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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Indian Succession Act, 1865, the Probate and Administration Act, 1881, and the Court-fees Act, 1870, and to make provision with respect to certain other matters, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th February 1889 :—

- From Mr. A. M. Sahbapathi Mudaliar, Masulipatam, dated 15th September 1888 [Paper No. 1].
- From Chief Commissioner, Ajmere-Merwara, No. 1173—690, dated 2nd October 1888 [Paper No. 2].
- Endorsement by Under Secretary to Government of India, Home Department, No. 1681, dated 5th October 1888, and enclosure [Papers No. 3].
- From Secretary to Chief Commissioner, Coorg, No. 1793—1858, dated 9th October 1888 [Paper No. 4].
- From Officiating Secretary to Chief Commissioner, Central Provinces, No. 66C., dated 15th October 1888 [Paper No. 5].
- From Chief Secretary to Government, Bengal, No. 229 J. D., dated 12th October 1888, and enclosures [Papers No. 6].
- From Officiating Secretary to Chief Commissioner, Assam, No. 2991, dated 18th October 1888, and enclosures [Papers No. 7].
- From Secretary for Berar, to Resident, Hyderabad, No. 449G., dated 22nd October 1888 [Paper No. 8].
- From Officiating Secretary to Chief Commissioner, Burma, No. 516—2L., dated 23rd October, 1888, and enclosure [Papers No. 9].
- From Chief Secretary to Government, Madras, No. 2174, dated 20th October 1888, and enclosures [Papers No. 10].
- From Secretary to Government, Bombay, No. 6254, dated 17th November 1888, and enclosures [Papers No. 11].
- From Officiating Secretary to Government, Punjab, No. 963, dated 1st November 1888, and enclosures [Papers No. 12].
- From Secretary to Government, North-Western Provinces and Oudh, No. 33—VII-34B., dated 17th January 1889, and enclosure [Papers No. 13].
- From Secretary to Government, North-Western Provinces and Oudh, No. 30—VII-34B., dated 21st January 1889, and enclosures [Papers No. 14].
- From Registrar, High Court, Calcutta, No. 197, dated 25th January 1889 [Paper No. 15].

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Indian Succession Act, 1865, the Probate and Administration Act, 1881, and the Court-fees Act, 1870, and to make provision with respect to certain other matters was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report; with the Bill as revised by us annexed thereto.

2. In sections 2 and 11 of the revised Bill we have given effect to the suggestion of the Calcutta High Court that contumacious refusal on the part of an executor or administrator to exhibit an inventory or account under the Indian Succession Act, 1865, or the Probate and Administration Act, 1881, or the submission by him of an inventory or account which is untrue in a material respect, should be declared to be a cause for which a grant of probate or letters of administration may be revoked.

3. By section 3 of the revised Bill we have, on the suggestion of the Punjab Chief Court, assimilated the language of section 244 of the Indian Succession Act, 1865, to that of section 62 of the Probate and Administration Act, 1881. The schedule to the Act of 1865 required a fixed fee of eight rupees to be paid on a probate, and it was not till the year 1870 that the schedule was repealed and an *ad valorem* fee became payable.

4. We have so modified sections 4, 5, 7, 12, 13 and 15 of the revised Bill (sections 2, 3, 4, 5, 6 and 8 of the Bill as introduced) as to impose on executors and administrators in all cases the duty of exhibiting inventories and accounts, it being left to the Courts to compel the exhibition of inventories and accounts in cases in which it is desirable to do so.

5. By section 6 of the revised Bill it is proposed to bring the provisions of section 256 of the Indian Succession Act into harmony with the rulings and practice of the Courts.

6. By sections 8 and 16 of the revised Bill it is proposed, at the instance of the Punjab Chief Court, to correct an error in the drafting of sections 277 A and 99 of the Indian Succession Act, 1865, and the Probate and Administration Act, 1881, respectively.

7. By section 9 we have proposed to reverse the existing law with respect to the application, to payment of debts, of the moveable property of a deceased person belonging to a class to which the provisions of the Indian Succession Act, 1865, apply, but not having his domicile in British India. Section 283 of that Act was based on the rule laid down by Romilly, M. R., in *Wilson v. Lady Dunsany* (18 Beav. 293), where it was held that the priorities of creditors are regulated by the domicile of the testator though the personal assets may be situate and administered in another country. The effect of the rule is that the whole of the estate of a person dying in British India may have to be applied, to the entire exclusion of British Indian and other creditors, to the payment of some possibly recent debt due from the deceased to a creditor in England. But the rule laid down by Lord Romilly in 1854 is not the rule upon which the Courts act either in England or in America, and is directly

opposed to the rule which such writers on private international law as Story* and Westlake† describe as the established rule. Indeed, in a recent case (*L. R. 28 Ch. D. 175*) it was observed by Pearson, J., that it was unfortunate that the case of *Wilson v. Lady Dunsany* was ever reported. "If there are Indian assets," said Pearson, J., "they must be distributed according to the law of India: if there are English assets, they must be distributed according to the law of England. No one doubts that according to the jurisdiction of the country where the assets are the assets must be distributed. I am not speaking of the assets that remain after the payment of debts, when the law of a man's domicile comes into play."

8. By sections 10 and 17 of the revised Bill we have proposed to empower the Courts to compel the surrender of revoked probates and letters of administration.

9. We have added to section 18 of the revised Bill (section 9 of the Bill as introduced) clauses which have been suggested to us by the case reported at *I. L. R. 11 All. 16*, where certain bonds were held to be chargeable both under the Court-fees Act, 1870, and under the Indian Stamp Act, 1879. We consider that the instruments ought to be stamped under one only of those Acts and not under both.

10. We have re-drafted section 19 of the revised Bill (section 10 of the Bill as introduced) in accordance with the opinion of the Calcutta High Court that the section should be so expressed as to do no more than validate transactions which were proper in themselves and are not impugnable on any other ground than that they were carried out without the consent of the Court.

11. By section 20 of the revised Bill (section 11 of the Bill as introduced) we have proposed to authorise the Chief Controlling Revenue authority to remit any part of any penalty payable under section 19E of the Court-fees Act which may seem to such authority to be excessive.

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

In English.

Gazette.	Date.
Gazette of India	25th August 1888.
Fort Saint George Gazette	11th September 1888.
Bombay Government Gazette	30th August 1888.
Calcutta Gazette	5th, 12th and 19th September 1888.
North-Western Provinces and Oudh Government Gazette	1st September 1888.
Punjab Government Gazette	30th August 1888.
Central Provinces Gazette	8th September 1888.
Burma Gazette	15th September 1888.
Assam Gazette	15th September 1888.
Coorg District Gazette	1st October 1888.

In the Vernaculars.

<i>Province.</i>				<i>Language.</i>				<i>Date.</i>
Madras	...	...	...	Kánarese	...	...	...	16th October 1888.
				Telugu	...	...	...	6th November 1888.
				Tamil	...	...	...	30th November 1888.
				Malayalam	...	...	...	11th December 1888.
Bombay	...	...	...	Hindustáni	...	...	...	18th December 1888.
				Maráthi	...	...	...	18th October 1888.
				Gujaráthi	...	...	...	18th October 1888.
				Kánarese	...	...	...	18th October 1888.
Bengal	...	...	...	Bengali	...	...	...	25th September and 2nd and 9th October 1888.
				Uriya	...	...	...	4th, 11th and 18th October 1888.
				Hindi	...	...	...	23rd and 30th October and 6th November 1888.
North-Western	Provinces	and						
Oudh	...	...	...	Urdu	...	...	...	13th October 1888.
Punjab	...	...	...	Urdu	...	...	...	11th October 1888.
Assam	...	...	...	Bengali	...	...	...	13th October 1888.
Coorg	...	...	...	Kánarese	...	...	...	1st November 1888.

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

ANDREW R. SCOBLE.

PHIL. P. HUTCHINS.

D. BARBOUR.

G. H. P. EVANS.

SYUD AMEER HOSSEIN.

DOORGA CHURN LAW.

The 12th February 1889.

No. II.

A Bill to amend the Indian Succession Act, 1865, the Probate and Administration Act, 1881, the Court-fees Act, 1870, and the Indian Stamp Act, 1879, and to make provision with respect to certain other matters.

WHEREAS it is expedient to amend the Indian Succession Act, 1865, the Probate and Administration Act, 1881, the Court-fees Act, 1870, and the Indian Stamp Act, 1879, and to make provision with respect to certain other matters; It is hereby enacted as follows:—

1. (1) This Act may be called the Probate and Administration Act, 1889.

(2) It applies to the whole of British India (inclusive of Upper Burma except the Shan States); and

(3) It shall come into force at once.

Indian Succession Act, 1865.

2. After the 4th clause of the Explanation to section 234 of the Indian Succession Act, 1865, the following shall be added, namely:—

“5th, that the person to whom the grant was made has wilfully and without reasonable cause omitted to exhibit an inventory or account in accordance with the provisions of Part XXXIV of this Act or has exhibited under that Part an inventory or account which is untrue in a material respect.”

3. In section 244 of the same Act, for the words “and that the petitioner is the executor therein named” the following shall be substituted, namely:—

“the amount of assets which are likely to come to the petitioner’s hands, and

“that the petitioner is the executor named in the will;”

4. For the last forty-two words of section 254 of the same Act, the following shall be substituted, namely:—

“he having undertaken to administer the same, and to make a full and true inventory of the said property and credits and exhibit the same in this Court within six months from the date of this grant or within such further time as the Court may from time to time appoint, and also to render to this Court a true account of the said property and credits within one year from the same date or within such further time as the Court may from time to time appoint.”

5. For the last forty-five words of section 255 of the same Act the following shall be substituted, namely:

“he having undertaken to administer the same, and, to make a full and true inventory of the said property and credits and exhibit the

same in this Court within six months from the date of this grant, or within such further time as the Court may from time to time appoint, and also to render to this Court a true account of the said property and credits within one year from the same date or within such further time as the Court may from time to time appoint.”

6. In section 256 of the same Act, for the words “Every person to whom any grant of administration shall be committed” the words “Every person to whom any grant of letters of administration is committed” shall be substituted. [I. L. R. 7 Cal. 34; 3 Mad. Ap. 10; and 4 C. L. R. 493.]

7. For section 277 of the same Act the following shall be substituted, namely:—

“277. (1) An executor or administrator shall, within six months from the grant, of probate or letters of administration, or within such further time as the Court which granted the probate or letters may from time to time appoint, exhibit in that Court an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person to which the executor or administrator is entitled in that character, and shall in like manner, within one year from the grant or within such further time as the said Court may from time to time appoint, exhibit an account of the estate, showing the assets which have come to his hands and the manner in which they have been applied or disposed of.

“(2) The High Court may from time to time prescribe the form in which an inventory or account under this section is to be exhibited.”

“(3) If an executor or administrator, on being required by the Court to exhibit an inventory or account under this section, intentionally omits to comply with the requisition, he shall be deemed to have committed an offence under section 176 of the Indian Penal Code.

“(4) The exhibition of an intentionally false inventory or account under this section shall be deemed to be an offence under section 193 of that Code.

8. In section 277A of the same Act, for the words “it is sought to obtain a grant” the words “a grant has been made”, and for the words and figures “the person applying for administration after the first day of April, 1875, the word “administrator”, shall be substituted. [New.]

9. (1) In section 283 of the same Act, for the words “the country in which he was domiciled” the words “British India.” shall be substituted.

(2) The Illustration to the same section is hereby repealed.

XIV of 1860.

10. To the same Act the following shall be added, namely:—

Addition to Act X, 1865.

“333. (1) When a grant of probate or letters, of administration is revoked or annulled under this Act, the person to whom the grant was made shall forthwith deliver up the probate or letters to the Court which made the grant.

“(2) If such person wilfully and without reasonable cause omits so to deliver up the probate or letters, he shall be punished with fine which may extend to one thousand rupees, or with imprisonment of either description for a term which may extend to three months, or with both.”

Probate and Administration Act, 1881.

11. After the 4th clause of the Explanation to section 50 of the Probate and Administration Act, 1881, the following shall be added, namely:—

“5th, that the person to whom the grant was made has wilfully and without reasonable cause omitted to exhibit an inventory or account in accordance with the provisions of Chapter VII of this Act, or has exhibited under that Chapter an inventory or account which is untrue in a material respect.”

12. For the portion of section 76 of the same Act, beginning with the words “he having undertaken to administer the same” and ending with the words “within one year from the same date”, the following shall be substituted, namely:—

“he having undertaken to administer the same, and to make a full and true inventory of the said property and credits and exhibit the same in this Court within six months from the date of this grant or within such further time as the Court may from time to time appoint, and also to render to this Court a true account of the said property and credits within one year from the same date or within such further time as the Court may from time to time appoint.”

13. For the portion of section 77 of the same Act beginning with the words “he having undertaken to administer the same” and ending with the words “within one year from the same date”, the following shall be substituted, namely:—

“he having undertaken to administer the same, and, to make a full and true inventory of the said property and credits and exhibit the same in this Court within six months from the date of this grant, or within such further time as the Court may from time to time appoint, and also, to render to this Court a true account of the said property and credits within one year from the same date or within such further time as the Court may from time to time appoint.”

Substitution of new section for section 90, Act V, 1881.

tuted, namely:—

“90. (1) An executor or administrator has, subject to the provisions of this section, power to dispose, as he thinks fit, of all or any of the property for the time being vested in him under section 4.

“(2) The power of an executor to dispose of immoveable property so vested in him is subject to any restriction which may be imposed in this behalf by the will appointing him, unless probate has been granted to him and the Court which granted the probate permits him by an order in writing, notwithstanding the restriction, to dispose of any immoveable property specified in the order in a manner permitted by the order.

“(3) An administrator may not, without the previous permission of the Court by which the letters of administration were granted,—

- (a) mortgage, charge or transfer by sale, gift, exchange or otherwise any immoveable property for the time being vested in him under section 4, or
- (b) lease any such property for a term exceeding five years.

“(4) A disposal of property by an executor or administrator in contravention of sub-section (2) or sub-section (3), as the case may be, is voidable at the instance of any other person interested in the property.

“(5) Before any probate or letters of administration is or are granted under this Act there shall be endorsed thereon or annexed thereto a copy of sub-sections (1), (2) and (4), or of sub-sections (1), (3) and (4), as the case may be.

“(6) A probate or letters of administration shall not be rendered invalid by reason of the endorsement or annexure required by the last foregoing sub-section not having been made thereon or attached thereto, nor shall the absence of such an endorsement or annexure authorise an executor or administrator to act otherwise than in accordance with the provisions of this section.”

Substitution of new section for section 98, Act V, 1881.

“98. (1) An executor or administrator shall, within six months from the grant of probate or letters of administration, or within such further time as the Court which granted the probate or letters may from time to time appoint, exhibit in that Court an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person to which the executor or administrator is entitled in that character, and shall in like manner, within one year from the grant or within such further time as the said Court may from time to time appoint, exhibit an account of the

14. For section 90 of the same Act the following shall be substituted, namely:—

“(1) An executor or administrator has, subject to the provisions of this section, power to dispose, as he thinks fit, of all or any of the property for the time being vested in him under section 4.

“(2) The power of an executor to dispose of immoveable property so vested in him is subject to any restriction which may be imposed in this behalf by the will appointing him, unless probate has been granted to him and the Court which granted the probate permits him by an order in writing, notwithstanding the restriction, to dispose of any immoveable property specified in the order in a manner permitted by the order.

“(3) An administrator may not, without the previous permission of the Court by which the letters of administration were granted,—

- (a) mortgage, charge or transfer by sale, gift, exchange or otherwise any immoveable property for the time being vested in him under section 4, or
- (b) lease any such property for a term exceeding five years.

“(4) A disposal of property by an executor or administrator in contravention of sub-section (2) or sub-section (3), as the case may be, is voidable at the instance of any other person interested in the property.

“(5) Before any probate or letters of administration is or are granted under this Act there shall be endorsed thereon or annexed thereto a copy of sub-sections (1), (2) and (4), or of sub-sections (1), (3) and (4), as the case may be.

“(6) A probate or letters of administration shall not be rendered invalid by reason of the endorsement or annexure required by the last foregoing sub-section not having been made thereon or attached thereto, nor shall the absence of such an endorsement or annexure authorise an executor or administrator to act otherwise than in accordance with the provisions of this section.”

15. For section 98 of the same Act the following shall be substituted, namely:—

“98. (1) An executor or administrator shall, within six months from the grant of probate or letters of administration, or within such further time as the Court which granted the probate or letters may from time to time appoint, exhibit in that Court an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person to which the executor or administrator is entitled in that character, and shall in like manner, within one year from the grant or within such further time as the said Court may from time to time appoint, exhibit an account of the

estate, showing the assets which have come to his hands and the manner in which they have been applied or disposed of.

"(2) The High Court may from time to time prescribe the form in which an inventory or account under this section is to be exhibited.

"(3) If an executor or administrator, on being required by the Court to exhibit an inventory or account under this section, intentionally omits to comply with the requisition, he shall be deemed to have committed an offence under section 176 of the Indian Penal Code.

"(4) The exhibition of an intentionally false inventory or account under this section shall be deemed to be an offence under section 193 of that Code."

XLV of 1860.

[New.]

16. In section 99 of the same Act, for the words "it is sought to obtain a grant" the words "a grant has been made," and for the words "the person applying for administration" the word "administrator," shall be substituted.

17. To the same Act the following shall be added, namely:—

[Act XVIII, 1879, ss. 26 and 33.]

Surrender of revoked probate or letters of administration.

"157. (1) When a grant of probate or letters of administration is revoked or annulled under this Act, the person to whom the grant was made shall forthwith deliver up the probate or letters to the Court which made the grant.

"(2) If such person wilfully and without sufficient cause omits so to deliver up the probate or letters, he shall be punished with fine which may extend to one thousand rupees, or with imprisonment which may extend to three months, or with both."

Court-fees Act, 1870, and Indian Stamp Act, 1879.

VII of 1870. 18. Article 16 (Administration-bond) of the second schedule to the Court-fees Act, 1870, is hereby repealed.

"(2) In article 6 of the second schedule to the Court-fees Act, 1870, for the words "Bail-bond or other instrument of obligation not otherwise provided for by this Act, when given by the direction of any Court or executive authority" the following words shall be substituted, namely:—

"Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1882, or the Code of Civil Procedure."

X of 1882. XIV of 1882.

(3) In article 2 of the first schedule to the Indian Stamp Act, 1879, after the words "Administration-bond" the following shall be added, namely:—

"including a bond given under section 256 of the Indian Succession Act, 1865, section 6 of the Government Savings Banks Act, 1873, section 78 of the Probate and Administration Act, 1881, or section 9 or section 10 of the Succession Certificate Act, 1889.

X of 1865. V of 1873. V of 1881. of 1889.

(4) In article 13 of the first schedule to the Indian Stamp Act, 1879, after the words "not otherwise provided for by this Act" there shall be added the words "or by the Court-fees Act, 1870."

Miscellaneous.

19. Notwithstanding anything in section 90 of the Probate and Administration Act, 1881, dis-
Validation of acts under grants of administration already made. posal of property by an executor or administrator who was appointed before the commencement of this Act, and to whom the provisions of that section were applicable, shall not be void by reason only that the consent of the Court to the disposal of the property was not obtained.

20. (1) Any penalty or forfeiture under section 19G or section 19H of the Court-fees Act, 1870, may, on the certificate of the Chief Controlling Revenue authority, be recovered from the executor or administrator as if it were an arrear of land-revenue by any Collector in any part of British India.

(2) The Chief Controlling Revenue authority may remit the whole or any part of any such penalty or forfeiture, or any part of any further penalty payable under section 19E of the said Act.

21. The following portion of section 7, clause (3), of the Act of the Lieutenant-Governor of Bengal in Council No. VII of 1880, entitled the Public Demands' Recovery Act, 1880, namely:—

"or in the following sections and portions of the following Act passed by the Governor General in Council, that is to say, in Act VII of 1870, 'the Court-fees Act,' sections 19G, 19H,"

is hereby repealed.

S. HARVEY JAMES,
Secretary to the Government of India.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to facilitate the collection of debts on successions and afford protection to parties paying debts to the representatives of deceased persons, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 15th February 1889:—

We, the undersigned, Members of the Select Committee to which the Bill to facilitate the collection of debts on successions and afford protection to parties paying debts to the representatives of deceased persons was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as revised by us annexed thereto.

From Mr. P. R. Desai, Pleader, District Court, Thána, dated 4th September 1888 [Paper No. 1].

From Chief Commissioner, Ajmere-Merwára, No. 1174—690, dated 2nd October 1888, and enclosure [Papers No. 2].

From Secretary to Chief Commissioner, Coorg, No. 1840—1848, dated 17th October 1888, and enclosure [Papers No. 3].

From Chief Secretary to Government, Bengal, No. 235 J. D., dated 16th October 1888, and enclosures [Papers No. 4].

From Secretary for Berar to Resident, Hyderabad, No. 456 G., dated 26th October 1888 [Paper No. 5].

From Officiating Secretary to Chief Commissioner, Assam, No. 3026, dated 22nd October 1888, and enclosures [Papers No. 6].

From Officiating Secretary to Chief Commissioner, Burma, No. 632—1-L., dated 20th October 1888, and enclosures [Papers No. 7].

From Chief Secretary to Government, Madras, No. 2176, dated 20th October 1888, and enclosures [Papers No. 8].

From Officiating Secretary to Chief Commissioner, Central Provinces, No. C.—84, dated 23rd October 1888, and enclosures [Papers No. 9].

From Secretary to Government, Bombay, No. 6253, dated 17th November 1888, and enclosures [Papers No. 10].

From Officiating Secretary to Government, Punjab, No. 971, dated 3rd November 1888, and enclosures [Papers No. 11].

From Officiating Secretary to Chief Commissioner, Assam, No. 3616, dated 5th December 1888, and enclosures [Papers No. 12].

From Secretary to Government, North-Western Provinces and Oudh, No. 15—VII-154B., dated 16th January 1889, and enclosures [Papers No. 13].

From Registrar, High Court, Calcutta, No. 198, dated 25th January 1889 [Paper No. 14].

From Secretary to Government, North-Western Provinces and Oudh, No. 45—6-154B., dated 25th January 1889, and enclosures [Papers No. 15].

3. *Sections 2 and 28 and the first schedule.*—We have deferred to the opinion of the Government of Bombay that no part of Bombay Regulation VIII of 1827 should at present be repealed, but we consider that several of the provisions of this Bill as regards debts and securities, and the whole of section 98 of the Probate and Administration Act, 1881, as regards the liability of executors and administrators to exhibit inventories and accounts, should, *mutatis mutandis*, apply, respectively, to debts and securities in respect of which certificates are granted under the Regulation on or after the 1st of May next, and to the holders of certificates so granted.

4. *Section 3, clause (1).*—We have modified the definition of "District Court" with reference to the terms of proviso (b) to section 23 of the Punjab Courts Act, 1884.

5. *Section 4.*—In revising this section we have had regard to the case reported at I. L. R., 13 Cal., 47.

6. *Section 6.*—We have modified this section in accordance with suggestions received from the North-Western and the Central Provinces.

7. *Section 7.*—We concur with Sir Meredyth Plowden in thinking that the Bill, as revised by us in accordance with his advice, renders it unnecessary to retain sub-section (2) of section 7 of the Bill as introduced; but we consider, with reference to certain remarks of the Bengal Government and its officers, that a clause in the sense of the judgment of Turner, C. J., at I. L. R., 7 Mad., 452, and another clause in the sense of the judgments reported at W. R. (1864) Mis. 41 and 12 W. R. 38 and 35f, should be added to the section.

8. *Sections 8, 10, 12 and 13 and the second schedule (sections 8, 17, 19 and 20 and the second schedule of Bill as introduced).*—As some of the securities specified in section 3, clause (2), may not be technically negotiable, we have used, with respect to securities, the word "transfer" as well as the word "negotiate."

9. *Section 14 (section 21 of Bill as introduced).*—We are of opinion that a person desiring to obtain a certificate should present an application for it and should not be able to obtain it as an objector to the application of some other person.

10. *Sections 16 and 22 (sections 9 and 16 of Bill as introduced).*—We consider that a certificate should not afford indemnity to persons making payments in respect of debts or securities which are not specified in the certificate.

11. *Section 18.*—We think, with Sir Meredyth Plowden, that there should be added to the Bill a clause providing, as nearly as possible in the terms of section 23 of the Indian Succession Act, 1865, and section 50 of the Probate and Administration Act, 1881, for the revocation of certificates.

12. *Section 19 (section 13 of Bill as introduced).*—We have, on a suggestion from the Government Advocate of the Central Provinces, made it clear that the period of limitation for appeals under the proposed Act is to be that prescribed by the Indian Limitation Act, 1877, for appeals under the Code of Civil Procedure.

13. *Section 20 (section 14 of Bill as introduced).*—We have revised the expression of this clause for the purpose of avoiding certain difficulties which the expression of the clause in the Bill as introduced appeared to us to be likely to create.

14. *Section 24 (section 25 of Bill as introduced).*—It appears that certain grants of administration made by the Recorder of Rangoon, and possibly by the former Recorder of Maulmain, also require to be validated.

15. *Section 26 and the first schedule.*—We are of opinion that a clause on the lines of section 360 of the Code of Civil Procedure should be enacted for the purposes of the proposed Act and take the place of the sections which occur in some of the local Civil Courts Acts respecting the disposal by inferior Courts of proceedings under Act XXVII of 1860. In the first place, some of the local Acts contain no such sections, and those Acts would, with reference to the large increase in the number of applications for certificates which must result from the passing of the Bill, have in any case to be supplemented. In the second place, the concession to District Courts of a power of merely transferring proceedings to inferior Courts gives little or no relief to applicants for certificates, who often become compelled by the exercise of such a power to employ at least two pleaders, one for the District Court and another for the inferior Court. In the third place, the Courts which are ordinarily to grant or extend certificates should be more easily accessible than District Courts, and should be Courts to which resort is cheaper than to District Courts. In the fourth place, the inferior Courts of thirty years ago were very different from most of such Courts now. Lastly, most District Judges are so heavily worked that, apart from the other considerations which we have mentioned, it is very desirable in most parts of British India that the District Court should cease to be the only tribunal to which in practice applications for certificates must be made.

16. The Bill as introduced followed the arrangement of the Act of 1860. We agree with Sir Meredyth Plowden that the clauses of the Bill may be more conveniently arranged and we have arranged them accordingly.

17. Having regard to section 9 of the revised Bill, to sections 40 and 41 of the Probate and Administration Act, 1881, to Chapter XXXVI of the Code of Civil Procedure and to the balance of local opinion, we consider that section 11 of the Bill as introduced may be omitted. The corresponding sections of Act XXVII of 1860 seem never to have been anywhere used.

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

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	25th August, 1888.
Fort Saint George Gazette	11th September, 1888.
Bombay Government Gazette	30th September, 1888.
Calcutta Gazette	5th, 12th and 19th September, 1888.
North-Western Provinces and Oudh Government Gazette	1st September, 1888.
Punjab Government Gazette	30th August, 1888.
Central Provinces Gazette	8th September, 1888.
Burma Gazette	15th September, 1888.
Assam Gazette	15th September, 1888.
Coorg District Gazette	1st October, 1888.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras	Kánarese	30th October, 1888.
	Telugu	13th November, 1888.
	Tamil	20th November, 1888.
Bombay	Maráthi	11th and 18th October, 1888.
	Gujaráthi	11th and 18th October, 1888.
	Kánarese	11th and 18th October, 1888.
Bengal	Bengáli	2nd, 9th and 16th October, 1888.
	Uriya	18th October, 1888.
	Hindi	13th November, 1888.
North-Western Provinces and Oudh	Urdu	29th September, 1888.
Punjab	Urdu	11th October, 1888.
Central Provinces	Hindi	17th October, 1888.
Burma	Maráthi	24th October, 1888.
Assam	Burmese	27th October, 1888.
Coorg	Bengali	20th October, 1888.
	Kánarese	1st December, 1888.

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

D. BARBOUR.

ANDREW R. SCOBLE.

PILH. P. HUTCHINS.

G. H. P. EVANS.

SYUD AMEER HOSSEIN.

DOORGA CHURN LAW.

The 12th February, 1889.

No. II.
THE SUCCESSION CERTIFICATE
BILL.

CONTENTS.

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2. Repeal.
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6. Application for certificate.
7. Procedure on application.
8. Contents of certificate.
9. Requisition of security from grantee of certificate.
10. Extension of certificate.
11. Forms of certificate and extended certificate.
12. Amendment of certificate in respect of powers as to security.
13. Amendment of Act VII, 1870.
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16. Effect of certificate.
17. Effect of certificate granted or extended by British representative in Foreign State.
18. Revocation of Certificate.
19. Appeal.
20. Effect on certificate of previous certificate, probate or letters of administration.
21. Effect on certificate of subsequent probate or letters of administration.
22. Validation of certain payments made in good faith to holder of invalid certificate.
23. Prohibition of exercise of certain powers by curators.
24. Effect of certain probates and letters.
25. Effect of decisions under this Act, and liability of holder of certificate thereunder.
26. Investiture of inferior Courts with jurisdiction of District Court for purposes of this Act.
27. Surrender of superseded and invalid certificate.
28. Provisions with respect to certificates under Bombay Regulation VIII of 1827.

THE FIRST SCHEDULE.—ENACTMENTS
REPEALED.

THE SECOND SCHEDULE.—FORMS OF
CERTIFICATE AND EXTENDED CERTIFICATE.

No. II.

A Bill to facilitate the collection of debts on successions and afford protection to parties paying debts to the representatives of deceased persons.

WHEREAS it is expedient to facilitate the collection of debts on successions and afford protection to parties paying debts to the representatives of deceased persons; It is hereby enacted as follows:—

VI.—12

Title, commencement, extent and application.

1. (1) This Act may be called the Succession Certificate Act, 1889.

(2) It shall come into force on the first day of May 1889; and

(3) It extends to the whole of British India (inclusive of Upper Burma except the Shan States);

(4) But a certificate shall not be granted thereunder with respect to any debt or security to which a right can be established by probate or letters of administration under the Indian Succession Act, 1865, or by probate of a will to which the Hindu Wills Act, 1870, applies, or by letters of administration with a copy of such a will annexed. X of 1865.
XXI of 1870.

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

(2) But nothing in this Act shall affect any certificate granted before the commencement of this Act under Act XXVII of 1860 or any enactment repealed by that Act.

(3) Any enactment except this Act and section 152 of the Probate and Administration Act, 1881, V of 1881. or any document, referring to any enactment repealed by this Act shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

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

(1) "District Court" subject to the other provisions of this Act and to the provisions of proviso (b) to section 23 of the Punjab Courts Act, XVIII of 1884. and of any other like enactment for the time being in force, means a Court presided over by a District Judge: and

(2) "security" means—

(a) any promissory note, debenture, stock or other security of the Government of India;

(b) any bond, debenture or annuity charged by the Imperial Parliament on the revenues of India;

(c) any stock or debenture of, or share in, a company or other incorporated institution;

(d) any debenture or other security for money issued by, or on behalf of, a local authority;

(e) any other security which the Governor General in Council may, by notification in the Gazette of India, declare to be a security for the purposes of this Act.

Proof of representative title a condition precedent to recovery through the Courts of debts from debtors of deceased persons.

4. (1) No Court shall— [J. L. R. 13
Cal. 47.]

The Succession Certificate Bill.

(Sections 5—9.)

- (a) pass a decree against a debtor of a deceased person for payment of his debt to a person claiming to be entitled to the effects of the deceased person or to any part thereof, or
- (b) proceed, upon an application of a person claiming to be so entitled, to execute against such a debtor a decree or order for the payment of his debt,

except on the production, by the person so claiming, of—

- (i) a probate or letters of administration evidencing the grant to him of administration to the estate of the deceased, or
- (ii) a certificate granted under section 36 or section 37 of the Administrator General's Act, 1874, and having the debt mentioned therein, or
- (iii) a certificate granted under this Act and having the debt specified therein, or
- (iv) a certificate granted under Act XXVII of 1860 or an enactment repealed by that Act, or
- (v) a certificate granted under the Regulation of the Bombay Code No. VIII of 1827 and, if granted after the commencement of this Act, having the debt specified therein.

(2) The word "debt" in sub-section (1) includes any debt except rent, revenue or profits payable in respect of land used for agricultural purposes.

5. The District Court within the jurisdiction

Court having jurisdiction to grant certificate.

of which the deceased ordinarily resided at the time of his death, or if at that time he had no fixed place of residence then within the jurisdiction of which any part of the property of the deceased may be found, may grant a certificate under this Act.

6. (1) Application for such a certificate

Application for certificate.

must be made to the District Court by a petition signed and verified by or on behalf of the applicant in the manner prescribed by the Code of Civil Procedure for the signing and verification of a plaint by or on behalf of a plaintiff, and setting forth the following particulars, namely:—

- (a) the time of the death of the deceased;
- (b) the ordinary residence of the deceased at the time of his death and, if such residence was not within the local limits of the jurisdiction of the Court to which the application is made, then the property of the deceased within those limits;
- (c) the family or other near relatives of the deceased and their respective residences;
- (d) the right in which the petitioner claims;
- (e) the absence of any impediment under section 1, sub-section (4), or under any other provision of this Act or any other enactment, to the grant of the certificate or to the validity thereof if it were granted; and

- (f) the debts and securities in respect of which the certificate is applied for.

(2) If the petition contains any averment which the person verifying it knows or believes to be false, or does not believe to be true that person shall be subject to punishment according to the provisions of the law for the time being in force for the punishment of giving or fabricating false evidence.

7. (1) If the District Court is satisfied that

there is ground for entertaining the application, it shall fix a day for the

hearing thereof and cause notice of the application and of the day fixed for the hearing—

- (a) to be served on any person to whom, in the opinion of the Court, special notice of the application should be given, and
- (b) to be posted on some conspicuous part of the court-house and published in such other manner, if any, as the Court, subject to any rules made by the High Court in this behalf, thinks fit,

and upon the day fixed, or as soon thereafter as may be practicable, shall proceed to decide in a summary manner the right to the certificate. [Act XV, 1859, s. 23.]

(2) When the Court decides the right thereto to belong to the applicant, it shall make an order for the grant of the certificate to him.

(3) If the Court cannot decide the right to the certificate without determining questions of law or fact which seem to it to be too intricate and difficult for determination in a summary proceeding, it may nevertheless grant a certificate to the applicant if he appears to be the person having *prima facie* the best title thereto. [I. L. R. 7 Mad. 452.]

(4) When there are more applicants than one for a certificate and it appears to the Court that more than one of such applicants are interested in the estate of the deceased, the Court may, in deciding to whom the certificate is to be granted, have regard to the extent of interest, and the fitness in other respects, of the applicants. [W. R. 1864, Mis. 41, and 12 W. R. 38 and 355.]

8. When the District Court grants a certificate, it shall therein

Contents of certificate

specify the debts and securities set forth in the application for the certificate and may thereby empower the person to whom the certificate is granted—

- (a) to receive interest or dividends on, or
- (b) to negotiate or transfer, or
- (c) both to receive interest or dividends on, and to negotiate or transfer,

the securities or any of them.

9. (1) The District Court shall in any case in

Requisition of security from grantee of certificate.

which it proposes to proceed under section 7, sub-section (3) or sub-section (4), and may in any other case, require, as a

I of 1874.

XIV of 1882.

The Succession Certificate Bill.

(Sections 10—13.)

condition precedent to the granting of a certificate, that the person to whom it proposes to make the grant shall give to the Judge of the Court, to enure for the benefit of the Judge for the time being, a *bond* with one or more surety or sureties, or *other sufficient security*, for rendering an account of debts and securities received by him and for indemnity of persons who may be entitled to the whole or any part of those debts and securities.

(2) The Court may, on application made by petition and on cause shown to its satisfaction, and upon such terms as to security, or providing that the money received be paid into Court, or otherwise as the Court thinks fit, assign the bond or *other security* to some proper person, and that person shall thereupon be entitled to sue *thereon* in his own name as if it had been originally given to him instead of to the Judge of the Court, and to recover, as trustee for all persons interested, such amount as may be recoverable thereunder.

10. (1) A District Court may from time to time, on the application of the holder of a certificate under this Act, extend the certificate to any debt or security not originally specified therein, and every such extension shall have the same effect as if the debt or security to which the certificate is extended had been originally specified therein.

(2) Upon the extension of a certificate, powers with respect to the receiving of interest or dividends on, or the negotiation or transfer of, any security to which the certificate has been extended may be conferred, and a *bond or further bond or other security* for the purposes mentioned in the last foregoing section may be required, in the same manner as upon the original grant of a certificate.

11. Certificates shall be granted and extensions of certificates shall be made, as nearly as circumstances admit, in the forms set forth in the second schedule.

12. Where a District Court has not conferred on the holder of a certificate any power with respect to a security specified in the certificate, or has only empowered him to receive interest or dividends on, or to negotiate or transfer, the security, the Court may, on application made by petition and on cause shown to its satisfaction, amend the certificate by conferring any of the powers mentioned in section 8, or by substituting any one for any other of those powers.

13. (1) For articles 11 and 12 of the first schedule to the Court-fees Act, 1870, the following shall be substituted, namely:—

Number.		Proper fee.
"11. Probate of a will or letters of administration with or without will annexed.	If the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees.	Two per centum on such amount or value: provided that when, after the grant of a certificate under the Succession Certificate Act, 1889, or any enactment repealed by that Act, or under the Regulation of the Bombay Code No. VIII of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.
"12. Certificate under the Succession Certificate Act, 1889.	In any case.	Two per centum on the amount or value of any debt or security specified in the certificate under section 8 of the Act, and three per centum on the amount or value of any debt or security to which the certificate is extended under section 10 of the Act.
NOTE.—(1) The amount of a debt is its amount, including interest, on the day on which the inclusion of the debt in the certificate is applied for so far as such amount can be ascertained.		
(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act, and, where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of, the security, or for both purposes, the value of the security, is its market value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.		
(1) As regards debts and securities, the same fee as would be payable in respect of a certificate under the Succession Certificate Act, 1889, or in respect of an extension of such a certificate, as the case may be, and		
(2) as regards other property in respect of which the certificate is granted two per centum on so much of the amount or value of such property as exceeds one thousand rupees."		
"12A. Certificate under the Regulation of the Bombay Code No. VIII of 1827.		

The Succession Certificate Bill.

(Sections 14—22.)

(2) In the Court-fees Act, 1870, section 19, clause viii, for the words and figures "and certificate mentioned in the First Schedule to this Act annexed, No. 12," the words and figures "and save as regards debts and securities, a certificate under Bombay Regulation VIII of 1827" shall be substituted.

14. (1) Every application for a certificate or for the extension of a certificate must be accompanied by a deposit of a sum equal to the fee payable under the first schedule to the Court-fees Act, 1870, in respect of the certificate or extension applied for.

(2) If the application is allowed, the sum deposited by the applicant shall be expended, under the direction of the Court, in the purchase of the stamp to be used for denoting the fee payable as aforesaid.

(3) Any sum received under sub-section (1) and not expended under sub-section (2) shall be refunded to the person who deposited it.

15. A certificate under this Act shall have effect throughout the whole of British India.

16. Subject to the provisions of this Act, the certificate of the District Court shall, with respect to the debts and securities specified therein, be conclusive as against the persons owing such debts or liable on such securities, and shall, notwithstanding any contravention of section 1, sub-section (4), or other defect, afford full indemnity to all such persons as regards all payments made, or dealings had, in good faith in respect of such debts or securities to or with the person to whom the certificate was granted.

17. Where a certificate in the form, as near- ly as circumstances admit of the second schedule has been granted to a resident within a Foreign State by the British representative accredited to the State, or where a certificate so granted has been extended in such form by such representative, the certificate shall, when stamped in accordance with the provisions of the Court-fees Act, 1870, with respect to certificates under this Act, have the same effect in British India as a certificate granted or extended under this Act.

18. A certificate granted under this Act may be revoked for any of the following causes, namely:—

- that the proceedings to obtain the certificate were defective in substance;
- that the certificate was obtained fraudulently by the making of a false suggestion, or by the concealment from the Court of something material to the case;
- that the certificate was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant thereof, though such allegation was made in ignorance or inadvertently;

(d) that the certificate has become useless and inoperative through circumstances;

(e) that a decree or order made by a competent Court in a suit or other proceeding with respect to effects comprising debts or securities specified in the certificate renders it proper that the certificate should be revoked.

19. (1) Subject to the other provisions of this Act, an appeal shall lie to the High Court from an order of a District Court granting, refusing or revoking a certificate under this Act, and the High Court may, if it thinks fit, by its order on the appeal declare the person to whom the certificate should be granted and direct the District Court, on application being made therefor, to grant it accordingly, in supersession of the certificate, if any, already granted.

(2) An appeal under sub-section (1) must be preferred within the time allowed for an appeal under the Code of Civil Procedure.

(3) Subject to the provisions of sub-section (1), and of Chapters XLVI and XLVII of the Code of Civil Procedure as applied by section 647 of that Code, an order of a District Court under this Act shall be final.

20. Save as provided by this Act, a certificate granted thereunder in respect of any of the effects of a deceased person shall be invalid if there has been a previous grant of such a certificate or of probate or letters of administration in respect of the estate of the deceased person and if such previous grant is in force.

21. (1) A grant of probate or letters of administration under the Probate and Administration Act, 1881, in respect of an estate shall be deemed to supersede any certificate previously granted under this Act in respect of any debts or securities included in the estate.

(2) When at the time of the grant of the probate or letters any suit or other proceeding instituted by the holder of the certificate regarding any such debt or security is pending, the person to whom the grant is made shall, on applying to the Court in which the suit or proceeding is pending, be entitled to take the place of the holder of the certificate in the suit or proceeding.

22. Where a certificate under this Act has been superseded or is invalid, by reason of the certificate having been revoked under section 18, or by reason of the grant of a certificate to a person named in an appellate order under section 19, or by reason of a certificate having been previously granted, or by reason of a grant of probate or letters of administration, or for any other cause, all payments made or

XIV of 1882.

V of 1881.

*The Succession Certificate Bill.**(Sections 23—28.)*

dealings had, as regards debts and securities specified in the superseded or invalid certificate, to or with the holder of that certificate in ignorance of its supersession or invalidity shall be held good against claims under any other certificate or under the probate or letters of administration.

23. (1) Where a certificate has been granted under this Act or Act XXVII of 1860, or a grant of probate or letters of administration has been made, a curator appointed under Act XIX of 1841 shall not exercise any authority lawfully belonging to the holder of the certificate or to the executor or administrator.

(2) But persons who have paid debts or rents to a curator authorised by a Court to receive them shall be indemnified, and the curator shall be responsible for the payment thereof to the person who has obtained the certificate, probate or letters of administration, as the case may be.

24. Any probate or letters of administration granted before the first day of April 1881, by any Supreme or High Court of Judicature, or by the Court of a Recorder in Burma, in any case in which the deceased person was not a British subject within the meaning of that expression as used in the charters of the Supreme Courts of Judicature, and in which any assets belonging to him were at the time of his death within the local limits of the jurisdiction of the Court shall, for the purpose of the recovery of debts, the protection of persons paying debts, and the negotiation or transfer of securities included in the estate of the deceased, be deemed to have and to have had the effect which a grant of probate or letters of administration has under the Indian Succession Act, 1865 :

Provided that nothing in this section shall be construed to validate any disposal of property by an executor or administrator which has before the commencement of this Act been declared by any competent Court to be invalid.

25. No decision under this Act upon any question of right between any parties shall be held to bar the trial of the same question in any suit or in any other proceeding between the same parties, and nothing in this Act shall be construed to affect the liability of any person who may receive the whole or any part of any debt or security or any interest or dividend on any security to account therefor to the person lawfully entitled thereto.

26. (1) The Local Government may, by notification in the official Gazette, invest any Court inferior in grade to a District Court with the functions of a District Court under this Act, and may cancel or vary any such notification.

VI.—13

(2) Any inferior Court so invested shall, within the local limits of its jurisdiction, have concurrent jurisdiction with the District Court in the exercise of all the powers conferred by this Act upon the District Court, and the provisions of this Act relating to the District Court shall apply to such an inferior Court as if it were a District Court :

Provided that an appeal from any such order of an inferior Court as is mentioned in sub-section (1) of section 19 shall lie to the District Court, and not to the High Court, and that the District Court may, if it thinks fit, by its order on the appeal, make any such declaration and direction as that sub-section authorises the High Court to make by its order on an appeal from an order of a District Court.

(3) An order of a District Court on an appeal from an order of an inferior Court under the last foregoing sub-section shall, subject to the provisions of Chapters XLVI and XLVII of the Code of Civil Procedure as XIV of 1882, applied by section 647 of that Code, be final.

(4) The District Court may withdraw any proceedings under this Act from an inferior Court and may either itself dispose of them or transfer them to another such Court established within the local limits of the jurisdiction of the District Court and having authority to dispose of the proceedings.

(5) A notification under sub-section (1) may specify any inferior Court specially or any class of such Courts in any local area.

(6) Any Civil Court which for any of the purposes of any enactment is subordinate to, or subject to the control of, a District Court shall for the purposes of this section be deemed to be a Court inferior in grade to a District Court.

27. (1) When a certificate under this Act [Act XVII, 1879, ss. 23 and 33.] has been superseded or is invalid from any of the causes mentioned in section 22, the holder thereof shall, on the requisition of the Court which granted it, deliver it up to that Court.

(2) If he wilfully and without reasonable cause omits so to deliver it up, he shall be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to three months, or with both.

28. Notwithstanding anything in the Regulation of the Bombay Code No. VIII of 1827, the provisions of section 3, section 6, sub-section (1), clause (f), and sections 8, 9, 10, 11, 12, 14, 16, 18, 19, 25, 26 and 27 of this Act with respect to certificates under this Act and applications therefor, and of section 98 of the Probate and Administration Act, 1881, with respect to the

X of 1865.

[L. R. 12 I. A. 23.]

[Act XIV, 1882, s. 360.]

Investiture of inferior Courts with jurisdiction of District Court for purposes of this Act.

*The Succession Certificate Bill.**(The First Schedule.—Enactments repealed.)**(The Second Schedule.—Forms of certificate and extended certificate.)*

exhibition of inventories and accounts by executors and administrators, shall, so far as they can be made applicable, apply, respectively, to certificates granted under that Regulation, and applications made for certificates thereunder, after the commencement of this Act, and to the exhibition of inventories and accounts by the holders of such certificates so granted.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

Number and year.	Subject or title.	Extent of repeal.
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Acts of the Governor General in Council.

XXVII of 1860.	Collection of debts on successions.	So much as has not been repealed.
XIV of 1869.	Bombay Civil Courts Act, 1869.	In section 16, from and inclusive of the words and figures "Bombay Regulation VIII of 1827" down to and inclusive of the words "representatives of deceased persons) and"
XV of 1874.	Laws Local Extent Act, 1874.	So much as relates to Act XXVII of 1860.
XIII of 1879.	Oudh Civil Courts Act, 1879.	Section 25, clause (3), relating to applications for certificates under Act XXVII of 1860.
V of 1881.	Probate and Administration Act, 1881.	Sections 151 and 153.
XVIII of 1884.	P u n j a b Courts Act, 1884.	Section 29, sub-section (1), clause (a).
XII of 1887.	B e n g a l, N o r t h - W e s t e r n P r o v i n c e s and A s s a m Civil Courts Act, 1887.	Section 23, sub-section (2), clause (c).

Act of the Lieutenant-Governor of Bengal in Council.

Number and year.	Subject or title.	Extent of repeal.
VII of 1880.	Public De- mands' Re- covery Act, 1880.	In section 7, clause (3), the words "and the note to paragraph 12 of Schedule I."

THE SECOND SCHEDULE.

FORMS OF CERTIFICATE AND EXTENDED CERTIFICATE.

(See section 11.)

In the Court of

To A. B.

Whereas you applied on the _____ day of _____ for a certificate under the Succession Certificate Act, 1889, in respect of the following debts and securities, namely:—

Debts.

Serial number.	Name of debtor.	Amount of debt, including interest, on date of application for certificate.	Description and date of instrument, if any, by which the debt is secured.

Securities.

Serial number.	DESCRIPTION.			Market-value of security on date of application for certificate.
	Distinguishing number or letter of security.	Name, title or class of security.	Amount or par value of security.	

This certificate is accordingly granted to you and empowers you to collect those debts [and] [to receive] [interest] [dividends] [on] [to negotiate] [to transfer] [those securities].

Dated this _____ day of _____

District Judge.

*The Succession Certificate Bill.**(The Second Schedule.—Forms of certificate and extended certificate.)*

In the Court of

On the application of *A. B.* made to me on the _____ day of _____, I hereby extend this certificate to the following debts and securities, namely:—

Debts.

Serial number.	Name of debtor.	Amount of debt, including interest, on date of application for extension.	Description and date of instrument, if any, by which the debt is secured.

Securities.

Serial number.	DESCRIPTION.			Market-value of security on date of application for extension.
	Distin- guishing number or letter of security.	Name, title or class of security.	Amount or par value of security.	

This extension empowers *A. B.* to collect those debts [and] [to receive] [interest] [dividends] [on] [to negotiate] [to transfer] [those securities].

Dated this _____ day of _____.

District Judge.

S. HARVEY JAMES,
Secretary to the Government of India.