. }

## No. II.

### *A Bill for the preservation of wild elephants.*

WHEREAS it is expedient to provide for the preservation of wild elephants; It is hereby enacted as follows:—

Preamble.

Short title.

1. This Act may be called "The Elephant Preservation Act, 1879."

It extends to the territories now respectively administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioners of Oudh, the Central Provinces, British Burma and Coorg;

Local extent.

and the Local Government may extend it to any other local area by notification in the official Gazette.

So far as regards the power to make declarations and rules, it shall come into force on the passing thereof. In other respects it shall come into force on the first day of March 1879.

Commencement.

2. The words "kills or catches elephants," in section 25, clause (i), of the Indian Forest Act, 1878, and the words "killing or catching elephants," in section 31, clause (j) of the same Act, shall be repealed in every local area to which this Act extends or is extended.

Repeal.

3. No person shall kill, injure or capture, or attempt to kill, injure or capture, any wild elephant unless—

Killing and capture of wild elephants prohibited.

(a) in defence of himself or some other person;

(b) when such elephant is found injuring houses or cultivation, or upon or in the immediate vicinity of, any main public road or any railway or canal; or

(c) as permitted by a license granted under this Act.

4. Every elephant captured, and the tusks of every elephant killed, in any of the cases mentioned in section three, clauses (a) and (b), by any person not licensed under this Act, shall be the property of Government.

Rights of Government with respect to certain elephants and tusks.

5. The Collector or Deputy Commissioner of any District may, subject to such rules as may for the time being be in force under this Act, grant licenses to kill, or to capture, or to kill and capture, wild elephants in such district:

License to kill and capture wild elephants.

Provided that no such license shall authorize any person to enter upon any land without the consent of the owner or occupier thereof.

6. The Local Government may from time to time, subject to the control of the Governor General in Council,

Power of Local Government.

declare what shall be deemed to be main public roads and canals within the meaning of this Act, and to declare what are main roads and canals.

make rules consistent with this Act for regulating—

(a) the grant and renewal of licenses under this Act,

(b) the fees (if any) in money, tusks or captured elephants to be charged on such grant and renewal,

(c) the time during which such licenses shall continue in force, and

(d) the conditions (if any) on which they shall be granted.

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

7. Whoever, in contravention of section three, kills, injures or captures, or attempts to kill, injure or capture, any wild elephant, shall be punished with fine which may extend to five hundred rupees for each elephant concerned;

Penalty for contravening section 3.

and whoever breaks any condition contained in a license granted under this Act shall be punished with fine which may extend to five hundred rupees.

Any person convicted of a second offence under this section shall be punished with imprisonment which may extend to six months, or with fine, or with both.

When any person holding a license under this Act is convicted under this section, such license shall become void and shall be delivered up to the convicting Magistrate.

8. Any officer of Revenue or Police, or any forest-officer, who may find any person killing, injuring or capturing, or attempting to kill, injure or capture, any wild elephant, except in the cases mentioned in section three, clauses (a) and (b), may require him to produce and show a license granted to him under this Act.

License to be produced and shown on requisition of certain officers.

Any person who, on such request, wilfully refuses or is unable to produce and show such license as aforesaid, shall, in addition to any other punishment to which he may be liable under this Act, be punished with fine which may extend to one hundred rupees.

9. Every prosecution under this Act shall be commenced within six months from the commission of the offence in respect of which it is instituted.

Limitation of prosecution.

10. The amount or value of any fee payable under any license granted under this Act may be recovered from the licensee as if it were an arrear of land-revenue.

Recovery of fees.

D. FITZPATRICK,

Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 30th January 1879.]

## PART VI.

### BILLS OF THE GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th January, 1879, and was referred to a Select Committee:—

#### Bill No. 1 of 1879.

*A Bill to amend the law relating to Coast-lights in the eastern part of the Bay of Bengal.*

WHEREAS it is expedient to increase the Coast-light dues paid under the provisions of Act No. XIII of 1867 (*An Act to provide for the establishment and maintenance of Coast-lights in the eastern part of the Bay of Bengal*) and to render chargeable with such dues certain vessels which are not now so chargeable; It is hereby enacted as follows:—

#### Preliminary.

Short title. 1. This Act may be called the "Burma Coast-lights Act, 1879;"

Local extent. It extends to the territories respectively administered by the Governors of Fort St. George and Bombay in Council, the Lieutenant-Governor of Bengal and the Chief Commissioners of British Burma and the Andamans.

But nothing herein contained shall apply to any vessel belonging to, or in the service of, Her Majesty, or the Government of India, or to any vessel of war belonging to any Foreign Prince or State.

2. Act No. XIII of 1867 (*An Act to provide for the establishment and maintenance of Coast-lights in the eastern part of the Bay of Bengal*) and section 77 of the Indian Ports Act, 1875, are hereby repealed.

But any appointment made under the said Act No. XIII of 1867 shall be deemed to have been made under this Act.

3. In this Act, unless there is something repugnant in the subject or context,—

"Customs-Collector" means a Customs-Collector appointed under the Sea Customs Act, 1878, and includes any person appointed by the Local Government by name or in virtue of his office

VI.—3 a

to discharge the functions of a Customs-Collector under this Act at any port:

"Vessel" includes anything made for the conveyance by water of human beings or of property:

"Master," when used in relation to any vessel, means any person (except a Pilot or Harbour Master)

having for the time being the charge or control of such vessel:

"Voyage" means the whole distance between a vessel's place of departure and her final place of arrival; but the return of a vessel from any place shall, notwithstanding the terms of any charter party, be deemed a distinct voyage.

#### Coast-light Dues.

4. A toll, hereinafter called "Coast-light dues," shall be paid in respect of every vessel of the burden of fifty tons and upwards making any voyage mentioned in the schedule hereto annexed, at the rate of one anna six pie per ton of burden:

Provided that such vessel sails from or enters during the course of, or at the termination of, any such voyage a port in British India.

When dues payable. 5. The said toll shall become due and payable—

(a) in the case of a vessel clearing out of a port in British India upon any such voyage, previous to the grant of any port clearance;

(b) in the case of a vessel entering a port in British India in the course, or at the termination, of any such voyage, immediately upon her entering such port:

Provided that the said toll shall not be levied more than once on any vessel in the course of the same voyage.

6. The Governor General in Council may from time to time, by notification in the *Gazette of India*, reduce or raise the rate of Coast-light dues, in respect of all vessels or any particular class of vessels:

Provided that such rate shall not in any case exceed the rate fixed by section four.

7. The Customs-Collector shall collect the Coast-light dues;

Collection of Coast-light dues.

## No. II.

*A Bill for the preservation of wild elephants.*

WHEREAS it is expedient to provide for the preservation of wild elephants; It is hereby enacted as follows:—

Preamble.

Short title.

1. This Act may be called "The Elephant Preservation Act, 1879."

It extends to the territories now respectively administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioners of Oudh, the Central Provinces, British Burma and Coorg;

Local extent.

and the Local Government may extend it to any other local area by notification in the official Gazette.

So far as regards the power to make declarations and rules, it shall come into force on the passing thereof. In other respects it shall come into force on the first day of March 1879.

Commencement.

2. The words "kills or catches elephants," in section 25, clause (i), of the Indian Forest Act, 1878, and the words "killing or catching elephants," in section 31, clause (j) of the same Act, shall be repealed in every local area to which this Act extends or is extended.

Repeal.

3. No person shall kill, injure or capture, or attempt to kill, injure or capture, any wild elephant unless—

Killing and capture of wild elephants prohibited.

(a) in defence of himself or some other person;

(b) when such elephant is found injuring houses or cultivation, or upon or in the immediate vicinity of, any main public road or any railway or canal; or

(c) as permitted by a license granted under this Act.

4. Every elephant captured, and the tusks of every elephant killed, in any of the cases mentioned in section three, clauses (a) and (b), by any person not licensed under this Act, shall be the property of Government.

Rights of Government with respect to certain elephants and tusks.

5. The Collector or Deputy Commissioner of any District may, subject to such rules as may for the time being be in force under this Act, grant licenses to kill, or to capture, or to kill and capture, wild elephants in such district:

License to kill and capture wild elephants.

Provided that no such license shall authorize any person to enter upon any land without the consent of the owner or occupier thereof.

6. The Local Government may from time to time, subject to the control of the Governor General in Council,

Power of Local Government.

declare what shall be deemed to be main public roads and canals within the meaning of this Act, and to declare what are main roads and canals.

make rules consistent with this Act for regulating— and to make rules as to licenses.

(a) the grant and renewal of licenses under this Act,

(b) the fees (if any) in money, tusks or captured elephants to be charged on such grant and renewal,

(c) the time during which such licenses shall continue in force, and

(d) the conditions (if any) on which they shall be granted.

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

7. Whoever, in contravention of section three, kills, injures or captures, or attempts to kill, injure or capture, any wild elephant, shall be punished with fine which may extend to five hundred rupees for each elephant concerned;

Penalty for contravening section 3.

and whoever breaks any condition contained in a license granted under this Act shall be punished with fine which may extend to five hundred rupees.

Any person convicted of a second offence under this section shall be punished with imprisonment which may extend to six months, or with fine, or with both.

When any person holding a license under this Act is convicted under this section, such license shall become void and shall be delivered up to the convicting Magistrate.

8. Any officer of Revenue or Police, or any forest-officer, who may find any person killing, injuring or capturing, or attempting to kill, injure or capture, any wild elephant, except in the cases mentioned in section three, clauses (a) and (b), may require him to produce and show a license granted to him under this Act.

License to be produced and shown on requisition of certain officers.

Any person who, on such request, wilfully refuses or is unable to produce and show such license as aforesaid, shall, in addition to any other punishment to which he may be liable under this Act, be punished with fine which may extend to one hundred rupees.

9. Every prosecution under this Act shall be commenced within six months from the commission of the offence in respect of which it is instituted.

Limitation of prosecution.

10. The amount or value of any fee payable under any license granted under this Act may be recovered from the licensee as if it were an arrear of land-revenue.

Recovery of fees.

D. FITZPATRICK,

Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 30th January 1879.]

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WHEREAS it is expedient to increase the Coast-light dues paid under the provisions of Act No. XIII of 1867 (*An Act to provide for the establishment and maintenance of Coast-lights in the eastern part of the Bay of Bengal*) and to render chargeable with such dues certain vessels which are not now so chargeable; It is hereby enacted as follows:—

#### Preliminary.

Short title. 1. This Act may be called the "Burma Coast-lights Act, 1879."

Local extent. It extends to the territories respectively administered by the Governors of Fort St. George and Bombay in Council, the Lieutenant-Governor of Bengal and the Chief Commissioners of British Burma and the Andamans.

But nothing herein contained shall apply to any vessel belonging to, or in the service of, Her Majesty, or the Government of India, or to any vessel of war belonging to any Foreign Prince or State.

2. Act No. XIII of 1867 (*An Act to provide for the establishment and maintenance of Coast-lights in the eastern part of the Bay of Bengal*) and section 77 of the Indian Ports Act, 1875, are hereby repealed.

But any appointment made under the said Act No. XIII of 1867 shall be deemed to have been made under this Act.

3. In this Act, unless there is something repugnant in the subject or context,—

"Customs-Collector" means a Customs-Collector appointed under the Sea Customs Act, 1878, and includes any person appointed by the Local Government by name or in virtue of his office

to discharge the functions of a Customs-Collector under this Act at any port:

"Vessel" includes anything made for the conveyance by water of human beings or of property:

"Master," when used in relation to any vessel, means any person (except a Pilot or Harbour Master) having for the time being the charge or control of such vessel:

"Voyage" means the whole distance between a vessel's place of departure and her final place of arrival; but the return of a vessel from any place shall, notwithstanding the terms of any charter party, be deemed a distinct voyage.

#### Coast-light Dues.

4. A toll, hereinafter called "Coast-light dues," shall be paid in respect of every vessel of the burden of fifty tons and upwards making any voyage mentioned in the schedule hereto annexed, at the rate of one anna six pie per ton of burden:

Provided that such vessel sails from or enters during the course of, or at the termination of, any such voyage a port in British India.

When dues payable. 5. The said toll shall become due and payable—

(a) in the case of a vessel clearing out of a port in British India upon any such voyage, previous to the grant of any port clearance;

(b) in the case of a vessel entering a port in British India in the course, or at the termination, of any such voyage, immediately upon her entering such port:

Provided that the said toll shall not be levied more than once on any vessel in the course of the same voyage.

6. The Governor General in Council may from time to time, by notification in the *Gazette of India*, reduce or raise the rate of Coast-light dues, in respect of all vessels or any particular class of vessels:

Provided that such rate shall not in any case exceed the rate fixed by section four.

7. The Customs-Collector shall collect the Coast-light dues;

and shall grant to the person paying the same a proper voucher in writing under his hand, setting forth the name of his office, the port at which the Coast-light dues are paid, and the name, tonnage and other proper description of the vessel in respect of which such payment is made.

8. Within twenty-four hours after the arrival of such vessel, the Master of such vessel shall give notice of such arrival to the Customs-Collector.

9. In order to ascertain the tonnage of any vessel chargeable with Coast-light dues, the following rules shall be observed:—

(a.)—If such vessel be a British registered vessel, or a vessel registered under Act No. X of 1841, or Act No. XI of 1850, or under any other law for the time being in force for the registration of vessels in India, the Customs-Collector may require the owner or Master of such vessel, or any person having possession of her register, to produce such register for inspection. If any such owner, Master or other person neglects or refuses to produce such register, or otherwise to satisfy the Customs-Collector as to what is the true tonnage of the vessel in respect of which such Coast-light dues are payable, he shall be punished with fine which may extend to one hundred rupees, and the Customs-Collector may cause such vessel to be measured and the tonnage thereof to be ascertained; and in such case the owner or Master of such vessel shall also be liable to pay the expenses of such measurement.

(b.)—If such vessel be not a British registered vessel, or a vessel registered under Act No. X of 1841, or Act No. XI of 1850, or under any other law for the time being in force for the registration of vessels in India, and the owner or Master thereof fails to satisfy the Customs-Collector as to what is her true tonnage according to the mode of measurement prescribed by the law in force for the time being for regulating the measurement of British registered vessels, the Customs-Collector shall cause such vessel to be measured and the tonnage thereof, according to the mode aforesaid, to be ascertained; and in such case the owner or Master of such vessel shall be liable to pay the expenses of such measurement.

*Explanation.*—In this section "owner" includes any agent to whom the vessel referred to is consigned.

10. If the Master of any vessel refuses or neglects to pay to the Customs-Collector on demand by him the amount of any dues or expenses payable in respect of such vessel under this Act, the Customs-Collector may detain or arrest such vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of such dues or expenses is paid;

and in case any part of such dues or expenses, or of the cost of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest so made, the Customs-Collector may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale may satisfy such dues, expenses and costs, including the costs of sale remaining unpaid, and shall render the surplus (if any) to the Master of such vessel upon demand.

11. The officer of Government whose duty it is to grant a port-clearance for any vessel shall not grant such port-clearance until her Master, or some other person, has paid, or secured to the satisfaction of such officer, the amount of all dues, expenses and costs with which such vessel is chargeable under this Act, and of any fine to which any person is liable for anything done by him in contravention of this Act.

12. The Master of any vessel departing from or entering any port in British India upon, or in the course of, or at the termination of, any voyage, shall, upon the demand of the Customs-Collector, specify upon what voyage he is or has been bound.

13. If the Master of any vessel evades, or attempts to evade, the payment of any Coast-light dues, expenses or costs payable in respect of such vessel under this Act, he shall be punished with fine which may extend to two hundred rupees.

#### *Determination of Disputes under Act.*

14. If any dispute arises as to whether any vessel is chargeable with any Coast-light dues, expenses or costs under this Act, or as to the amount of such dues, expenses or costs, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate exercising powers under the Code of Criminal Procedure not less than those of a Magistrate of the second class, or in the towns of Calcutta, Madras and Bombay by a Presidency Magistrate; and the decision of such Magistrate shall be final.

#### *Maulmain and Bassein Port-dues.*

15. The port-due leviable under the Indian Ports Act, 1875, in either of the ports of Maulmain and Bassein, shall, to the extent of one anna six pie, be applicable in the first place to defray the expenses of maintaining the existing port-lights of British Burma.

#### *Prosecutions under other Laws.*

16. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act: provided that no person shall be punished twice for the same act or omission.

## SCHEDULE.

(See section 4.)

1. A voyage to or from Chittagong or any place west of the longitude of Chittagong—

(a) from or to any port in British Burma; or

(b) from or to Port Blair, or any place east of the longitude of Mergui, by a route passing between the northern extremity of the Andaman Islands and the coast of British Burma.

2. A voyage to or from any port in British Burma—

from or to any other port in British Burma.

Except voyages to or from Maulmain from or to Tavoy or Mergui, or to or from Tavoy from or to Mergui.

3. A voyage to or from Rangoon and any port in British Burma west of the longitude of Rangoon—

from or to any place east of Mergui.

4. A voyage to or from any port in British Burma other than Tavoy and Mergui.

from or to Port Blair.

## STATEMENT OF OBJECTS AND REASONS.

THE present coast-light dues of one anna per ton levied under section 3 of Act XIII of 1867 (*An Act to provide for the establishment and maintenance of Coast-lights in the eastern part of the Bay of Bengal*) have been found insufficient to pay a fair rate of interest on the capital expended on the lights which at present exist on the coast of

British Burma and provide for their maintenance. Moreover, the recent total destruction of the Krishna Shoal Light-house will immediately entail a large expenditure. It has therefore been determined to raise the present coast-light dues from one anna per ton to one anna six pie, and to subject to the dues vessels making certain voyages not mentioned in the Act but in the course of which they benefit by the lights. These voyages are—

(a) voyages from ports in British Burma to Chittagong and places west of Chittagong;

(b) voyages from Chittagong to ports in British Burma;

(c) voyages by certain routes to or from Chittagong and places west of Chittagong (except Calcutta) from or to Port Blair and places east of Mergui;

(d) voyages from places east of Mergui to Rangoon and from Rangoon and ports in British Burma west of Rangoon to places east of Mergui;

(e) voyages to or from any port in British Burma other than Tavoy and Mergui from or to Port Blair.

2. The Bill repeals Act XIII of 1867 (which has already been amended) and re-enacts it in a simpler form, with the requisite alterations in respect of the coast-light dues and with some changes in wording and arrangement.

(Signed) WHITLEY STOKES.

The 14th January, 1879.

D. FITZPATRICK,

Secy. to the Government of India.