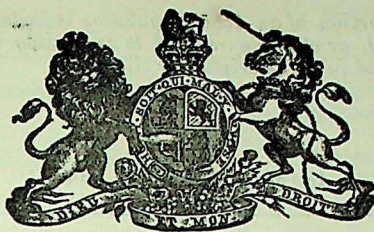


THE



Bombay Government Gazette

Published by Authority.

THURSDAY, 28TH OCTOBER 1875.

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 into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 13th October 1875, and was referred to a Select Committee with instructions to make their report thereon in two months :—

Bill No. 12 of 1875.

A Bill for the repeal of certain obsolete enactments.

Whereas it is expedient that the enactments mentioned in the schedule to this Act, which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows :—

1. The enactments described in the schedule annexed to this Act are hereby repealed to the extent mentioned in the third column of the same schedule :—

VI.—61

Provided that 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 or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, 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same respectively may have been in any manner affirmed, recognised, or derived, by, in, or from any enactment hereby repealed :

Nor shall this Act provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage or practice not now existing or in force.

2. This Act may be cited as "The Repealing Act, 1875": it extends to the whole of British India; and it shall come into force at once.

Short title.
Local extent.
Commencement.

SCHEDULE.

A description or citation of a portion of an Act or Regulation is inclusive of the words, section or other part, first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

PART I.

Acts of the Governor in Council.

Number and Year.	Subject.	Extent of Repeal.
IX of 1835 ... XIX of 1838 ...	Salt, Bengal ... Coasting Vessels, Bombay...	The whole. Section nine. In section twelve, the word "Indian." In section thirteen, the words "Justice of the Peace or person exercising the powers of a Magistrate." So much as has not been repealed.
XXIX of 1838 ... VI of 1840 ...	Salt, Bengal ... Bills of Exchange ...	In section five, the words "after the passing of this Act."
XVIII of 1841 ... XIX of 1841 ...	Arms and Ammunition ... Wrongful possession in case of succession.	Section two. In sections nine and eighteen, the word "that" where it occurs before the word "all," and the word "for."
I of 1846 ...	Pleadings ...	In sections seven and nine, the word "that" where it occurs before the word "it," and the word "persons."
VIII of 1846 ... XX of 1847 ...	Settlement, N. W. Provinces ... Copyright.	So much as has not been repealed. In section seven the words "after the passing of this Act" and "in such part of the said territories"; and from "if he shall have so offended" down to "charter"; and from "to a special" to "no Zillah Court."
XV of 1848 ...	Supreme Court Officers ...	In section thirteen, the word "that" where it occurs before the words "if the case."
IX of 1850 ...	Presidency Small Cause Courts.	In section four, the words "or the East India Company." Sections three, forty-seven and ninety. In section one, the last thirty-seven words. In section eight, the words "not exceeding three."
XXVI of 1850 ... XXXVII of 1850 ... VIII of 1851 ... XVII of 1852 ...	Improvements in Towns ... Public Servants ... Tolls on Roads and Bridges ... Special Cases, Supreme Court.	In section one hundred and one, the words "after the passing of this Act." So much as has not been repealed. Section seventeen. In section six, the words "of the zillah."
XXI of 1852 ... XXX of 1852 ... XVIII of 1854 ...	Deputy Collectors, Bombay ... Naturalization ... Railways ...	Section twenty-six, from "which according" to "referred, but." Section thirty. In section thirty-two, the words "and also the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca." Section thirty-three. In section one, the words "zillah or." The last sixteen words of the schedule.
XXXI of 1854 ... VI of 1855 ... XXIV of 1855 ... VIII of 1856 ... II of 1857 ...	Real Actions, Conveyances ... Execution, Supreme Courts ... Penal Servitude ... Gaols, Madras and Bombay ... Calcutta University ...	In section thirty-four, the words "or by any Assistant to a Magistrate or Deputy Magistrate." In section thirty-five, the words "and District or Joint Police Officers in the Presidency of Bombay." In section forty, the words "within the said territories." In section thirteen, the words "in the possession and." Section fourteen, from "and the term" to the end. In section one, the words "in the possessiox and." In section two, the first eight words. In the preamble, the last four words. Section four, from "and the first" to the end. In section five, the first sentence, and the words "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859," and "the Vice-Chancellor hereinbefore nominated or."

Acts of the Governor General in Council—continued.

Number and Year.	Subject.	Extent of Repeal.
IV of 1857 ...	Tobacco, Bombay Town ...	In section five, the words "after the passing of this Act," and from "and the provisions" to the end of that section.
XI of 1857 ...	Offences against the State ...	In section three, clause 1, the words "within the said territories", "of the crimes mentioned in the preceding sections, or any other." In section four, the words "without the attendance or futwa of a Law Officer." Sections seven, eight, nine and ten. In section eleven, the words "lawfully exercising the powers of a Magistrate and any Assistant to a Magistrate or Deputy Magistrate."
XXII of 1857 ...	Bombay University ...	In the preamble, the last four words. In section four, the last twelve words. In section five, the first sentence, and the words "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859."
XXVII of 1857 ...	Madras University ...	In the preamble, the last four words. In section four, the last fourteen words. In section five, the first sentence, and the words "and the Vice-Chancellor hereinbefore nominated shall go out of office on the first day of January 1859."
XXIX of 1857 ...	Land Customs, Bombay ...	In section eleven, the words "by the said schedules." In section thirteen, the words "entered in either of the said schedules as."
III of 1858 ...	State Prisoners ...	Section four.
I of 1859 ...	Merchant Seamen... ..	In section sixty-three, the words "or in any station of the Settlement of Prince of Wales' Island, Singapore, and Malacca, to the Court of Judicature there." In section sixty-seven, the words "and in the Straits Settlement in such manner as the Governor shall notify."
III of 1859 ...	Cantonment Joint Magistrates.	In the title, the words "and for constituting those Officers Registrars of Deeds." In the preamble, the words "and that they should also be appointed Registrars of Deeds within the same limits."
XV of 1859 ...	Patents	Sections thirteen and thirty-six.
XXXI of 1861 ...	Saltpetre	So much as has not been repealed.
XIII of 1863 ...	Imprisonment of convicts, Bombay.	The whole.
XIV of 1863 ...	Amending Act X of 1859...	So much as has not been repealed.
III of 1864 ...	Foreigners	In section twenty-four, the words "and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."
XVII of 1864 ...	Official Trustee	In section three, the words "the said."
XXII of 1864 ...	Cantonments	In section eight, the words " <i>and for constituting those Officers Registrars of Deeds.</i> "
XI of 1865 ...	Mofussil Small Cause Courts.	In section twelve, the words " <i>and for constituting those Officers Registrars of Deeds.</i> "
XV of 1865 ...	Parsee Marriage & Divorce	Section fifty-three.
XXIX of 1865 ...	Pleaders	Sections one, two and three.
XII of 1866 ...	Private Water-courses ...	The whole.
XIV of 1866 ...	Post Office... ..	Section fifty-five, and in section fifty-six the words "or by any Assistant to a Magistrate or Deputy Magistrate."
XXV of 1866 ...	Transfer of securities to Government.	The preamble from "And whereas" to "purposes aforesaid."
VII of 1867 ...	Purchases from Soldiers ...	In section one, first eight words.
XIII of 1867 ...	Port dues: Coast lights ...	Section two.
XIV of 1869 ...	Bombay Civil Courts ...	The second paragraph of section five. The second paragraph of section fourteen. Sections thirty and thirty-one.
XXII of 1870 ...	European British Subjects.	Section one.
XXIII of 1870 ...	Coinage	Section eighteen, paragraph one.

Acts of the Governor General in Council—concluded.

Number and Year.	Subject.	Extent of Repeal.
XXVII of 1871 ...	Criminal tribes ...	Section twenty-three.
III of 1872 ...	Marriage ...	Section twenty and the fourth schedule.
X of 1872 ...	Criminal Procedure Code...	Section three.
XXI of 1872 ...	Sepoy Lunatics ...	Section six.
X of 1873 ...	Oaths ...	In section one, the third paraphraph.
XVI of 1873 ...	Village Police, N.W. Provinces.	In section one, the third paragraph.
III of 1874 ...	Married Women ...	Section three.
IV of 1874 ...	Foreign Recruiting ...	In section one, the third clause.
V of 1874 ...	Kullu Appeals ...	Sections one and four.
XV of 1874 ...	Laws Local Extent ...	Section nine and the seventh schedule.
		So much of the second schedule as relates to Madras Regulations III. of 1831 and VII. of 1832, and to section four of Madras Regulation IV. of 1821, and to Act No. VIII of 1856.
XVI of 1874 ...	Repealing Act, 1874 ...	The whole.
III of 1875 ...	Amending Repealing Act, 1874.	The whole.
IV of 1875 ...	Merchant Shipping ...	Section two, and the third clause of section one.
VII of 1875 ...	Burma Fisheries ...	In section one, clause three.
VIII of 1875 ...	Inland Customs ...	Section two and the schedule.
X of 1875 ...	High Courts' Criminal Procedure.	Sections thirty-nine and one hundred and fifty-three.
XVI of 1875 ...	Tariff ...	Section two.

PART II.

Regulations of the Bengal Code.

Number and Year.	Subject.	Extent of Repeal.
XII of 1817 ...	Patwáris ...	In section eight, the words "the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be," and "or Commissioner." In sections thirteen, fifteen, and sixteen, the words "the Board of Commissioners, or the Commissioner in Behar and Benares." In section seventeen, the words "Board of Commissioners, or Commissioner in Behar and Benares."

PART III.

Regulations of the Madras Code.

Number and Year.	Subject.	Extent of Repeal.
III of 1802 ...	Procedure of Courts ...	In section eleven, the words "Zillah" "of the Zillah" wherever they occur, and "by the Provincial Courts of Appeal, or the Sudder Adálat." In section sixteen, clause <i>Second</i> , the words "Hindoo," "the Judge of the Court of Adálat," and "other," and the words and figures "under the general rule contained in Section V., Regulation II., 1802, and proceed thereupon according to the Regulations." In clause <i>Third</i> , the words "when they are to proceed thereupon according to the general Regulations."

Regulations of the Madras Code—continued.

Name and Year.	Subject.	Extent of Repeal.
XIII of 1802 ...	Records of Courts ...	In section fifteen, the words and figures "in the same manner as is prescribed to the Provincial Courts of Appeal in Section XII."
XXIX of 1802 ...	Karnams ...	Section four. In sections eighteen and nineteen, the words "before the Court of Circuit."
IX of 1803 ...	Customs Officer, Madras ...	In section fifty-five, the words "contrary to, or not warranted by, this Regulation." In section fifty-six, the words "conformable to the provisions contained in this Regulation." In section fifty-nine, the words "the register to" in each of the places where they occur. In section sixty-three, the words "contrary to, or not warranted by, this Regulation," and "in conformity to this Regulation." In section sixty-six, the words "to the Provincial Court of Appeal for the centre division, and from the decrees of that Court." In section sixty-seven, the words "the register of," "register of the" and "the registers of."
V of 1804 ...	Court of Wards ...	In section six, clause <i>Third</i> , the words "Courts of Appeal or to the" and "as it shall seem fit." In section twenty-four, clause <i>Second</i> , from "and it shall" to the end of that clause.
I of 1805 ...	Salt ...	In section eight, clause <i>First</i> , the words "After the date of the Regulation." In clause <i>Second</i> , the words "commercial residents." In section fourteen, clauses <i>First</i> , <i>Second</i> , and <i>Fourth</i> , the words "commercial residents" "by commercial residents." In section fifteen, the words "commercial residents." In section sixteen, the words "commercial resident" and "commercial residents." Section twenty-two.
VII of 1808 ...	Martial Law ...	In the preamble, the words and figures "from the 1st day of October 1808." Section four, from "or before any special court" to the end of that section.
IV of 1816 ...	Village Munsifs ...	Section four, clause <i>First</i> . In sections five and twenty-seven, the word "Arcot." In section sixteen, clause <i>Fifth</i> , the second sentence. Sections thirty-two and thirty-four.
V of 1816 ...	Village Pancháyats ...	In sections three, clause <i>Second</i> , and in section four, clauses <i>Ninth</i> and <i>Tenth</i> , and in section sixteen, clause <i>First</i> , the word "Arcot." In section ten, the words "and no stamp paper need be used in plaint, answer, or any process." In section eleven, clause <i>First</i> , the words "upon stamp paper of the prescribed rate according to the amount of the suit." In clause <i>Fourth</i> , the words "by the oaths of two credible witnesses at the least," and "Provincial." Section fifteen. In section seventeen, the words "on stamped paper of the prescribed rate, according to the amount decreed."
XI of 1816 ...	Heads of Villages, &c. ...	In section forty-seven, the words and figures "as directed in Section X, Regulation III., 1810."
XII of 1816 ...	References to Village and District Pancháyats.	In section three, the words and figures "under the same provisions as are prescribed by clauses <i>Second</i> and <i>Third</i> , Section XIV, Regulation VI, 1816." In section five, clause <i>Fourth</i> , and in section nine, clause <i>Third</i> , the word "Arcot." Section six, clause <i>First</i> , so far as it relates to Regulation VII., 1816.

Number and Year.	Subject.	Extent of the Repeal.
XIV of 1816 ...	Pleaders	In section six, clause <i>Second</i>, the words and figures "without requiring the agreement specified in clause <i>Second</i>, Section IV., Regulation VII., 1816. In section nine, clause <i>First</i>, the words "by the oaths of two credible witnesses at the least," and "Provincial." In section eleven, the words "exempt from all stamp-duties, and shall be" and the words and figures "or to such charges as are specified in Regulation VII., 1816, if decided by a district Panchayat." In the preamble, the words "and to transfer to the Provincial Courts the control now exercised by the Sudder Adalat in the appointment and removal of vakeels or Native pleaders in the Zillah Courts and in the Provincial Courts." In section three, clause <i>First</i>, the words "and the several Provincial Courts" "in their respective courts" "being natives of India of the Hindoo or Mahomedan persuasion, and" "for the approbation of the Provincial Court of the division," "being a native of India and otherwise," and clause <i>Second</i> from "and shall communicate" to the end of that section. In section four, the words "the Provincial Courts" and "which is not required to be written on stamped paper." In section eight, the words "and the Provincial Court, on consideration of the Judge's report." In section ten, clause <i>First</i>, the words "and the several Provincial Courts." In clause <i>Second</i>, the words "a register or" and "report the circumstances of the case, together with his own opinion upon it, to the Provincial Court, who will." In section eleven, the words "without the previous sanction of the Provincial Court," and from and including the words "but in such" to the end of the section. In section thirteen, the words "on unstamped paper." In section fourteen, the word "Arcot" whenever it occurs. In section fifteen, clause <i>Second</i>, the words "or registers" and "either by a deduction from the fees which may become due to the offender, or." In section eighteen, clause <i>First</i>, the word "register." In clause <i>Third</i>, the words "Provincial Courts or to the" the second sentence, and the words "Provincial Courts and of the." In section twenty, the words "of the Provincial Courts," and "under the provisions contained in the following clauses of this section." In section twenty-five, clause <i>First</i>, the words "the Provincial Courts" and the word "Arcot" wherever it occurs. In clause <i>Third</i>, the words and figures "written on the stamped paper prescribed in Section XI., Regulation XIII., 1816." In section thirty-six, the words "on unstamped paper." In section thirty-nine, the words "or district" and the figures "VI." and "VII." In the Appendix No. 1, the words "or in the Provincial Court for the division of." In the Appendix No. 2, the words "or the Provincial Court for the division of." The Appendix, except No. 5.
VIII of 1817 ...	Estates of Native Soldiers.	

Regulations of the Madras Code—concluded.

Number and Year.	Subject.	Extent of Repeal.
I of 1819 ...	Settlement of Land-revenue.	In the preamble, the last eleven words. In section two, the words and figures "Section IX., Regulation XXVI., 1802, is hereby rescinded; and." In section four, the words "from and after the promulgation of this regulation."
II of 1819 ...	State Prisoners ...	In the preamble, the last nine words. Section eight. In section nine, the words "to the Provincial Court of Appeal and Circuit."
IV of 1821 ...	Petty Thefts ...	In section six, clause <i>First</i> , the word "Madras."
IX of 1822 ...	Embezzlement by Public Servants.	In the preamble, the last ten words. In section three, clause <i>Third</i> , the words and figures "in the manner prescribed in Section VII., Regulation III of 1802." In section four, the second sentence. In section five, clause <i>Fourth</i> , the word "Arcot." In section eight, the words "before the criminal judge (who is hereby empowered to take cognizance of such cases)" and "by him." In section nine, the words "on oath." Section ten, from the words "and the rules" to the end of the section. Sections seventeen and eighteen.
III of 1823 ...	Embezzlement ...	In section one, the last ten words.
VII of 1828 ...	Subordinate and Assistant Collectors.	In section one, the last ten words. Section seven.
V of 1829 ...	Hindú Wills ...	In section one, the last ten words.
I of 1830 ...	Sati... ..	In section one, the words "from the time of their promulgation." In section four, clauses <i>First</i> and <i>Third</i> , the words "before the Court of Circuit." Clause <i>Second</i> , the words "at the discretion of the Court of Circuit."
VI of 1831 ...	Hereditary Village Offices...	Section four, clause <i>Fourth</i> , from "and for this purpose" to the end of that clause. Clause <i>Fifth</i> .
X of 1831 ...	Prohibition of sale of Minors' Estates for arrears of revenue.	In section one, the last ten words. Section three, down to the words "enacted that."
XI of 1832 ...	Hidden treasure ...	In section one, the words "as soon as promulgated." In sections two and seven, the word "Madras" wherever it occurs. In section three, the words "or to the assistant judge of the auxiliary court." In section four, the words "or assistant." In section six, the words "Madras" and "or assistant." In section eight, the words "or to the assistant judge of the auxiliary court." In section nine, the words "or of the assistant judges of the auxiliary courts" and the words "to the Provincial Courts." Section ten.
XIV of 1832 ...	Buying Soldiers' necessaries.	In section one, the last ten words. In section two, clauses <i>First</i> and <i>Second</i> , the words "from and after the date of the promulgation of this regulation," and "before the criminal, joint criminal, or native criminal judge within the limits of whose local jurisdiction the offence may have been committed."

PART IV.

Regulations of the Bombay Code.

Number and Year.	Subject.	Extent of Repeal.
II of 1827 ...	Pleaders	In section fifty, clause <i>Third</i> , the words "under the rules contained in Section LVI. of this Regulation." In section fifty-one, clause <i>Second</i> , the words "according to Section LVI. of this Regulation." In section fifty-six, the words "under the rules regarding commissioners, contained in the Third Clause of Section XXXVIII. of this Regulation." Appendix A, Appendix D.
V of 1827 ...	Limitation	In the title, the words, "defining the Limitations, as to Time, within which Civil Actions may be prosecuted, and" and the word "Interest."
XII of 1827 ...	Police	The preamble. In section nineteen, clause <i>Sixth</i> , the words "personal restraint." In the same section, clause <i>Seventh</i> , the words "which shall be tried before the judge, or one of his assistants, exclusively."
XIII of 1827 ...	Criminal Courts	In section thirty-four, clause <i>Third</i> , the words "or to the magistrate above mentioned."
XVI of 1827 ...	Revenue Administration ...	In the preamble, the words "to have effect throughout the zillahs subordinate to Bombay." In section two, clause <i>Second</i> , the words and figures "as more particularly specified in Regulation XVII., A. D. 1827, Capters VIII. and X." In the title to Chapter III., the words "of hereditary district and village officers inclusive of." In section twenty-five, clause <i>Third</i> , the word "according to the Regulations."
XVII of 1827 ...	Jurisdiction of Revenue Authorities.	The title from "vesting" to the end. In the preamble, the words "to have effect throughout the territories subordinate to Bombay." In section twelve, clause <i>Sixth</i> , the words "Sudder, or any."
XIX of 1827 ...	Revenue Administration ...	In the title to Chapter IV., the words "and penal jurisdictions of the zillah magistrate and criminal judge in such cases." The title from "and for collecting" down to "Horses," and the words "and also for levying Fees in the Court of Petty Sessions and Police Offices." In the preamble, the words "and whereas it has further been deemed expedient, under the authority of the British Legislature for such purpose given, to levy certain taxes and fees at the Presidency of Bombay." In section thirteen, clause <i>First</i> , the words "in the mode prescribed in the preceding section." In section twenty-nine, the words "in the manner and before the authority specified in section fourteen, clause <i>First</i> , or by confession before the said authority," and from "and in case" down to "provided for."
XXI of 1827 ...	Duty on Opium	The title from "made with" down to "India." In the preamble, from "that the importation" down to "be prohibited." In section two, clause <i>First</i> , the words "(either such as established by this or any other Regulation)." In section fifty-eight, clause <i>Second</i> , the words "which duty shall be fixed as prescribed in Section fifty-seven clause <i>Fifth</i> , and." In section sixty, clause <i>Second</i> , the last eleven words.

Regulations of the Bombay Code—concluded.

Number and Year.	Subject.	Extent of Repeal.
XXII of 1827 ...	Military Courts ...	In section sixty-four, clause <i>Fourth</i> , the words "in the mode prescribed in Section LVII, Clause Fifth." Section seventy.
XXV of 1827 ...	State Prisoners ...	In the preamble, the words "which shall have effect within the territories subordinate to the Presidency of Bombay." Section six.
XXIX of 1827 ...	Deccan and Khandesh ...	In section seven, the words "and to the Sudder Adálat." In the preamble, the words and figures "to have effect from the 1st September 1827." Section two, from "and the said territories" to the end of clause <i>Second</i> . Section three, clause <i>First</i> , from "it is hereby" down to the word "First." In section five, clause <i>Third</i> , the last twenty-one words.
V of 1830 ...	Revenue Administration ...	In section one, clause <i>Third</i> , the words "and zillahs." Clause <i>Sixth</i> , the words "zillahs throughout." So much of section two as has not been repealed.
VII of 1830 ...	Dharwar ...	In the preamble, the words and figures "to have effect from the 1st June 1830." In section two, the first six words.
XIII of 1830 ...	Jaghirdárs ...	In section four, the last thirteen words.

PART VI.

Acts of the Governor of Bombay in Council.

Number and Year.	Subject.	Extent of Repeal.
IV of 1862 ...	Markets and Fairs...	Section five.
V of 1862 ...	Bhágdárs and Narwadárs...	In section two, the words "and it is hereby further enacted, that."
VI of 1862 ...	Ahmedabad Talukdárs ...	In section fourteen, from "upon oath" down to "perjury."
II of 1863 ...	Claims to exemption from Land-revenue.	In section three, the words "either at law or in equity." In section six, clause <i>Second</i> , and in section ten, the words "or Court of Law or Equity."
VI of 1863 ...	Public Conveyances ...	In section seven, the words "standing in the name of the Commissioner of Customs."
VII of 1863 ...	Summary Settlement of Claims to exemption from Land-revenue.	In section seven, the words "either at law or in equity." In section nine, clause <i>Ninth</i> , and sections fourteen, twenty-eight and twenty-nine, the words "or Court of Law or Equity."
IX of 1863 ...	Cotton Frauds ...	In section fourteen, the words "commutation and."
V of 1864 ...	Mámlatdárs' Courts ...	Section eighteen.
VIII of 1866 ...	Sale of Poisons ...	Section twenty-one.
XIII of 1866 ...	Witnesses before Legislative Council.	Section five.
XIV of 1866 ...	Edalabad and Warangaon...	The preamble, and sections one and four.
III of 1867 ...	Cantonments ...	In section fifteen, the words "Bombay Act No. IV of 1865 (<i>an Act for the Regulation of Mofussil Gaols and the enforcement of discipline therein</i>) or by" and the word "other." Section twenty-eight.
III of 1869 ...	Funds for local works ...	In section two and thirteen, the words "or Sub-Collector" "and Sub-Collector," "or Sub-Collector respectively" wherever they occur. In section nine, the words "Act XXVI of 1850, or" and "other."

Acts of the Governor of Bombay in Council—continued.

Number and Year.	Subject.	Extent of Repeal.
I of 1872 ...	Bombay City Police Super-annuation Fund.	Sections one and nine. In section three, the words "as well as all moneys and securities which have accumulated under the sections of Act XIII. of 1856, repealed by this Act." Section six.
II of 1872 ...	Repayment of Loan to Bombay Corporation.	In section three, the words "under Bombay Act II. of 1865." Section nine, down to "enacted that."
III of 1872 ...	Bombay Municipal Act. ...	Sections one, sixty-three, seventy-two, three hundred and six. In section sixty-two, the words "on and from the date when this Act comes into operation." In section sixty-four, the words "from and after the day on which this Act comes into operation." In section two hundred and twenty-nine, the first eleven words, and the words "after the date when this Act comes into operation." In section two hundred and thirty-five, the first six words. In section three hundred and seven, the words "from the date referred to in the preceding section."
I of 1873 ...	Bombay Port Trust ...	Section fifty-seven, from "Until such" to the end. Section fifty-eight. In section seventy-three, the proviso.
II of 1873 ...	Amending Bombay Municipal Act.	Section three.
IV of 1873 ...	Amending Bombay Act II of 1864.	Section two, clause one.
V of 1873 ...	Steam Boilers ...	Section one.
VI of 1873 ...	District Municipalities ...	Section one. Section four, clause four. Sections nineteen and twenty. Section twenty-one, clause four.
VII of 1873 ...	Salt ...	Section two.
II of 1874 ...	Jails, Bombay City ...	Section one. Section six, down to "Governor General, and." Section seven, the first thirteen words.
III of 1874 ...	Hereditary Offices ...	Section two and the schedule.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to facilitate the preparation of the revised edition of the Indian Acts and Regulations which has been undertaken by the Legislative Department, and of which the first volume, containing the general Acts from 1834 to 1863 inclusive, has lately been published.

SIMLA;
The 9th October 1875. }

(Signed) A. HOBHOUSE.

WHITLEY STOKES,
Secretary to the Government of India.

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 13th October 1875 :—

We, the undersigned Members of the Select Committee to which the Bill to consolidate and amend

From Department of Revenue, Agriculture, and Commerce, No. 132E, dated 6th June 1873, and enclosures.

" Marine Department, No. 29J, dated 17th September 1873, and enclosures.

" Government of Madras, No. 275, dated 24th October 1873, and enclosure.

" Marine Department, No. 15, dated 13th November 1873, and enclosures.

" Government of Bengal, No. 4368, dated 9th December 1873, and enclosures.

" Marine Department, No. 20, dated 4th December 1873, and enclosures.

" Assistant Secretary to Chief Commissioner, British Burma, No. 412, dated 3rd January 1874, and enclosure.

" Government of Bengal, No. 2002, dated 16th June 1874, and enclosures.

" ditto No. 2793M, dated 31st August 1874, and enclosures.

" Government of Bombay, No. 1256, dated 9th October 1874.

Telegram from Government of Bombay, dated 1st December 1874.

Endorsement from Home Department, No. 292S, dated 5th December 1874, forwarding—Letter from

Government of Madras, No. 378, dated 12th October 1874, and enclosure.

From Home Department, No. 20, dated 8th January 1875, and enclosures.

" G. A. Kittredge, Esq., dated 14th January 1875.

" Home Department, No. 208S, dated 18th January 1875, and enclosures.

" ditto No. 105P, dated 20th January 1875, and enclosures.

" G. A. Kittredge, Esq., dated 21st January 1875.

" Chief Commissioner, British Burma, No. 17C, dated 18th February 1875.

" Government of Bengal, No. 505, dated 17th February 1875.

" Messrs. Mackinnon, Mackenzie & Co., No. 124, dated 3rd March 1875.

" T. M. Russell, Esq., No. 126, dated 6th March 1875.

" Government of Madras, No. 88, dated 6th March 1875, and enclosure.

" Government of Bombay, No. 817, dated 17th March 1875, and enclosure.

" ditto ditto No. 1023, dated 6th April 1875, and enclosure.

" G. A. Kittredge, Esq., dated 12th April 1875.

" Home Department, No. 1208S, dated 21st April 1875, and enclosures.

" Government of Bombay, No. 1244, dated 22nd April 1875, and enclosure.

" ditto ditto No. 1562, dated 25th May 1875, and enclosures.

" Home Department, No. 1808S, dated 23rd June 1875, and enclosures.

" Department of Revenue, Agriculture, and Commerce, No. 177CT, dated 16th July 1875, and enclosures.

" Government of Bombay, No. 2225, dated 24th July 1875.

Note by the Hon'ble Sir T. D. Forsyth, dated 30th August 1875.

From Department of Revenue, Agriculture, and Commerce, No. 312, dated 7th October 1875, and enclosures.

" ditto ditto ditto ditto No. 313CT, ditto ditto.

alterations concerns the classification of ships or rather of voyages, and the other of space for passengers.

The Acts of Council which now regulate the carriage of Native passengers are XXV. of 1850, XII. of 1870, and XII. of 1872. The Act of 1859 is confined to the Bay of Bengal and to certain specified voyages within that Bay, but it extends to every species of vessel, however small may be the number of passengers.

The Act of 1870 was framed to apply to voyages between India and ports either in the Red Sea or the Persian Gulf, but this part of that Act is confined to vessels which carry more than thirty Native passengers. This Act also contains a chapter relating to steam-vessels carrying any number of passengers on "coasting voyages" from or to any port or place within British India, and it subjects them to provisions less elaborate and less restrictive than those which apply to the voyages to the Red Sea or Persian Gulf. But it does not define the term "coasting voyage," which is a term by no means free from ambiguity.

The Act of 1872 effected a very important alteration in the Act of 1870 by making the rules laid down for voyages to the Red Sea or Persian Gulf apply to all vessels whether sailers or steamers which carry more than thirty passengers, and which fall within the scope of our legislation.

Thus it will be seen that before the Act of 1872, the law was in a very complicated and anomalous state. Very different rules were laid down for voyages bearing practically the same character: for instance, a voyage from Madras to Singapore would fall under one set of rules, and a voyage from Bombay to Bushire under another. There were no provisions applying to voyages from one British Indian port to another, except those for the specified voyages in the Bay of Bengal, and those which were laid down for "coasting steamers" whatever that expression might mean. The Act of 1872 very much simplified the law, but it did so by subjecting to one set of rules voyages of the most diverse character; so that, for instance, a voyage by steam from Bombay to Surat would be subjected to the same rules as one by sails from Madras to Jeddah. It was the hardship occasioned to first class steamers by this change of the law that led to the introduction of the Bill. And as we have been informed, the law being unsuitable to the circumstances was disregarded in many respects. The Bill as introduced kept to the existing classification of voyages and vessels, and sought to remove the existing hardships by giving larger powers to Local Governments to make exemptions and to adjust rules. It also put voyages in the Bay of Bengal and those to the westward on the same footing, and thus aimed at a material simplification of the arrangements made by the Acts of 1859 and 1870. But it was urged upon us that any system depending for its working upon exemptions by the executive had an element of great uncertainty and weakness in it; and that the Local Governments were not in a position to make rules, many of which, in order to work at all, must work in more than one province. At the same time, it was suggested that we might make a more simple and practical classification of voyages than was effected by the Acts of 1859 and 1870; and that by dividing them into voyages of greater or less length, and providing a more

the law relating to Native Passenger Ships and Coasting Steamers was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

Besides the detailed alterations which are set forth in the latter part of this Report, we have to call especial attention to the considerable alterations on the principle of the existing law and of the Bill as it was introduced into Council. One of these the measurement

stringent set of rules for the former and a less stringent set for the latter, we might preserve an effectual control over the traffic while not enacting a law too rigid for practical working. We were also informed that the existing law was defective in requiring the passengers to be proportioned to the tonnage of the vessel, being a principle of measurement unsuitable to the build of the vessels in question, and that the principle of measurement by superficial and cubic feet of space would be more suitable.

For these suggestions we were indebted to Mr. Kittredge, a gentleman residing in Bombay and of much experience in the passenger-ship business. They appeared good to us, but we thought it would be imprudent to adopt them without first consulting local authorities. On that account we did not at once make any report to the Council, but we caused a provisional draft to be framed on the basis of Mr. Kittredge's two suggestions, and sent to the Maritime Governments for opinions. The result has been that we have received answers which show a general acceptance of the proposed alteration in the law and which do not, in our opinion, show any valid objection to it.

We have therefore divided voyages into two classes: long voyages and short voyages: long voyages being those on which the ship will under ordinary circumstances be as much as five days out of port. We have required more stringent conditions of ships proceeding on long voyages. And we have abandoned measurement by tonnage for measurement by space alone.

The Bill, as now framed, is divided into six Chapters: I. Preliminary; II. Rules for all voyages; III. Rules for short voyages; IV. Rules for long voyages; V. Penalties; VI. Miscellaneous.

CHAPTER I.—*Preliminary.*

In lieu of giving a definition of "Native passenger ship," we have made the Bill expressly apply to vessels carrying more than thirty passengers being Natives of Asia or Africa; but we have excluded from the operation of the proposed Act sailing vessels not carrying as passengers more than thirty such Natives, steamers not carrying as passengers more than sixty such Natives; and sailing vessels and steamers not intended to carry passengers to or from any port in British India.

We have omitted the definition of "Local Government," and have defined "passenger" as meaning a person above the age of twelve years or two persons between the ages of one year and twelve years. We have also defined the expressions "voyage," "long voyage," "short voyage" and "Chief Officer of Customs."

CHAPTER II.—*Rules for all Voyages.*

We have here provided that no ship shall discharge passengers at any port in British India other than a port appointed by Government. We think that notice of the time of sailing should be given not less than 24 hours before time, and we have provided that it may be given by the Owner or Agent as well as by the Master.

We think that no passenger ship should commence her voyage unless the Master has two certificates—one (designated as A) stating that the ship is seaworthy and properly equipped, &c., and the number of passengers that she is capable of carrying; the other (designated as B) stating the voyage that she is intended to make, that she has a proper crew, sufficient provisions, &c. Certificate A may be dispensed with, if the Master holds a certificate granted by the Board of Trade or by any British Colonial Government, or a certificate granted under the authority of a British Indian Government and not more than 6 months before the day of sailing. And we think that where the officer empowered to grant certificates under the proposed Act directs unreasonably a survey to be made of a vessel holding either of such certificates, the Local Government should pay the expense of the survey.

We have provided that the grant of certificates shall be in the discretion of the officer empowered to grant them.

CHAPTER III.—*Rules as to Short Voyages.*

We have here laid down rules as to the space to be provided for between-decks passengers and upper-deck passengers (a) in seasons of fair weather, (b) in seasons of foul weather. And we have declared that in seasons of foul weather no ship shall carry upper-deck passengers unless she provides for them a deck-house or other permanent protection. This chapter also provides for obtaining supplementary certificate in case the vessel ships additional passengers at intermediate ports and for reporting deaths which occur on the voyage.

CHAPTER IV.—*Rules for Long Voyages.*

Here we have first given rules as to the space to be provided for passengers (a) in sailing vessels, (b) in steamers. We then declare that the certificate shall not be granted when the cargo is likely to prejudice the health or safety of the passengers. We have also provided for reporting any deaths which occur on the voyage. The remainder of this chapter (as to the statement, as to the number and sexes of the original and additional passengers, as to the bond to be given when the ship clears for a port in the Red Sea, and as to touching at Aden and obtaining a clean bill of health) repeat with mere verbal changes the provisions of Act XII. of 1870.

CHAPTER V.—*Penalties.*

Nothing in this chapter requires special mention except section thirty-eight, which is founded on section eleven of Act XXV. of 1859, and imposes a penalty on the Master of any ship bringing passengers from any place in Ceylon or in the Straits or to the east thereof to British India, in excess of the proportion authorized by the proposed Act or allowed by the license granted in respect of the ship at her port of departure.

CHAPTER VI.—*Miscellaneous.*

We think that the power to make subsidiary rules should be exercised solely by the Governor General in Council and not by the Local Governments with his previous sanction. We also think that the Governor General in Council should have the power to declare what shall be deemed to be, for the purposes of the proposed Act, a "long voyage," a "short voyage," "seasons of fair weather," and "seasons of foul weather."

Lastly, we have empowered the Governor General in Council to direct, in the case of any ship or class of ships, and for all or any voyages, the space to be contained for the passengers, and we have declared that such direction shall override the general provisions of the Act relating to such ship or class of ships.

We think that the Bill has undergone such alterations that it should be republished; that the opinions of the Local Governments concerned should be invited; and that meanwhile the further consideration of the Bill should be postponed.

A. HOBHOUSE.

H. W. NORMAN.

A. EDEN.

A. CLARKE.

T. D. FORSYTH.

T. C. HOPE.

SIMLA;
The 9th October 1875. }

THE NATIVE PASSENGER SHIPS

BILL, 1876.

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SCHEDULE.

No. III.

A Bill to consolidate and amend the law relating to Native Passenger Ships.

Whereas it is expedient to consolidate and amend the law relating to Native Passenger Ships ; It is

Preamble.

hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Native Passenger Ships Act, 1876."
2. It extends to the whole of British India, and applies—
 Extent and application of Act. (a) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty ;
 (b) to all Native Indian subjects of Her Majesty without and beyond British India ; and,
 (c) subject to the exceptions mentioned in the subsequent part of this section, to vessels carrying more than thirty passengers, being Natives of Asia or Africa.

Nothing herein contained applies—

(d) to any Ship-of-War or transport belonging to, or in the service of, Her Majesty ;

(e) to any Ship-of-War belonging to any Foreign Prince or State ;

(f) to any sailing vessel not carrying as passengers more than thirty Natives of Asia or Africa ;

(g) to any steamer not carrying as passengers more than sixty of such Natives ;

(h) to any sailing vessel or steamer not intended to convey passengers to or from any port in British India.

3. This Act shall come into force on such day as the Governor General in Council directs by notification in the *Gazette of India*.

4. On and from that day the Acts specified in the Schedule hereto annexed shall be repealed.

But all ports, places and officers appointed, and all certificates granted, under any of such Acts, shall be deemed to be respectively appointed and granted under this Act ;

and the last clause of section one of Act No. II. of 1860 (*to amend the law relating to the carriage of passengers by Sea*) shall be read as follows :—

"Voyages from ports in British India to ports in the Red Sea or Persian Gulf, under the Native Passenger Ships Act, 1876."

Interpretation-clause.

5. In this Act—

the expression "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class, and includes a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistant ;

the expression "ship" includes every description of vessel used in navigation not propelled by oars :

"Ship."

the expression "Master" includes every person (other than a pilot) having command or charge of a ship :

"Master."

the expression "passenger" means a person above the age of twelve years, or two persons between the ages of one year and twelve years ; but it does not include a person in attendance on another person who is not a Native of Asia or Africa, nor a child under one year of age :

"Passenger."

the expression "voyage" means the whole distance between the ship's port of departure and her final port of arrival :

"Voyage."

the expression "long voyage" means any voyage during which the ship performing it will under ordinary circumstances be one hundred and twenty hours or upwards continuously out of port :

"Long voyage."

the expression "short voyage" means any voyage during which the ship performing it will never under ordinary circumstances be one hundred and twenty hours continuously out of port :

"Short voyage."

Illustration.

A ship starts from port A, and is destined finally, to arrive at port B, between which ports the ordinary distance is ten days: but she is to touch at four intermediate ports, no one of which is under ordinary circumstances more than five days from the next one. This is a short voyage:

the expression "Chief Officer of Customs" means the executive officer of highest rank in the Department of Customs in any port to which this Act applies.

CHAPTER II.

RULES FOR ALL VOYAGES.

6. No ship carrying passengers shall depart or proceed from, or shall discharge passengers at, any port or place within British India other than such ports and places as the Local Government may from time to time appoint in this behalf;

and after any ship has departed or proceeded upon any voyage from a port or place so appointed, no person shall be received on board as a passenger, except at some other port or place so appointed.

7. The Master, owner or agent of every ship so departing or proceeding shall give notice to an officer authorized in this behalf by the Local Government that the ship is to carry Native passengers, and of her destination, and of the proposed time of sailing.

Such notice shall be given not less than twenty-four hours before such time.

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

9. No ship intended to carry passengers shall commence any voyage from any port or place appointed under this Act, unless the Master has two certificates to the effect hereinafter mentioned.

And the officer of Government whose duty it is to grant a port-clearance for such ship shall not grant the same unless the Master has such certificates.

10. The first of such certificates (hereinafter called 'Certificate A') shall state that the ship is seaworthy and properly equipped, fitted and ventilated; and the number of passengers that she is capable of carrying.

11. The second of such certificates (hereinafter called 'Certificate B') shall state—

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

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

(c) that she has provisions, fuel, and water, over and above what is necessary for the crew, and the other things (if any) prescribed for the ship by rule under section forty-seven, have been placed on board, of the quality prescribed by rule under the same section, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale for the time being prescribed by rule under the same section;

(d) that the master has certificate A;

(e) if she is intended to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with a deck-house or other permanent protection for them;

(f) such other particulars (if any) as may for the time being be required for such ship under this Act.

12. The person by whom certificate B is to be granted shall in all cases be the officer referred to in section seven.

13. The person by whom certificate A is to be granted shall be the officer aforesaid, except that if the Master of a ship produce to such officer either of the following certificates (namely)—

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

(b) a certificate granted under the authority of any British Indian Government, and dated not more than six months before the proposed day of sailing,

and if the particulars required by section ten are certified thereby,

such officer may take any such certificate as evidence of such particulars, and it shall then be a valid certificate for the purposes of this Act.

14. After receiving the notice required by section seven, the officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the Master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for her intended voyage.

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

If the officer aforesaid causes a survey to be made of any vessel holding any such certificate, and if the surveyors report that the vessel is seaworthy and properly equipped, fitted and ventilated for her intended voyage, and that there was no reasonable ground why the officer aforesaid

should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for her intended voyage, the expense of the survey shall be paid by the Local Government.

15. Subject to the provisions of section sixteen, the grant or withholding of a certificate under this Chapter shall in all cases be in the discretion of the officer aforesaid.

16. In the exercise of such discretion such officer shall be subject to the control of the Local Government, or of any intermediate authority which that Government may from time to time appoint in this behalf.

17. The Owner or Master shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of each of the said certificates granted by an officer appointed under this Act in respect of the ship, and shall keep such copies in such position during the voyage.

18. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who has contracted to furnish his own provisions, and who has, in the opinion of such officer as the Local Government appoints in this behalf, actually furnished such provisions of the quality and to the amount for the time being prescribed by rules made under section forty-seven.

CHAPTER III.

RULES FOR SHORT VOYAGES.

19. For seasons of fair weather every ship performing a short voyage shall contain in the between-decks at least six superficial feet and thirty-six cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger and six superficial feet for each upper-deck passenger.

For seasons of foul weather every ship performing a short voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every intermediate or between-decks passenger, and shall contain on the upper-deck at least four superficial feet for each such passenger, and twelve superficial feet for each upper-deck passenger. But in such seasons no ship shall carry upper-deck passengers unless she is furnished with a deck-house or other permanent protection against the weather for them.

20. If any ship performing a short voyage takes any additional passengers on board at any intermediate port or place, the Master shall obtain a supplementary certificate from the proper officer at such port, stating—

(a) the number of passengers so taken on board, and

(b) that provisions, fuel and water (over and above what is necessary for the crew and the other things, if any, prescribed for the ship by rule under section forty-seven) have been placed on board of the quality prescribed by rule under the same section, properly packed and sufficient to supply the total number of passengers on board during the declared duration of the intended voyage according to the scale for the time being prescribed by rule under the same section.

21. When the ship reaches her final port of arrival, the Master shall notify to such officer as the Governor General in Council may appoint in this behalf, the date and supposed cause of death of every passenger dying on the voyage.

CHAPTER IV.

RULES FOR LONG VOYAGES.

22. Every ship propelled by sails and performing a long voyage shall contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space for every passenger.

Every ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space for every passenger.

23. The officer authorized to grant a certificate under this Act, in respect of any ship mentioned in section twenty-two, shall not grant the same, unless he is satisfied that she has not on board any cargo likely from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

24. The Master of every such ship, before departing or proceeding on any long voyage from any port or place in British India, shall sign two statements, specifying the number and the respective sexes of all the passengers, and stating the number of the crew; and shall deliver them to the officer last aforesaid, who shall thereupon (after having first satisfied himself that the numbers are correct) countersign and return to the Master one of such statements.

25. The Master shall note in writing on such last-mentioned statement and on any additional statement to be made under the next following section, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the ship at her destination or at any port at which it may be intended to land passengers, and before any passengers are landed, produce the statement with any additions thereto made, to any person lawfully exercising Consular authority on behalf of Her Majesty at the port of arrival, if it be a foreign port, or to

the Chief Officer of Customs, or the officer (if any) appointed under this Act to receive such statements at any port or place at which it is intended to land the passengers, or any of them.

26. If, after the ship has departed or proceeded on any long voyage, any additional passengers are taken on board at a port or place within British India appointed under this Act for the embarkation of passengers,

or if such ship, upon her voyage, touch or arrive at any such port, having previously received on board additional passengers at any place without British India,

the Master shall obtain a fresh certificate to the effect of Certificate B from the proper officer at such port, and shall make additional statements specifying the number and the respective sexes of all such additional passengers;

and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or statement made under this section.

27. In the case of every ship sailing from any port within British India to any port in the Red Sea, the officer whose

duty it is to grant a port-clearance for any such ship, shall not grant such clearance unless and until the owner, agent, or Master of such ship and two sureties resident in British India have by a joint and several bond become bound unto the Secretary of State for India in Council in the penal sum of five thousand rupees, for the purpose of binding the ship to touch at Aden on the outward voyage and there to obtain a clean bill of health, and to do the same on the homeward voyage if she continue (being propelled by sails) to carry more than thirty passengers, or (being propelled by steam or partly by steam and partly by sails) to carry more than sixty passengers.

28. Every ship carrying more than thirty passengers being natives of Asia or Africa, and sailing from any port in British India to any port in the Red Sea,

or sailing from any port in the Red Sea to any port in British India,

shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

29. No bill of health shall be granted under section twenty-seven or section twenty-eight in case the ship has on board a greater number of passengers than in the proportion prescribed for her by this Act.

CHAPTER V.

PENALTIES.

30. If any ship departs or proceeds upon a voyage from or discharges passengers at any port or place within British India in contravention of the provisions of section six or section nine,

or if any person is received as a passenger on board a ship in contravention of the provisions of the second clause of section six,

the owner or Master shall, for every passenger conveyed in such ship, or for every passenger so discharged or received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, or to both;

and the ship, if found within two years in any port within British India, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act by her owner or Master have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced under the provisions hereinafter contained.

31. Any person impeding or refusing to allow the entry or inspection authorized under this Act shall be liable to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

32. Any owner or Master wilfully failing to comply with the requirements of section seventeen, as to copies of certificates, shall, for every such failure, be liable to a fine not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

33. Any Master failing to comply with any of the requirements of section twenty-four or section twenty-five, as to the statement of passengers,

or wilfully making any false entry or note in or on any such statement,

or wilfully failing to obtain any such supplementary certificate as is mentioned in section twenty, or to report deaths as required by section twenty-one, or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers, as is mentioned in section twenty-six,

shall be liable to a fine not exceeding five hundred rupees for every such offence, or to imprisonment for a term not exceeding three months, or to both.

34. Any Master who, after having obtained any of the certificates mentioned in section nine or section twenty, or section twenty-six, fraudulently does or suffers to be done anything whereby such certificate becomes inapplicable to the altered state of the ship, her passengers, or other matters to which such certificate relates, shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

35. Any Master wilfully, and without satisfactory excuse, omitting to supply to any passenger the allowance of food, fuel and water prescribed

by rule made under this Act and for the time being in force, shall be liable to a fine not exceeding twenty rupees for every passenger who has sustained detriment by such omission.

36. The Master of any ship described in section twenty-eight, who wilfully fails to touch at Aden, or leaves that port without having obtained the bill of health therein mentioned, shall, for every such offence, be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

Penalty for not obtaining bill of health.

37. If any ship has on board any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, or, if arriving from a port where no certificate could be procured, has on board a number of passengers exceeding the number allowed by this Act for such ship, the owner and Master shall, for every passenger over and above the number allowed by the certificate, be each liable to a fine not exceeding twenty rupees, and the Master shall further be liable for each of such passengers to imprisonment not exceeding one week: Provided that the total term of imprisonment awarded under this section shall in no case exceed six months.

Penalty for excess of number specified in certificate.

Any officer authorized in this behalf by the Local Government may cause all passengers over and above such number to disembark, and may forward them to any port of British India, and may recover the cost of so forwarding them from the owner or Master of the ship as if such cost was a fine imposed under this Act, and a certificate under the hand of such officer shall be conclusive evidence of the amount of the cost aforesaid.

38. If any ship bringing Native passengers from any port or place in Ceylon or in the Straits of Malacca or to the east thereof into any port or place in British India, has on board a greater number of passengers than in the proportion prescribed by section nineteen, section twenty-two, or section fifty (as the case may be), or than the number allowed by the license or certificate (if any) granted in respect of such ship at her port or place of departure, the owner and Master shall, for every passenger in excess of such proportion or of the number so allowed, be each liable to a fine not exceeding twenty rupees.

39. If the Master of any ship to which this Act applies lands any passenger at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall, for every such offence, be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

Penalty for landing passenger at a place other than that at which he has contracted to land.

Procedure.

40. All offences against this Act shall be punishable in a summary manner by a Magistrate.

Adjudication of offences.

If the person on whom any fine is imposed under this Act is the Master or owner of a 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, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said ship, her tackle, furniture and apparel.

Fine leviable by distress on ship.

41. 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.

42. The penalties to which Masters and owners of ships are made liable by this Act, shall be enforced only by information laid at the instance of the 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 Officer of Customs.

By whom proceedings for penalties to be instituted.

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

44. Whenever, in the course of any legal proceedings under this Act, the testimony of any witness is required in relation to the subject-matter of such proceeding, any deposition that he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where such proceedings are instituted), or any British Consular Officer elsewhere, shall be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceeding is instituted:

Provided that such 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.

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.

CHAPTER VI.

MISCELLANEOUS.

45. The Chief Officer of Customs, or the officer (if any) appointed under this Act, at any port or place within British

Information to be sent to ports of embarkation.

India at which any ship to which this Act applies touches or arrives, shall, with advertence to the provisions herein contained, send any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the officer at the port from which the ship commenced her voyage, and also to the officer at any other port within British India where the passengers or any of them embarked.

And any officer appointed under this Act may at any port or place in British India at which any ship to which this Act applies touches, board such ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and otherwise have been complied with.

46. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars 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 the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

47. The Governor General in Council may from time to time make rules consistent with this Act, to regulate, in the case of any ship or class of ships to which this Act applies, all or any of the following matters—

(a) the scale on which provisions, fuel and water are to be supplied to the passengers, and the quality of such provisions;

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

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

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

(e) and, generally, to carry out the provisions of this Act.

All such rules shall be published in the *Gazette of India*, and shall thereupon have the force of law.

48. The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties conferred and imposed by this Act.

49. The Governor General in Council may from time to time declare, by notification in the *Gazette of India*, what shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "seasons of foul weather," and for sailing vessels and steamers respectively, a "long voyage" and a "short voyage."

50. The Governor General in Council may from time to time direct, in the case of any ship or class of ships, and for all or any voyages, to which this Act applies, the number of superficial or of cubic feet of space to be contained for the passengers; and such direction shall override the provisions of sections nineteen and twenty-two so far as they apply to such ship or class of ships.

SCHEDULE.

(See Section 4).

Number and Year.	Title.
XXV of 1859 ...	An Act to prevent the overcrowding of vessels carrying Native passengers in the Bay of Bengal.
XII of 1870 ...	An Act for the regulation of Native Passenger Ships, and of steam vessels intended to convey passengers on coasting voyages.
XII of 1872 ...	An Act to amend Act XII of 1870 (The Native Passenger Ships Act).
Madras Act II of 1862.	An Act to extend the provisions of Act XXV of 1859, entitled An Act to prevent the overcrowding of vessels carrying Native passengers in the Bay of Bengal.

WHITLEY STOKES,

Secretary to the Government of India.

The following further Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 13th October 1875 :—

We, the undersigned Members of the Select Committee to which the Bill to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the Land-Revenue was referred,

Telegram from Government of Bombay, dated 21st March 1874.

From Government of Bombay, No. ¹⁸⁸⁹/₆₅, dated 24th March 1874.

Ditto ditto No. ¹⁸⁷⁷/₆₃ R, dated 25th March 1874.

Endorsement from Department of Revenue, Agriculture and Commerce, No. 280, dated 7th April 1874, forwarding—

Memorial of the Council of the East India Association, dated 27th February 1874, and enclosures.

From Government of Bombay, No. ¹⁸⁹⁴/₈₁ R, dated 10th April 1874, and enclosures.

From Department of Revenue, Agriculture, and Commerce, No. 720 ^{L R}/₈, dated 22nd August 1874, and enclosure.

From Government of Bombay, No. 5403, dated 12th October 1874, and enclosure.

From ditto ditto No. 330, dated 19th January 1875, and enclosures.

From Department of Revenue, Agriculture, and Commerce, No. 371, dated 4th September 1875, and enclosures.

have the honour to report that we have considered the papers noted in the margin, which have been received since we presented our Preliminary Report in April 1874. The Bill was republished in April 1874 as recommended by us.

We are about to recommend the publication of a new draft which we denote as No. III.

1. We have altered section one, which wholly excludes certain proceedings from the operation of the proposed Act, first by striking out sub-section (b), and providing for its subject-matter in a new proviso added to section four; secondly, by modifying sub-section (a) in accordance with the principle of that new proviso, which will be presently explained; and thirdly, by excluding the Acts for the relief of the Ahmedabad Talukdars and the Broach Thakurs, and for the preservation of the Narwadari and Bhagdari tenures, and the Pensions Act.

2. Section 3 of the Bill deals with the proceedings excluded from the jurisdiction of the Civil Courts. It answers to section four in the draft now settled by us. The language of the North-Western Provinces Land-Revenue Act having been found in some respects unsuitable to the circumstances of Bombay, the section has been re-cast, under the seven main heads of service and analogous holdings, assessment of land-revenue, realization of land-revenue, records, partition of estates, claims to exemption, and boundaries. Claims relating to the validity of an engagement with Government for the payment of revenue of any kind, which were excluded from the cognizance of the Civil Courts by section three (b), we now propose to leave within it; but questions relating to boundaries we propose to exclude in conformity with the law in the new provinces of the Presidency and in consideration of their usually technical nature, and the peculiarly local and detailed character of the questions they raise. We have added provisions regarding lands held under treaty, saranjams and other political tenures, which are merely a re-enactment of the existing law, with the view of consolidation. Our provisions regarding claims to set aside sales for arrears of land-revenue have been framed on the understanding that the Land-Revenue Code Bill now pending in the local Legislature, which contains safeguards against improper sales, will become law.

3. The list of exclusions from the jurisdiction of Civil Courts, as now settled, stands as follows :—

(a) claims against Government relating to any property appertaining to the office of any hereditary officer appointed or recognized under Bombay Act No. III of 1874, or any other law for the time being in force, or of any other village officer or servant, or

claims to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service, or

suits to set aside or avoid any order passed by Government under the same Act or any other law relating to the same subject and for the time being in force, or

claims against Government relating to lands held under treaty, or to lands granted or held as saranjam, or on other political tenure, or to lands declared by Government to be held for service;

(b) objections to the amount or incidence of any assessment of land-revenue or cess or rate authorized by Government, or

to the mode of assessment, or to the principle on which such assessment is fixed, or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement;

(c) claims connected with or arising out of any proceedings for the realization of land-revenue or the rendering of assistance by Government to superior holders or occupants for the recovery of their dues from inferior holders or tenants;

claims to set aside on account of irregularity, mistake, or any other ground except fraud, sales for arrears of land-revenue;

(d) claims against Government—

(1) to be entered in the settlement records or village-papers as liable for the land-revenue, or as superior holder, inferior holder, occupant, or tenant, or

(2) to have any entry made in any record of a revenue survey or settlement, or

(3) to have any such entry either omitted or amended;

(e) the distribution of land or allotment of land-revenue on partition of any estate under Bombay Act No. I. of 1865, or any other law for the time being in force;

(f) claims against Government—

- to hold land wholly or partially free from payment of land-revenue, or
- to receive payments charged on or payable out of the land-revenue, or
- to set aside any cess or rate authorized by Government, or
- respecting the occupation of waste or vacant land belonging to Government;

(g) claims regarding boundaries fixed under Bombay Act No. I. of 1865 or any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks.

4. It is not, however, proposed that these exclusions shall be absolute under all circumstances. In the case of claims to exemption from payment of land-revenue, we consider that the true distinction between the province which is more proper to a Civil Court and that which is more proper to Revenue Officers is to be found, not in the nature of the privilege claimed, but in the nature of the evidence by which it is supported. If the evidence consist of formal State documents, such as a law expressly creating or confirming an exemption, or a sanad, grant, judgment, or other formal adjudication affecting a particular property, then there can hardly be any dispute except one of construction, which is best remitted to a Civil Court. But where the question turns upon the validity of an alleged informal guarantee, or on the genuineness or authenticity of documents, though they may be said to emanate from a Native Government, or on oral evidence, and still more, when technical and special knowledge, historical research, or an accurate understanding of the political effect of political events, more or less distant and obscure, are indispensable, then we consider that the decision should rest with Revenue Officers, and ultimately with the Government. For the Government is likely to have better information supplied to it; may select peculiarly skilled persons as its advisers; is not dependent on the facts and arguments which the parties may happen either to supply or to omit; is more accustomed to deal with affairs on a large scale and on a moral basis; and alone has a direct political responsibility for its actions and is at liberty to guide itself thereby.

These considerations account for our treatment of Act IV. of 1868. While leaving within the cognizance of the Civil Courts all suits for establishing exemptions of the specific character recognized by sections 5 and 6 of that Act which in point of fact cover the bulk of cases dealt with, we think it right that suits regarding such matters as the principles of assessment, exemptions other than the above, boundaries, and the occupation of waste lands the property of Government, should follow the same law in towns and cities as in the country.

5. In accordance with this principle, we have added to section four of our present Bill a proviso, by which we have expressly reserved to the Civil Courts cognizance of claims to hold land, wholly or partially exempt from land-revenue under—

(h) any enactment for the time being in force expressly creating an exemption not before existing in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(i) an instrument or sanad given by the Governor of Bombay in Council under Bombay Act No. II. of 1863, section one, clause first, or Bombay Act No. VII of 1863, section two, clause first, or

(j) any other written grant by the British Government expressly creating or confirming such exemption, or

(k) a judgment by a Court of law, or an adjudication duly passed by a competent officer under Bombay Regulation XVII. of 1827, Chapter X., or under Act No. XI. of 1852, which declares the particular property in dispute to be exempt;

and we have added illustrations of clause (h).

6. The provisions of section four are, of course, merely intended for the protection of the public, in the person of the Executive Government, and not in any way intended to hamper the prosecution of strictly private rights. In order, however, to make the point clear, we have framed a new section, numbered five, in which are saved the following suits:—

(a) suits against Government to contest the amount claimed, or paid under protest, or recovered, as land-revenue, on the ground that such amount is in excess of the assessment authorized by Government, or that such assessment had previous to such claim, payment, or recovery, been satisfied in whole or in part, or that the plaintiff or the person whom he represents, is not the person liable for such assessment,

(b) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any record of a revenue survey or settlement, or in any village-papers,

(c) suits between superior holders or occupants and inferior holders or tenants regarding the dues claimed from the latter, or

(d) suits other than suits against Government for possession of any land being a whole survey number or a recognized share of a survey number.

7. It has been suggested to us by the Government of Bombay that we should embrace in the present enactment other provisions of the existing law affecting the jurisdiction of the Civil Courts in matters of revenue, and we have therefore taken this opportunity of repealing and re-enacting several provisions of local enactments, (a) as to the liability of Revenue Officers to the jurisdiction of the Civil Courts, and (b) as to litigation against Government.

8. We have amended the clause relating to appeals from the proceeding of Revenue Officers, and empowered the Local Government to call for the record of the proceedings on such appeal and to pass orders thereon. We have also provided that no suits against Government for acts or omissions of Revenue Officers shall be entertained by the Civil Courts except when the plaintiff has exhausted his right of appeal.

9. Suits against Government or suits against Revenue Officers of which Government undertake the defence, involve, as a rule, questions of great and urgent importance to the community. We have therefore introduced a section providing that such suits shall if required be tried only by the District Judge and that their trial shall have precedence over all other suits then pending.

10. We have also added a section (framed on the model of Act XVIII. of 1873, section 205) empowering Judges to refer to the High Court questions as to whether their jurisdiction is excluded by the proposed Act.

11. We have revived certain repealed provisions of Bombay Regulation XVII. of 1827, section thirteen, more clearly than was done by the Bill as last amended; and we have added a clause providing that all advances made by the Local Government for purposes other than those specified in the Land Improvement Act, 1871, section four, may be recovered from the persons to whom such advances are made as if they were arrears of land-revenue.

12. We recommend that the Bill, as now amended, be republished, and that its further consideration be postponed for the present.

SIMLA;
The 8th October 1875. }

T. C. HOPE.
A. HOBHOUSE.
W. MUIR.
A. J. ARBUTHNOT.

THE BOMBAY REVENUE JURISDICTION BILL, 1875.

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Recovery of certain advances made by Local Government.

SCHEDULE.

No. III.

A Bill to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the Land-Revenue, and for other purposes.

Whereas in certain parts of the Presidency of Bombay, the jurisdiction of the Civil Courts in matters connected with the land-revenue is more extensive than it is in the rest of the said Presidency:

And whereas it is expedient that the jurisdiction of all the Civil Courts in the said Presidency should be limited in manner hereinafter appearing:

And whereas it is also expedient to revive certain provisions of the thirteenth section of Regulation XVII. of 1827 of the Bombay Code, which was repealed by the Land Improvement Act, 1871;

It is hereby enacted as follows:—

1. This Act may be called "The Bombay Revenue Jurisdiction Act, 1875."

It shall come into force on the passing thereof;

And it shall extend to all the territories for the time being under the government of the Governor of Bombay in Council, but not so as to affect—

(a) any suit regarding the assessment of revenue on land situate in the Collectorate of Bombay, or the collection of such revenue;

(b) any suit for the purpose of establishing an exemption from the payment of land-revenue under the provisions of Bombay Act No. IV. of 1868, sections 5 and 6;

(c) any of the provisions of Bombay Acts V. of 1862 and VI. of 1862, or of Act XV. of 1871, or of Act XXIII. of 1871;

(d) any suit instituted on or before the seventh day of August 1873.

2. The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof.

Repeal of enactments.

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

Interpretation-clause.

"Land" also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights of way, ferries, fisheries, and all other benefits to arise out of land, and things attached to the earth as permanently fastened to things attached to the earth:

"Land-revenue" includes any sum realizable under any Act for the time being in force in the same manner as revenue assessed on land:

"Revenue Officer" means any officer employed in the assessment or collection of land-revenue, or in the Survey or Forest Department, or in any other branches of Civil Administration for the time being assigned by law or the orders of Government to any officer as being employed in the assessment or collection of land-revenue.

"Government" includes any Revenue Officer.

4. Notwithstanding anything contained in Bombay Regulations XVI. and XVII. of 1827, or the Bombay Survey and Settlement Act (I. of 1865), or in any other law now in force, and subject to the exceptions hereinafter appearing, no Civil Court shall exercise jurisdiction as to any of the following matters:—

Bar of certain suits.

(a) claims against Government relating to any property appertaining to the office of any hereditary officer appointed or recognised under Bombay Act No. III. of 1874, or any other law for the time being in force, or of any other village officer or servant, or

claims to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service, or

suits to set aside or avoid any order passed by Government under the same Act or any other law relating to the same subject for the time being in force, or

claims against Government relating to lands held under treaty, or to lands granted or held as saranjám, or on other political tenure, or to lands declared by Government to be held for service

(b) objections—

to the amount or incidence of any assessment of land-revenue or cess or rate authorized by Government, or

to the mode of assessment, or to the principle on which such assessment is fixed, or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement;

(c) claims connected with or arising out of any proceedings for the realization of land-revenue or the rendering of assistance by Government to superior holders or occupants for the recovery of their dues from inferior holders or tenants;

claims to set aside on account of irregularity, mistake, or any other ground except fraud, sales for arrears of land-revenue;

(d) claims against Government—

(1) to be entered in the settlement records or village-papers as liable for the land-revenue, or as superior holder, inferior holder, occupant, or tenant, or

(2) to have any entry made in any record of a revenue survey or settlement, or

(3) to have any such entry either omitted or amended;

(e) the distribution of land or allotment of land-revenue on partition of any estate under Bombay Act No. I. of 1865, or any other law for the time being in force;

(f) claims against Government—

to hold land wholly or partially free from payment of land-revenue, or

to receive payments charged on or payable out of the land-revenue, or

to set aside any cess or rate authorized by Government, or

respecting the occupation of waste or vacant land belonging to Government;

(g) claims regarding boundaries fixed under Bombay Act No. I. of 1865, or any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks:

Provided that if any person claim to hold land wholly or partially exempt from payment of land revenue under—

Proviso.

(h) any enactment for the time being in force expressly creating an exemption not before existing in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(i) an instrument or sanad given by the Governor of Bombay in Council under Bombay Act No. II. of 1863, section one, clause first, or Bombay Act No. VII. of 1863, section two, clause first, or

(j) any other written grant by the British Government expressly creating or confirming such exemption, or

(k) a judgment by a Court of law, or an adjudication duly passed by a competent officer under Bombay Regulation XVII. of 1827, Chapter X. or under Act No. XI. of 1852, which declares the particular property in dispute to be exempt; such claim shall be cognizable in the Civil Courts.

Illustrations to (k).

(1). It is enacted that in the event of the proprietary right in lands, the property of Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of Rs. 100. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the Civil Court against over-assessment.

(2) It is enacted that when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A's claim is not cognizable in a Civil Court.

(3). It is enacted that land-revenue shall not be leviable from any land held and entered in the land registers as exempt. A claim to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record and A's claim is cognizable in a Civil Court.

(4.) It is enacted that the Collector shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption alleging that his land is shown in the maps to be exempt. A's claim is cognizable in a Civil Court.

(5). It is enacted that assessment shall be fixed with reference to certain considerations, and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class.

5. Nothing in section four shall be held to prevent the following suits:—
Saving of certain suits.

(a) suits against Government to contest the amount claimed, or paid under protest, or recovered, as land-revenue, on the ground that such amount is in excess of the assessment authorized by Government, or that such assessment had previous to such claim, payment, or recovery been satisfied, in whole or in part, or that the plaintiff or the person whom he represents, is not the person liable for such assessment:

(b) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any record of a revenue survey or settlement or in any village papers;

(c) suits between superior holders or occupants and inferior holders or tenants regarding the dues claimed from the latter: or

(d) suits other than suits against Government for possession of any land being a whole survey number or a recognized share of a survey number.

6. All Revenue Officers shall, except as otherwise provided in this Act, be subject to the jurisdiction of the Civil Courts with respect to acts done by them in their official capacities.

Liability of Revenue Officers to the jurisdiction of the Civil Courts.

Revenue Officers shall not be liable to be sued for damages in any Civil Court for any act *bona fide* done, or ordered to be done, by them as such in pursuance of the provisions of any law for the time being in force.

If any Revenue Officer absconds, or does not attend when called on by his official superior, and if the Collector of the District proceeds against him or his sureties for public money, papers, or property according to the provisions of any law for the time being in force, such Collector shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties,

although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him.

7. Nothing in any law for the time being in force, which authorizes the punishment departmentally of any Revenue Officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar the person aggrieved thereby from seeking in the Civil Court any remedy to which he may be entitled against such officer.

8. If any act done by a Revenue Officer under orders from superior authority, subsequently forms the ground of a civil suit against him, he shall appear and answer in such suit as if the act had been done solely by his own authority.

9. When any Revenue Officer has, wilfully or from gross ignorance or neglect, been guilty of any illegal act or omission, the Local Government may either require him to defend at his own risk and cost any suit brought against him in consequence of such act or omission, or may, after the suit is decided, compel him to pay the costs and damages (if any) incurred by Government on account of such suit.

10. In every case in which, but for the passing of this Act, any act or omission of a Revenue Officer would have been open to question in a Civil Court, any party aggrieved by such act or omission, may, if no other appeal is given by any law for the time being in force, present an appeal, within two months from the date of such act or omission, to the immediate official superior of such officer; and if such official superior be of a grade inferior to that of a Commissioner of Revenue, then the party aggrieved by his decision on appeal may present a further appeal against such decision to the Commissioner of Revenue or such other officer as the Local Government appoints in this behalf.

Such further appeal must be presented within one month from the date of the decision complained of.

Any appeal under this section may be admitted after the period of limitation prescribed therefor when the appellant satisfies the officer appealed to that he had sufficient cause for not presenting the appeal within such period.

In computing any period of limitation so prescribed, the day on which the act, omission or decision complained of took place or was pronounced shall be excluded.

11. The Local Government may call for and examine the record of the proceedings on appeal under section ten of any officer for the purpose of satisfying itself as to the legality or propriety of any order passed by him, and may reverse or modify his order, or, if it think fit, may direct that additional evidence be taken, or that the appeal be re-heard.

Power to Local Government to call for record.

12. No Civil Court shall entertain any suit

Suits not to be entertained unless plaintiff has exhausted right of appeal. against Government on account of any act or omission of any Revenue Officer unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force, as within the period of limitation allowed for bringing such suit, it was possible to present.

13. No Subordinate Judge or Court of Small

Certain Courts not to receive or register suits against Government. Causes shall entertain any suit in which Government is a defendant; but in every such case, such Judge or Court shall refer the plaintiff to the District Judge, in whose Court alone (subject to the provisions of the Bombay Civil Courts Act, 1869, Section 19,) such suit shall be instituted.

Privileges of Government in suits in which it is concerned.

14. Whenever any suit is brought in any District Court against Government,

or against any Revenue Officer, and the Local Government undertakes the defence thereof,

it shall be lawful for the Local Government, by certificate signed by a Secretary thereto, to require—

(a) that such suit shall be tried by the District Judge himself, and shall not be transferred for trial to an Assistant Judge; and

(b) that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in such Court;

and the Court shall give effect to every such requirement.

The privilege conferred on the Local Government by the clause (b) of this section shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section.

15. If in any suit instituted, or in any appeal

presented in a Civil Court, the Judge doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the High Court.

On any such reference being made, the High Court may order the Judge either to proceed with the case or to return the plaint.

The order of the High Court on any such reference shall be final, and shall not be questioned by the same parties in the same suit.

16. And whereas it is expedient to revive

Revival of Bombay Regulation XVII of 1827, Section 13. certain provisions of Bombay Regulation XVII. of 1827, section 13, and to provide for the recovery by the Local Government of advances made for purposes other than those specified in section three of the Land Improvement Act, 1871; It is hereby further enacted as follows:

Notwithstanding any repeal effected by the Land Improvement Act, 1871, arrears of revenue of former years shall be recoverable by the Collector in the same way as current revenue, except that the preference given to demands for

current land-revenue, as specified in section five of Bombay Regulation XVII. of 1827, shall not extend to demands on account of the arrears for former years.

All advances made by the Local Government for purposes other than those specified in the Land Improvement Act, 1871, section four, may be recovered from the persons to whom such advances are made as if they were arrears of land-revenue.

SCHEDULE.

(See Section 2.)

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and Year.	Title or abbreviated Title.	Extent of Repeal.
XVI of 1838	... Suits, Bombay ...	In Section 1, the words "or of the wutuns of hereditary district or village officers."
X of 1848	... An Act for annexing the lapsed State of Mándvi to the Presidency of Bombay.	So much of Section 2 as is not repealed.
XI of 1851	... An Act for the adjudication of titles to certain estates claimed to be wholly or partially rent-free in the Presidency of Bombay.	Section 7.
VIII of 1853	... An Act for bringing the lapsed State of Colába under the laws of the Presidency of Bombay.	So much of Section 2 as is not repealed.
XIV of 1869	... The Bombay Civil Courts Act.	Section 32.

ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and Year.	Title or abbreviated Title.	Extent of Repeal.
II of 1863	... An Act to facilitate the adjustment of unsettled claims to exemption from the payment of land-revenue, &c.	Section 13, from and including the words "it shall not" down to and including the words "is concerned." Section 14.
III of 1863	... An Act for bringing under the Regulations and Acts of the Presidency of Bombay the territories of Satara, certain villages and lapsed States in the Collectorate of Sholapur, &c.	Section 3.

ACTS OF THE GOVERNOR OF BOMBAY IN
COUNCIL—*continued.*

Number and Year.	Title or abbreviated Title.	Extent of Repeal.
VII of 1863 ...	An Act for the summary settlement of claims to exemption from the payment of Government land-revenue, &c.	Section 2, clause 4. Section 28, from and including the words "it shall not" down to and including the words, "the said Act". Section 29.
I of 1865 ...	An Act to provide for the survey, demarcation, assessment and administration of lands held under Government in the districts belonging to the Presidency of Bombay, &c.	The proviso to Section 14.
II of 1866 ...	An Act to divest Courts of Revenue of jurisdiction in certain cases, &c.	Sections 3, 6, and 9.
XIV of 1866 ...	An Act to bring the Pergunnas of Edalabad and Warangal under the general Regulations and Acts of the Presidency of Bombay.	Section 2.
II of 1871 ...	An Act for imposing duties on the non-agricultural classes, &c.	Section 17, from and including the words "and no suit" to the end.

BOMBAY REGULATIONS.

Number and Year.	Title or abbreviated Title.	Extent of Repeal.
XVI of 1827 ...	A Regulation defining the duties of the Collector, and his powers, &c.	Section 6. Section 14, clause 4.
XVII of 1827 ...	A Regulation of the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the land-revenue, &c.	Section 9. Section 16, clause 5.
XXIX of 1827 ...	A Regulation for bringing under the operation of the Regulations the Bombay territories in the Deccan and Khandesh.	So much of Section 6 as is not repealed.
V of 1830 ...	A Regulation providing for the appointment of a Revenue Commissioner, &c.	Section 1, clause 6, from the words "But if any act" to the end.
VII of 1830 ...	A Regulation for bringing under the operation of the Regulations the territories comprised in the Southern Mahratta Country, &c.	So much of section 2 as makes section 6 of Regulation XXIX of 1827 applicable to the territories comprised in the Southern Mahratta Country.

WHITLEY STOKES,

Secretary to the Government of India.