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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 14th January, 1887:—

Bill No. 3 of 1887.

THE INDIAN MARINE BILL, 1887.

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*The Indian Marine Bill, 1887.**(Chapter I.—Preliminary.—Sections 1.)**A Bill for the better administration of Her Majesty's Indian Marine Service.*

WHEREAS by the Indian Marine Service Act, 1884, it is, among other things, enacted that the Governor General of India in Council shall have power, subject to the provisions contained in the Indian Councils Act, 1861, as amended by subsequent Acts, at meetings for the purpose of making Laws and Regulations, to make laws for all persons employed or serving in, or belonging to, Her Majesty's Indian Marine Service: ^{47 & 48 Vic. c. 33.} ^{24 & 25 Vic. c. 67.}

Provided that—

- (a) a law made under that power shall not apply to any offence unless the vessel to which the offender belongs is at the time of the commission of the offence within the limits of the Indian waters as defined by the said Indian Marine Service Act; and
- (b) the punishments imposed by any such law for offences shall be similar in character to, and shall not be in excess of, the punishments which may at the time of making the law be imposed for similar offences under the Acts relating to Her Majesty's Navy, except that in the case of persons other than Europeans or Americans imprisonment for any term not exceeding fourteen years, or transportation for life or any less term, may be substituted for penal servitude;

And whereas it is further provided by the said Indian Marine Service Act that subject to the provisions of that Act a law made thereunder shall be of the same force and effect as an Act of Parliament;

And whereas in pursuance of the power thus conferred and of all other powers vested in the Governor General in Council in this behalf it is expedient to make such laws as are mentioned in the said Indian Marine Service Act and to make provision in other particulars for the proper regulation of, and otherwise in relation to, Her Majesty's Indian Marine Service;

And whereas the Secretary of State for India in Council has given his previous approval to the passing of this Act;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

- Title and commencement.
1. (1) This Act may be called the Indian Marine Act, 1887; and
 - (2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, fix in this behalf.

The Indian Marine Bill, 1887.

(Chapter I.—Preliminary.—Sections 2-4.—Chapter II.—Offences and Punishments.—
Sections 5-8.)

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

Definitions.

(1) "person subject to this Act" means a person who is employed or serves in, or belongs to, Her Majesty's Indian Marine Service, and who, if he is not a gazetted officer, has been enrolled in that service in the manner provided by this Act :

(2) "gazetted officer" means a person who by virtue of his letter of appointment is holding a position in the Indian Marine Service as—

Commander, First grade officer, Second grade officer, Third grade officer,	Chief Engineer, Engineer, Assistant Engineer, or Clerk :
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(3) "warrant officer" means a person who by virtue of his appointment is holding a position in the Indian Marine Service as—

Gunner, Apothecary, Assistant apothecary, Assistant clerk,	Engine-driver, first class, Carpenter, Hospital assistant, or General mess steward :
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(4) "petty officer" means a person who by virtue of his appointment is holding a position in the Indian Marine Service as—

Chief syrang, first class, Chief syrang, second class, Ship's steward, Engine-driver, second class, Cook on a salary of not less than fifty rupees per mensem, General mess butler, Syrang of lascars, first class, Syrang of lascars, second class,	Tindal of lascars, first class, Tindal of lascars, second class, Tindal of stokers, first class, Tindal of stokers, second class, Cassaub, first class, Cassaub, second class, or Cook on a salary of less than fifty rupees per mensem :
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(5) "superior officer," used with reference to an officer of a rank mentioned in clause (2), clause (3) or clause (4) of this section, means an officer of a rank mentioned before his in any of those clauses ; and, used with reference to any other person subject to this Act, means an officer mentioned in any of those clauses :

(6) "commanding officer" means the officer in command of a vessel, whether by special appointment or by the rules or customs of the service, and includes, as respects any persons subject to this Act who are employed otherwise than on board the vessel to which they belong, such officer (if any) as the Governor General in Council appoints, instead of the commanding officer of that vessel, to discharge the functions of commanding officer in regard to those persons :

(7) "Indian Marine Court" means an Indian Marine Court held under this Act :

(8) "Criminal Court" means a Court having ordinary criminal jurisdiction in British India or such a Court established elsewhere by the authority of the Governor General in Council :

(9) "prescribed" means prescribed by rules made by the Governor General in Council.

3. A person to be enrolled in the Indian Marine Service shall be brought on to the quarter-deck or other suitable place on boardship or on shore, and the commanding or other prescribed officer shall cause to be read and explained to him the prescribed portions of this

Act, and of the rules and conditions of service ; and if the officer is satisfied that the person understands those portions he will administer to him an oath or affirmation of allegiance in the prescribed form, and cause him to sign or, if he cannot write, to affix his mark to the prescribed roll.

4. In addition to any other rules which may be made under this Act, the Governor General in Council may, by notification in the Gazette of India, make rules consistent with this Act for the guidance of officers, whether military, Indian Marine, civil or political, in all matters connected with its enforcement.

CHAPTER II.

OFFENCES AND PUNISHMENTS.

Neglect of Duty.

5. A person subject to this Act who deserts [29 & 30 Vic., c. 109, s. 9.] his post or sleeps upon his watch, or negligently performs the duty imposed on him, shall suffer imprisonment or such other punishment as is hereinafter mentioned.

Mutiny.

6. Where a mutiny is accompanied by violence [29 & 30 Vic., c. 109, s. 10.] a person subject to this Act who joins therein shall suffer death or such other punishment as is hereinafter mentioned ; and

a person subject to this Act who does not use his utmost exertions to suppress the mutiny shall,—

(a) if he has acted traitorously, suffer death or such other punishment as is hereinafter mentioned ;

(b) if he has acted from cowardice, suffer penal servitude or such other punishment as is hereinafter mentioned ;

(c) if he has acted from negligence, be dismissed with disgrace from the Indian Marine Service, or suffer such other punishment as is hereinafter mentioned.

7. Where a mutiny is not accompanied by violence [29 & 30 Vic., c. 109, s. 11.] a ringleader thereof, being a person subject to this Act, shall suffer death or such other punishment as is hereinafter mentioned ; and all other persons subject to this Act who join in the mutiny, or do not use their utmost exertions to suppress it, shall suffer imprisonment or such other punishment as is hereinafter mentioned.

8. A person subject to this Act who endeavours to seduce any other person subject to this Act from his duty or allegiance to Her Majesty, or endeavours to incite him to commit any act of mutiny, shall suffer death or such other punishment as is hereinafter mentioned.

*The Indian Marine Bill, 1887.**(Chapter II.—Offences and Punishments. Sections—9-21.)*[29 & 30 Vic.,
c. 109, s. 14.]

9. A person subject to this Act who makes or endeavours to make any mutinous assembly or utters seditious words. Mutinous assembly or endeavours to make any mutinous assembly, or leads or incites any other person to join in any mutinous assembly, or utters any words of sedition or mutiny, shall suffer penal servitude or such other punishment as is hereinafter mentioned.

[29 & 30 Vic.,
c. 109, s. 15.]

10. A person subject to this Act who willfully conceals any traitorous or mutinous practice or design, or any traitorous or mutinous words spoken against Her Majesty, or any practice, design or words tending to the hindrance of the service, shall suffer penal servitude or such other punishment as is hereinafter mentioned.

[29 & 30 Vic.,
c. 109, s. 16.]

11. A person subject to this Act who strikes or attempts to strike, or uses or attempts to use any violence against, his superior officer, being in the execution of his office, or otherwise, shall suffer penal servitude or such other punishment as is hereinafter mentioned.

Insubordination.[29 & 30 Vic.,
c. 109, s. 17.]

12. A person subject to this Act who wilfully disobeys any lawful command of his superior officer, or uses threatening or insulting language, or behaves with contempt, to his superior officer, shall be dismissed with disgrace from the Indian Marine Service, or suffer such other punishment as is hereinafter mentioned.

Desertion and Absence without Leave.[29 & 30 Vic.,
c. 109, s. 19.]

13. A person subject to this Act who—

(1) absents himself from his ship or from the place where his duty requires him to be, with the intention of not returning to that ship or place; or

(2) at any time and under any circumstances, when absent from his ship or place of duty, does any act which shows that he has an intention of not returning to that ship or place;

shall be deemed to have deserted, and shall suffer penal servitude or such other punishment as is hereinafter mentioned;

and in every case he shall forfeit all pay, bounty, salvage, prize-money and allowances that may have been earned by him, and all annuities, pensions, gratuities, medals and decorations that may have been granted to him, and also all clothes and effects which he may have left on board the ship or at the place from which he has deserted, unless it is otherwise directed by the Court by which he is tried or by the Governor General in Council.

[29 & 30 Vic.,
c. 109, s. 20.]

14. A person subject to this Act who endeavours to seduce any other person subject to this Act to desert shall suffer im-

prisonment or such other punishment as is hereinafter mentioned.

15. A person subject to this Act who (without being guilty of desertion) breaks out of ship, or place of duty shall suffer imprisonment or such other punishment as is hereinafter mentioned.

16. A person subject to this Act who (without being guilty of desertion) is absent without leave from his ship or place of duty) shall suffer imprisonment for any period not exceeding ten weeks or such other punishment as the circumstances of the case may require.

Miscellaneous Offences.

17. A person subject to this Act who is guilty of any drunkenness or uncleanness shall be dismissed with disgrace from the Indian Marine Service, or suffer such other punishment as is hereinafter mentioned.

18. A gazetted officer subject to this Act who is guilty of cruelty, or of any scandalous or fraudulent conduct, or of any other conduct unbecoming the character of an officer, shall be dismissed with disgrace from the Indian Marine Service, or suffer such other punishment as is hereinafter mentioned.

19. A person subject to this Act who designedly or negligently, or by any default, loses, strands or hazards, or suffers to be lost, stranded or hazarded, any vessel of the Indian Marine Service shall be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

20. An officer in command of an Indian Marine Service vessel who receives on board, or permits to be received on board, the vessel any goods or merchandise whatsoever, other than for the sole use of the vessel, except gold, silver or jewels, and except goods and merchandise belonging to any merchant, or on board any vessel which may be shipwrecked or in imminent danger either on the high seas or in some port, creek or harbour, for the purpose of preserving them for their proper owners, or except such goods or merchandise as he may at any time be ordered to take or receive on board by order of the Government or his superior officer, shall be dismissed from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

21. A person subject to this Act who wastes, or fraudulently buys, sells or receives any ammunition, provisions or other public stores, or who knowingly permits any such wasteful expenditure, embezzlement, purchase, sale or receipt, shall suffer imprisonment or such other punishment as is hereinafter mentioned.

*The Indian Marine Bill, 1887.**(Chapter II.—Offences and Punishments.—Sections 22-31.)*[29 & 30 Vic.,
c. 109, s. 34.]

22. A person subject to this Act who unlawfully sets fire to any dockyard, victualling yard, steamfactory yard, arsenal, magazine, building or stores, or to any ship, vessel, hoy, barge, boat or other craft, or furniture thereunto belonging, not being the property of an enemy, pirate or rebel, shall suffer penal servitude or such other punishment as is hereinafter mentioned.

[29 & 30 Vic.,
s. 109, s. 35.]

23. A person subject to this Act who knowingly makes or signs a false muster or record or other official document, or who commands, counsels or procures the making or signing thereof, or who aids or abets any other person in the making or signing thereof, shall be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

[29 & 30 Vic.,
c. 109, s. 36.]

24. A person subject to this Act who wilfully, does any act or wilfully discobeys any orders, whether in hospital or elsewhere, with intent to produce or to aggravate any disease or infirmity, or to delay his cure, or who feigns any disease, infirmity or inability to perform his duty, shall suffer imprisonment or such other punishment as is hereinafter mentioned.

[29 & 30 Vic.,
c. 109, s. 37.]

25. A person subject to this Act who has any cause of complaint, either upon the ground of the unwholesomeness of the victuals or upon any other ground, shall quietly make the same known to his commanding officer, and that officer shall inquire into the complaint and shall, as far as he is able, cause the same to be presently remedied, or shall report the case to the Director of Marine; and any person subject to this Act who, upon any pretence whatever, attempts to stir up any disturbance on any such ground shall suffer such punishment as the Court thinks fit to inflict according to the degree of the offence.

[29 & 30 Vic.,
c. 109, s. 43.]

26. A person subject to this Act who is guilty of any act, disorder or neglect to the prejudice of good order and discipline, not hereinbefore specified, shall be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

Offences against Public Justice.[29 & 30 Vic.,
c. 109, s. 51.]

27. A person subject to this Act who does not use his utmost endeavours to detect, apprehend and bring to punishment all offenders against this Act, and does not assist the officers appointed for that purpose, shall suffer imprisonment or such other punishment as is hereinafter mentioned.

[29 & 30 Vic.,
c. 109, s. 66.]

28. A person subject to this Act who, being duly summoned or ordered to attend as a witness

before a Criminal Court or an Indian Marine Court or an officer exercising jurisdiction under this Act, refuses or neglects to attend to give his evidence upon oath or affirmation, or prevaricates in his evidence or behaves with contempt to the Court or officer, shall be punished with imprisonment which may extend to three months in the case of such refusal, neglect or prevarication, and to one month in the case of such contempt.

[29 & 30 Vic.,
c. 109, s. 67.]

29. A person subject to this Act who, when examined on oath or affirmation before a Criminal Court or an Indian Marine Court or an officer exercising jurisdiction under this Act, wilfully and corruptly gives false evidence, shall suffer penal servitude or imprisonment for a term which may be extended to seven years.

Offences punishable by Ordinary Law.

30. (1) A person subject to this Act who is guilty of murder shall suffer death.

[29 & 30 Vic.,
c. 109, s. 45.]

(2) If he is guilty of manslaughter he shall suffer penal servitude or such other punishment as is hereinafter mentioned.

(3) If he is guilty of sodomy with man or beast he shall suffer penal servitude.

(4) If he is guilty of an indecent assault he shall suffer penal servitude or such other punishment as is hereinafter mentioned.

(5) If he is guilty of robbery or theft he shall suffer penal servitude or such other punishment as is hereinafter mentioned.

(6) If he is guilty of any other criminal offence which if committed in England would be punishable by the law of England he shall—

(a) be punished under this Act as for an act to the prejudice of good order and discipline not otherwise specified, or

(b) be subject to the same punishment as might for the time being be awarded by any ordinary criminal tribunal competent to try him if the offence had been committed in England.

Punishments.

31. (1) The following punishments may be inflicted under this Act:—

[29 & 30 Vic.,
c. 109, s. 52.]

- (1) death;
- (2) penal servitude;
- (3) dismissal with disgrace from the Indian Marine Service;
- (4) imprisonment;
- (5) dismissal from the Indian Marine Service;
- (6) loss of seniority as an officer for a specified time or otherwise;
- (7) dismissal from the ship to which the offender belongs;
- (8) severe reprimand, or reprimand;

The Indian Marine Bill, 1887.

(Chapter II.—Offences and Punishments.—Sections 32-34.—Chapter III.—Jurisdiction and Powers.—Section 35.)

- (9) disrating a warrant or petty officer or any other person below that rank ;
- (10) forfeiture of pay, bounty, salvage, prize-money and allowances earned by, and of all annuities, pensions, gratuities, medals and decorations granted to, the offender, or of any one or more of the above particulars ; also, in the case of desertion, of all clothes and effects left by the deserter on board the ship to which he belongs.
- (2) Each of the above punishments shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

32. The following regulations shall apply to Regulations as to the infliction of punishments :—

[29 & 30 Vic., c. 109, s. 53 (4).]

(1) The punishment of penal servitude may, except when otherwise provided by this Act, be inflicted for the term of life or for any other term not less than four years.

[47 & 48 Vic., c. 38, s. 2.]

(2) In the case of persons other than Europeans or Americans, transportation for life or for any less term, or imprisonment for any term not exceeding fourteen years, shall be substituted for penal servitude :

Provided that—

- (a) the term of a sentence of transportation or imprisonment passed under section 29 in substitution for a sentence of penal servitude shall not exceed seven years ; and
- (b) the term of a sentence of transportation or imprisonment passed under section 30, sub-section (c), clause (b), in substitution for a sentence of penal servitude shall not exceed the term of penal servitude awardable under the law of England.

[29 & 30 Vic., c. 109, s. 53 (5).]

(3) The punishment of penal servitude or of transportation, or of imprisonment for more than two years when substituted for penal servitude under the provisions of this Act, shall in all cases involve dismissal from the Indian Marine Service, with or without disgrace, as the prescribed authority may direct.

[29 & 30 Vic., c. 109, s. 53 (6).]

(4) A sentence of dismissal with disgrace shall involve in all cases forfeiture of all pay, bounty, salvage, prize-money and allowances earned by, and of all annuities, pensions, gratuities, medals and decorations granted to, the offender, and an incapacity to serve the Government again in any capacity, and may also in any case be accompanied by a sentence of imprisonment.

[29 & 30 Vic., c. 109, s. 53 (7).]

(5) Except as otherwise provided by this Act, a sentence of imprisonment passed otherwise than under clause (2) of this section may extend to two years.

[29 & 30 Vic., c. 109, s. 53 (9).]

(6) A sentence of imprisonment passed whether under clause (2) or clause (5) of this section may be accompanied with a direction that the prisoner shall be kept to hard labour for all or any part of the term of imprisonment.

[29 & 30 Vic., c. 109, s. 53 (10).]

(7) The punishment of imprisonment, whether on boardship or on shore, shall involve the disrating of a warrant or petty officer, and shall in all cases be accompanied by forfeiture of pay and allowances during the imprisonment.

33. Subject to the foregoing regulations, where any punishment is specified by this Act as the penalty for an offence, and it is further declared that another punishment may be awarded in respect of the same offence, the expression "other punishment" shall be deemed to comprise any one or more of the punishments inferior in degree to the specified punishment according to the scale set forth in section 31.

Scale of punishments. 33. Subject to the foregoing regulations, where any punishment is specified by this Act as the penalty for an offence, and it is further declared that another punishment may be awarded in respect of the same offence, the expression "other punishment" shall be deemed to comprise any one or more of the punishments inferior in degree to the specified punishment according to the scale set forth in section 31.

34. No person, unless he is an offender who has avoided apprehension or fled from justice, shall be tried or punished in pursuance of this Act for any offence committed by him unless the trial takes place within three years from the commission of the offence, or within one year after the return of the offender to British India when he has been absent from British India during that period of three years.

[29 & 30 Vic., c. 109, s. 54.]

Limitation of time for trial. 34. No person, unless he is an offender who has avoided apprehension or fled from justice, shall be tried or punished in pursuance of this Act for any offence committed by him unless the trial takes place within three years from the commission of the offence, or within one year after the return of the offender to British India when he has been absent from British India during that period of three years.

CHAPTER III.

JURISDICTION AND POWERS.

35. Subject to the provisions of this Act and, Offences cognizable by as respects Criminal Criminal Courts and Indian Courts, subject to the Marine Courts respectively. law relating to Criminal Procedure for the time being in force in British India, and the provisions of section 61 of this Act, the Criminal Courts and Indian Marine Courts or both shall have jurisdiction in respect of the offences punishable under the sections of this Act mentioned in the first column of the following table as indicated in the third column of that table :—

Section of this Act.	Marginal note.	Courts having jurisdiction.
Section 5	Neglect of duty ...	Indian Marine Courts.
Do. 6	Mutiny accompanied by violence.	Criminal Courts and Indian Marine Courts.
Do. 7	Mutiny not accompanied by violence.	Ditto.
Do. 8	Inciting to mutiny ...	Ditto.
Do. 9	Mutinous assembly or uttering seditious words.	Ditto.
Do. 10	Concealing traitorous or mutinous practice, design or words.	Ditto.
Do. 11	Striking or using violence to superior officer.	Ditto.
Do. 12	Disobedience or using threatening language to superior officer.	Indian Marine Courts.
Do. 13	Desertion ...	Criminal Courts and Indian Marine Courts.
Do. 14	Inducing any person to desert.	Ditto.
Do. 15	Breaking out of ship ...	Indian Marine Courts.
Do. 16	Absence without leave .	Criminal Courts and Indian Marine Courts.

The Indian Marine Bill, 1887.

(Chapter III.—Jurisdiction and Powers.—Sections 36-41.)

Section of this Act.	Marginal note.	Courts having jurisdiction.
Section 17	Drunkenness and uncleanness.	Criminal Courts and Indian Marine Courts.
Do. 18	Cruelty or oppression by gazetted officer.	Ditto.
Do. 19	Suffering vessel to be lost or imperilled.	Indian Marine Courts.
Do. 20	Unlawful taking of goods on board.	Ditto.
Do. 21	Embezzling public stores	Criminal Courts and Indian Marine Courts.
Do. 22	Arson	Ditto.
Do. 23	Making false documents	Indian Marine Courts.
Do. 24	Malingering, or misconduct in hospital.	Ditto.
Do. 25	Creating disturbance on account of complaints.	Ditto.
Do. 26	Offences to the prejudice of good order and discipline not otherwise specified.	Ditto.
Do. 27	Not assisting in apprehending offenders.	Criminal Courts and Indian Marine Courts.
Do. 28	Contempt of Court ...	Ditto.
Do. 29	False evidence ...	Ditto.
Do. 30	Offences punishable by ordinary law— (a) when the offence is treason, murder, manslaughter, treason-felony or rape; (b) in other cases ...	Criminal Courts. Criminal Courts and Indian Marine Courts.

discretion of the Director of Marine or, in prescribed cases, of the commanding officer to decide before what authority the proceedings shall be instituted:

Provided that when the offence is punishable under section 30 and a Criminal Court having jurisdiction is of opinion that the proceedings ought to be instituted before itself, it may by written notice require the Director of Marine or commanding officer to postpone proceedings pending a reference to the Governor General in Council, whose order as to the authority before which the proceedings are to be instituted shall be final.

39. Subject to the provisions of the Indian Marine Service Act, 1884, a person subject to this Act may be tried and punished in any place by a Criminal Court or an Indian Marine Court or a commanding officer for an offence punishable under Chapter II in the same manner as if the offence had been committed in that place.

40. Where an offence punishable under Chapter II has been committed by any person while subject to this Act he may be taken into custody and be tried and punished for the offence, although he has ceased to be subject to this Act, in like manner as he might have been taken into custody and tried and punished if he had continued to be so subject.

41. When a person subject to this Act is accused of an offence in respect of which a Criminal Court would have jurisdiction over him otherwise than under the foregoing sections of this Act, the following rules shall apply:—

(a) any person subject to this Act shall, on application made to him by the Court, assist in apprehending and securing the accused, and the commanding officer shall, if so required by the Court, deliver the accused to the Court to be proceeded against according to law:

Provided that if the facts constituting the offence also constitute an offence triable by an Indian Marine Court under this Act, and the commanding officer is of opinion that the accused should be tried by an Indian Marine Court or, when the offence is triable by the commanding officer, by him, he may refuse to comply with the requisition of the Criminal Court pending a reference to the Governor General in Council, whose order as to the authority before which the proceedings are to be instituted shall be final;

(b) when no requisition is made under clause (a), the commanding officer may, if he thinks fit, place the accused in custody with a view to delivering him up to such Criminal Court as appears to him most convenient in all the circumstances of the case.

Power to pass sentences. 36. Subject as aforesaid—

- (a) a Criminal Court may pass a sentence of death, penal servitude, transportation or imprisonment; and
- (b) an Indian Marine Court may pass any sentence authorised by this Act except a sentence of death, penal servitude or transportation or of imprisonment for a term exceeding two years.

[29 & 30 Vic., c. 109, s. 56.] 37. (1) An offence triable by an Indian Marine Court and committed by a person other than a gazetted officer may, under such regulations as the Governor General in Council may make, be summarily tried and punished by the commanding officer of the offender.

Jurisdiction and powers of commanding officers.

(2) Subject to the provisions of this Act and to such restrictions as the Governor General in Council may impose, a commanding officer may pass a sentence of imprisonment for a period not exceeding three months on an offender below the position of petty officer, and may disrate any person not above the position of petty officer.

38. When under section 35 a Criminal Court and an Indian Marine Court have each jurisdiction in respect of an offence, it shall be in the

[29 & 30 Vic., c. 109, s. 56 (2): 47 & 48 Vic., c. 39, s. 1.]

[cf. Army Act, s. 41.]

47 & 48 Vic. c. 39.

The Indian Marine Bill, 1887.

(Chapter III.—Jurisdiction and Powers.—Sections 42-44.—Chapter IV.—Indian Marine Courts.—Sections 45-48).

[Army Act,
s. 46 (7).]

42. An offender shall not be tried by an Indian Marine Court or by his commanding officer for any offence of which he has been convicted or acquitted by a Criminal Court or a competent Indian Marine Court or, in exercise of the powers conferred by section 37, by his commanding officer.

43. Where a person liable to be tried by an Indian Marine Court under this Act is in confinement in pursuance of a sentence of a Criminal Court, the Director of Marine or other prescribed officer may make an order in the form in Schedule B to the Prisoners' Testimony Act, 1869, directed to the officer in charge of the place in which the person is confined, and the provisions of that Act with respect to compliance with any order made thereunder shall, so far as they can be made applicable, apply in the case of any order made under this section.

XV of
1869.

44. The Governor General in Council may suspend, annul or modify any sentence passed by an Indian Marine Court or a commanding officer under this Act, or substitute a punishment inferior in degree for the punishment involved in any such sentence, or remit the whole or any portion of the punishment involved in any such sentence, or remit the whole or any portion of any punishment into which the punishment involved in any such sentence has been commuted; and any sentence so modified shall (subject to the provisions of this Act) be valid, and shall be carried into execution as if it had been originally passed with such modification by the Court or officer, but so that the punishment involved in any sentence be not increased by any such modification.

[29 & 30 Vic.,
c. 109, s. 53
(1).]

CHAPTER IV.

INDIAN MARINE COURTS.

Constitution of the Court.

45. (1) The following authorities shall have power to convene Indian Marine Courts:—

- (a) the Governor General in Council;
- (b) the Director of Marine;
- (c) the Deputy Director of Marine, in the absence of the Director of Marine;
- (d) an officer empowered in that behalf by warrant of the Governor General in Council:

Provided that an Indian Marine Court assembled for the trial of a gazetted officer shall be convened only by, or with the previous sanction of, the Governor General in Council.

(2) A commanding officer of a ship when in detached situations, and when immediate example in necessary, and, without detriment to the public service, reference cannot be made to superior authority, may, without warrant, convene an Indian Marine Court for the trial of any person

under his command being subject to this Act and below the rank of a gazetted officer.

46. (1) An Indian Marine Court shall consist of a president and not less than two or more than four other members being first grade officers as may be ordered by the convening authority:

[29 & 30 Vic.,
c. 109, s. 58.]

Composition of Indian Marine Court.

Provided that an Indian Marine Court convened under section 45, sub-section (2), may be composed of the officer convening the same as president and the two graded officers next in seniority on the spot.

(2) The president of an Indian Marine Court for the trial of a commander shall be a commander, and of the prescribed seniority, and two at least of the other officers composing the Court shall be commanders.

(3) The president of an Indian Marine Court for the trial of any person below the grade of commander, except an Indian Marine Court convened under section 45, sub-section (2), shall be a commander.

(4) A person acting as prosecutor shall not sit on the Court.

(5) An officer convening an Indian Marine Court shall not sit thereon except as permitted by the proviso to sub-section (1).

(6) The president and the other members of every Indian Marine Court shall be named by the authority convening the same.

(7) When an Indian Marine Court after the commencement of the trial is reduced below three members it shall be deemed to be dissolved.

(8) In the case of the death or unavoidable absence of the president of an Indian Marine Court the next senior member of the Court, if qualified under sub-section (2) or sub-section (3), as the case may be, shall take the place of the president without special appointment as such.

Procedure at the Trial.

47. An Indian Marine Court shall be held on board one of Her Majesty's Indian Marine vessels or on land.

[29 & 30 Vic.,
c. 109, s. 59.]

48. As soon as an Indian Marine Court is assembled the names of the members of the Court shall be read over to the prisoner, who shall be asked if he objects to being tried by any of them; if the prisoner objects to any member, the objection shall be decided by the Court; if the objection is allowed, the place of the member objected to shall be filled up by the officer next in seniority on the spot who is not on the Court, subject to the regulations contained in section 46, sub-sections (2), (3), (4) and (5):

[29 & 30 Vic.,
c. 109, s. 62.]

Challenge. Provided that where the Court is composed as in the proviso to section 46, sub-section (1), and no officer qualified under section 46 is available to take the place of the officer objected to, the Court shall, after recording the objection, proceed with the trial in like manner as if the objection was disallowed.

Provided that where the Court is composed as in the proviso to section 46, sub-section (1), and no officer qualified under section 46 is available to take the place of the officer objected to, the Court shall, after recording the objection, proceed with the trial in like manner as if the objection was disallowed.

*The Indian Marine Bill, 1887.**(Chapter IV.—Indian Marine Courts.—Sections 49-60.)*[29 & 30 Vic.,
c. 109, s. 63.]

49. (1) Before an Indian Marine Court proceeds to try a prisoner an oath or affirmation shall be made by every member of the Court in the prescribed manner.

(2) An oath or affirmation shall be made in the prescribed manner by any person who gives evidence or acts as an interpreter, before an Indian Marine Court.

[29 & 30 Vic.,
c. 109, ss. 92
& 93.]

50. When no specific charge is made against any person subject to this Act for, or in respect or in consequence of, the wreck, loss, destruction or capture of any vessel in the Indian Marine Service, all the officers and crew of the vessel may, if the authority convening the Court thinks fit, be tried together before one and the same Indian Marine Court, and any of them, when upon his trial, may be called upon to give evidence on oath or affirmation touching any of the matters then under inquiry, but no person shall be obliged to give any evidence which may tend to criminate himself.

51. If by reason of the illness of the prisoner before the finding it is impossible to continue the trial an Indian Marine Court shall be dissolved.

52. Where an Indian Marine Court is dissolved under section 46, sub-section (7), or under section 51 before the finding, or, in the case of a finding of guilty, before the sentence, the proceedings are null and void, and the prisoner shall be tried before another Indian Marine Court on the same charge or charges.

53. The president may, on any deliberation among the members, cause an Indian Marine Court to be cleared of all other persons.

[Army Act, s.
53 (5).]

54. Every decision of an Indian Marine Court shall be passed by a majority of votes, and where there is an equality of votes the president shall have a second or casting vote:

Provided that if there is an equality of votes on the finding the decision shall be in favour of the accused.

[Army Act, s.
5 (8).]

55. (1) Every person who may be required to give evidence or to produce a document before an Indian Marine Court shall be summoned in the prescribed manner.

(2) A summons issued under this section may be sent to any officer exercising magisterial powers within whose jurisdiction the person summoned may be or resides, and the officer shall give effect to the summons as if the witness were required to attend in his Court.

[29 & 30 Vic.,
c. 109, s. 66.]

56. When a person subject to this Act commits in presence of an Indian Marine Court an offence punishable under section 28, the Court, if it thinks fit, instead of reserving him for trial by another Court, may, by order

[29 & 30 Vic.,
c. 109, s. 66.]

Summary punishment of certain contempts.

under the hand of the president, sentence him to imprisonment with or without hard labour for a term which may extend to one month.

Confirmation of Findings and Sentences.

57. (1) A finding or sentence of an Indian Marine Court shall not be valid except in so far as it may be confirmed.

(2) The authority convening an Indian Marine Court, or an authority empowered to convene such a Court at the date of the submission of the finding and sentence thereof, shall have power to confirm the same, unless otherwise prescribed.

(3) The authority having power to confirm the finding and sentence of an Indian Marine Court may send back the finding and sentence, or either of them, for revision; and, on the finding or sentence being sent by the Court may, if so directed by the confirming authority, receive additional evidence.

(4) Where the finding only is sent back for revision, the Court may revise the sentence also.

(5) The confirming officer may, in confirming the sentence of an Indian Marine Court,—

(a) reduce the punishment thereby awarded, or commute that punishment to any other punishment of inferior degree to which the offender might have been sentenced by the Court;

(b) suspend for such time as seems expedient the execution of the sentence;

(c) if the finding or sentence is informally expressed, vary the form thereof.

Evidence.

58. The Indian Evidence Act, 1872, subject I. of 1872.

to such modifications therein and to such additional rules of evidence as the Governor General in Council may, by notification in the Gazette of India, direct, shall apply to all proceedings before Indian Marine Courts.

Preservation of Proceedings.

59. (1) The proceedings of all Indian Marine Courts shall be preserved in the office of the Director of Marine for not less than seven years in the case of the trial of a gazetted officer, or than three years in the case of any other person.

(2) Any person tried by an Indian Marine Court shall be entitled, on demand at any time after the confirmation of the finding and sentence of the Court and before the proceedings are destroyed, to obtain from the officer or person having the custody of the proceedings a copy thereof, upon payment for the same at the prescribed rate.

Power to make Rules respecting Procedure.

60. (1) The Governor General in Council may make rules to regulate the procedure of Indian Marine Courts, and for the purpose of carrying this Act into execution, so far as relates to the investigation, trial and punishment of offences triable by those Courts.

The Indian Marine Bill, 1887.

(Chapter V.—Supplemental Criminal Provisions.—Sections 61-66.)

[New.]

(2) The Governor General in Council may by any such rule confer on an Indian Marine Court any power (other than a power to try an accused person or pass a sentence) conferred on a Court of original criminal jurisdiction by the Code of Criminal Procedure.

CHAPTER V.

SUPPLEMENTAL CRIMINAL PROVISIONS.

X of 1882. *Procedure of Criminal Courts beyond British India.*

[Act XXI of 1879, s 8.]

61. The law relating to criminal procedure for the time being in force in British India shall, subject to such modifications as the Governor General in Council, by notification in the Gazette of India, directs, apply to all proceedings under this Act in Criminal Courts beyond the limits of British India.

Arrest.

[Army Act, s. 43.]

62. The following rules shall apply to persons subject to this Act when charged with offences under this Act:—

(1) Every such person shall be placed in custody, but no person shall be detained in custody longer than is necessary for the purposes of justice.

(2) "Custody" means, according to the usage of the service, the putting of the offender under arrest or the putting him in confinement.

(3) Any officer, the senior if present, may order into custody any other person of inferior rank subject to this Act.

(4) The charge made against every person taken into custody shall, without unnecessary delay, be investigated by his commanding officer or other prescribed authority; and, as soon as may be, proceedings shall be taken for punishing the offender, or he shall be discharged from custody.

[Army Act s. 46.]

63. A commanding officer shall, upon an investigation being made into a charge against a person subject to this Act and under his command of having committed an offence under this Act, dismiss the charge if he thinks that it ought not to be proceeded with; but when he thinks the charge ought to be proceeded with he shall, subject to the provisions of this Act, take steps without delay for bringing the offender to trial.

[Act V of 1869, Part III (c).]

64. When a person subject to this Act, who is accused of an offence cognizable under this Act, is within the jurisdiction of any civil, political or police officer, that officer shall aid in the arrest of the person upon an application to that effect made by the commanding officer of that person or any prescribed authority, and shall deliver that person when arrested into the prescribed custody:

Provided that, if the person is charged with an offence cognizable otherwise than under this Act,

the officer aiding in the arrest may detain the person pending the orders of the Governor General in Council.

Execution of Sentences of Indian Marine Courts and Commanding Officers.

65. (1) Every term of imprisonment, whether original, mitigated or commuted, undergone in pursuance of the sentence of an Indian Marine Court or of a commanding officer shall, except as provided in sub-section (2), be deemed to commence on the day on which the original sentence was signed by the president of the Court or pronounced by the commanding officer.

[29 & 30 Vic., c. 109, s. 73; 47 & 48 Vic., c. 39, s. 4.]

(2) When a person already undergoing a sentence of penal servitude, transportation or imprisonment is sentenced by an Indian Marine Court to imprisonment, that imprisonment shall commence at the expiration of the penal servitude, transportation or imprisonment to which he has previously been sentenced:

[Act X of 1882, s. 397.]

Provided that when under this sub-section, at the expiration of a term of imprisonment to which a person has been sentenced otherwise than under section 32, sub-section (2), another term of imprisonment to which he has been similarly sentenced commences and the aggregate term of imprisonment to which he would be thus liable would, as reckoned from the commencement of his imprisonment, exceed two years, so much of that term as is in excess of two years shall be deemed to be remitted.

66. (1) A person sentenced by an Indian Marine Court to imprisonment shall be detained in the prescribed custody until he is transferred to a prison.

(2) A person sentenced as aforesaid shall, as soon as practicable, be transferred to a prison in British India appointed in this behalf by the Governor General in Council, and shall be delivered over with a warrant of commitment in the prescribed form signed by the prescribed officer to the officer in charge of that prison.

(3) A person transferred to a prison under this section shall thereafter be dealt with in all respects as if he were detained in that prison under a sentence of a Criminal Court:

Provided that—

(a) when he is a person sentenced to imprisonment by his commanding officer the commanding officer, or the Director of Marine, may at any time by order in writing direct that he be discharged;

(b) the Director of Marine or any commanding officer may, by order in writing, direct that any person so transferred shall be delivered over to the prescribed custody for the purpose of being brought before an Indian Marine Court either as a witness or for trial or otherwise, and shall again be transferred to the prison.

*The Indian Marine Bill, 1887.**(Chapter V.—Supplemental Criminal Provisions.—Sections 67-70.—Chapter VI.—Provisions of Civil Law.—Sections 71-73.)**Savings.*[29 & 30 Vic.,
c. 109, s. 101.]

67. Except as expressly provided by this Act, nothing in this Act shall affect the jurisdiction or powers of any ordinary Courts.

[29 & 30 Vic.,
c. 109, ss. 52
(ii) and 57.]

68. Nothing in this Act shall affect any rules, regulations, conditions or customs of the Indian Marine Service now or hereafter in force under which any person may be liable—

- (a) to dismissal, loss of seniority, disrating or forfeiture; or
- (b) to any restriction not amounting to custody, or any deprivation of indulgence or additional duty, imposed in the way of discipline.

Amendment of Acts.[Act V of
1869, Part III
(d).]
X of 1882.

69. In the Code of Criminal Procedure, section 54, after the words "Army or Navy" the following shall be inserted, namely:—

"or of belonging to Her Majesty's Indian Marine Service and being illegally absent from that service."

[29 & 30 Vic.,
c. 109, ss. 25
& 26.]
XLV of
1860.

Amendment of Chapter VII of the Penal Code (Offences relating to the Army and Navy).

"138A. The foregoing sections of this Chapter shall apply as if Her Majesty's Indian Marine Service were comprised in the Navy of the Queen."

70. After section 138 of the Indian Penal Code the following section shall be inserted, namely:—

"138A. The foregoing sections of this Chapter shall apply as if Her Majesty's Indian Marine Service were comprised in the Navy of the Queen."

CHAPTER VI.

PROVISIONS OF CIVIL LAW.

Exemption from Process.[Army Act, s.
44.]

71. (1) A person below the position of gazetted officer shall not, while subject to this Act, be liable to be taken out of the Indian Marine Service by any process, execution or order of any Court of Law, or otherwise, or be compelled to appear in person before any Court of Law except in respect of the following matters, or one of them, that is to say:—

- (a) on account of a criminal charge or conviction;
- (b) on account of a decree for money, when the amount exceeds three hundred rupees over and above the costs of the suit.

[Army Act,
s. 44 (5):
Act V of 1869,
Part III (b).]

(2) The Judge of any such Court may examine into any complaint made by any such person, or his superior officer, of the arrest of the person contrary to the provisions of this section, and may by order under his hand discharge the person, and award reasonable costs to the complainant, who may recover those costs as he might have recovered costs awarded to him by a decree against the person obtaining the process.

72. The clothes, equipment or arms of a person subject to this Act shall not be seized, nor shall the pay and allowances or any part thereof of any such person below the position of a gazetted officer be attached, in any proceeding against him or any person whom he may represent, by any Court of Civil Judicature.

Property which cannot be attached.

Property of Deceased Persons and Deserters.

73. The following rules are enacted respecting the disposal of the property of any person subject to this Act who dies or deserts:—

[Act V of
1869, Arts.
176 to 179.]

(1) The commanding officer shall secure all the moveable property that is on the spot and cause an inventory thereof to be made.

(2) In the case of a deceased person, if his representative is on the spot and gives security for the payment of the ship and service debts of the deceased, the commanding officer shall deliver over the property to that representative.

(3) In the case of a deceased person, if the property is not dealt with under clause (2), and in the case of every deserter, the commanding officer shall cause the property to be sold by public auction, and from the proceeds of the sale shall pay the ship and service debts and, in the case of a deceased person, the expenses of his funeral ceremonies.

(4) The surplus, if any, shall in the case of a deceased person be paid to his representative.

(5) In the event of no claim for the surplus of a deceased person's estate being established within twelve months after his death, and immediately after the sale of the effects of a deserter, the amount remaining in the hands of the commanding officer shall be remitted to the prescribed officer.

(6) Property deliverable or money payable to the representative of a deceased person under this section may, if the value or amount thereof does not exceed one thousand rupees and the Director of Marine or the prescribed officer thinks fit, be delivered or paid to any person appearing to him to be entitled to receive it or to administer the estate of the deceased without requiring the production of any probate, letters of administration, certificate or other such conclusive evidence of title; and such delivery or payment shall be a full discharge to those ordering or making the same and to the Secretary of State for India in Council from all further liability in respect of the property or money; but nothing in this section shall affect the rights of any executor or administrator or other representative or of any creditor of a deceased person against a person to whom any such delivery or payment has been made.

(7) A person shall be deemed to have deserted within the meaning of this section who has been convicted of desertion, or who has been absent without leave for a period of thirty days from Her Majesty's Indian Marine Service, and has not subsequently surrendered or been apprehended.

[Act V of
1873, ss. 4 &
5.]

STATEMENT OF OBJECTS AND REASONS.

THE Indian Marine Service, as stated in the preamble to the Indian Marine Service Act, 1884 (47 and 48 Vic., c. 38), "is employed under the direction of the Governor General of India in Council for the transport of troops, the guarding of convict settlements, the suppression of piracy, the survey of coasts and harbours, the visiting of lighthouses, the relief of distressed or wrecked vessels, and other local objects, and is maintained out of the revenues of India."

The members of that service, as stated in the same preamble, are not subject either to the Naval Discipline Act, 1866, or to the Merchant Shipping Acts; and as some of them are persons whom the Governor General's Council was not empowered to bind by its enactments except when they might be within certain local limits, the special Act of Parliament just referred to was passed to enable the Governor General's Council to legislate for them.

2. The leading provisions of that Act are recited in the preamble to the Bill, and may be roughly described as empowering the Governor General's Council to pass an Act containing penal provisions similar to those of the Naval Discipline Act, which will be in force against the members of the Indian Marine Service as long as the vessels to which they belong are within Indian waters, that is to say, between the Cape of Good Hope on the west and the Straits of Magellan on the east.

3. Passing over the first chapter of the Bill, which contains definitions and other preliminary matter, it will be found that the second chapter, which deals with "Offences and Punishments," is made up almost altogether of provisions based on those of Parts I and III of the Naval Discipline Act. It should be explained that, having regard to the peculiar wording of the Indian Marine Service Act, it has been thought safest in adopting these provisions of the Naval Discipline Act to adhere very closely to their form; and the result is that it has been necessary to use terms and forms of expression which are not usually to be found in the Acts of the Governor General's Council.

4. It will be observed that the chapter contains no provisions corresponding to those of the Naval Discipline Act headed "Misconduct in the presence of the enemy" and "Communications with the enemy." The vessels of the Indian Marine Service are not likely to be in presence of an enemy except in conjunction with vessels of the Royal Navy, and then, under the sixth section of the Indian Marine Service Act, they could be placed under the command of the senior Naval Officer, and those serving on them brought under the Naval Discipline Act.

5. The section (30) which deals with "offences punishable by ordinary law" has, for the reason mentioned in paragraph 3, been drawn in strict conformity with section 45 of the Naval Discipline Act, that is to say, it makes those offences punishable under the law of England when they cannot properly be dealt with as "acts to the prejudice of good order and discipline not otherwise specified." This might seem to be likely to lead to difficulty; but the occasions for applying the law of England will be extremely rare. The vast majority of the persons to whom the Bill applies will be Native subjects of Her Majesty, who, wherever they may be beyond the limits of British India, are, under section 8 of Act XXI of 1879, amenable to the criminal law of British India, and they could accordingly be dealt with under that law in all cases in which the offence could not properly be dealt with as an act to the prejudice of good order and discipline.

6. The punishments which can be inflicted under the Bill (section 31) correspond with those which can be inflicted under the Naval Discipline Act, section 52, corporal punishment, however, being omitted.

7. In Chapter III, relating to jurisdiction and powers, the Indian legislature is free from the trammels of the Naval Discipline Act, and the provisions proposed, being new, must stand on their own merits.

The most striking feature of the chapter is that, instead of making all offences under the Bill triable by a special professional Court, as under the Army Act and Naval Discipline Act, it calls in the aid of the ordinary Criminal Courts, including (section 2, clause (8)) the Courts of officers of the political service in places beyond British India.

It is proposed (section 35) that certain offences should be triable by the Indian Marine Courts to be presently referred to, that others again should be triable by the ordinary Criminal Courts, and that as regards others again both classes of Courts should have concurrent jurisdiction.

8. Section 36 provides in effect that a Criminal Court may pass a sentence of death, penal servitude, transportation or imprisonment, if such a sentence is within its ordinary powers; and that a Marine Court may pass any sentence authorised by the Bill except a sentence of death, penal servitude, transportation or imprisonment for a term exceeding two years.

9. Section 37 empowers a commanding officer, subject to regulations to be made by the Governor General in Council, to try in a summary manner offences committed by persons below the grade of gazetted officer and triable by a Marine Court, and, subject to any restrictions which the Governor General in Council may impose, to pass a sentence of three months' imprisonment on a person below the position of petty officer, and disrate any petty officer or person of inferior rank.

10. Section 38 provides that in cases in which the Criminal Court and the Marine Court have concurrent jurisdiction the Director of Marine, or in certain cases the commanding officer, may decide before which Court the prosecution is to take place, but that if the offence is one punishable by the ordinary law, and the Criminal Court is of opinion that the offence should be tried before itself, a reference shall be made to the Governor General in Council.

11. Section 41 provides for the delivering up to the Criminal Court of a person subject to the Act who is accused of an offence over which that Court would have jurisdiction apart from the Bill, as, for instance, when such a person is accused of an offence punishable by the ordinary law and committed in British India, or where a Native Indian subject is accused of a like offence committed anywhere. If, however, the facts constituting the offence also constitute an offence triable by a Marine Court, the commanding officer is empowered to require a reference to be made to the Governor General in Council before delivering up the accused.

12. Chapter IV deals with Marine Courts. It is based for the most part on provisions of the Naval Discipline Act, the Army Act and the Native Articles of War, details, however, being left to be provided for by rules framed under section 60. A Marine Court, except in detached situations, where an immediate example is necessary, must (section 46) consist of not less than three first grade officers, the president being a commander. The finding or sentence of the Court is not valid (section 57) except in so far as it may be confirmed by higher authority. Section 58 applies the Indian Evidence Act to Marine Courts subject to such modifications or additional rules of evidence as the Governor General in Council may direct.

13. Chapter V contains certain supplemental criminal provisions. The only one of them which appears to call for special notice is section 68, which provides that nothing in the Act shall affect any rules, regulations, conditions or customs of the service under which a person may be liable—

(a) to dismissal, loss of seniority, disrating or forfeiture; or

(b) to any restriction not amounting to custody, or any deprivation of indulgence or additional duty, imposed in the way of discipline.

As regards (a) there appears to be no sufficient reason for treating the Indian Marine differently from any other branch of the public service. In cases where the penalties in question are clearly deserved and are sufficient, the superior executive authorities can safely impose them; while in cases which are doubtful, or in which more severe penalties are called for, they can resort to judicial proceedings under the Bill.

As regards (b) no legislative warrant seems to be required for withholding leave to go on shore, for stopping a man's allowance of spirits or subjecting him to extra watches or drill; and it seems preferable to leave such punishments to be imposed as a matter of discipline by mere executive authority than to confer, as has in some instances been done, a vague power to prescribe "minor punishments."

14. The provisions of Chapter VI, exempting persons subject to the Act from certain civil process and providing for the disposal of the property of deceased persons and deserters, are based on enactments contained in the Army Act or Native Articles of War; and the only one of them which appears to call for explanation is clause (6) of section 73, which, following precedents to be found in the Government Savings Banks Act, 1873, the Regimental Debts Act and elsewhere, admits of property of a deceased person which does not exceed one thousand rupees in value being delivered to a person appearing to be his representative without putting the estate to the expense of procuring probate, administration or other conclusive evidence of title. As is usual in such cases, the rights of third parties against the person to whom the property is so delivered are saved; and the persons delivering the property and the Government are indemnified.

The 14th January, 1887.

(Signed) G. CHESNEY.

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